

THE
STATUTES OF CALIFORNIA,

PASSED AT THE

Thirteenth Session of the Legislature,

1862:

BEGUN ON MONDAY, THE SIXTH DAY OF JANUARY, AND ENDED ON THURSDAY, THE FIFTEENTH DAY OF MAY.



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STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
Leland Stanford.....	Governor.....	Sacramento.....
J. F. Chellis.....	Lieutenant-Governor.....	Minersville.....
W. H. Weeks.....	Secretary of State.....	Sacramento.....
G. R. Warren.....	Controller.....	Stockton.....
D. R. Ashley.....	Treasurer.....	Monterey.....
F. M. Pixley.....	Attorney-General.....	San Francisco.....
J. F. Houghton.....	Surveyor-General.....	Sacramento.....
Benj. P. Avery.....	State Printer.....	Marysville.....
Andrew J. Moulder.....	Superintendent of Public Instruction.....	San Francisco.....
Wm. C. Kibbe.....	Quartermaster and Adjutant-General.....	Sacramento.....
W. C. Stratton.....	Librarian.....	Sacramento.....
Frank F. Fargo.....	Clerk Supreme Court.....	Sacramento.....

JUDGES OF SUPREME COURT.

Stephen J. Field.....	Chief Justice.....	Sacramento.....
W. W. Coxe.....	Associate Justice.....	Sacramento.....
Edward Norton.....	Associate Justice.....	Sacramento.....

SENATORS.

J. McM. SHAFTER.....President pro tem.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
Baker, Thomas.....	Tulare and Fresno.....	Visalia.....
Banks, J. A.....	San Francisco.....	San Francisco.....
Bogart, J. C.....	San Diego and San Bernardino.....	San Diego.....
Burnell, R.....	Amador.....	Ione City.....
Chamborlain, C. H.....	San Joaquin.....	Stockton.....
Crano, A. M.....	Alameda.....	Alameda.....
Denver, A. St.C.....	El Dorado.....	Coloma.....
De Long, Charles R.....	Yuba.....	Marysville.....
Doll, J. Granville.....	Colusa and Tehama.....	Red Bluff.....
Gallagher, P. A.....	Calaveras.....	Campo Seco.....
Gaskill, R. C.....	Butte.....	Forbestown.....
Harvey, O.....	El Dorado.....	Placerville.....
Harriman, W. D.....	Placer.....	Dutch Flat.....
Hathaway, B. W.....	San Francisco.....	San Francisco.....
Heacock, E. H.....	Sacramento.....	Sacramento City.....
Hill, John H.....	Sonoma, Marin, and Mendocino.....	Sonoma Valley.....
Holden, William.....	Mendocino, Lake, and Napf.....	Ukiah City.....
Irwin, Richard.....	Butte and Plumas.....	Rich Bar.....
Kimball, William.....	Sierra.....	Gibsonville.....
Kutz, Joseph.....	Nevada.....	North San Juan.....
Lewis, William T.....	Calaveras.....	Murphy's.....
Morritt, Samuel A.....	Mariposa, Merced, Tulare, and Fresno.....	Mariposa.....
Nixon, A. B.....	Sacramento.....	Sacramento City.....
Oulton, George.....	Pinery.....	Pinery.....
Parks, W. H.....	Sutter and Yuba.....	Butte.....
Pacheco, Romualdo.....	Santa Barbara and San Luis Obispo.....	San Luis Obispo.....
Purkins, Richard F.....	San Francisco.....	San Francisco.....
Porter, George K.....	Santa Cruz and Monterey.....	Soquel.....
Powers, O. B.....	Solano and Yolo.....	Suisun.....
Quint, L.....	Tuolumne and Mono.....	Sunora.....
Rhodes, A. L.....	Alameda and Santa Clara.....	San José.....
Shafter, James McM.....	San Francisco and San Mateo.....	San Francisco.....
Soule, Samuel.....	San Francisco.....	San Francisco.....
Shurtloff, Benjamin.....	Shasta and Trinity.....	Shasta.....
Thomas, Philip W.....	Placer.....	Auburn.....
Van Dyke, Walter.....	Humboldt, Klamath, and Del Norte.....	Eureka.....
Vineyard, James R.....	Los Angeles.....	Fort Tejon.....
Warmcastle, F. M.....	Contra Costa and San Joaquin.....	Pacheco.....
Watt, William.....	Nevada.....	Grass Valley.....
Williamson, C. V.....	Tuolumne.....	Big Oak Flat.....

MEMBERS OF ASSEMBLY,

GEORGE BARSTOW.....Speaker.

Amerigo, George.....	San Francisco.....	San Francisco.....
Ames, T. M.....	Mendocino.....	Mendocino.....
Avory, J. M.....	Nevada.....	Red Dog.....
Barton, W. H.....	Sacramento.....	Sacramento City.....
Barton, Benjamin.....	San Bernardino.....	San Bernardino.....
Barstow, George.....	San Francisco.....	San Francisco.....
Battles, William W.....	San Francisco.....	San Francisco.....
Bell, Samuel B.....	Alameda.....	Oakland.....
Benton, John E.....	Sacramento.....	Folsom.....
Biglow, Samuel C.....	San Francisco.....	San Francisco.....
Brown, J. E.....	Santa Clara.....	San José.....
Campbell, Thomas.....	Calaveras.....	Mokelumne Hill.....
Cunnard, J. M.....	Butte.....	Oroville.....
Collins, James.....	Nevada.....	Patterson.....

LIST OF OFFICERS.

XXXV

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
Cot, Juan Y.....	Monterey.....	Monterey City.....
Dunn, Charles W.....	San Luis Obispo and Santa Barbara.....	San Luis Obispo.....
Dean, Seneca.....	El Dorado.....	Lake Valley.....
Donnis, John H.....	El Dorado.....	Georgetown.....
Dorc, Benjamin.....	San Francisco.....	San Francisco.....
Dow, J. G.....	Sonoma.....	Healdsburg.....
Dudley, Charles O.....	Placer.....	Lowaville.....
Dudley, J. M.....	Solano.....	Putah.....
Eagar, Thomas.....	Santa Cruz.....	Watsonville.....
Eliason, W. A.....	Sonoma.....	Santa Rosa.....
Evey, Edward.....	Napa.....	St. Helena.....
Fay, Caleb F.....	San Francisco.....	San Francisco.....
Ferguson, R. D.....	Sacramento.....	Sacramento City.....
Frasier, John.....	El Dorado.....	Indian Diggings.....
Gordon, Alexander.....	Marin.....	San Rafael.....
Griswold, J. W.....	Calaveras.....	Jenny Lind.....
Hillyer, E. W.....	Placer.....	Auburn.....
Hong, I. N.....	Yolo.....	Washington.....
Hoffman, D. B.....	San Diego.....	San Diego.....
Irwin, William.....	Siskiyou.....	Yreka.....
Jackson, T. O.....	Yuba.....	Marysville.....
Kendall, C. W.....	Tuolumne and Mono.....	Shaw's Flat.....
Lane, T. W.....	Stanislaus and Merced.....	Knights' Ferry.....
Leach, Reuben.....	Nevada.....	Grass Valley.....
Loewy, William.....	San Francisco.....	San Francisco.....
Love, David.....	Sierra.....	La Porte.....
Machin, T. N.....	Tuolumne and Mono.....	Sonora.....
Matthews, J. H.....	Trinity.....	Lowiston.....
Maclay, Charles.....	Santa Clara.....	Santa Clara.....
McCullough, J. G.....	Mariposa.....	Mariposa.....
Meyers, Samuel.....	San Joaquin.....	French Camp.....
Moore, John M.....	Alameda.....	Centerville.....
Morrison, Murray.....	Los Angeles.....	Los Angeles.....
O'Brien, Thomas.....	Calaveras.....	Angels Camp.....
Orr, N. M.....	Tuolumne and Mono.....	Columbia.....
Parker, H. G.....	El Dorado.....	Georgetown.....
Pemberton, James C.....	Tulare.....	Visalia.....
Porter, C. B.....	Contra Costa.....	Alamo.....
Printy, George W.....	Butte.....	Oroville.....
Reed, G. W.....	Sonoma.....	Petaluma.....
Reese, William S.....	San Francisco.....	San Francisco.....
Reeve, George B.....	San Francisco.....	San Francisco.....
Sargent, J. C.....	Yuba.....	Marysville.....
Saul, James B.....	Sacramento.....	Sacramento City.....
Scars, William H.....	Nevada.....	North San Juan.....
Scaton, G. W.....	Amador.....	Drytown.....
Shannon, Thomas.....	Plumas.....	Meadow Valley.....
Smith, James.....	Fresno.....	Scottsburg.....
Smith, E. B.....	Sierra.....	American Hill.....
Teogarden, Eli.....	Yuba.....	Marysville.....
Thompson, Joseph W.....	Tohama and Colusa.....	Colusa.....
Thompson, John.....	San Joaquin.....	Mokelumne City.....
Thornbury, Caleb N.....	Siskiyou.....	Fort Jones.....
Tilton, S. S.....	San Francisco.....	San Francisco.....
Tilton, S.....	San Mateo.....	San Mateo.....
Van Zandt, J. W.....	San Francisco.....	San Francisco.....
Waddell, William A.....	Amador.....	Lanaha Plains.....
Warwick, James H.....	Sacramento.....	Sacramento City.....
Watson, James A.....	Los Angeles.....	Los Angeles.....
Work, G. W.....	Humboldt.....	Arcata.....
Woodman, George.....	Shasta.....	Shasta.....
Worthington, Henry G.....	San Francisco.....	San Francisco.....
Wilcoxon, C. E.....	Sutter.....	Yuba City.....
Wright, S. P.....	Del Norte and Klamath.....	Crescent City.....
Yule, John.....	Placer.....	Michigan Bluffs.....
Zuck, John.....	Santa Clara.....	Gilroy.....



COMMISSIONERS OF DEEDS,

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

ALABAMA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
November 2.....1858	Sidney T. Douglass.....	Mobile.....	March 24.....1859

CONNECTICUT.

September 1.....1859	Joseph Sheldon.....	New Haven.....	December 15.....1859
October 13..... 1859	Charles Whittery.....	Hartford	December 15.....1859
October 18..... 1859	Wm. Hammersly.....	Hartford	December 15.....1859
May 30..... 1860	Edward Goodman.....	Hartford	September 1.....1860
August 6.....1860	A. L. Bishop.....	New Haven.....	September 4.....1860
April 8..... 1861	F. A. Palmer.....	Stonington.....

FLORIDA.

October 18.....1859	Oscar Hart.....	Jacksonville.....
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GEORGIA.

May 12.....1859	W. W. Montgomery.....	Augusta.....	July 30.....1859
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INDIANA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
July 11.....1859	Wm. N. Severance.....	South Bend.....
August 24.....1861	Wm. Y. Wiley.....	Indianapolis	September 30.....1861

ILLINOIS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
September 18. ...1858	Gerhard Forman.....	Chicago	December 16.....1858
January 17.....1859	Samuel C. Smith.....	Chicago .....	.....
July 5.....1859	Ira Scott.....	Chicago	November 1.....1859
February 14.....1862	Philip A. Hoyne	Chicago	February 20.....1862
May 5.....1862	Culvin C. Parks.....	Chicago .....	.....

KANSAS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 12.....1861	Amos Steek.....	Denver City.....	.....

KENTUCKY.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
January 17.....1860	J. B. Kinkead	Louisville .....	.....
May 16.....1860	C. L. Thompson.....	Louisville	June 16.....1860

LOUISIANA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
July 27.....1858	Wm. S. Stansbury	New Orleans.....	February 3.....1859
November 10.....1858	D. T. Mitchell.....	New Orleans.....	April 18.....1859
March 13.....1859	A. Margareau.....	New Orleans.....	.....
July 20.....1859	H. D. Ogden.....	New Orleans.....	.....
February 13.....1860	Charles Stringer.....	New Orleans.....	.....

MAINE.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
July 24.....1861	James O'Donnell.....	Portland.....	August 28

MARYLAND.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
April 1.....1859	H. H. Burgess.....	Baltimore.....	.....
April 19.....1859	John R. Kenly.....	Baltimore.....	July 2.....1859
November 29.....1859	J. R. D. Bedford.....	Towsontown.....	.....
May 10.....1860	E. R. Sprague.....	Baltimore.....	June 13.....1860
May 4.....1861	James B. Lutimer.....	Baltimore.....	.....

MASSACHUSETTS.

October 1.....1858	E. M. Gardner.....	Nantucket.....	February 14.....1859
March 19.....1859	R. J. Burbank.....	Boston.....	July 19.....1859
May 18.....1859	Benj. H. Carrier.....	Boston.....	July 18.....1859
August 1.....1859	F. F. Allen.....	New Bedford.....	September 30.....1859
October 5.....1859	O. G. Randall.....	Worcester.....	.....
October 28.....1859	John Cooke.....	Newburyport.....	June 18.....1859
November 7.....1859	A. W. Chamberlain.....	Boston.....	.....
December 28.....1859	W. D. A. Whitman.....	Boston.....	March 10.....1860
March 21.....1860	Halos W. Suter.....	Boston.....	April 30.....1860
July 13.....1860	O. P. O. Billings.....	Boston.....	November 22.....1860
July 16.....1860	Samuel S. Curtis.....	Boston.....	August 14.....1860
August 1.....1860	George S. Hale.....	Boston.....	September 21.....1860
October 1.....1860	J. B. F. Osgood.....	Salem.....	November 19.....1860
November 13.....1860	O. G. Randall.....	Boston.....	December 18.....1860
January 22.....1861	John M. Fiske.....	Boston.....	February 26.....1861
April 8.....1861	Charles B. F. Adams.....	Boston.....	.....
April 8.....1861	Paul P. Todd.....	Boston.....	May 6.....1861
February 26.....1861	Charles G. Johnson.....	Boston.....	April 17.....1861
August 22.....1861	Daniel Sharp.....	Boston.....	October 2.....1861
November 1.....1861	George T. Angell.....	Boston.....	November 25.....1861
March 6.....1862	Benj. Pond.....	Boston.....	.....
March 12.....1862	Alfred Macy.....	Nantucket.....	.....
April 22.....1862	John C. Park.....	Boston.....	.....

MICHIGAN.

August 16.....1858	T. B. W. Stockton.....	Flint.....	December 3.....1858
September 19.....1859	Wm. J. Waterman.....	Detroit.....	December 1.....1859
April 29.....1861	F. A. Booker.....	Kalamazoo.....

MINNESOTA.

September 9.....1861	J. S. Sawyer.....	Chatfield.....
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MISSISSIPPI.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 71860	James H. Turner.....	Columbus.. ..	April 25.....1860

MISSOURI.

May 12.....1859	James Hall.....	Kansas City.....	October 28.....1859
October 18.....1859	Joel G. Harper.....	St. Louis.....	December 10.....1859
December 8.....1859	John Reilly.....	St. Louis.*.....	January 14.....1860
February 13.....1860	S. P. Rawle.....	St. Louis.....	March 15.....1860
December 13.....1860	Charles E. Mantz.....	St. Louis.....	.....
April 11.....1862	Charles H. Tillson.....	S. Louis.....	.....

NEW HAMPSHIRE.

September 12.....1860	Francis Cogswell.....	Rosenwen .....	.....
April 8.....1861	George G. Brewster.....	Portsmouth.....	.....

NEW JERSEY.

July 13.....1860	John Bruh.....	Patterson	August 17.....1860
August 29.....1860	Isaac M. Andruss.....	Newark.....	.....

NEW YORK.

February 22.....1858	George O. Gibbs.....	New York.....	May 17.....1858
July 9.....1858	John C. Hurd.....	New York.....	October 1.....1858
August 3.....1858	A. J. H. Dugan.....	New York.....	March 18.....1859
August 30.....1858	A. A. Phillips.....	New York.....	November 2.....1858
September 1.....1858	Lewis Hurst.....	Brooklyn.....	November 2.....1858
September 1.....1858	Daniel Soixas.....	New York.....	November 2.....1858
October 6.....1859	Wm. Burney.....	New York.....	January 27.....1859
February 14.....1859	Charles Nettleton.....	New York.....	April 18.....1859
March 18.....1859	Henry C. Banks.....	New York.....	June 3.....1859
March 18.....1859	John F. Callan, Jr.....	New York.....	.....
March 23.....1859	F. E. Houghton.....	New York.....	June 3.....1859
March 24.....1859	James C. Harriott.....	New York.....	June 3.....1859
March 26.....1859	A. H. Hitchcock.....	New York.....	June 3.....1859
March 31.....1859	W. A. Cook.....	New York.....	June 3.....1859
April 4.....1859	Thomas E. Smith.....	New York.....	September 16.....1859
April 19.....1859	Wm. H. Brown.....	New York.....	May 26.....1859
April 19.....1859	Wm. C. H. Waddell.....	New York.....	December 1.....1859
April 19.....1859	W. H. Brown.....	New York.....	May 26.....1859

COMMISSIONERS OF DEEDS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
June 14.....1859	Edward Bissell.....	New York.....	August 16.....1859
July 5.....1859	Allen Rutherford.....	New York.....	August 30.....1859
July 25.....1859	Morris S. Brown.....	New York.....	September 30.....1859
August 29.....1859	John E. Devlin.....	New York.....	March 13.....1860
October 19.....1859	J. W. Carrington.....	New York.....	November 11.....1859
November 7.....1859	R. S. Hilton.....	Albany.....	January 9.....1860
December 1.....1859	John Bissell.....	New York.....	December 29.....1859
December 10.....1860	James W. Halo.....	New York.....	.....
December 15.....1859	J. L. Bagg.....	Syracuse.....	January 30.....1860
December 15.....1859	H. A. Brewster.....	New York.....	.....
January 14.....1860	James T. Gibbs.....	Buffalo.....	March 16.....1860
January 16.....1860	John Livingston.....	New York.....	February 16.....1860
January 16.....1860	J. B. Nones.....	New York.....	February 13.....1860
February 8.....1860	George Wadsworth.....	Buffalo.....	March 20.....1860
February 15.....1860	Jesse T. Fish.....	New York.....	March 15.....1860
February 15.....1860	F. A. Hall.....	New York.....	March 21.....1860
April 3.....1860	Albert Priest.....	New York.....	.....
April 5.....1860	Moses B. Maclay.....	New York.....	May 31.....1860
April 14.....1860	A. F. Cushman.....	New York.....	October 7.....1860
April 17.....1860	Jabez D. Pratt.....	New York.....	May 16.....1860
May 8.....1860	John L. Anderson.....	New York.....	July 5.....1860
May 30.....1860	R. H. McMillan.....	New York.....	June 20.....1860
May 31.....1860	F. C. Bowman.....	New York.....	July 14.....1860
August 1.....1860	Irving Parmelee.....	New York.....	.....
August 23.....1860	C. M. Northrup.....	New York.....	October 17.....1860
October 17.....1860	B. M. Morrill.....	New York.....	November 13.....1860
October 20.....1860	Henry C. Pratt.....	New York.....	December 11.....1860
November 8.....1860	Thurber Bailey.....	New York.....	December 19.....1860
December 31.....1860	Colo H. Denio.....	New York.....	.....
January 26.....1861	Thomas L. Thornell.....	New York.....	March 9.....1861
February 6.....1861	J. K. Hackett.....	New York.....	March 7.....1861
February 19.....1861	H. H. Bostwick.....	Auburn.....	March 27.....1861
February 26.....1861	John B. O'Reilly.....	Rochester.....	.....
March 15.....1861	Samuel F. Bartol.....	New York.....	.....
March 27.....1861	James H. Hill.....	New York.....	.....
March 27.....1861	E. F. De Selding.....	New York.....	.....
April 4.....1861	James P. McMahon.....	New York.....	.....
April 4.....1861	William J. Sinclair.....	New York.....	May 7.....1861
April 5.....1861	George F. Noyes.....	New York.....	.....
April 8.....1861	H. R. De Witt.....	New York.....	.....
April 8.....1861	Daniel B. Pond.....	New York.....	.....
April 11.....1861	George L. Davis.....	Platina.....	.....
April 29.....1861	J. R. Pomeroy.....	Brooklyn.....	.....
May 22.....1861	F. A. Wilcox.....	New York.....	.....
June 28.....1861	John G. Baker.....	New York.....	.....
June 28.....1861	F. Corey.....	New York.....	August 6.....1861
June 28.....1861	F. Corey, Jr.....	New York.....	August 6.....1861
June 28.....1861	C. G. Fenner.....	New York.....	.....
August 24.....1861	E. B. Van Vlerk.....	New York.....	September 27.....1861
October 2.....1861	Wm. H. Luff.....	New York.....	.....
November 1.....1861	David McAdam.....	New York.....	December 10.....1861
November 14.....1861	Wm. C. Wood.....	New York.....	.....
November 30.....1861	D. L. Ranlett.....	New York.....	.....
February 14.....1862	A. Ostrander.....	New York.....	March 18.....1862
February 28.....1862	R. M. Cooley.....	New York.....	.....
February 28.....1862	George Wolford.....	Albany.....	.....
March 4.....1862	Charles E. Jenkins.....	New York.....	.....
April 4.....1862	Edmund Perry.....	New York.....	.....
April 11.....1862	J. W. Lawton.....	New York.....	.....
April 11.....1862	J. B. Williams.....	New York.....	.....
April 22.....1862	John Butcher.....	New York.....	.....
April 22.....1862	Thomas Sailer.....	New York.....	.....
April 28.....1862	N. W. Busted.....	New York.....	.....
May 24.....1862	Sylvester Jay.....	New York.....	.....
May 24.....1862	Joseph L. B. Wood.....	New York.....	.....
May 22.....1862	Philip G. Galpin.....	New York.....	.....
May 30.....1862	Clinton Rice.....	New York.....	.....

OHIO.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
August 18.....1858	James Mauldin.....	Columbus.....	November 2.....1858
November 10.....1858	A. H. McGuffey.....	Cincinnati.....	October 18.....1858
February 21.....1859	John Berry.....	Sandusky.....	June 3.....1859
December 15.....1859	John H. Pratt.....	Cincinnati.....	January 20.....1860
January 16.....1860	S. B. Hannum.....	Columbus.....	February 22.....1860
March 5.....1860	Charles Goddard.....	Zanesville.....	April 17.....1860
October 6.....1860	G. P. Browner.....	Freemont.....	October 8.....1860
March 18.....1862	S. S. Carpenter.....	Cincinnati.....	

OREGON.

June 23.....1861	Douglas W. Williams.....	Portland.....	June 16.....1861
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PENNSYLVANIA.

August 3.....1858	George Jenkins, Jr.....	Philadelphia.....	October 1.....1858
October 25.....1858	David B. Birney.....	Philadelphia.....	December 30.....1858
December 3.....1858	John H. Frick.....	Philadelphia.....	February 1.....1859
December 31.....1858	Benj. B. Barney.....	Philadelphia.....	March 2.....1859
March 9.....1859	Benjamin F. Blood.....	Philadelphia.....	July 18.....1859
July 25.....1859	Samuel Harper.....	Pittsburgh.....	December 15.....1859
December 16.....1859	Henry McCrea.....	Philadelphia.....	
February 18.....1860	Wm. T. Dunn.....	Pittsburgh.....	
May 19.....1860	G. M. Eldridge.....	Philadelphia.....	
September 12.....1860	T. D. Rand.....	Philadelphia.....	October 16.....1860
December 15.....1860	Joshua Spring.....	Philadelphia.....	February 5.....1861
December 18.....1860	W. J. Jermon.....	Philadelphia.....	
February 15.....1861	H. Osler, Jr.....	Philadelphia.....	January 16.....1861
April 8.....1861	John B. Linn.....	Lewisburg.....	
October 2.....1861	T. B. Archer.....	Philadelphia.....	
September 9.....1861	C. S. Sims.....	Philadelphia.....	October 14.....1861
October 14.....1861	G. W. A. Hathwell.....	Philadelphia.....	November 16.....1861
November 8.....1861	F. Dittman.....	Philadelphia.....	December 16.....1861
February 14.....1861	Samuel L. Taylor.....	Philadelphia.....	March 20.....1862

RHODE ISLAND.

November 2.....1858	Wingate Hays.....	Providence.....	
March 30.....1860	D. W. Holloway.....	Newport.....	May 8.....1860
March 4.....1862	Henry Martin.....	Providence.....	

SOUTH CAROLINA.

July 31.....1860	Hugh E. Vincent.....	Charleston.....	
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TENNESSEE.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 8.....1859	J. H. Harrison.....	Memphis.....	May 7.....1859
March 17.....1859	James E. Temple.....	Memphis.....	October 25.....1859
June 22.....1859	Thomas Boyers.....	Gallatin.....	
January 23.....1861	John M. White.....	Lebanon.....	March 1.....1861
January 24.....1861	E. A. Raworth.....	Nashville.....	
January 31.....1861	H. P. Bostick.....	Nashville.....	
April 15.....1861	J. L. Bestwick.....	Nashville.....	

TEXAS.

April 5.....1860	R. D. Johnson.....	Galveston.....	
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VIRGINIA.

October 6.....1858	James R. Lee.....	Richmond.....	December 30.....1858
May 23.....1860	A. B. Guigon.....	Richmond.....	June 20.....1860

WISCONSIN.

March 6.....1862	Wm. H. Starkweather.....	Milwaukie.....	
May 13.....1862	H. L. Page.....	Milwaukie.....	

DISTRICT OF COLUMBIA.

January 9.....1859	E. F. Browne.....	Washington.....	August 16.....1859
May 18.....1859	Wm. P. Williams.....	Washington.....	
October 4.....1859	N. Callan.....	Washington.....	December 10.....1859
December 15.....1859	Anthony Hyde.....	Georgetown.....	December 15.....1859
March 7.....1860	L. G. Brandeburg.....	Washington.....	
November 8.....1860	H. C. Spalding.....	Washington.....	December 13.....1860
February 16.....1862	J. S. Hollingshead.....	Washington.....	

ARIZONA TERRITORY.

March 21.....1861	Calvin McCloskey.....		
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NEVADA TERRITORY.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 16.....1861	T. A. Waterman.....	Virginia City.....	
March 30.....1861	John W. Grier.....	Silver City.....	April 6.....1861
March 30.....1861	Thomas Hanna.....	Gold Hill.....	April 18.....1861
April 4.....1861	Samuel D. King.....	Carson City.....	June 1.....1861
April 5.....1861	T. G. Battaille.....	Virginia City.....	April 12.....1861
May 4.....1861	George E. Brickett.....	Virginia City.....	
May 4.....1861	R. W. Billet.....		
May 7.....1861	Wm. Fell.....	Virginia City.....	May 13.....1861
May 4.....1861	S. B. Mills.....		
May 1.....1861	P. W. Van Winkle.....	Carson City.....	
May 29.....1861	Wm. J. Whitney.....		May 29.....1861
June 28.....1861	J. E. Atwill.....	Virginia City.....	July 2.....1861
July 27.....1861	C. W. Jones.....	Silver City.....	
August 24.....1861	George S. Pearson.....	Carson City.....	
September 28.....1861	John V. A. Lansing.....	Gold Hill.....	December 13.....1861
October 7.....1861	Wm. Hays.....	Virginia City.....	December 3.....1861
November 21.....1861	J. G. Howard.....	Virginia City.....	November 27.....1861
November 26.....1861	R. B. Moyes.....	Virginia City.....	December 2.....1861
December 19.....1861	Theodore A. Hale.....	Gold Hill.....	January 21.....1862
January 3.....1862	M. L. McDonald.....	Van Syckles.....	April 24.....1862
February 24.....1862	N. W. Winton.....	Virginia City.....	March 4.....1862
March 4.....1862	D. M. Hanson.....	Virginia City.....	April 23.....1862
April 16.....1862	R. N. Allen.....	Genoa.....	May 1.....1862
April 28.....1862	Samuel Wasserman.....	Virginia City.....	May 3.....1862
May 22.....1862	Thomas B. Smithson.....	Humboldt City.....	

TERRITORY OF NEW MEXICO.

March 12.....1861	H. N. Squire.....		
March 27.....1861	J. C. Cooper.....		

UTAH TERRITORY.

April 7.....1860	C. C. Bolton.....	Great Salt Lake.....	
April 28.....1862	E. D. Woolley.....	Great Salt Lake.....	

WASHINGTON TERRITORY.

October 4.....1858	B. F. Donnison.....	Whatecom.....	November 28.....1858
March 15.....1859	O. C. Waterman.....	Walla Walla.....	March 17.....1859
October 8.....1861	H. M. McGill.....	Olympia.....	October 29.....1861
March 4.....1862	John D. Biles.....	Vancouver.....	March 17.....1862
March 4.....1862	W. A. Knapp.....	Salmon River.....	March 19.....1862
May 2.....1862	A. D. Downer.....		

BRITISH COLUMBIA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
August 5.....1858	George Wallace.....	Victoria	November 12.....1858
September 10.....1858	E. O. Crosby.....	Victoria	October 18.....1859
April 17.....1860	George Pearkes.....	Victoria	May 30.....1860
March 22.....1862	George E. Dennis.....	Victoria	March 29.....1862
April 16.....1862	Edgar Marvin.....	Victoria

CHINESE EMPIRE.

April 9.....1862	Gideon Nye, Jr.....	Macao
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KINGDOM OF GREAT BRITAIN AND IRELAND.

November 9.....1861	John Lawless	Dublin	March 12.....1862
December 26.....1861	Daniel O'Regan.....	Curk.....	.....
December 26.....1861	Ray.....	Belfast.....

HAWAIIAN KINGDOM.

August 14.....1860	John Paty.....	Honolulu	October 30.....1860
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REPUBLIC OF MEXICO.

January 26.....1860	John M. Boggs.....	Guaymas.....
January 17.....1861	John J. Jenks.....	Guaymas.....	January 25.....1861
January 23.....1861	John Kelly.....	Mazatlan .....	.....
March 16.....1861	Daniel R. Cameron.....	Guaymas.....

KINGDOM OF SIAM.

April 9.....1862	J. P. Goodale.....	Bangkok.....
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STATUTES.

STATUTES OF CALIFORNIA,

PASSED AT THE

THIRTEENTH SESSION OF THE LEGISLATURE.

CHAPTER I.—*An Act to transfer Certain Funds.*

[Approved January 15, 1862.]

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 Transfer. required to order the Treasurer of State to transfer one hundred thousand dollars of the money known as the Swamp Land Fund into the General Fund, the same to be used and applied by said Treasurer of State solely for the payment of warrants drawn upon the same by the Controller of State for mileage, per diem, and salaries of the various State officers and their attachés, members and attachés of the Senate and Assembly.

SEC. 2. The Controller of State is hereby authorized and Repayment. required to repay to said Swamp Land Fund the one hundred thousand dollars drawn from it by this Act, out of the first money received into the General Fund of the State on or after the second Monday in November, one thousand eight hundred and sixty-two.

SEC. 3. This Act shall take effect and be in force from and To take effect. after its passage, and all other Acts or parts of Acts in conflict with this Act are hereby repealed in so far as they conflict with this Act.

CHAP. II.—*An Act to appropriate Money for Postage and Express Purposes, during the Thirteenth Session of the Legislature.*

[Approved January 16, 1862.]

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

- Appropriat'n** SECTION 1. The sum of thirty-one hundred and twenty-five dollars is hereby appropriated out of any money in the General Fund, not otherwise appropriated, to be used for the purchase of postage stamps, envelopes and wrappers, and express envelopes, for the use of the Lieutenant-Governor, Senators, and Members of the Assembly, Secretary of the Senate, Sergeant-at-Arms of the Senate, Clerk of the Assembly, and Sergeant-at-Arms of the Assembly.
- Amount allowed to each.** SEC. 2. Each of the persons mentioned in section one of this Act, shall be entitled to receive, during the present session of the Legislature, such an amount of postage stamps, envelopes and wrappers, and express envelopes, as he may require, not exceeding twenty-five dollars in value.
- Duties of Controller.** SEC. 3. The Controller of State is hereby authorized and required to draw his warrants, from time to time, in favor of the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, for such sums as they may respectively require under the provisions of this Act, not exceeding, in the aggregate, the amount mentioned in the first section of this Act.
- Duties of Sergeants-at-Arms.** SEC. 4. The Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, shall, respectively, open a postage and express account with each of the persons mentioned in the first section of this Act, who are members or officers of their respective Houses, and shall furnish to each of said persons during the present session, such postage stamps, envelopes and wrappers, and express envelopes, as he may require, not exceeding in value twenty-five dollars.
- Sergeants-at-Arms to report monthly.** 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, and at the close of the present session, an exhibit of the postage and express account of each person entitled to the benefits of this Act.
- SEC. 6. This Act shall take effect from and after its passage.

CHAP. III.—*An Act for the relief of Pablo De la Guerra.*

[Approved January 16, 1862.]

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

- Appropriat'n** SECTION 1. The sum of two hundred and thirty-six dollars is hereby appropriated out of the General Fund, for payment of mileage due the Hon. Pablo De la Guerra as late President of

the Senate at the thirteenth session of the Legislature, and the Controller of State is hereby directed to draw his warrant on the Treasurer of State for said sum, in favor of said De la Guerra, and the Treasurer of State is hereby directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAP. IV.—*An Act granting the right to construct and maintain a Bridge across the American River, near Folsom, in the County of Sacramento.*

[Approved February 3, 1862.]

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

SECTION 1. The right to erect, and construct, and to have, enjoy, and maintain, for twenty-five years, a public toll bridge across the American River, near Folsom, in the County of Sacramento, is hereby granted unto A. G. Kinsey, together with such associates as he may admit, and their assigns, upon the terms and conditions hereinafter mentioned. Franchise granted.

SEC. 2. Said bridge shall be a wire suspension bridge, and shall be constructed of the best and most durable materials, and shall be completed within six months after the passage of this Act. Condition-.

SEC. 3. The said A. G. Kinsey and his associates are authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of said county may fix annually; *provided*, that the Legislature may at all times regulate, modify, or change the rates so fixed by said Board of Supervisors. Tolls.

SEC. 4. Said A. G. Kinsey and his associates 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. Notice of such regulation shall be kept posted upon some conspicuous part of each end of said bridge, and for each violation of said regulation the party offending may be fined in any Court of competent jurisdiction, in any sum not less than ten nor more than fifty dollars; *provided*, also, that parties violating such regulations shall be liable for any actual damages sustained by reason of such violation. Rate of speed.

SEC. 5. No ferry or toll bridge shall be established within one mile immediately above or below said bridge, unless it be required by public convenience, and the right to establish it be granted by the Legislature. Extent of franchise.

SEC. 6. It is also further *provided*, that nothing in this Act contained shall in anywise diminish the rights and privileges which said A. G. Kinsey and his associates now possess and enjoy under the laws concerning ferries and toll bridges. Proviso.

CHAP. V.—*An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to procure Chambers for the Judges of certain Courts, passed April fifteenth, eighteen hundred and sixty-one.*

[Approved February 10, 1862.]

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:

Powers of Board of Supervisors.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized to procure, outside of the City Hall for the use of each of the Judges of the District Courts of the Fourth and Twelfth Judicial Districts, and the County Judge, separate rooms, to be used by each of said Judges in performing such duties as may be attended to at chambers in said city and county, and the expense thereof shall be paid out of the General Fund.

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

CHAP. VI.—*An Act providing for the holding of a Special Term of the District Court of the First Judicial District, in and for the County of San Diego.*

[Approved February 11, 1862.]

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

Special term authorized.

SECTION 1. The District Judge of the First Judicial District of this State is hereby authorized and requested to hold a special term of the Court, for the transaction of civil and criminal business in San Diego County, commencing on the first Monday in March, one thousand eight hundred and sixty-two.

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

CHAP. VII.—*An Act to direct the Controller of State in relation to Drawing his Warrants on the State Treasury.*

[Approved February 11, 1862.]

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

Drawing of warrants restricted.

SECTION 1. The Controller of State shall not draw his warrants, for the payment of any money out of any appropriation made by law, until the money for the same is in the State Treas-

try; and all appropriations hereafter made shall be held subject to the provisions of this Act, unless expressly exempted therefrom.

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

CHAP. VIII.—*An Act relating to the Payment of the Salary of the Assistant or Deputy Clerk of the Clerk of the Board of Supervisors of the City and County of Sacramento.*

[Approved February 11, 1862.]

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

SECTION 1. The Assistant or Deputy Clerk of the Clerk of the Board of Supervisors of the City and County of Sacramento shall receive a salary of one hundred and fifty dollars per month, which shall be paid, one half out of the City Salary Fund, and one half out of the County Salary Fund; said claims to be presented and audited as other claims against the Salary Fund. Salary.

SEC. 2. The Auditor is hereby required to audit, and the Treasurer to pay, the sum of one hundred and fifty dollars per month to said Assistant or Deputy Clerk, for services rendered said City and County of Sacramento from the seventh day of October, eighteen hundred and sixty-one. Payment.

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

CHAP. IX.—*An Act authorizing the District Attorneys of the Counties of Mariposa and Sutter to appoint Deputies.*

[Approved February 11, 1862.]

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

SECTION 1. The District Attorneys of the Counties of Mariposa and Sutter shall have power to appoint Deputies, who may perform all the duties and exercise all the powers of the District Attorneys for said counties respectively. Appointment of Deputies.

SEC. 2. Said appointments shall be made in writing, signed by the District Attorney, and filed in the office of the County Clerk. Form of.

SEC. 3. Said appointments may be revoked at any time by a writing to that effect, signed by the District Attorney and filed in the office of the County Clerk. May be revoked.

SEC. 4. The said District Attorneys may require their Deputies to give them bonds for their own security in such sums and with such sureties as they may deem sufficient; and before entering upon the duties of their offices the said Deputies shall Bonds.

take the oath of office, which shall be indorsed upon their appointments.

Liability.

SEC. 5. The said District Attorneys shall be responsible on their official bonds for all the official acts of their Deputies respectively.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. X.—*An Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, A. D. eighteen hundred and sixty-one.*

[Approved February 11, 1862.]

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

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

Powers of company.

SECTION 2. The said company shall have full power to build and maintain a public turnpike road from the Town of Jackson to Ione City, on the south side of Sutter creek, in the County of Amador, and have and enjoy all the rights, privileges, and immunities thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to the said company for the term of twenty years; and the State enters into these covenants, and grants these rights and privileges, upon the express condition that within one year from the passage of this Act, the said company shall commence, and within two years complete the said turnpike road; *provided*, that this road shall not interfere with or obstruct the present county road or roads now in use, leading from Jackson to Ione City, in said county.

Proviso.

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

CHAP. XI.—*An Act defining the Boundary of Humboldt County.*

[Approved February 11, 1862.]

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

Boundaries.

SECTION 1. The boundary of the County of Humboldt shall be as follows: Commencing on the north at a point in the ocean three miles due west of the mouth of Mad River; thence due east from the point of beginning to the Trinity River; thence up the Trinity to the mouth of South Fork of said Trinity River; running thence along the eastern side of said South Fork one hundred feet above high water mark to the mouth of Grouse creek; thence in a due south direction to the fortieth degree of

north latitude; thence due west to the Pacific Ocean, and three miles therein; and thence northerly, parallel with the coast, to the point of beginning.

SEC. 2. The territorial jurisdiction of Humboldt County, Jurisdiction. heretofore, for all purposes whatsoever, shall be deemed and taken to have been co-extensive with the boundaries as defined in section one of this Act.

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

CHAP. XII.—*An Act to authorize the Warden of the County Jail of the City and County of Sacramento to appoint Deputies, and to provide for the Payment of the Salaries thereof.*

[Approved February 11, 1862.]

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

SECTION 1. The Warden of the county jail of the City and County of Sacramento is hereby authorized to appoint two Warden to appoint. Deputies; the appointment shall be in writing, signed by said Warden, and shall be filed in the office of the Clerk of the Board of Supervisors. Each Deputy, before entering upon his duties, shall take the oath of office, which shall be indorsed upon his appointment, and shall be subscribed by him. The said Warden shall take from each of his Deputies a bond with sureties for the Bond. faithful performance of his duties; but the said Warden, and his sureties on his official bond, shall be liable for all the official acts of each Deputy.

SEC. 2. Each Deputy appointed as aforesaid shall receive a Salary. salary of one hundred dollars per month, which shall be audited, allowed and paid at the same time, and in the same manner, and out of the same fund or funds, as the Warden.

SEC. 3. The Board of Supervisors are hereby required to Payment. audit and allow one hundred dollars per month for each of such Deputy Wardens as may have been heretofore appointed by the County Judge or otherwise, and who have acted as such since the first Monday in October, A. D. one thousand eight hundred and sixty-one, which shall be paid in the same manner as is provided in section two of this Act.

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

CHAP. XIII.—*An Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the Estate of Albert Cutler, deceased, to Sell Real Estate at private sale, approved February eleventh, one thousand eight hundred and sixty-one.*

[Approved February 19, 1862.]

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

Section
unamended.

SECTION 1. Section two of an Act passed February eleventh, one thousand eight hundred and sixty-one, entitled an Act to authorize Thomas Cutler, Administrator of the Estate of Albert Cutler, deceased, to sell real estate at private sale, is hereby amended so as to read as follows:

Report of
sales.

SECTION 2. The said Administrator shall make a full report of any and all such sale or sales as shall be made by him, to the Probate Court of Stanislaus County, 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.

Repealing
clause.

SEC. 2. All Acts or parts of Acts conflicting with this Act are hereby repealed.

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

CHAP. XIV.—*An Act to authorize the Board of Supervisors of Colusa County to levy a Special Tax in said County, creating a Contingent Fund.*

[Approved February 19, 1862.]

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

To levy tax.

SECTION 1. The Board of Supervisors of Colusa County are hereby authorized and empowered to levy and assess, in addition to taxes now authorized by law, annually, upon the taxable property in said county, a tax not exceeding ten cents upon each one hundred dollars of property, and the money arising from such tax shall be set apart by the County Treasurer of said county, and shall constitute a Contingent Fund, and be held subject to the order of said Board of Supervisors to pay the current contingent expenses of said county.

Collection.

SEC. 2. The tax to be levied and assessed under the provisions of this Act, shall be collected and paid over to the County Treasurer at the same time and in the same manner as other taxes for State and county purposes are collected and paid over.

Disposition
of moneys.

SEC. 3. The moneys arising under the provisions of this Act, shall be applied solely to payment of current contingent expenses of said county.

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

CHAP. XV.—*An Act supplementary to an Act to incorporate the City of Los Angeles.*

[Approved February 19, 1862.]

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

SECTION 1. In case of the absence or inability of the Mayor of the City of Los Angeles, any Justice of the Peace within said city is hereby authorized to hear, and try, and determine, all cases of violations of the ordinances of said city, excepting those of water ordinances. Duties of Justices of the Peace.

SEC. 2. The office of City Assessor for the City of Los Angeles is hereby abolished; and it shall be lawful for the Clerk of the Common Council, and is hereby made his duty, to make out the assessment roll for said city, by copying from the assessment roll, as made out by the County Assessor of Los Angeles County, and equalized by the Board of Supervisors of said county, so much of said county assessment as includes the real and personal property subject to taxation, within the corporate limits of the City of Los Angeles, which said assessment roll, so made out by the Clerk of the Common Council, is hereby declared to be legal to all intents and purposes; and the laws of the State of California, for the enforcement of the collection of revenue, so far as practicable, are hereby made applicable to the collection of the said assessment roll for the City of Los Angeles. Office abolished. Duties of Clerk of Common Council.

SEC. 3. The County Assessor of Los Angeles County, or any other custodian of the county assessment roll of the County of Los Angeles, is hereby required to permit the Clerk of the Common Council, at the City of Los Angeles, at all reasonable times in each year, to copy the assessment roll of the county, as provided in section two of this Act. Duties of County Assessor.

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

CHAP. XVI.—*An Act to authorize the Benicia Cemetery Association to close certain streets and alleys.*

[Approved February 19, 1862.]

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

SECTION 1. It shall be lawful for the Benicia Cemetery Association to close and shut up from public travel and use, the following streets and alleys within the corporate limits of the late City of Benicia, to wit: Q street, from First to West Third street; West Second street, from P to R street; two alleys, from First to West Third street, between P and R streets; in blocks numbers one hundred and fourteen, and one May close streets.

hundred and fifteen, as the same are laid down upon the official map of the late city.

SEC. 2. Said streets and alleys shall be forever closed from public travel and use, except upon due provision made for the proper removal of all remains interred within the limits of the possessions of said Association.

СПАР. XVII.—*An Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow Money for Municipal Improvements.*

[Approved February 19, 1862.]

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

May borrow money. SECTION 1. The Mayor and Common Council of the City of Los Angeles are hereby authorized to borrow money for the purpose of municipal improvements, either of irrigation or for furnishing water for domestic purposes, to the amount and in the manner hereinafter set forth.

Rate of interest. SEC. 2. The amount borrowed under the provisions of this Act shall not exceed twenty-five thousand dollars; the rate of interest shall not exceed ten per cent. per annum; the time for the payment of the loan shall not exceed fifteen years, nor be less than five years; and for the payment of the same the faith of the city is hereby pledged.

Bonds. SEC. 3. The bonds or other evidences of indebtedness shall be issued in amounts of one hundred, two hundred and fifty, and five hundred dollars.

SEC. 4. The said amount of twenty-five thousand dollars may be borrowed at different times, and in such amounts as the corporation may see fit.

Payment of interest and principal. SEC. 5. For the purpose of paying the interest on any debt or debts that may be contracted by the aforesaid corporation, under this Act, and to provide for the payment of the principal of the same, when due, said corporation shall continue to levy and collect the tax of one fourth of one per cent., already provided to be levied by said corporation upon the assessed value of all the real and personal property within said city, three fifths of the fund derived from which said tax shall be set aside and applied exclusively to the payment of the interest and the final redemption of the bonds or other evidences of indebtedness issued in pursuance of this Act, and shall be known by the name of the "Interest and Loan Fund of eighteen hundred and sixty-two."

Duties of Treasurer. SEC. 6. The City Treasurer shall pay out of said Fund, annually, the interest accruing on the said loan or loans, respectively, and the surplus of the said Fund, after such payment of interest, shall be applied as follows: The said Treasurer, annually, immediately on ascertaining the amount of the surplus in said Fund, shall advertise for two weeks in some newspaper published in said city, for proposals to the holders of the debt or

debts hereinbefore mentioned, for the cancellation of the principal of the same; said proposals to be submitted to the Mayor and Common Council for approval, within ten days after the expiration of said advertisement, and they shall approve and accept the proposal or proposals most favorable to said city, and order such surplus to be applied accordingly; *provided*, that the Mayor and Common Council may have the power to reject all or any of the proposals made in any one year, and retain the surplus money in such Fund, to be applied and paid on accepted proposals in the next following year. But such surplus Funds shall not be applied to any purpose other than the satisfaction of the specific debt for the payment of which they were collected.

Duties of Mayor and Council.

SEC. 7. The bonds or evidences of indebtedness which may be issued under this Act, shall be signed by the Mayor of said city and the President of the Common Council, and countersigned by the City Treasurer; and the Treasurer shall keep a record of the same in a suitable book, setting forth the amount, rate of interest, when and to whom payable, and date, and when redeemed.

Bonds.

SEC. 8. This Act shall take effect immediately.

CHAP. XVIII.—*An Act to authorize the Removal of Human Remains in Placer County.*

[Approved February 10, 1862.]

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

SECTION 1. Eugene Curran and William Levy are hereby authorized to remove, or cause to be removed, all human remains from the burial ground at Mad Cañon, in Township Number Six, Placer County, to such place and in such manner as shall be designated by the two Justices of the Peace of said township; *provided*, that said removal be made without expense to the County of Placer.

Removal authorized.

Proviso.

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

CHAP. XIX.—*An Act to authorize the Corporation of the City of Los Angeles to Fund the Debt of said City.*

[Approved February 10, 1862.]

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

SECTION 1. For the purpose of liquidating, funding, and paying the hereinafter specified claims against the City of Los Angeles, the Common Council of said city is hereby authorized to

Bonds. cause to be prepared suitable bonds of said city, not exceeding the estimated amount of the city indebtedness upon the first day of March, one thousand eight hundred and sixty-two, of the denominations of fifty dollars, one hundred dollars, two hundred and fifty dollars, and five hundred dollars, bearing interest at

Interest. the rate of seven per centum per annum from the date of their issue, payable at the office of the City Treasurer of Los Angeles City, upon the second day of January of each year, commencing on the second day of January, eighteen hundred and sixty-three, and the principal sum thereof payable at said City Treasurer's office in the City of Los Angeles, upon the second day of January, eighteen hundred and seventy-eight. Said

Form of bonds. bonds shall be signed by the Mayor, and countersigned by the President of the Common Council and City Treasurer, and shall have the seal of the city stamped thereon, and shall have

Coupons. coupons, the first for the interest of ten months, ending January second, one thousand eight hundred and sixty-three, and the remainder for one year's interest each thereafter, to be consecutively numbered, and attached to said bonds so as to be removable without injury or mutilation to the bond, which coupons shall be signed by the City Treasurer.

Duties of Clerk and Treasurer. SEC. 2. It shall be the duty of the Clerk of the Common Council and of the City Treasurer, each, to keep a separate record of all the bonds signed as provided by section first of this Act, which bonds shall remain with the City Treasurer.

SEC. 3. The Common Council is hereby authorized to set aside not exceeding one hundred and fifty dollars of the first cash paid into the City Treasury to the credit of the Common Fund, which sum shall be appropriated to pay the expenses incurred in preparing said bonds.

Manner of funding. SEC. 4. All persons having any claims against the City of Los Angeles, entitled to be funded as hereinafter provided, shall, upon presentation to the City Treasurer of the same, in a sum equal to the denomination of any of the bonds provided for in section first, be entitled to receive in exchange therefor a bond or bonds, signed as aforesaid. Whenever any claim for a sum exceeding the denomination of the bond shall be presented, the said City Treasurer may issue certificates for such fractional excess, which certificates shall be transferable, and be entitled to be funded, as hereinafter provided for other indebtedness of the city. Upon the Treasurer's delivering any bond or bonds, signed by him and the President of the Common Council, the bondholder shall then present the same to the Mayor of said city, who shall sign the same, and stamp the seal of the city thereon, and re-deliver the same to the party presenting the same, or to his order, taking due receipts therefor, whereupon such bond or bonds shall become legal and subsisting indebtedness of the City of Los Angeles, for the payment whereof the faith of said city is pledged.

Record of bonds. SEC. 5. The City Treasurer and Clerk shall each keep a record in his office, showing the number, date, and denomination, of each bond, to whom issued and delivered, and upon what claim or scrip (describing it and its amount) each bond was issued.

SEC. 6. Whenever the City Treasurer shall have signed and

delivered five thousand dollars of bonds, as hereinbefore provided, it shall be his duty to notify the President of the Common Council, whereupon they both shall examine the record kept by the Clerk, and his vouchers, and if the same be found correct and legal, and correspond with the record of the City Treasurer, they shall cancel and deface the said vouchers, and shall certify in the record of the said Treasurer that they have found his record and vouchers to correspond.

To cancel
vouchers.

SEC. 7. The following are specified as the claims which are entitled to be received and funded under this Act:

First—All uncancelled city warrants drawn prior to the first day of March, eighteen hundred and sixty-two, except warrants drawn on the Cash and School (Common and State) Funds.

Claims to be
funded.

Second—All warrants drawn subsequent to the first day of March, eighteen hundred and sixty-two, for indebtedness which accrued prior thereto, except when drawn upon the funds excepted in subdivision first of this section.

SEC. 8. It shall be the duty of the President of the Common Council, in drawing upon an indebtedness accrued prior to the first day of March, eighteen hundred and sixty-two, to specify that fact upon the face of the warrant, except when the warrant is drawn against the Cash or School (Common and State) Funds.

Duties of
President of
Council.

SEC. 9. Claims against the City of Los Angeles, and entitled to be funded by this Act, shall be paid in no other manner than hereinafter provided, and all claims entitled to be funded shall have interest added to the first day of March, eighteen hundred and sixty-two, on the same, at the rate of ten per centum per annum, from the date of the protest of the same by the City Treasurer, which interest shall be paid in the same manner as the principal; and all claims shall be presented, to be funded, by the first day of March, eighteen hundred and sixty-two, or they shall, from and after that date, cease to draw interest, and the claim or claims shall not be paid until after the entire liquidation of the debt herein funded.

Payment of
claims.

Interest.

SEC. 10. For the payment of the principal and interest of the bonds issued in pursuance of this Act, and until the same are paid and discharged, the tax of one fourth of one per cent., already provided to be levied by said city upon the assessed value of all the real and personal property within said city, shall be annually levied and collected, two fifths of the fund derived from which said tax shall be set aside and applied exclusively to the payment of interest and the final redemption of the bonds issued in pursuance of this Act, and shall be known as the Interest and Sinking Fund of eighteen hundred and sixty-two.

Payment of
interest and
principal.

SEC. 11. Whenever, on the second day of January of any year after the payment of the interest as herein provided for, there remains in the Interest and Sinking Fund a surplus exceeding three hundred dollars, it shall be the duty of the City Treasurer to advertise for two weeks, in a newspaper published in English, in the City of Los Angeles, for sealed proposals, to be opened one week after the expiration of the said publication, by the said Treasurer, at his office, in the presence of the President of the Common Council and Mayor of the city, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money he has on hand for the purpose of redemption,

Redemption
of bonds.

and shall require said proposals to be accompanied with good and sufficient security that the same shall be carried out within ten days after acceptance, the class and form of which security may be prescribed by the City Treasurer. When said proposals are opened, they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted.

Extra compensation.

SEC. 12. The Common Council are hereby authorized to allow such sum, not exceeding two hundred dollars, as extra compensation to those officers who, in their discretion, shall merit the same by reason of the additional labors imposed upon them by this Act.

Bonds to be cancelled.

SEC. 13. Immediately after any bonds shall have been redeemed as herein provided, it shall be the duty of the President of the Common Council to take the number of said bonds so redeemed, to whom issued, and when redeemed, and make a record of the same in his office; and for that purpose the City Treasurer shall, upon demand, exhibit said bonds to him, and shall, furthermore, permit him to deface the same in such a manner that neither they nor their coupons can again be put in circulation.

Penalty for neglect of duties.

SEC. 14. Any officers of the City of Los Angeles who shall wilfully neglect or refuse to comply with the provisions of this Act, shall be deemed guilty of a misdemeanor in office, and fined in a sum not less than two hundred nor more than five hundred dollars, to be recoverable before any Court of competent jurisdiction, or dismissed from office, or both such fine and dismissal, in the discretion of the Court; and all fines collected under the provisions of this Act shall be paid into the said "Interest and Sinking Fund" of eighteen hundred and sixty-two.

SEC. 15. This Act shall take effect immediately.

CHAP. XX.—*An Act to authorize Benjamin F. Washington to dispose of Certain Interests in a House and Lot in San Francisco.*

[Approved February 20, 1862.]

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

Authority granted.

SECTION 1. Benjamin F. Washington is hereby authorized and empowered to bargain, sell, transfer, release, quitclaim, and grant and convey, any and all the right, title, and interest of John Thornton, Franklin Bedinger, Frances Madison, and Bertha James, infant children of himself and the late Georgiana H. Washington, his wife, of, in and to that certain dwelling house and lot of land, situated on Bryant street, in the city of San Francisco, commencing at a point on the northerly line of said street, two hundred and seventy-five feet from the corner of Third and Bryant streets, running easterly with Bryant street sixty-eight feet nine inches to the property of Louis McLane, thence northerly to Silver street one hundred and fifty-five feet,

thence with Silver street westerly sixty-eight feet nine inches, thence southerly one hundred and fifty-five feet to the place of beginning; the same being recorded in the name of said Washington in the Recorder's office of San Francisco.

SEC. 2. Before any sale of the said house and lot shall have force and effect, it shall be submitted to the Probate Court of the City and County of San Francisco for its approval, who shall thereupon appoint some person guardian *ad litem* for said infant children, and then proceed to investigate said sale; and if it shall be satisfied that said sale was for an adequate price, and for the benefit of said children, it shall enter an order confirming the same. Said Probate Court shall then proceed to inquire as to the amount of community debts existing against the common property of said Benjamin F. and Georgiana H. Washington at the decease of the latter, properly chargeable against said estate; and if any residue remains of such purchase money, said Probate Court shall order to be invested, for the benefit of such children, the portion thereof belonging to them, in such manner and by such agents as shall to the said Court seem proper, and require a report thereof to be made to said Court, and enter such order thereon as to said Court shall seem proper.

Duties of
Probate
Court.

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

CHAP. XXI.—*An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine, and to repeal Section Two of an Act amendatory and supplemental thereto.*

[Approved February 20, 1862.]

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

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

Section 9. The Board of Supervisors, upon the erection and completion of said bridge, are hereby authorized and empowered to charge and collect such rates of toll as they may, from time to time, by action of said Board, fix, until the sum arising therefrom, over and above the cost and charges of collecting the same, shall amount to twenty-five thousand dollars, or shall amount to a sum sufficient to pay for the cost and expense of constructing said bridge, over and above the amount donated for that purpose; *provided*, the cost of said bridge, over and above the amount donated, be less than twenty-five thousand dollars, from and after which time the said bridge shall be free for all crossing of persons or property; *provided*, further, that the Board of Supervisors may, from time to time, collect such amounts as they may deem proper, and cause the same to be set apart as a Special Fund for the purpose of repairing said bridge, and for the purpose of grading and keeping in repair the road at either end of said

Toll.
Proviso.

bridge, and the Board of Supervisors are hereby authorized to draw their warrants on said Special Fund for the above mentioned purposes.

Repealing
clause.

SEC. 2. Section two of an Act entitled an Act amendatory and supplemental to an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved May eighth, eighteen hundred and sixty-one, is hereby repealed.

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

CHAP. XXII.—*An Act to grant the right to construct a Bridge across the Mokelumne River, at Middle Bar, in Calaveras and Amador Counties, to Adam Denzler and associates.*

[Approved February 20, 1862.]

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

Franchise
granted.

SECTION 1. Adam Denzler, with such associates as he may admit, shall have and enjoy all the franchises, privileges, rights of way, and immunities, as hereinafter mentioned, upon condition that he or they, as the case may be, shall comply with the provisions of this Act.

Same.

SEC. 2. The said Adam Denzler and his associates are hereby authorized to build and maintain a toll bridge across the Mokelumne River, at Middle Bar, in the Counties of Amador and Calaveras, and shall have and enjoy all the rights, privileges, and franchises thereof, together with the right of way, which is hereby ceded for the period of twenty years; *provided*, that said bridge shall be commenced within six months, and completed within one year from the passage of this Act; and, *provided*, further, that after the lapse of five years from the completion of such bridge, the said Counties of Amador and Calaveras may purchase the said bridge, by paying therefor the actual value of the same, to be ascertained by five Appraisers—two to be selected by the owners of the bridge, two by the Board of Supervisors of said counties, and one by the four persons thus selected; and, *provided*, further, that whenever such bridge may be so purchased, the right to collect tolls thereon shall cease.

Proviso.

Conditions.

SEC. 3. The said bridge shall be constructed on the best and most approved plan, in a substantial manner, and above high water mark.

Tolls.

SEC. 4. Upon the completion of the said bridge, the said Adam Denzler and his associates may charge and collect such rates of toll as may be annually determined upon by the Board of Supervisors of Calaveras County, under the laws of this State; and may, moreover, regulate the speed of riding or driving upon said bridge, and may prohibit any person to ride or drive upon said bridge at a faster gait than a walk; and for each violation of this rule, so established, may recover judg-

Penalty.

ment for ten dollars, besides the actual damage, in any Court of competent jurisdiction, in either of the said Counties of Amador or Calaveras; *provided*, that at each end of said bridge, there shall be kept a sign-board, on which said regulation, and also the rates of toll, shall be distinctly written, printed, or painted.

SEC. 5. The franchise hereby granted shall be subject to the general laws of this State concerning toll bridges and ferries, and within the provisions of said laws shall be conclusive. Conditions.

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

CHAP. XXIII.—*An Act supplemental to an Act entitled an Act concerning Corporations, passed April twenty-second, one thousand eight hundred and fifty, and the several Acts amendatory thereof and supplemental thereto.*

[Approved February 20, 1862.]

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

SECTION 1. It shall be lawful for the District Court within and for the county in which any such corporation shall have been constituted, upon the application of such corporation, or any person or persons interested, and it satisfactorily appearing to the Court, by competent proof by affidavit or otherwise, that due notice by personal service, or by publication in some newspaper, as the said Court or Judge thereof shall direct, has been given to all persons interested in the matter, and that it is just and equitable on the part of such society, association or corporation, to confirm any sale or mortgage heretofore made of any real estate belonging to such society, association or corporation, for which they have received the purchase money, or loan, to make an order for the confirmation of such sale, or mortgage, heretofore made in good faith for the benefit of such society, association or corporation, and for the conveyance in fee simple, or in mortgage, of all the right, title, and interest, both legal and equitable, of such society, association or corporation, in and to such real estate, to the party or parties immediately or mediately entitled thereto under such sale or mortgage; and it shall be lawful for any member of such church, congregation, association, society, or corporation, to oppose, by affidavit or otherwise, the granting of either of such orders. District Court may confirm sales of property.

SEC. 2. This Act shall take effect immediately.

CHAP. XXIV.—*An Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne Salaried Offices, approved February twenty-first, eighteen hundred and sixty-one.*

[Approved February 25, 1862.]

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

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

Section 9. The Sheriff shall be allowed the following assistants, to be paid by the county: an Under Sheriff, to be paid at the rate of one hundred dollars per month; one Deputy, to be paid at the rate of one hundred and fifty dollars per month; and one Keeper of the jail, to be paid at the rate of seventy-five dollars per month. Any other Deputies that may be required, for the performance of the duties of the office of Sheriff, shall be paid by the Sheriff from his salary herein provided; *provided*, he may summon one Constable, whose duty it shall be to attend the sittings of the District Court, and act as Deputy Sheriff, for which service the said Constable shall receive three dollars per day, to be paid by the county.

Salaries.

Proviso.

Repealing clause.

SEC. 2. All Acts or parts of Acts conflicting with this Act are hereby repealed.

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

CHAP. XXV.—*An Act concerning Roads and Streets in the Town of Auburn.*

[Approved February 25, 1862.]

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 March, A. D. eighteen hundred and sixty-two, the Town of Auburn, to the extent of its corporate limits, in the County of Placer, shall constitute one separate district for road purposes, to be known as the Road District of the Town of Auburn, and the residue of Township Number Three, in said County, Road District Number Three.

New road district.

Disposition of Road Fund.

SEC. 2. All taxes, general and special, to be levied and collected for road purposes under the laws of this State, or that may be hereafter in force therein, shall constitute the Road Fund of the Road District of the Town of Auburn, and shall be laid out and expended by, and under the direction and within the discretion of the Board of Trustees of said town, in the construction and repair of bridges and culverts, and the improvement and repair of roads and streets within said district.

SEC. 3. From and after the time this Act takes effect, it shall be the duty of the officers of, and within said county,

charged with the assessment of property and collections of all taxes, general and special, for road purposes, within said Town of Auburn, to keep a separate and distinct list, or assessment, of all property within the limits of said Road District of the Town of Auburn, and a separate account of all taxes, general and special, collected therein for road purposes; and the same shall be paid over to the County Treasurer of said county, and by him shall be kept separate, as the Road Fund of the Road District of the Town of Auburn.

Duties of officers.

SEC. 4. It shall be the duty of the County Auditor of said county, upon the receipt of the order or orders of the Board of Trustees of said town, signed by the President, and certified by the Clerk of said Board, to draw his warrant or warrants upon the County Treasurer of said county, for any sum not to exceed the amount in said fund, belonging to said District of the Town of Auburn, which the said Board of Trustees may order paid; and it shall be the duty of the County Treasurer to pay out of said fund the amount of said warrant or warrants, upon presentation.

Payment of warrants.

SEC. 5. This Act shall not be construed to apply to any tax levied by the Board of Trustees of the Town of Auburn for road or any other purposes.

Not to apply

SEC. 6. All laws and parts of laws, so far as they conflict with the provisions of this Act, are hereby repealed.

Repealing clause.

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

CHAP. XXVI.—*An Act to grant the "Stanislaus Bridge and Ferry Company" the right to construct and maintain a Bridge, or Bridges, across the Stanislaus River.*

[Approved February 25, 1862.]

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

SECTION 1. David M. Locke, Abraham Shell, Thomas Dennis, Silas M. Locke, and S. L. Robertson, and their successors in office, Trustees of the "Stanislaus Bridge and Ferry Company," a company incorporated A. D. eighteen hundred and fifty-eight, under the general incorporation laws of the State, providing for the incorporation of bridge companies, shall have, take, possess, and enjoy, for the benefit of said company, all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned.

Franchise granted.

SEC. 2. The said company shall have full power to build, erect, construct, and maintain, a public toll bridge, or bridges, across the Stanislaus River, at a point or points anywhere between the Big Cañon, above Two Mile Bar, in the County of Calaveras, and Charles Jordan's garden, on the right bank of said river, now owned and occupied by David Sellers, in the County of Stanislaus, and have and enjoy all the rights, privileges, and immunities, thereunto appertaining, and shall have

Powers of company.

- the right of way across said river, and the privilege of using the same for the purposes aforesaid, between the points designated on said river, which is hereby granted and ceded to said company for the term of twenty-five years; *provided*, that within one year from the date of the passage of this Act, the company shall have completed one principal bridge, at or near the place where formerly was erected one of the company's bridges near Knight's Ferry; and if said bridge be not so completed within one year, the rights and privileges hereby granted shall be forfeited. The said company shall at all times, after the completion of any of the bridges as aforesaid, keep the same in good order and condition, and shall be responsible for all damages arising to persons or property crossing the same, caused by neglect to keep the same in proper repair.
- Proviso.** SEC. 3. The said bridge company, upon the completion of one or more of said bridges, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of the County of Stanislaus shall fix; *provided*, that the Legislature may, at all times, regulate, modify, or change, the rates so fixed by said Board of Supervisors.
- Tolls.** SEC. 4. The said bridge, or bridges, shall be constructed in a good, substantial, and workmanlike manner, and of the best and most durable materials.
- Conditions.** SEC. 5. The said company is hereby authorized and empowered to change the present name to that of the "Stanislaus Bridge Company," and shall hereafter be known by the name of the "Stanislaus Bridge Company."
- May change name.** SEC. 6. The said company may regulate and determine the speed of travel, riding, or driving, upon any of the bridges of said company, and may require the speed not to be faster than a walk. Notice of said regulation, together with the rates of toll, shall be kept posted upon some conspicuous place on said bridge, or bridges, and for each violation of said regulation the party offending, if prosecuted in any Court of competent jurisdiction, shall be fined in any sum not less than ten dollars nor more than fifty dollars, and in addition, shall be liable to said company for all actual damages sustained by reason of such violation.
- Speed of travel.** SEC. 7. The said company may regulate and determine the number of animals in the team, number of wagons, amount of freight, and number of stock cattle, that may pass over said bridge, or bridges, at any one time, which regulation shall be affixed to the rate of toll in some conspicuous place, as aforesaid, and the company shall not be responsible for any injury, or damage, to persons or property, resulting from a violation of this regulation.
- Penalty.** SEC. 8. No ferry, ford, or toll bridge, shall be established within the limits of the aforesaid franchise, unless it be required by public convenience, and the right to establish the same be granted by the Legislature.
- General provisions.** SEC. 9. This Act shall take effect and be in force from and after its passage.
- Extent of franchise.**

CHAP. XXVII.—*An Act changing the Time for Meeting of the Board of Supervisors in the County of Sierra.*

[Approved February 25, 1862.]

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

SECTION 1. The regular meetings of the Board of Supervisors, ^{Time of meetings.} in and for Sierra County, shall be held at the county seat of said county, on the third Mondays of May, August, November, and February, of each year, and shall continue, from time to time, until all the business before them is disposed of; and meetings shall also be held by them to canvass the election returns in the said county, at such times as are or may be prescribed by the laws regulating elections.

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

CHAP. XXVIII.—*An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes, for the year eighteen hundred and sixty-two.*

[Approved February 25, 1862.]

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

SECTION 1. The Board of Supervisors of Sierra County are hereby authorized, if they deem the same expedient, at a special meeting of said Board, to be held on the first Monday of March, A. D. one thousand eight hundred and sixty-two, to levy taxes for ^{Taxes may be levied.} the year one thousand eight hundred and sixty-two, for county purposes, not to exceed the rates hereinafter mentioned, on each one hundred dollars of taxable property in said county, viz: a tax, not to exceed seventy-five cents, to be paid into the General Fund; twenty-five cents, to be paid into the Interest Fund; eighteen cents, to be paid into the Hospital Fund; ten cents, to be paid into the School Fund; twenty cents, to be paid into the Jail Fund; fifteen cents, to be paid into the Road Fund; and twenty-five cents, to be paid into the Contingent Fund; and said taxes, when levied by said Board, shall be collected at the same time and in the same manner as is now provided by law for the collection of State taxes in said county.

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

CHAP. XXIX.—*An Act in relation to Public Roads in the County of El Dorado, and to the Road Fund of said county.*

[Approved February 27, 1862.]

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

Act made applicable.

SECTION 1. The provisions of an Act entitled an Act to provide for the establishment, maintenance and protection of Public and Private Roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the County of El Dorado, except as in this Act otherwise provided.

Election of Road Overseers.

SEC. 2. At the general election of eighteen hundred and sixty-three, and at the general election, every two years thereafter, there shall be elected, in each township in the County of El Dorado, a Road Overseer, who shall qualify, and enter upon the duties of his office, on the first Monday of the month subsequent to the general election.

Bond.

SEC. 3. Before qualifying and entering upon the duties of his office, each Road Overseer shall give a bond in the sum of two thousand dollars, conditioned for the faithful performance of the duties of his office, with two or more sureties, who shall justify, which bond shall be approved by the County Judge, and be filed with the County Clerk.

Vacancies.

SEC. 4. Any vacancy in the office of Road Overseer shall be filled by the Supervisors of the county, by the appointment of a citizen of the township in which the vacancy has occurred.

Duties of Auditor.

SEC. 5. The County Auditor shall cause to be printed, each year, as many road tax receipts as may be necessary for the use of the county; each receipt for the current year shall be for the sum of two dollars, and from and after the first day of October next, for the sum of two dollars and fifty cents, and shall be signed by the Auditor, and shall contain a blank for the signature of the Road Overseer, and also a blank for the name of the person to whom it may be sold. The receipts shall be numbered consecutively. The County Auditor shall open an account with each Road Overseer, charging him with such receipts as he shall receive, and crediting him with the money paid into the County Treasury, and with the blank receipts returned.

Treasurer.

SEC. 6. The County Treasurer shall keep a separate account of the Road Fund of each township, crediting the money received, and charging the warrants paid.

Overseers.

SEC. 7. It shall be the duty of each Road Overseer, to procure from the Auditor as many road tax receipts as there are inhabitants in his township liable to pay road tax, and he shall visit all such persons during the months of October, November, December, January, February, and March, and collect from each of them the sum of two dollars for the current year, and from and after the first day of October next, the sum of two dollars and fifty cents; upon the payment of this sum, he shall give such person a road tax receipt, writing thereon, with ink, the date and name of the person paying, and signing thereto his name. If any person liable to pay a road tax shall fail or refuse to pay

the same upon demand, the Road Overseer may enforce the collection thereof in the same manner, in all respects, as is provided for the collection of poll taxes, by sections sixty-six and sixty-seven of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, in the year eighteen hundred and sixty-one.

Sec. 8. The Road Overseer shall pay to the County Treasurer Same. the total amount collected, on the first Monday in each month, and take a receipt for the amount paid, which receipt shall be filed with the Auditor. He shall make a final settlement on the first Monday of April, and return all unsold tax receipts to the Auditor; upon making a final settlement, and upon the return of all unsold tax receipts, he shall receive a certificate from the Auditor that he has settled in full, and that all road tax receipts issued to him have been accounted for, whereupon the Auditor shall draw his warrants in favor of the Road Overseer, upon the Treasurer, payable out of the Road Fund of the township, for fifteen per cent. of the amount collected and paid over into said fund by the Road Overseer.

Sec. 9. The Road Overseer shall have the care, control, and Same. supervision of all public roads in his township. It shall be the duty of each Road Overseer to keep the public roads of his township in as good condition and repair as the amount of money collected for and apportioned to the Road Fund of his township will permit, and to this end he shall have authority to hire laborers and teams to work upon the roads, and hire or purchase ploughs, scrapers, and other implements necessary to be used in making and repairing roads; and in cases where it is necessary that a bridge or culvert should be built, or repaired, and the estimated cost of constructing and completing or repairing the same is not more than one hundred dollars, it shall be the duty of the Road Overseer to purchase the necessary material and cause such bridge or culvert to be constructed or repaired. He shall, on the first Monday of every month, make to the Board of Supervisors of said county a full and detailed report of all the debts contracted and expenses incurred for labor upon the road, for the hire of teams, for the purchase or hire of tools or implements, for the purchase of material to be used in the repair of roads, and in the repair and building of bridges and culverts, giving in such report the name of each person to whom any money is due, and for what it is due—if for labor, giving the number of days—and if for material, stating minutely the kind, quality, and price, which accounts the Road Overseer shall verify by his oath. The Supervisors of the county shall audit these accounts and shall allow to the persons who have done labor, or have furnished material, such sums of money as shall be just and reasonable. These allowances shall be certified, by the Clerk of the Board of Supervisors, to the County Auditor, who shall draw his warrants upon the County Treasurer for the amount thereof, in favor of the person to whom the same has been allowed, payable out of the Road Fund of the township for which the accounts are allowed. The Road Overseer shall be entitled to receive the sum of three and one Pay of Overseers. half dollars from the Road Fund of his township for each full day

Duties of Supervisors.

on which he shall be engaged in overseeing the labor and repairs upon the roads, and at the same rate for a portion of a day. The Road Overseer may present his account, verified by his oath, to the Board of Supervisors of said county, on the first Monday of each month, and upon its allowance by said Board, the Clerk of said Board shall certify such allowance to the County Auditor, and the County Auditor shall draw his warrants upon the County Treasurer for the amount of such allowance, in favor of such Road Overseer, payable out of the Road Fund of his township.

Building of
bridges.

SEC. 10. The building of bridges in any township where the estimated cost of building any such bridge shall be one hundred dollars or more, shall be let by contract by the Road Overseer to the lowest responsible bidder, after notices asking for bids or proposals for building such bridge shall have been posted in at least three public places in said township, for the space of ten days. A plan and specifications for the proposed bridge shall be filed with a Justice of the Peace of the township, and the notice aforesaid shall state with what Justice of the Peace said plan and specifications are filed, and upon what day the bids or proposals will be opened. The contract, to be binding, shall be approved by the Justice of the Peace with whom the plan and specifications were filed, which Justice of the Peace shall also open the bids or proposals. Upon the completion of the contract, and the approval of the work by the Road Overseer, he shall certify the account of the contractor to the Board of Supervisors of said county, and upon the allowance thereof by said Board, the Clerk of said Board shall certify such allowance to the County Auditor, who shall draw his warrants for the amount thereof on the County Treasurer, payable out of the Road Fund of the township where such bridge has been built.

Contraction
of debts
forbidden.

SEC. 11. It shall not be lawful for any Road Overseer to contract or create any debt, claim, or demand, against the Road Fund of his township, for any purpose whatever, which, together with the aggregate amount of already existing debts, or demands, shall exceed the amount of money in said Road Fund.

Apportion-
ment.

SEC. 12. On the day subsequent to the day provided in this Act for the final settlement of the Road Overseers, for the tax receipts sold, the County Treasurer shall apportion, among the several township funds, the money in the Treasury derived from the tax levied upon property and received for road purposes; and such apportionment shall be made upon the basis and ratio of the number of tax receipts sold in each township.

Duties of
Overseers.

SEC. 13. It shall be the duty of the Road Overseer to take charge of and direct the work on the roads; of all foreigners refusing to pay the foreign miners' license tax, who may be reported to him by the Collector of foreign miners' licenses. Upon certificate of the Collector that such foreign miner was placed in charge of the Overseer, for refusal to pay his foreign miners' license tax, and upon the Overseer's own affidavit that such foreign miner did perform work upon the road, according to the provisions of the revenue law, the Board of Supervisors may audit and allow his account for overseeing such work, at the rate of twenty-five cents for each day's work performed by such

foreign miner or miners, payable from the Road Fund of the township.

SEC. 14. Wherever it shall be necessary to build a bridge on a public road, across a stream, where it is the boundary of two townships, the cost of building such bridge shall be borne and paid equally out of the Road Fund of each of such townships; and where a new road is laid out or located, by virtue and according to the provisions of an Act entitled an Act to provide for the establishment, maintenance, and protection, of Public and Private Roads, approved May sixteenth, A. D. eighteen hundred and sixty-one, and if there is any expense for the view and survey; and any sum or sums allowed by the Board of Supervisors to any applicant or applicants, for damages, as in said Act provided, such expense of views and survey shall be paid out of the Road Fund of the township in which such road is located, if located solely in one; and if located in more than one, then, out of the Road Fund of each township in which the road is located, in proportion to the length of the road located in each; and all allowances for damages, for the taking of land for the location and establishment of a highway, under the provisions of said last mentioned Road Act, shall be paid out of the Road Fund of the township in which the land so taken, and for which the allowance is made, is situated.

SEC. 15. Any person or persons who shall erect or place, or cause to be erected or placed, in any public highway, in the County of El Dorado, any fence, wall, embankment, building, structure, or any obstruction whatever, or who shall turn, or cause to run, in any highway, any stream of water, or who shall dig, or cause to be dug or excavated, any pit or hole in any highway, or any ditch or canal along or across the same, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be fined in any sum not more than one hundred dollars, and may be imprisoned in the county jail of said county, at the rate of one day for each two dollars of said fine, until said fine shall be satisfied.

SEC. 16. It shall be the duty of the Road Overseer to make complaint before some Justice of the Peace of his township, of all violations of the foregoing sections of this Act; also, it shall be his duty to notify any and all persons, who have placed, or caused to be placed, any obstruction, hindrance, building, fence, structure, or impediment, of any kind, in the public highway, to remove such obstruction, hindrance, building, fence, structure, or impediment, within twenty-four hours after the service of such notice; and, if such person or persons, having placed, or caused to be placed, in any public highway, any such obstruction, hindrance, building, fence, wall, structure, or impediment, shall fail, refuse, or neglect, to remove the same, for the period of twenty-four hours after the service of such notice, then the Road Overseer of the township, taking with him the force of the county, shall proceed at once, and remove from the highway any such obstruction, hindrance, building, fence, structure, or impediment.

SEC. 17. The Road Overseer now in office shall be governed by the provisions of this Act; *provided*, that no contracts, made

under any previous Act, shall be affected by the passage of this Act.

Repealing
clause.

SEC. 18. All Acts and parts of Acts, so far as they are inconsistent with the provisions of this Act, are hereby repealed.

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

CHAP. XXX.—*An Act to authorize the Board of Supervisors in and for Sutter County to levy a Special Tax for the Repair of the Court House in said county.*

[Approved March 3, 1862.]

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

Tax
authorized.

SECTION 1. The Board of Supervisors in and for the County of Sutter 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 revenue, the following special tax, to wit: a sum not to exceed one tenth of one per cent. upon all of the taxable property in said county, for the purpose of repairing the Court House therein.

SEC. 2. The said fund shall be applied to repairing and furnishing said Court House, and to no other purpose.

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

CHAP. XXXI.—*An Act to repeal certain Acts.*

[Approved February 25, 1862.]

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

Repealing
clause.

SECTION 1. An Act entitled an Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State, approved April twenty-first, eighteen hundred and fifty-six, and an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State, approved March twenty-second, eighteen hundred and sixty, be and the same are hereby repealed.

CHAP. XXXII.—*An Act to amend an Act entitled an Act to amend an Act supplementary to an Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three, approved May eighteenth, eighteen hundred and sixty-one.*

[Approved February 25, 1862.]

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

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

Section 1. Section twenty-five of said Act is amended so as to read as follows : Section Twenty-Five. The District Judges shall, at all reasonable times, when not engaged in holding Courts, transact such business at chambers as may be done out of Court. At chambers they may try and determine writs of mandamus, certiorari, quo warranto, hear and dispose of motions for new trials, and for all applications for orders and writs which are usually granted, in the first instance, upon ex parte application, and may also, in their discretion, hear and [determine] deliver applications to discharge such orders and writs ; they may also hear and determine application for writs of assistance, at chambers. Duties of District Judges at chambers.

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

CHAP. XXXIII.—*An Act amendatory of an Act entitled an Act amendatory of an Act and supplementary to an Act entitled an Act concerning Escheated Estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five.*

[Approved March 3, 1862.]

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

SECTION 1. That in all cases where the Attorney-General files an information for an escheat, the District Court, or Judge thereof, shall be empowered to exercise equitable jurisdiction to the same extent as if sitting in a Court of Equity. Jurisdiction of District Courts.

SEC. 2. It shall be lawful for the Attorney-General, in all cases of information for an escheat, to ask for equitable relief whenever the same shall be necessary, including the relief by injunction.

SEC. 3. It shall not be necessary for the Attorney-General, in filing an information for an escheat, to verify the same, or any subsequent pleading, or any paper in the case used as an application for any intermediate step in the case, but such information, subsequent pleading, or paper, shall have the same effect in all respects as if verified. Pleadings.

SEC. 4. The District Court shall have full power, in all cases,

Powers of
District
Courts.

to set aside a will obtained by fraud or undue influence, and to declare null and void any paper purporting to be a last will and testament, upon the ground of fraud or forgery, and to set aside a decree of any Probate Court admitting to probate any supposed will, when such decree has been obtained by fraud, concealment, or perjury, and to establish a will lost or destroyed.

Repealing
clause.

SEC. 5. All laws and parts of laws inconsistent with this Act are hereby repealed.

SEC. 6. This Act to take effect from and after its passage.

CHAP. XXXIV.—*An Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one.*

[Approved March 5, 1862.]

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

Extension
of Act.

SECTION 1. The provisions of an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one, are hereby extended to the County of Monterey.

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

CHAP. XXXV.—*An Act to provide for the Election of a Board of Supervisors in the County of San Mateo.*

[Approved March 5, 1862.]

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

Election.

SECTION 1. A special election shall be holden in the County of San Mateo on the second Monday in April next, the polls whereof shall be opened and held at the same places where polls were held at the last general election in said county, which election shall be conducted in the manner prescribed by law, for the election of county officers, at which there shall be chosen from the qualified electors of the county, and from the county at large, four Supervisors, or (if vacancies should occur in the meantime,) a number sufficient, with the Supervisors then remaining in office, to complete the Board to the number of seven, and the persons thus chosen shall, within five days after receiving notice of their election, qualify in the manner prescribed by law, and at once enter upon the discharge of their duties. And they, with

the persons now constituting the Board of Supervisors of said county, shall be and constitute the Board of Supervisors of said county, and shall continue in office until the expiration of the term for which the present Board were elected, at which time the whole Board shall be replaced by persons chosen at the next general election.

SEC. 2. The present Supervisors of said county shall continue in office, and be members of the said Board of Supervisors, until the expiration of the term for which they were elected. Term of office.

SEC. 3. At the next general election in the said County of San Mateo, there shall be elected by the qualified electors thereof, from the county at large, seven Supervisors, who shall hold their offices for one year, and until their successors shall be elected and qualified, and who shall constitute the Board of Supervisors of said county. Election.

SEC. 4. The Board of Supervisors chosen at the next general election may, if they deem it expedient, divide the County of San Mateo into a convenient number of Supervisors' districts, and, thereafter, the Supervisors shall be chosen by districts, the number to be elected being distributed among the districts so formed, according to the population, as nearly as possible. Supervisors' districts.

SEC. 5. Five members of said Board shall constitute a quorum to do business, but no valid action, except to adjourn, can be taken by the said Board of Supervisors, without the presence and concurrence of a majority of all the members required to be elected, and the vote of every member shall be entered in the records of the Board. Quorum.

SEC. 6. The said Board of Supervisors shall have the power and be subject to all the restrictions of the present Board of Supervisors. Powers.

SEC. 7. Each Supervisor shall be paid, from the County Treasury, four dollars per day for his services while attending the sessions of said Board, and no other compensation shall be allowed them, and such allowance shall not be made for more than eight days, in the aggregate, in any one year. Payment.

SEC. 8. The County Clerk of said County of San Mateo shall give, in the manner prescribed by law, at least ten days public notice of the special election provided for in the first section of this Act, stating the time when, and the place where, the same will be held, and giving the names of the persons who have been appointed to act as Judges and Inspectors of said election. In case the Board of Supervisors of said county shall not have appointed the said Judges and Inspectors at least twelve days before the time hereinbefore specified for holding said special election, then the said County Clerk shall make such appointment. Duties of County Clerk.

SEC. 9. All Acts and parts of Acts, so far as the same conflict with the provisions of this Act, are hereby repealed. Repealing clause.

This Act shall take effect immediately after its passage.

CHAP. XXXVI.—*An Act to fix the Terms of the different Courts in the County of San Mateo.*

[Approved March 5, 1862.]

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

County Court.

SECTION 1. The terms of the County Court of the County of San Mateo shall hereafter commence and be held as follows, to wit: A term of said Court shall be held on the third Monday in May, in the year eighteen hundred sixty-two, at ten o'clock, A. M.; and thereafter, the terms of said Court shall commence on the first Monday in February, June, and October, in each year, (except that there shall be no term in June, eighteen hundred sixty-two,) at ten o'clock, A. M.; and said terms may be continued from day to day, and from time to time, until all the business of the Court shall be disposed of. The terms of the Court of Sessions of said county shall commence on the same days as the terms of the County Court, at one o'clock, P. M., and may in like manner be continued from day to day, and adjourned from time to time, until all the business of the Court shall be disposed of. The terms of the Probate Court for said county shall commence and be held on the Tuesdays following the days fixed for the commencement of the terms of the County Court, and may be continued from time to time, as the business of said Court shall require; and special terms of this Court may be held at any time on the order of the Judge thereof.

Court of Sessions.

Probate Court.

Special terms.

District Court.

SEC. 2. The terms of the Twelfth District Court for said county shall commence and be held as follows: A term of said Court shall commence on the first Monday in June, in the year eighteen hundred sixty-two, at ten o'clock, A. M.; and after the said month of June, eighteen hundred sixty-two, the terms of said Court shall commence on the third Mondays in February, June, and October, in each year, at ten o'clock, A. M.; and said terms may be continued from day to day, and from time to time, until all the business of said Court shall be disposed of.

Duty of Clerk.

SEC. 3. In case of the absence of any presiding Judge, on the day appointed for the commencement of any term of his Court, the Clerk shall adjourn said Court from day to day, for a period of not more than six days, until the arrival of the Judge, or until he shall receive notice from him to adjourn the Court for the term.

Repealing clause.

SEC. 4. All Acts and parts of Acts, conflicting with the provisions of this Act, are hereby repealed, and this Act shall take effect and be in force, including said repealing clause, on and after the first Monday in April, A. D. eighteen hundred sixty-two, and not before.

CHAP. XXXVII.—*An Act to authorize the Board of Supervisors of Solano County to levy an additional Road Tax.*

[Approved March 5, 1862.]

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

SECTION 1. The Board of Supervisors of Solano County is hereby authorized, on or before the first Monday in June next, and at their regular meeting in February, A. D. eighteen hundred and sixty-three, to levy an additional tax, not exceeding fifty cents on the hundred dollars, on all taxable property in said county. Said tax shall be assessed and collected in the same manner that other taxes are assessed and collected, and when collected, shall be paid into the Treasury and placed to the credit of the Road Fund of said county, and shall be subject to the order of the Board of Supervisors. Said fund shall be used for no other purpose than for the establishment, building, and repairing the public roads and bridges in Solano County.

SEC. 2. This Act shall take effect from and after its passage, and shall remain in force for two years only.

CHAP. XXXVIII.—*An Act concerning the Government of the City of Marysville.*

[Approved March 5, 1862.]

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

SECTION 1. There shall be elected at the next charter election in the City of Marysville, which shall take place on the third Monday of March, A. D. eighteen hundred and sixty-two, and every two years thereafter, one Mayor, eight Aldermen, (two for each ward,) one Treasurer, one Clerk, one Marshal, and one Assessor, whose duties shall be the same as now or may hereafter be prescribed by law for said officers; and they shall hold their offices for two years, and until their successors are elected and qualified.

SEC. 2. The office of Recorder for said city is hereby abolished, and all the duties heretofore done and performed by the Recorder, shall be hereafter done and performed by the Mayor of said city, who shall have and exercise in every respect the same powers and the same jurisdiction heretofore conferred by law upon the Recorder of said city. The Mayor shall receive a salary of one thousand dollars per annum for his services, payable quarterly.

SEC. 3. This Act shall take effect from and after its passage. All Acts and parts of Acts, inconsistent with this Act, are hereby repealed.

CHAP. XXXIX.—*An Act to authorize the Levy of a Special Property and Poll Tax in the County of Contra Costa, for the establishment and maintenance of Roads and Bridges.*

[Approved March 5, 1862.]

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

- Tax.** SECTION 1. The Board of Supervisors of the County of Contra Costa is hereby authorized and required, on or before the first Monday in June, of the current year, to levy, for the year eighteen hundred and sixty-two, for the building and repair of roads and bridges, a tax of not less than thirty nor more than fifty cents on each one hundred dollars of value of all the real and personal property in the said county.
- Assessment and collection.** SEC. 2. The assessment and collection of the tax levied by the authority of this Act, shall be made by the same officers, and in the same manner as other State and county taxes are assessed and collected, with the exceptions hereinafter provided for, and when paid into the County Treasury, shall be placed, by the Treasurer, to the credit of the County Road Fund, subject to be drawn as other moneys in that fund.
- Road poll tax.** SEC. 3. On or before the first Monday in June, of the current year, the Board of Supervisors of Contra Costa County are also hereby authorized and directed to levy, in addition to the tax already imposed by general law, a road poll tax of two dollars on each and every person in said county, now liable to such road poll tax.
- Collection.** SEC. 4. The Board of Supervisors may, in their discretion, authorize the Road Masters of the several districts to collect from persons in their own districts, either in money or labor, the amount imposed by this special levy of road poll tax, giving therefor, to each person, such receipt, and rendering such account as shall be determined by the Board of Supervisors; *provided*, that without a receipt from the Road Master, each person liable shall be subject to pay the tax herein named to the Tax Collector of the county.
- Delinquent taxes.** SEC. 5. This Act shall take effect and be in force from and after its passage, and until the first Monday in March, A. D. eighteen hundred and sixty-three; but taxes levied and assessed by authority of this Act, which may become delinquent, shall be collected in the same manner as other delinquent taxes of the fiscal year.

CHAP. XL.—*An Act to transfer certain Funds.*

[Approved March 5, 1862.]

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

- Transfer.** SECTION 1. The Controller of State is hereby authorized and required to order the Treasurer of State to transfer the sum of

eight hundred and sixty-three dollars and twenty-nine cents, from the Military Fund to the General Fund.

SEC. 2. The amount directed to be transferred in the foregoing section is hereby set apart as a Contingent Fund for the Adjutant-General's office, and a fund for the payment of rent of the Adjutant-General's office for the thirteenth fiscal year.

CHAP. XL.—An Act to amend an Act entitled an Act authorizing the Board of Supervisors of Tehama County to remove the Remains from the old Graveyard in Red Bluff, to the New Cemetery, and to levy a tax to pay the cost of the same, passed April eighth, eighteen hundred and sixty-one.

[Approved March 5, 1862.]

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 2. For the purpose of paying the debt contracted as provided, the Board of Supervisors aforesaid are duly authorized to levy a special tax, not exceeding five cents upon each one hundred dollars, of all taxable property in Red Bluffs Township, in said county, and the same shall be collected and paid into the County Treasury, at the same time and in the same manner as other State and county taxes are collected and paid.

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

CHAP. XLII.—An Act to grant the right to construct a Turnpike Road from the Great Bend of the Mojave River, in the County of San Bernardino, through Williamson's Pass, to the Pacific Coast, at or near the Town of Buenaventura, in the County of Santa Barbara.

[Approved March 5, 1862.]

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

SECTION 1. I. Logan, Wilson Flint, J. B. Beers, M. H. Farley, and E. E. Rice, or their assigns, are hereby authorized to construct a turnpike road, commencing at the Great Bend of the Mojave River, near the Point of Rocks, in the County of San Bernardino, and running thence in a westerly direction through Williamson's Pass, in the County of Los Angeles, to the Santa Clara Valley; thence down the said valley to the Pacific Coast, at or near the Town of Buenaventura, in the County of Santa Barbara, as may hereafter be determined by

- Limitation.** the Engineers of said grantees, or their assigns; and said grantees, or their assigns, shall be authorized to collect tolls on said road for twenty years from and after its completion.
- Tolls.** SEC. 2. The Board of Supervisors of Los Angeles County shall establish the rates of toll, from time to time, upon that portion of said road running through Williamson's Pass, as soon as the same is completed, or ready for the passage of the largest sized teams; and upon the balance of said road from time to time, when completed; *provided*, always, that they shall not establish or reduce the rates of toll so as to make the dividend on said road less than ten per cent. per annum, upon a fair valuation of the same, and said valuation shall be determined by the Board of Supervisors from the facts and figures, as shown by said grantees, or their assigns.
- Proviso.**
- Condition.** SEC. 3. Said road, when built, shall be not less than ten feet in width through the cuts, shall not obstruct any county road over which it may pass, and shall be completed through Williamson's Pass and the said Santa Clara Valley to the coast, within eighteen months from and after the passage of this Act.
- Act made applicable.** SEC. 4. The Act of May the twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank or turnpike roads, and the Act of April twenty-second, eighteen hundred and fifty-three, to provide for the incorporation of wagon road companies, are made applicable to this Act, except so far as they may conflict with its provisions.
- SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. XLIII.—*An Act to authorize the Board of Supervisors of Amador County to levy a Special Tax and create a Redemption Fund for the Payment of outstanding Road Warrants in said county.*

[Approved March 5, 1862.]

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

- Tax.** SECTION 1. The Board of Supervisors of the County of Amador are authorized to levy a special tax, annually, in addition to other taxes provided for by law, upon all the taxable property in said county, of not less than five nor more than ten cents on the one hundred dollars, and said tax shall be assessed and collected at the same time and in the same manner as other taxes are assessed and collected in said county.
- Redemption of warrants.** SEC. 2. The tax provided for in the first section of this Act, shall be set aside and kept as a special fund, to be called "Redemption Fund," and shall be held and disbursed as hereinafter provided. Whenever, at any time, there shall be in the Redemption Fund, created by this Act, a sum of money amounting to five hundred dollars, or upwards, it shall be the duty of the County Treasurer to give fifteen days notice, by publication in some newspaper published at the county seat, that sealed pro-

posals, directed to him, for the surrender of the road warrants, will be received by him up to the next regular meeting of the Board of Supervisors.

SEC. 3. On the last day of such regular meeting of the Board of Supervisors, they, together with the County Auditor and Treasurer, shall attend at the office of said Treasurer, and then and there open all proposals, and accept the lowest bids for the surrender of road warrants; *provided*, that no bid for more than par value of said warrants, or any bid unless accompanied by the warrants proposed to be surrendered, shall be accepted. Same.

SEC. 4. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the number and of the amount of the 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 the same out of the Redemption Fund, and the warrants so redeemed shall be cancelled 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 thereto his name. 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; the bids and amounts 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. Offices of officers.

SEC. 5. The County Treasurer shall keep a separate account, under the heading of Redemption Fund, of all money received from the special tax levied and collected as specified in the first section of this Act, and said money shall be kept separate from all other funds, and shall be used for no other purpose than for the redemption of outstanding road warrants, as provided in this Act. Same.

SEC. 6. When said outstanding road warrants shall have been purchased and paid off, as provided in this Act, said special tax shall cease, and the Board of Supervisors, at their next regular meeting, shall make an order, directing the Treasurer to transfer any excess that there may be in said Redemption Fund into the General Fund of said county. Surplus.

SEC. 7. The Board of Supervisors of said county are hereby authorized to levy the tax provided for under this Act within fifteen days after its passage. Levy.

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

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

CHAP. XLIV.—*An Act to amend an Act entitled an Act authorizing and empowering the Board of Supervisors in and for the County of Butte, to levy a Special Tax on all the taxable property in said county, for contingent purposes, approved March sixteenth, eighteen hundred and fifty-nine.*

[Approved March 5, 1862.]

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:

Tax.

SECTION 1. The Board of Supervisors in and for Butte County, are hereby authorized and empowered to levy a special tax on all taxable property, real and personal, in said county, each fiscal year, of not exceeding fifteen cents on each one hundred dollars' worth of real and personal property assessed in said county.

SEC. 2. This Act shall be in force as soon as passed.

CHAP. XLV.—*An Act to legalize and provide for the Collection of Delinquent Taxes in the County of Solano, due to the City of Benicia.*

[Approved March 5, 1862.]

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

Assessments
legalized.

SECTION 1. The assessments of taxes upon all property, real and personal, in the County of Solano, for the benefit, and in behalf, of the City of Benicia, and known as the Benicia City Tax, for the fiscal year ending on the first day of March, eighteen hundred and fifty-eight; and for the fiscal year ending on the first day of March, eighteen hundred and fifty-nine; and for the fiscal year ending on the first day of March, eighteen hundred and sixty; and for the fiscal year ending on the first day of March, eighteen hundred and sixty-one, shall be, and are hereby, legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed.

Duty of
District
Attorney.

SEC. 2. The District Attorney of the County of Solano is hereby authorized and empowered to sue for and collect the taxes mentioned in the first section, remaining due and unpaid, for the fiscal years therein specified, in the same manner as if the said taxes had been levied and assessed for State and county purposes; and the provisions of an Act entitled an Act to legalize and provide for the Collection of Delinquent Taxes in the Counties of this State, approved May seventeenth, eighteen hundred and sixty one, are hereby made applicable to the proceedings under this Act.

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

CHAP. XLVI.—*An Act to amend an Act entitled an Act concerning Agricultural Societies, approved March twelfth, one thousand eight hundred and fifty-nine.*

[Approved March 5, 1862.]

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

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

Section 6. Such Society, by the unanimous vote of the Board of Managers, for the purpose of purchasing or leasing property, as provided for by section second of this Act, or for the purpose of paying for property, may create debts or liabilities, not exceeding five thousand dollars, which they may secure by mortgage upon the property of said Society; and in case of any excess being incurred, the members of said Board of Managers shall, in their individual and private capacities, be held jointly and severally liable to such Society for the amount of such excess; *provided*, that any member of said Board who shall have been absent, or caused his dissent therefrom at the time to be entered on the minutes, shall not be so held liable. May execute mortgage.
Liability.

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

CHAP. XLVII.—*An Act for the Relief of Holders of Stamps heretofore issued for Bills of Lading.*

[Approved March 5, 1862.]

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

SECTION 1. That it shall be lawful for all persons having in their possession any stamps for bills of lading, heretofore issued under the statute of this State, of April twenty-ninth, one thousand eight hundred and fifty-seven, 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 matter, and under the statute of this State, of April twenty-sixth, one thousand eight hundred and fifty-eight, amendatory thereof, not made use of, to surrender such stamps to the Commissioners of Stamp Duties at any time within six calendar months from and after the passage of this Act; and it shall be lawful for the Commissioners of Stamp Duties, and they are hereby authorized and directed, to cause such unused stamps, so surrendered, to be cancelled, and to deliver out, in lieu thereof, orders upon the Controller of State, calling for stamps for bills of exchange of equal value in the whole with the stamps so surrendered and cancelled; such bills of exchange stamps to be issued in accordance with the statute of this State, of May ninth, one thousand eight hundred and sixty-one, entitled Stamps may be exchanged.

an Act to provide Revenue for the Support of the Government of this State.

Duties of
Controller.

SEC. 2. That it shall be lawful for the Controller of State, and he is hereby authorized and directed, upon the presentation of each of the orders in the first section mentioned, to deliver out to the holders thereof stamps for bills of exchange issued in accordance with the aforesaid statute of May ninth, one thousand eight hundred and sixty-one, to the value of the whole, as near as may be called for by such order, and upon such delivery to take from the said holders a receipt therefor, to be indorsed on such order, which orders and receipts shall constitute good vouchers for said Controller of State in his dealings with the Commissioners of Stamp Duties, and in the settlement of his accounts of stamps received from the Secretary of State.

Proof
required.

SEC. 3. That it shall be lawful for the Commissioners of Stamp Duties, and they are hereby authorized and empowered, to require of the holders of any stamps sought to be surrendered in accordance with the provisions of this Act, proof that such stamps have been purchased from the State of California, in pursuance of the terms thereof, and have never been used.

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

CHAP. XLVIII.—*An Act to amend an Act to regulate Proceedings in Civil Cases, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved March 5, 1862.]

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

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

New trial.

Section 193. The former verdict or other decision may be vacated, and a new trial granted, on the application of the party aggrieved, for any of the following causes, materially affecting the substantial rights of said party :

Causes.

First—Irregularity in the proceedings of the Court, jury, or adverse party, or any order of the Court, or abuse of discretion, by which either party was prevented from having a fair trial.

Same.

Second—Misconduct of the jury, and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict, or to a finding on any question or questions submitted to them by the Court, by a resort to the determination of chance; such misconduct may be proved by the affidavits of any one or more of the jurors.

Same.

Third—Accident or surprise, which ordinary prudence could not have guarded against.

Same.

Fourth—Newly discovered evidence, material for the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial.

Same.

Fifth—Excessive damages, appearing to have been given under the influence of passion or prejudice.

Sixth—Insufficiency of the evidence to justify the verdict, or some other decision, or that is against law.

Seventh—Error in law, occurring at the trial and excepted to some by the party making the application.

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

CHAP. XLIX.—*An Act to extend the provisions of an Act entitled an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine.*

[Approved March 13, 1862.]

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

SECTION 1. The provisions of an Act entitled an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine, are hereby extended and made applicable to Townships Number Two and Number Five, in the County of Amador; *provided*, that the provisions of this Act shall not apply to any hogs owned by any inhabitant of the County of Amador living outside of said Townships Numbers Two and Five, and within one mile of the boundary dividing said Townships Numbers Two and Five from other townships in Amador County, unless such hogs are found trespassing upon grounds in said Townships Numbers Two and Five, enclosed by lawful fence.

Provisions of Act extended to Amador County.

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

CHAP. L.—*An Act to authorize the Board of Supervisors of Calaveras County to issue Bonds in a sum not to exceed the sum of six thousand dollars, and to dispose of the same for Road purposes.*

[Approved March 13, 1862.]

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

SECTION 1. The Board of Supervisors of Calaveras County are hereby authorized and empowered to issue bonds in a sum not to exceed the sum of six thousand dollars; the entire proceeds of said bonds shall be appropriated to and for the use and

Issuance of bonds.

benefit of the public roads and highways in the County of Calaveras.

Int-rost. SEC. 2. The said bonds shall draw interest at a rate not to exceed ten per cent. per annum, and shall have coupons attached thereto.

When payable. SEC. 3. The bonds issued by virtue of this Act shall be made payable, at the office of the Treasurer of Calaveras County, on or before the first Monday of January, in the year one thousand eight hundred and sixty-six, and the interest on the bonds so issued shall be made payable annually, at the office of said Treasurer, on the first Monday of January of each year, on presentation of the respective coupons therefor.

Duties of Supervisors. SEC. 4. The Board of Supervisors shall, annually, on the first Monday of December, or within five days therefrom, from the year one thousand eight hundred and sixty-two, said year inclusive, cause to be set aside from the moneys received into the Road Fund of said county, a sum not to exceed the amount of twenty-five hundred dollars, for the payment of the annual interest on said bonds, and for the liquidation of the same; and the Board of Supervisors of said county shall be and are hereby empowered, in the event that there is a deficiency in the Road Fund of said county, to take from the General Fund of said county sufficient moneys to make up said deficiency. The moneys so set apart shall be a special Sinking Fund for the payment of the principal and interest accruing upon said bonds, which fund shall be designated the "Road Sinking Fund of eighteen hundred and sixty-two." The County Treasurer shall open an account with said fund, charging the fund with the moneys so set aside, and crediting with the warrants paid.

Duty of County Treasurer.

Duty of County Treasurer. SEC. 5. On the first Monday of January, one thousand eight hundred and sixty-three, and on the first Monday in each succeeding January, it shall be the duty of the Treasurer of said county, on the order of the Board of Supervisors, from the moneys in his hands appropriated for said purpose, to pay the interest on the bonds outstanding; and on the first Monday of January of each succeeding year, it shall be the duty of the Treasurer of said county, on the order of the Board of Supervisors, from the moneys in his hands set aside for that purpose, to redeem two thousand dollars of the principal of said bonds; the said Treasurer shall, before doing so, advertise, for at least thirty days, in some newspaper in said county, for sealed proposals for the surrender of said bonds. The Treasurer shall open said proposals at the time and place designated and specified in said publication, in the presence of the Auditor and the Board of Supervisors of said county, and they shall accept only such bids as shall cancel the greatest amount of bonds; *provided*, that no bond shall be redeemed at a greater rate than one hundred cents for one dollar, together with the accrued interest thereon.

Powers of Supervisors. SEC. 6. The Board of Supervisors of said county shall have power to issue the bonds provided for in this Act, and dispose of the same, either in payment to contractors for work done on the roads of said county, or by selling the same for cash; *provided*, said bonds shall not be sold or given to contractors for a less value than ninety cents on the dollar.

SEC. 7. It shall be the duty of the Treasurer and Auditor of said county each to keep a separate record of all bonds issued by virtue of this Act, showing the date, number, and amount of each bond, and to whom the same was issued, and also the date and rate of cancellation. Record of bonds.

SEC. 8. Every bond issued by virtue of this Act shall be signed by the Chairman of the Board of Supervisors, and the Treasurer, the Auditor, and the Clerk, of said county, and shall be authenticated with the seal of the county. How signed and sealed.

SEC. 9. The Board of Supervisors of said county shall have power to make such orders as are necessary to carry out the provisions of this Act.

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

CHAP. LI.—*An Act to authorize the construction and maintenance of a Wharf on the Sacramento River, in the County of Solano.*

[Approved March 13, 1862.]

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

SECTION 1. F. J. McWorthy and Joseph Bruning, jointly, or their assigns, are hereby authorized to construct and maintain a wharf in the County of Solano, on the Sacramento River, where the lands of the said McWorthy and Bruning join. Franchise.

SEC. 2. Said wharf may be extended into the river far enough, without obstructing the navigation of the same, to accommodate the draft of such vessels as the commerce of the district may employ, and the parties above mentioned are hereby authorized to use, for the purpose aforesaid, a strip of land not exceeding three hundred feet along the bank of said river. Extent of wharf.

SEC. 3. The franchise herein granted shall be for the term of twenty years, and the said F. J. McWorthy and Joseph Bruning, or their assigns, shall have the exclusive right to collect such rates of tolls and wharfage, on said wharf, as the Board of Supervisors of Solano County shall, from time to time, authorize them to collect. Term.

SEC. 4. Said wharf shall be constructed and ready for use within four months from the passage of this Act, otherwise the franchise herein granted shall be forfeited. Condition.

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

CHAP. LII.—*An Act relative to the office of Superintendent of Common Schools in the Counties of Tuolumne and Mono.*

[Approved March 13, 1862.]

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

Board of Supervisors to appoint.

SECTION 1. At the first regular meeting of the Board of Supervisors of Tuolumne County, after the passage of this Act, the said Board shall appoint, from among the qualified electors of said county, some suitable and competent person to the office of Superintendent of Common Schools for said county, who shall hold his office until his successor is elected and qualified. And at the next general election, and every two years thereafter, after the passage of this Act, the qualified electors of Tuolumne County shall elect a Superintendent of Common Schools for said county, who shall hold his office for two years, or until his successor is elected and qualified. And in case any vacancy occurring, the Board of Supervisors, at any regular meeting thereof, may appoint for the unexpired term.

Term of office.

Salary.

SEC. 2. The amount of compensation to be allowed said Superintendent shall be fixed by the Board of Supervisors of said county, which amount shall not exceed the sum of five hundred dollars per annum, and shall not be changed during the term of office for which such incumbent shall have been elected.

To give bonds.

SEC. 3. Within five days after such appointment, the canvass of the votes of such election by the Board of Supervisors, the Clerk of said Board shall notify such person appointed or elected, and within ten days after such notice, the person appointed or elected to be Superintendent, shall qualify, and give bonds in the manner now required by general law, and immediately enter upon the discharge of the duties of said office; and he shall possess the same powers, perform the same duties, and be subject to the same rules as other Superintendents under general law, except, that in selecting an Examining Board, he shall not be limited to select from among the teachers in said county, but may select such person as he may deem best qualified for the performance of such duty.

Duties.

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

Act applicable to Mono County.

SEC. 5. The provisions of this Act shall be applicable to the County of Mono, except that the salary of the Superintendent of Common Schools in Mono County shall not exceed the sum of three hundred dollars per annum.

SEC. 6. All Acts, or parts of Acts, in conflict with this Act, are hereby repealed.

CHAP. LIII.—*An Act to provide for Public Administrator in certain counties.*

[Approved March 13, 1862.]

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

SECTION 1. In the Counties of Del Norte, Colusa, Sutter, ^{Counties affected.} Mendocino, Tehama, and Klamath, the Coroner shall be ex officio Public Administrator, and for the faithful performance of the duties of Public Administrator, they shall give such bonds as the Probate Court shall from time to time order.

SEC. 2. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed. ^{Repealing clause.}

SEC. 3. This Act shall take effect and be in force from and after its passage; *provided*, that as to the County of Tehama, it shall not take effect until the expiration of the term of the present incumbent.

CHAP. LIV.—*An Act to authorize the construction and maintenance of a Wharf in Contra Costa County.*

[Approved March 13, 1862.]

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

SECTION 1. George W. Brown, John C. O'Brien, and their ^{Franchise.} associates or assigns, are hereby authorized to construct and maintain a wharf in Contra Costa County, at a point where the land of the said John C. O'Brien, purchased of the State of California, fronts upon the San Joaquin River; said land being that described in the State letters patent of twenty-sixth of July, eighteen hundred and sixty-one, to said O'Brien, as Survey Number Seven, Swamp and Overflowed Lands, Contra Costa County, Township Number Two north, Range One east, Mount Diablo meridian, section thirteen, fractional north half of southwest quarter, and the fractional southwest part of the northwest quarter of section thirteen; *provided*, such wharf shall be ^{Proviso.} located at the Town of Antioch.

SEC. 2. The said G. W. Brown, and J. C. O'Brien, and ^{Extent of land to be used.} associates or assigns, are hereby authorized to use, for the purposes aforesaid, a strip of land not exceeding six hundred feet along the river front, extending into the river far enough, without obstructing the navigation of the same, to accommodate the draft of such vessels as the commerce of the district may require.

SEC. 3. The construction of the wharf hereby authorized shall be commenced within thirty days after the passage of this ^{Condition.} Act, and the term of privilege shall be for twenty-five years; the rates of wharfage and dockage being subject to regulation,

Rates of
wharfage.

from time to time, by the Board of Supervisors of the County of Contra Costa.

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

CHAP. LIV.—*An Act to authorize the Board of Supervisors of the County of Contra Costa to transfer surplus Moneys remaining in the "Gilman Judgment Fund" of the said county.*

[Approved March 13, 1862.]

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

Transfer
authorized.

SECTION 1. Any surplus moneys remaining in the "Gilman Judgment Fund" of the County of Contra Costa, the claim of T. C. Gilman, or assigns, having been satisfied, as contemplated in the provisions of an Act of the Legislature of this State, entitled an Act providing for the Payment of a Judgment in favor of T. C. Gilman against the County of Contra Costa, approved March fourteenth, eighteen hundred and sixty, may be transferred, by order of the Board of Supervisors, and placed to the credit of the Road Fund of the said county, subject to draft, as other moneys in that fund, for road purposes.

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

CHAP. LVI.—*An Act for the Relief of William D. Shirley and others.*

[Approved March 13, 1862.]

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 El Dorado are hereby authorized and empowered to release and discharge the said William D. Shirley, and the other sureties, from all liability upon a recognizance or obligation entered into by them for the appearance of one John Brown, who was held to answer upon a charge of assault with intent to commit murder. Also, full power and authority to enter, or cause to be entered, by the Clerk of the District Court of said county, a full and complete release and discharge of the judgment rendered upon said recognizance in said District Court on the fifteenth day of September, A. D. eighteen hundred and sixty.

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

CHAP. LVII.—*An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a Special Tax, approved March eleventh, eighteen hundred and fifty-six, approved February seventh, eighteen hundred and fifty-seven.*

[Approved March 13, 1862.]

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

SECTION 1. Section fifth of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a Special Tax, approved March eleventh, eighteen hundred and fifty-six, approved February seventh, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

Section 5. 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; *provided*, that on the first Monday of March, June, September, and December, of each year, the County Treasurer is hereby authorized and directed to transfer any and all moneys which may be in said Redemption Fund, over and above an amount sufficient to redeem all warrants outstanding against said county at par, to the General Fund of said county. And said moneys, when so transferred, shall become, to all intents and purposes, a part of the General Fund, and subject to such disposition as may legally be made of the General Fund of said county.

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

CHAP. LVIII.—*An Act to submit the question of the Removal of the County Seat of Yolo County to the qualified voters thereof.*

[Approved March 13, 1862.]

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

SECTION 1. On the twenty-first day of April, A. D. eighteen hundred and sixty-two, an election shall be held in the County of Yolo, to locate and establish the county seat of said county, and to determine, by a majority of all the votes cast at said election, whether the said county seat shall be and remain at the Town of Washington, or be removed to the Town of Woodland, commonly called Yolo City. The ballots used at said election shall be written or printed, and shall read thus: "For County Seat, Washington," or, "For County Seat, Woodland." The polls for said election shall be opened in the several precincts of said county, at the places at which the last general election was held, and the County Clerk of said county shall cause no-

ties of said election to be posted up in at least three of the most public places in each election precinct in said county, at least twenty days before said election, stating the time and place of holding said election, and the form of ballot to be used. The Inspectors and Judges of said election shall be appointed by the Board of Supervisors of said county, at their adjourned meeting, to be held in the month of March, A. D. eighteen hundred and sixty-two. But in case such appointments be not made, or the person so appointed be not present, or refuse or neglect to serve, the electors of the several precincts present, on the morning of the election, shall select from their number such Inspectors and Judges, and they shall conduct said election, and count and make return of all the votes cast, in accordance with the provisions of an Act entitled an Act to regulate elections.

Inspectors
and Judges.

Canvass
of votes.

SEC. 2. The Board of Supervisors of said county, at their regular meeting, to commence on the first Monday of May next, shall canvass the votes cast at said election, and shall cause the same to be entered upon their record, and shall declare the place having a majority of all the votes cast for county seat, and cause the same to be certified and forwarded to the Secretary of State.

Duties of
Supervisors

SEC. 3. If it shall appear from the returns of said election that the Town of Woodland has received a majority of all the votes cast for county seat, then, from and after the tenth day of May, A. D. eighteen hundred and sixty-two, Woodland shall be and remain the county seat of said County of Yolo, and the Board of Supervisors shall make the necessary provisions for the removal of all books, papers, furniture, and other movable property of said county, to Woodland, and secure suitable buildings and offices in which to transact the business of said county, and after that date all officers, required by law to reside at the county seat, shall reside and keep their offices at Woodland, and all processes which may at the time of such removal be returnable at Washington, shall be returnable at Woodland. But if it shall appear from said returns that Washington has received a majority of all the votes cast, then Washington shall be and remain the county seat of said county.

Tax to be
levied for
county
buildings.

SEC. 4. Whether the county seat be removed to Woodland, under the provisions of this Act, or remain at Washington, the Board of Supervisors shall have power, and it shall be their duty, to levy annually a direct tax upon the taxable property in said county, in a per centage upon the one hundred dollars sufficiently large to insure net receipts into the Treasury of said county of a sum in cash of not less than three thousand dollars per annum, the proceeds of which shall be appropriated and applied, under the direction of the Board of Supervisors, to the erection and furnishing of a Court House and County Jail, and for no other purpose, at the place so fixed and established the county seat, and upon such piece or lot of land, not less than one square acre, as may be selected by said Board of Supervisors from among such as shall have been proffered to said Board as a site for said county buildings; *provided*, that any person or persons proffering such land to the county for the purpose above stated, shall file with the Clerk of the Board of Supervisors, on or before the sixth day of May next, such

Proviso.

proposition, containing a full description of said land, its quantity, its particular location, and the title to the same, and shall convey the land so proffered by him or them, to the county, by legal conveyance, immediately upon being notified of its selection by the Board of Supervisors; such selection not to be made until after the result of the election herein provided for be officially determined by said Board; and no proposition having once been made shall be withdrawn or rejected until the title to the land selected shall be conveyed to the county, and recorded in the Recorder's office thereof. *Provided*, also, that whenever said buildings shall have been completed, furnished, and paid for, the tax above authorized shall no longer be levied or collected, and that no county officer shall be interested in any contract for the erection of such buildings. Proviso.

SEC. 5. No person shall receive any compensation from the county for services rendered in connection with said election; but the actual and necessary expenses of all persons, while in the performance of such service, shall be allowed by the Board of Supervisors, and paid out of the Contingent Fund of said county, upon the Auditor's warrant therefor. Payment of certain expenses.

SEC. 6. All laws, or parts of laws, in conflict with the provisions of this Act, are hereby repealed. Repealing clause.

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

CHAP. LIX.—*An Act in relation to Public Roads in the County of Amador, and to the Road Fund of said county.*

[Approved March 13, 1862.]

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

SECTION 1. At the next general election, and at the general election every year thereafter, there shall be elected in each Road District in the County of Amador, a Road Overseer, who shall qualify and enter upon the duties of his office on the first Monday of January subsequent to his election. Said Road Overseer shall be a citizen of the Road District for which he is elected, and shall reside in said District during his term of office, otherwise said office shall be considered vacant. Election of Road Overseer.

SEC. 2. Any vacancy in the office of Road Overseer shall be filled, by the Board of Supervisors, from the citizens of the Road District where such vacancy exists. Vacancy.

SEC. 3. Before entering upon the duties of his office, each Road Overseer shall take the proper oath of office, and give a bond, in the sum of two thousand dollars, conditioned for the faithful performance of the duties of his office, with two or more sureties, which bond shall be approved by the County Judge, and be filed with the County Clerk. Oath. Bond.

SEC. 4. The County Auditor shall cause to be printed, each year, as many road poll tax receipts as may be necessary for the use of his county. Each receipt shall be for the sum of two Road poll tax receipts.

dollars, and shall be signed by the Auditor, and shall contain a blank for the name of the person to whom it is sold, and a blank for the signature of the Road Overseer. The receipts shall be numbered consecutively.

Duty of
County
Auditor.

SEC. 5. The County Auditor shall open an account with each Road Overseer, charging him with such receipts as he receives, and crediting him with the money paid into the County Treasury, and with the blank receipts returned.

County
Treasurer.

SEC. 6. The County Treasurer shall keep a separate account of the Road Tax Fund of each Road District, crediting the money received, and charging the warrants paid.

Apportion-
ment to
districts.

SEC. 7. On the first Monday of January, subsequent to the passage of this Act, and each year thereafter, the County Treasurer shall apportion among the several Road District Funds the money in the Treasury derived from the tax levied upon property, and received for road purposes, and such apportionment shall be made upon the basis and ratio of the road poll tax receipts sold the preceding year in each Road District.

Duty of Road
Overseer.

SEC. 8. It shall be the duty of each Road Overseer to procure from the Auditor as many road poll tax receipts as there are inhabitants in his Road District liable to pay road poll tax, and he shall visit all such persons during the year, and collect from each of them the sum of two dollars. Upon the payment of this sum, he shall give such person a road poll tax receipt, writing thereon with ink the date and name of the person paying, and signing thereto his name.

Collection of
road tax.

SEC. 9. Any person liable to pay road poll tax, neglecting or refusing to do so, the Road Overseer may make the same from the personal property of any person so refusing, by distress and sale, in the same manner that poll taxes are authorized to be collected, under an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, one thousand eight hundred and sixty-one, and the provisions of said Act relating to the collection of poll taxes are hereby made applicable in all respects to the collection of road poll taxes under this Act.

Delinquent
tax.

SEC. 10. The Road Overseer may collect any delinquent road poll tax in the same manner that he is authorized by this Act to collect the same in the year said tax became due.

Settlement
with County
Treasurer.

SEC. 11. The Road Overseer shall pay to the County Treasurer, monthly, the total amount collected, and take a receipt for the amount paid, which receipt shall be filed with the County Auditor. The Road Overseer shall make a settlement with the Auditor on the first Monday of April subsequent to entering upon the duties of his office, and every three months thereafter during the continuance of the same, and return all road poll tax receipts unsold. Upon making such settlement, and upon the return of all unsold road poll tax receipts, he shall receive a certificate from the Auditor, certifying that he has settled in full, and that all road poll tax receipts issued to him have been accounted for; whereupon, the Auditor shall draw his warrant in favor of the Road Overseer, upon the Treasurer, payable out of the Road Fund of the Road District, for fifteen per cent. of the amount collected and paid into the County Treasury by said Road Overseer.

SEC. 12. In making such settlement as provided in the foregoing section, the Road Overseer shall file with the Auditor his report, which report shall have been subscribed and sworn to before some officer authorized to administer oaths; said report shall contain a detailed statement of the business of his office during the preceding three months, the names of the persons who have paid road poll tax, the work done, the time when, and where, by whom, the number of days, and at what price; also, the materials furnished, the kind, and the price paid. He shall also file a duplicate of said report with the Clerk of the Board of Supervisors, similarly sworn to and subscribed, and both reports shall be open to public inspection.

Oath, and
form of
report by
Overseer.

SEC. 13. The Road Overseer shall have the supervision of all public roads and bridges in his Road District, and it shall be his duty to open and keep the same in repair, and for such purpose may furnish materials, employ hands and teams to open, work, and repair, the public roads and bridges in his Road District. He may also build, or cause to be built, all public bridges in his District, which shall not cost over fifty dollars each, without posting proposals and letting contract, as provided and required by section fifteen of this Act.

Duty of
Overseer.

SEC. 14. The Road Overseer may, at any regular or special meeting of the Board of Supervisors, present his account in writing to said Board, specifying the place where, and the time when, the work was performed, the names of the hands employed, the number of days each worked, and the price paid, or agreed to be paid; also, the number of days teams were employed, by whom furnished, the number of days, and the price paid, when and where worked; also, the plank and other materials furnished by him in repairing roads, building and repairing bridges, the quantity furnished, the time when, and where used, and the price paid. Said account shall be subscribed and sworn to by the Road Overseer. The Board of Supervisors may require additional proof thereof, in their discretion. Upon the approval of the account by the Board of Supervisors, the Auditor shall draw his warrant in favor of the Road Overseer, on the Treasurer, for the amount allowed for such work, and materials by said Board, payable out of the Road Fund of his Road District.

Accounts of
Overseer.

SEC. 15. The building of all public bridges, which cost each over fifty dollars, in the Road District, shall be let by contract by the Road Overseer to the lowest responsible bidder, after notice of proposals have been posted in at least three public places in the Road District for the term of ten days; and the contract, to be binding, shall be approved by one of the Justices of the Peace of said District. In case there should be no Justice of the Peace in the District, then to be approved by any Justice of the Peace in the township, who shall receive the bids, and before whom they shall be opened. Upon the completion of the contract, and the approval of the work by the Road Overseer, he shall certify the account of the Contractor to the Board of Supervisors, and, upon their approval, the Auditor shall draw his warrant in favor of the Contractor, for the amount, on the Treasurer, payable out of the Road Fund of the District.

Repair and
building of
bridges.

- Per centage to Overseer.** SEC. 16. The Road Overseer shall be entitled to fifteen per cent for his services on all money expended on the roads and bridges in his Road District, which work was performed under his direction; *provided*, the account of the money so expended shall have been presented to and allowed by the Board of Supervisors, as provided in sections fourteen and fifteen of this Act; said fifteen per cent. to be paid, upon approval by the Board of Supervisors, out of the Road District Fund of his Road District.
- Warrants.** SEC. 17. No warrant shall be drawn on the Road District Fund, unless there be money in said fund; and no warrant shall be drawn except against the Road District Fund of the year in which the indebtedness accrued.
- Road Districts.** SEC. 18. Each township in said county shall constitute one Road District; *provided*, that upon the application of ten citizens of the township, made in writing, to the Board of Supervisors, at any regular meeting of said Board, they may divide any township into two Road Districts.
- Penalties for neglect of duty by Overseer.** SEC. 19. Any Road Overseer failing to perform the duties in whole or in part prescribed for him in this Act, shall be deemed guilty of a misdemeanor, and be liable to a prosecution before any Justice of the Peace in said county, on complaint of any citizen resident of the Road District, on behalf of The People of the State of California, and, on conviction thereof, shall be fined in any sum not exceeding two hundred dollars, and in default of the payment thereof, shall be imprisoned in the county jail until the fine be paid; after deducting cost of prosecution, the balance of the fine shall go to the Road District Fund of his District.
- Act to apply.** SEC. 20. This Act, on and after its passage, shall apply to and be binding upon the Road Masters of the several Road Districts, and other officers of Amador County named in this Act, the same as though this Act had been in force at the time they entered upon the duties of their respective offices.
- Fines, application of.** SEC. 21. All fines collected in the County of Amador, after the passage of this Act, for obstructing public roads, under the provisions of an Act entitled an Act to provide for the establishment, maintenance, and protection of Public and Private Roads, approved May sixteenth, one thousand eight hundred and sixty-one, shall be paid, after deducting costs of prosecution, into the Road District Fund of the District where such obstruction may be, or may have been, located.
- Certain damages, how paid.** SEC. 22. Any damages and costs allowed by the Board of Supervisors of Amador County, after the passage of this Act, on account of laying out of any public roads, under the provisions of an Act entitled an Act to provide for the establishment, maintenance, and protection of Public and Private Roads, approved May sixteenth, one thousand eight hundred and sixty-one, in case said Board authorize said damages and cost to be paid out of the Public Funds, shall be paid out of the Road District Fund of the Road District where such road is located. If said road is located in two or more Road Districts, the said Board shall order the payment of the same out of the respective Road District Funds, in accordance with the assessed damages in each.

SEC. 23. No warrants shall be drawn on the Road Fund of the County of Amador, after the passage of this Act.

SEC. 24. So much of the Act entitled to provide for the establishment, maintenance, and protection of Public and Private Roads, approved May sixteenth, one thousand eight hundred and sixty-one, now in force in said county, inconsistent with the provisions of this Act, are hereby repealed, so far as the same relate to the County of Amador. Act repealed

SEC. 25. All Acts, and parts of Acts, inconsistent with the provisions of this Act, are hereby repealed. Repealing clause.

SEC. 26. This Act shall take effect on and after its passage.

CHAP. LX.—*An Act to authorize the State Treasurer to issue certain War Bonds.*

[Approved March 13, 1862.]

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 Nathaniel T. Cutler, war bonds, in pursuance 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, eighteen hundred and fifty-seven, approved March thirtieth, eighteen hundred and fifty-eight, approved April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty, upon the following described certificates, issued to Francis N. Terrill, now in possession of the State Treasurer, viz: Certificate Number One Hundred and Thirty-Five, for thirty-seven dollars and sixty cents; Number One Hundred and Thirty-Six, for two hundred dollars; and Number One Hundred and Thirty-Seven, for eighty-eight dollars. Bonds described.

SEC. 2. Before said bonds shall be delivered to Nathaniel T. Cutler, above named, the Treasurer shall demand and receive from him a bond of indemnity, in the sum of one thousand dollars; said bond shall be payable to the People of the State of California, conditioned against the claims and demands of the above named Francis N. Terrill, his heirs, assigns, or legal representatives, on the above named certificates. Bond of indemnity.

SEC. 3. Said bond of indemnity shall be executed by at least two good and sufficient sureties, to be approved by the Treasurer of State.

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

CHAP. LXI.—*An Act for the Relief of Peter Lothian, former Sheriff of Humboldt County.*

[Approved March 13, 1862.]

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

SECTION 1. The Board of Supervisors of Humboldt County is hereby authorized to audit and allow the claim of Peter Lothian, former Sheriff of said county, for money paid by him in the year A. D. eighteen hundred and fifty-four, as a reward for the capture and return of one John Estes, convicted of the crime of murder, being the sum of five hundred dollars principal, with lawful interest thereon from the time said reward was so paid; and the Auditor of said county shall be required to draw his warrant on the County Treasurer, in favor of said Lothian, for the amount allowed by the Board of Supervisors under the provisions of this Act, and the Treasurer shall pay the same in like manner as other warrants on the General County Fund are paid.

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

CHAP. LXII.—*An Act to transcribe certain Records of the County of Shasta.*

[Approved March 13, 1862.]

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

To transcribe
certain
records.

SECTION 1. The County Recorder of Shasta County is hereby authorized and required 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, such books of record in his office as the Board of Supervisors of said county may order and direct. He shall also make indexes to the same, as required by section fourteen of the Act concerning county records, passed March twenty-sixth, eighteen hundred and fifty-one.

Copies to
be legal
evidence.

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.

Payment of
Recorder.

SEC. 3. For services, under this Act, the Recorder shall receive pay out of the General Fund of County Treasury, at the rate of twenty cents per folio of one hundred words; and this shall be his only compensation for services under this Act.

SEC. 4. The original records shall be carefully preserved in the office of said Recorder.

CHAP. LXIII.—*An Act to provide for the transcribing of the Records of Surveys in Sonoma County.*

[Approved March 13, 1862.]

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

SECTION 1. The Board of Supervisors of Sonoma County is hereby authorized to contract for the transcribing and indexing of the old records of surveys of Sonoma County, entered previous to the first day of January, A. D. eighteen hundred and sixty-two; *provided*, they shall not allow more than ten cents per folio for the writing; and for copying the maps, the same compensation as allowed to County Recorder for similar services. Records to be transcribed.

SEC. 2. After the completion of the services authorized by this Act, to the satisfaction of the Board of Supervisors, the transcript shall have the same legal effect as the original records; and the Board of Supervisors shall draw their order on the County Treasurer for the sum allowed the contractor, and the County Treasurer shall pay the same out of any moneys in the County General Fund not otherwise appropriated. Legality of records.
Payment.

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

CHAP. LXIV.—*An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one.*

[Approved March 13, 1862.]

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

SECTION 1. Section three hundred and seventy-six of said Act is hereby amended so as to read as follows :

Section 376. Upon a trial for having, with an intent to cheat or defraud another, designedly, by any false pretence obtained the signature of any person to a written instrument, or having obtained from any person any money, personal property, or valuable thing, the defendant cannot be convicted if the false pretence be expressed in language, and unaccompanied by a false token or writing, unless the pretence, or some note or memorandum thereof, be in writing, subscribed by, or in the handwriting of the defendant, or unless the pretence be proven by the testimony of two witnesses, or that of one witness and corroborating circumstances. Section 376 amended.

CHAP. LXV.—*An Act relating to the Interest Tax of Siskiyou County.*

[Approved March 13, 1862.]

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

Acts amended.

SECTION 1. Section eight of an Act entitled an Act to fund the Debt of Siskiyou County, approved April twenty-ninth, one thousand eight hundred and fifty-seven, and the several Acts amendatory thereof and supplemental thereto, approved February twenty-second, eighteen hundred and fifty-eight, approved February twenty-third, eighteen hundred and sixty, shall be amended so to read as follows:

Interest tax

Section 8. In addition to the ordinary taxes for county purposes, there shall be, for the year one thousand eight hundred and sixty-two, and annually thereafter, until the principal and interest of said bonds 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 one dollar and twenty cents on each one hundred dollars of taxable property in said county, 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 surplus shall be turned over and paid into the Sinking Fund herein provided for.

Proviso.

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

CHAP. LXVI.—*An Act for the payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Humboldt, in this State.*

[Approved March 13, 1862.]

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

Appropriation.

SECTION 1. The sum of sixteen thousand three hundred and eighty-two dollars and sixty cents is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the payment of the indebtedness incurred by the expedition of the mounted volunteers, called into service by order of the Governor of this State, against the Indians in Humboldt County, in the year A. D. one thousand eight hundred and sixty-one.

Duty of Controller.

SEC. 2. The Controller shall draw his warrants upon the Treasurer, in favor of such persons, and for such amounts as have been audited and allowed by the Board of Military Auditors of this State, incurred by the said expedition.

SEC. 3. This Act shall be exempt from the provisions of the Act entitled 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 twenty-first, one thousand eight hundred and fifty-eight. Exemption clause.

CHAP. LXVII.—*An Act to amend an Act entitled an Act to incorporate the Town of Eureka, approved April ninth, eighteen hundred and fifty-nine.*

[Approved March 13, 1862.]

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

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

Section 16. The Marshal shall possess and exercise, as to all offenses and misdemeanors committed within the corporate limits, the like powers and duties as are by law conferred on 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 be the Collector of taxes, assessments, licenses, and fines, levied or imposed by the Board of Trustees, and shall collect the same in such manner as may be prescribed by the Board of Trustees, by ordinance passed for that purpose; and for the purpose of collecting taxes and assessments upon real or personal estate, said Marshal shall have all the powers which may be conferred upon him by said ordinance; *provided*, all sales of property for taxes shall be at public auction, within the town; and in case of real estate, notice of such sale shall first be given, as in cases of sale of real estate under execution; and all real estate sold for taxes in said town shall be subject to redemption, in like manner, and upon like terms and conditions, as in case of sale of real estate under execution in civil cases. The Marshal shall, upon the first Saturday of each 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 Saturday of June, September, December, and March, in each year, a full and correct statement of all moneys received and paid in by him, in his official capacity, during the three months next preceding such report. He shall also perform such other duties as the Board of Trustees may prescribe. He may appoint a Deputy, for whose acts, as such, he shall be responsible on his official bond. Power and duties of Marshal.

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

CHAP. LXVIII.—*An Act to transfer certain Funds.*

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

Amount transferred.

SECTION 1. The Controller of the State is hereby authorized and required to order the Treasurer of State to transfer one hundred thousand dollars of the money known as the Swamp Land Fund, into the General Fund, the same to be used and applied by the said Treasurer of State solely for the payment of warrants drawn upon the same by the Controller of State, for mileage, per diem, and salaries of the members and attachés of the Senate and Assembly, and present State Printer; *provided*, the sum of three thousand dollars of said one hundred thousand dollars shall be placed to the credit of the Contingent Fund of the Assembly; and the sum of three thousand dollars shall be placed to the credit of the Contingent Fund of the Senate; and the sum of three thousand one hundred and twenty-five dollars of said one hundred thousand dollars shall be set apart to meet the appropriation for postage, made January twenty-first, eighteen hundred and sixty-two.

Proviso.

To be repaid

SEC. 2. The Controller of State is hereby authorized and required to repay the said Swamp Land Fund, the one hundred thousand dollars drawn from it by this Act, out of the first money received into the General Fund of the State, on or after the second Monday in August, one thousand eight hundred and sixty-two; *provided*, that so much of the Act of May seventeenth, eighteen hundred and sixty-one, entitled an Act to provide Revenue for the Support of the Government of this State, or any other Act as authorized the Controller and Treasurer to anticipate by draft or order the settlement of any County Treasurer, or to draw any State money out of any County Treasurer's possession, is hereby suspended until the first Monday of August, eighteen hundred and sixty-two.

Proviso.

SEC. 3. This Act shall take effect and be in force from and after its passage, and all other Acts, or parts of Acts, in conflict with this Act, are hereby repealed, in so far as they conflict with this Act.

This bill was returned to the Senate on the eleventh day of March, eighteen hundred and sixty-two, without the approval of the Governor, and passed by a constitutional majority of votes of the Senate, and on the same day was sent to the Assembly, and by a constitutional majority of votes passed that body, notwithstanding the objections of the Governor.

GEORGE BARSTOW,

Speaker of the Assembly.

J. McM. SLAFTER,

President pro tem. of the Senate.

Attest: THOMAS HILL,
Secretary of the Senate.
JOHN SEDGWICK,
Clerk of the Assembly.

CHAP. LXIX.—*An Act to amend an Act to provide Revenue for the Support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and of an Act amendatory of and supplementary to said Act, approved April nineteenth, eighteen hundred and fifty-nine.*

[Approved March 18, 1862.]

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

SECTION 1. Section two of said Act, approved April nineteenth, eighteen hundred and fifty-nine, and section three of the Act, approved April twenty-ninth, A. D. eighteen hundred and fifty-seven, to which it is amendatory, are hereby amended so as to read as follows: Between the first Monday in February and the second Monday in March, in each year, every person, corporation, association, company, or firm, owning, claiming, or having any interest in, or having the possession, charge, or control, of any real estate, or any personal property, situate or being within the county, shall deliver to the City and County Assessor, at his office or place of residence, a statement, under oath, of all the real estate or personal property within the county, owned or claimed by such person, firm, corporation, association, or company, or which is in the possession, or under the control of such person, firm, corporation, association, or company, or which is in the possession of, or held, or controlled, by any other person, in trust for, or for the benefit of such person, firm, corporation, association, or company. Said statement shall contain a description of the real estate owned or claimed by such person, corporation, association, or firm, or in which said person, corporation, association, or firm, has, or claims to have, any interest, or which is under the possession, charge, or control, of such person, corporation, association, or firm, or which is held, or controlled, in trust or otherwise, by any other person for them, or either of them, the cash value of all personal property, and a description thereof, under the following classification and definition:

First—All household and kitchen furniture, all law, medical, and miscellaneous libraries. Classification.

Second—All stocks of goods on hand, all goods, wares, merchandise, and chattels of every description.

Third—All money on hand, or on deposit in bank, or banks, or with individuals; and all gold dust.

Fourth—All money at interest, or loaned, whether secured by pledge, mortgage, or otherwise; all solvent debts, exceeding what may be due from such person, corporation, association, or firm.

Fifth—All horses, mules, oxen, cows, calves, beef cattle, hogs, sheep, goats, jacks and jennets, and cattle of every description; wagons, carriages, and all other vehicles, whether for use, pleasure, or hire.

Sixth—All machines, or machinery, and all works and implements not fixed to the soil, and not included in the term "real estate," as defined by this Act.

Classification.

Seventh—All storeships and hulks, all steamers, vessels and water craft, of every kind and name, either owned in whole or in part by a resident or residents of this State, or registered in this State, or navigating the waters of any river or bay within this State, giving the name and value, separately, of each of such storeships, hulks, steamers, vessels, and water craft.

Eighth—The capital stock of all corporations, companies, associations, firms, or individuals, doing business, or having an office in this State.

Ninth—All other property not real estate which is not otherwise taxed.

Form of statement.

Every such statement shall be signed and verified by the person making such statement, or by his agent, or by some member of the association, company, or firm, making such statement, or by the President, or other head, Cashier, Secretary, or Managing Agent of the corporation making such statement. In all cases where such statement is made and sworn to, the oath of the person making such statement shall state, in substance, that the person, corporation, association, company, or firm, making the statement, or in whose behalf such statement is made, has no property, of any kind or nature, situate, or being within said county, other than the property included in such statement; that such person, corporation, association, company, or firm, has not the possession, charge, or control of, or any interest in any property, whether real, personal, or mixed, situate, lying, or being within such county, other than the property mentioned and described in such statement; that said statement is a full, true, correct and complete statement of all of the different kinds of property owned or claimed by such person, corporation, association, firm, or company, situate, lying, or being within said county, or owing to, or in the possession, charge, or control, of such association, corporation, firm, or company; that the value of such property, and of each and every kind thereof, given in said statement, is true, and in case of all debts, or money due, whether secured by mortgage or otherwise, that the said creditor has not been prepaid the taxes to be assessed thereon, and that there does not exist any promise, agreement, pretence, or device, by which said creditor has been or is to be reimbursed for any taxes so to be assessed upon such money or debts due, to the knowledge of the person making such oath. Said oath may be administered by the Assessor, or any Deputy Assessor, of the proper county, or by any Notary Public, District Judge, or Clerk of a Court having a seal. If the Assessor is satisfied that said statement is in any respect inaccurate or incorrect, he may make such further examination of the affiant, the party assessed, and any other person, as said Assessor shall think proper, and if, after such further examination, he shall still consider such statement incorrect, he may assess such person, corporation, association, firm, or company, such amount for personal property, as he shall deem just and proper, notwithstanding such statement.

Between the second Monday in March and the first Monday in August, in each year, the City and County Assessor shall ascertain, by diligent inquiry and examination, the names of all persons, corporations, associations, companies, or firms, owning,

claiming, or having the possession, charge, or control, of any real estate or personal property, situate or being within the county, and the full cash value of all such real estate and personal property, and he shall list or assess all such real estate and personal property to the person, firm, corporation, association, or company, owning it, or having the possession, charge, or control, of it, if known to him. In all cases where such person, firm, association, company, or corporation, has neglected or failed, from any cause, to give to the Assessor the statement, under oath, in the time and manner provided for in this section, it shall be the duty of the Assessor to make an approximate estimate of the value of the personal property, situate, lying, or being within the county, owned or claimed by such person, firm, association, company, or corporation, or in the possession, charge, or control of such person, firm, association, company, or corporation, taking care that the revenue of the State shall not be diminished in consequence of any neglect or failure to give a statement, under oath; which assessments or estimates of the Assessor shall be final and conclusive, unless altered by the Board of Equalization. It shall also be the duty of the Assessor to make an approximate estimate of the value of all real estate lying or being within the county, whether the same be included in any statement, under oath, made according to the provisions of this section, or not, and the estimate so made by the Assessor shall be final and conclusive in regard to all real estate and improvements on public lands, unless such estimate is altered by the Board of Equalization; *provided*, all real estate and personal property shall be assessed to a person, firm, corporation, association, or company, as herein provided, if any owner or claimant shall be known to the Assessor, and to all owners and claimants of any interest, present or future, therein, or any lien upon the same, and no error in regard to such owner or claimant shall in anywise affect the validity of such assessment; *provided*, that the time in which such statement shall be made is hereby extended for the current year A. D. eighteen hundred and sixty-two, to the third Monday of March, and all statements made before the passage of this Act, if the Assessor shall be satisfied that the same are incorrect, shall be disregarded by said Assessor, who shall notify the affiant making such statement, thereof, and if said person shall neglect to make another statement, said Assessor shall proceed as is provided in this Act for want of a statement.

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

SEC. 3. This Act shall apply only to the City and County of San Francisco.

CHAP. LXX.—*An Act amendatory of 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 March 21, 1862.]

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

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

Tax to be levied.

Section 13. In the year A. D. one thousand eight hundred and sixty-four, there shall commence to be levied, annually, by the Board of Supervisors of said county, at the time and in the manner that other State and county taxes are levied, in addition to all other legal taxes, ten per cent. upon the whole aggregate amount outstanding of the debt of said county funded under this Act, to be styled a "Sinking Fund Tax," for the purpose of raising a Special Sinking Fund for the payment of the principal of the debt funded under this Act, and which last named tax shall be collected and enforced by the Tax Collector of said county in like manner as the general tax for State and county purposes, and be by him paid over to the County Treasurer, who shall set the same apart as such Special Sinking Fund, to be used for no other purpose than as herein provided. Whenever, at any time, there shall be in said Sinking Fund a sum of money amounting to three thousand dollars, or upward, the County Treasurer shall advertise in a public newspaper, published in said county, and also a newspaper published in the City of New York, for the space of two weeks, for sealed proposals for the redemption of said bonds; and six weeks from the time of the expiration of such publication, the Treasurer shall open the sealed proposals in the presence of the County Auditor and the Chairman of the Board of Supervisors of said county, and shall pay and liquidate, as far as the Sinking Fund then on hand will extend, such bonds, presented under said proposals, as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, that should there be no proposals made for less than par value, then the payment shall be made pro rata on all bonds; and, *provided*, that whenever there may be sufficient moneys in such Sinking Fund for the extinguishment of the debt of said county, funded under this Act, it shall be the duty of the Treasurer to advertise in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw any interest. Any moneys remaining in said Sinking Fund, after the redemption of said bonds, shall be paid into the General Fund of the county.

Redemption of bonds.

Proviso.
Same.

Same.

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

CHAP. LXXI.—*An Act to amend an Act entitled an Act to fix the Terms of the County Court, and Court of Sessions, of the County of El Dorado, approved April twelfth, eighteen hundred and fifty-nine.*

[Approved March 21, 1862.]

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 1. The regular terms of the County Court, in and for the County of El Dorado, shall be held at the county seat of said county, on the fourth Monday of January, May, and September, in each year. The regular terms of the Court of Sessions, 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 shall continue until the commencement of the next term, unless all the business of the Court be sooner disposed of. Terms.

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

CHAP. LXXII.—*An Act amendatory of an Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe two hundred thousand dollars to the capital stock of a Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April twenty-eighth, one thousand eight hundred and fifty-seven.*

[Approved March 21, 1862.]

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 to read as follows :

Section 8. It shall be the duty of the Board of Supervisors of said County of Yuba, annually, to levy a tax, to be styled an Interest Tax, sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder; and in the year A. D. eighteen hundred and sixty-four, there shall commence to be levied, annually, by the said Board of Supervisors of Yuba County, a tax of not less than ten per cent. of the whole amount of said bonds issued under this Act, and outstanding at the date of such levy, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a Loan Fund. The said taxes shall be levied and collected in the same manner as the general taxes for county purposes; and when collected shall be paid in to the County Treasurer, to be applied: first, the Interest Tax to the payment of the interest Tax.
Application
of taxes.

falling due on said bonds; second, the Loan Fund to the redemption of said bonds, as hereinafter provided.

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

CHAP. LXXIII.—*An Act to provide for the Collection of Delinquent Taxes in the City of San José.*

[Approved March 21, 1862.]

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

Levy and
assessment
legalized.

SECTION 1. The levy and assessment of taxes upon all taxable property in the City of San José, for city purposes, for the fiscal year ending on the second Monday in April, one thousand eight hundred and sixty, and for the fiscal year ending on the second Monday in April, one thousand eight hundred and sixty-one, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, upon the persons and property assessed.

Collection
of taxes.

SEC. 2. The Common Council of said city may, from time to time, by ordinance, provide for the collection, by civil action or otherwise, of all taxes levied or assessed by them, or under their authority, for city purposes, that have or may hereafter become delinquent; and in case such taxes be collected by civil action, the Courts of Justice shall have the same jurisdiction, and the summons and other process of said Courts shall be issued, served, and returned, in the same manner as is or may be provided by law in case of the collection of delinquent taxes levied for State purposes; and all sales and conveyances of property made and executed for the non-payment of such delinquent taxes, shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State purposes.

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

CHAP. LXXIV.—*An Act to grant the right to construct a Bridge across the Pajaro River.*

[Approved March 21, 1862.]

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

Franchise.

SECTION 1. George W. Crane, and James P. Sargent, together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall incorporate themselves un-

der the general laws of the State regulating incorporations and providing for the incorporation of bridge companies, and shall adopt the name of The Malpaso Bridge Company, and shall abide by and fulfil the further conditions hereinafter mentioned.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain, a public toll bridge across the Pajaro River, at or near the place upon said river known as The Malpaso, and have and enjoy all the 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 years; *provided*, that within one year from the passage of this Act, the said company shall commence and complete the construction of said bridge, otherwise the right to construct the same shall be forfeited, and this Act shall 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 person or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition. After the expiration of five years from the completion of said bridge, the Counties of Santa Clara and Monterey shall have the right to purchase said bridge, with the franchises hereby granted, at an appraised value, to be determined by five Appraisers, two to be selected by the Bridge Company, one by the Supervisors of Santa Clara County, one by the Supervisors of Monterey County, and one to be selected by the four Appraisers hereinbefore provided for, and such value shall be estimated to be the value of said bridge, not including the franchises, or right of way; *provided*, further, that if the said bridge be purchased by the said counties, then the right to levy and collect toll shall cease.

SEC. 3. 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 Monterey County may fix annually; *provided*, that the rates of toll shall not be placed at less than sufficient to yield twenty per cent. per annum upon the value of said bridge.

SEC. 4. The said bridge company may regulate and determine the speed of travel, riding, or driving, upon said bridge, and may require the speed to be not faster than a walk, and for each violation may recover judgment, before any competent Court, for any damages by said company sustained by such travel, riding, or driving, exceeding the speed authorized by the company. 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.

SEC. 5. All laws, and parts of laws, in conflict with the provisions of this Act, are hereby repealed.

SEC. 6. This Act shall take effect from and after its passage.

Powers of company.

Conditions.

Counties may purchase.

Proviso.

Tolls.

May regulate speed of travel.

Bulletin board.

Repealing clause.

CHAP. LXXXV.—*An Act to fix the Salary of the County Judge of Solano County.*

[Approved March 21, 1862.]

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

Salary.

SECTION 1. From and after the first Monday in April, A. D. one thousand eight hundred and sixty-two, the County Judge of Solano County shall receive for his salary, annually, the sum of two thousand dollars, payable quarterly; and the County Auditor of said county is hereby authorized and required to draw his warrant, quarterly, on the County Treasurer, for the payment of said salary.

Repealing clause.

SEC. 2. This Act shall take effect and be in force from and after the first Monday in April, A. D. one thousand eight hundred and sixty-two, and all laws, and parts of laws, in conflict with the provisions hereof, are hereby repealed.

CHAP. LXXXVI.—*An Act to authorize the Rebinding of Books of the State Library.*

[Approved March 21, 1862.]

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

SECTION 1. The State Librarian, in connection with the Trustees of the State Library, are authorized to have rebound and repaired all such books injured by the late floods as in their opinion it may be for the public interest so to rebound and repair; and such of said books as may not be deemed worth repairing, they shall cause to be sold at public auction, the proceeds to be paid into the State Library Fund; *provided*, that no books shall be rebound or repaired, under this section, duplicates of which remain in the Library, or which may be duplicated from other States, or from the General Government, without expense.

SEC. 2. All expenses incurred in the repairing of said books shall be paid out of the State Library Fund, provided the same shall not exceed five hundred dollars.

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

CHAP. LXXVII.—*An Act to provide for the Construction of a Wagon Road from Tulare Valley to the Valley of Owens' Lake, in Tulare County.*

[Approved March 21, 1862.]

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

SECTION 1. John Jordan, J. B. Hockett, Peter Dean, Joseph Franchise. II. Thomas, D. R. Douglass, A. O. Thomas, S. C. Brown, J. L. Wells, J. G. Parker, J. D. Keener, H. W. Briggs, W. N. Steuben, H. A. Bostwick, Homer L. Mathews, S. Sweet, D. G. Overall, H. C. Townsend, Steel Cady, A. J. Atwill, G. W. Warner, Martin Baker, G. M. Gerrish, William F. Jordan, and O. K. Smith, their associates and assigns, are hereby authorized to construct and keep in repair, a good wagon road, commencing at a point on the east side of Tulare Valley, between Deer Creek and Kings River, and running thence across the Sierra Nevada Mountains, to a point between the north end of Owens' Lake and the north end of Little Owen Lake, and said grantees, their associates and assigns, shall be authorized to collect tolls Tolls. on said road for the term of twenty years, from and after its completion, which shall be within three years from the passage of this Act.

SEC. 2. Upon the completion of said road, said company Toll gates. shall report to the Board of Supervisors of Tulare County, the number and location of gates erected thereon, and the amount of money expended in the location and construction of said road, verified by the oath of their Secretary or Treasurer, and thereupon said Board of Supervisors shall, from time to time, establish the rates of toll to be collected upon said road, and they may establish different rates of toll for different portions Rates of toll of the year; *provided*, such rates shall not be so reduced as to produce an income of less than twenty per cent. per annum Proviso. upon the cost of constructing said road, over and above the expenses of collection and keeping said road in repair; and the said Board of Supervisors shall have power to examine the books and papers of said company, and take testimony as in civil actions, for the purpose of ascertaining the cost of constructing and keeping said road in repair.

SEC. 3. Said company shall have the right of way over and along the route of said road, and, after the survey and location thereof, no other toll road shall be constructed within two miles on either side thereof, unless authorized by a special Act of the Legislature, and said company shall have all the right to enter upon and occupy private lands necessary to the location of said road, and to take and use any timber, rock, earth, or other material, necessary to the construction thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one. Right of way, &c.

SEC. 4. It shall be lawful for said company to throw open their road for such period as they may deem proper, by giving Company may open road.

one week's notice, by publication in a newspaper published in said county, of the date of such opening, and during the time that said road remains so opened said company shall not be required to keep their road in repair, shall not be liable for damages accruing in consequence of defects therein, and shall collect no tolls thereon.

Tulare
County may
purchase.

SEC. 5. At any time after the expiration of five years from the completion of said road, said road company shall sell, transfer, and convey, the said road, to the County of Tulare, upon the payment to said road company of the original cost of constructing said road.

Act made
applicable.

SEC. 6. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, is hereby made applicable to said company, except so far as it may conflict with the provisions of this Act.

SEC. 7. This Act to take effect from and after its passage.

CHAP. LXXXVIII.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of Thirteen Hundred Dollars to Volunteer Engine Company, Number Seven, of said city and county.*

[Approved March 21, 1862.]

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

Amount.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and required to allow, and order paid, out of the General Fund, a sum of thirteen hundred dollars, for the purpose of completing the additional story which the members of Volunteer Engine Company, Number Seven, were permitted to add, by said Board, to their engine house.

To be audit-
ed and paid.

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, said sum of thirteen hundred dollars, out of the General Fund of said city and county.

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

СІТАР. LXXIX.—*An Act for the Relief of the Indigent Sick, and to confer Further Powers upon the Board of Supervisors, of the City and County of San Francisco.*

[Approved March 21, 1862.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to appropriate, out of the General Fund in the Treasury of said city and county, over and above any sum which they may be authorized by law to appropriate for the general relief of the indigent sick of said city and county, an amount not exceeding the sum of twelve thousand dollars, for the purpose of maintaining the Hospital and Pest House in said city and county, and making such improvements on and about the same as they may deem necessary. Amount limited.

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

СІТАР. LXXX.—*An Act making the office of County Treasurer of Trinity County a salaried office.*

[Approved March 21, 1862.]

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 April, A. D. eighteen hundred and sixty-two, the County Treasurer of the County of Trinity shall receive, for his services, in lieu of the fees or perquisites now or hereafter allowed said officer by law, the salary or annual sum of one thousand five hundred dollars, to be paid quarterly, in instalments of three hundred and seventy-five dollars each, from the County Treasury, in the manner hereinafter directed. Salary.

SEC. 2. The County Treasurer aforesaid shall collect all per centage and perquisites, or fees, now or which may hereafter be allowed by law for the compensation of County Treasurers, and shall keep an accurate account of the same, as provided in this Act, place the same to the credit of a fund, to be designated and known as the "County Treasurer's Salary Fund," and shall settle for and account for the same, under oath, to and before the Board of Supervisors of said county, at each and every regular quarterly session thereof, and shall pay the same out on all warrants drawn in favor of the said County Treasurer for his salary. Duty of Treasurer.

SEC. 3. The County Treasurer shall procure a suitable book, with index, which shall be known as the "Treasurer's Salary Fund Book." He shall enter in said book a full and accurate account of all fees, perquisites, and per centage, belonging to Same.

the County Treasurer's Salary Fund. He shall keep said book in such a manner as will show the amount of fees, or perquisites, received from time to time, in each case, and by whom paid; and when any per centage shall be received, which, under the provisions of this Act, may belong to the County Treasurer's Salary Fund, such per centage shall be entered upon said book in a manner that will show from what fund, or moneys, and the amount thereof, such per centage was derived, together with the rate per cent. charged thereon. The Treasurer's Salary Fund Book shall, at all times, during office hours, be open to the inspection and examination of any citizen of said county.

Duties of
Board of
Supervisors

SEC. 4. It is hereby made the duty of the said Board of Supervisors, at each of their regular quarterly sessions, to cause to be issued to the County Treasurer, a warrant, or warrants, upon the said "County Treasurer's Salary Fund," for such an amount, not exceeding the said quarterly instalment of three hundred and seventy-five dollars, as may be and appear upon the books of said County Treasurer to the credit of said fund, at each of the aforesaid regular quarterly sessions of the Board; and if, at any regular sessions of the Board, the amount appearing to the credit of said Salary Fund should be insufficient to liquidate the whole quarterly instalment of three hundred and seventy-five dollars, then the Board shall, at the same time, cause to be issued to the Treasurer aforesaid, an additional warrant, or warrants, upon the General Fund of the county, for such residue or deficiency, which said additional, or latter, warrants, shall be paid from the General Fund of the county, in the same order, and with like interest thereon, from the date of presentation, as other county indebtedness is now, or may hereafter be, directed to be paid.

Treasurer to
receive fees
from the
State.

SEC. 5. Nothing in this Act is intended, nor shall the same, in any manner, be construed to repeal, or interfere, with the fees for mileage and per centage allowed by law to said County Treasurer, for travelling to the State Capital and settling with the Controller and Treasurer of State for State funds by him received; but said Treasurer, in addition to the salary hereby fixed and allowed, shall receive, to his own use, all mileage and per centage fees which now, or hereafter, may be allowed by law to the County Treasurers, for travel, and making such settlements.

Surplus to be
transferred.

SEC. 6. At the May term of the Board of Supervisors of said county, in the year eighteen hundred and sixty-three, and at the May term of said Board every year thereafter, if it shall appear, after settlement with the Treasurer, and payment of his quarterly salary then due, that there is still money remaining in the County Treasurer's Salary Fund, the Board of Supervisors shall transfer said money to the County General Fund.

CHAP. LXXXI.—*An Act concerning Roads and Highways in the Counties of Siskiyou, Klamath, and Del Norte.*

[Approved March 21, 1862.]

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

SECTION 1. Each township in the Counties of Siskiyou, Klamath, and Del Norte, shall constitute one Road District, and every such Road District shall have one Road Overseer; *provided*, that in the Counties of Klamath and Del Norte, said Overseer may appoint two Deputies, for whose conduct he shall be responsible.

SEC. 2. The Road Overseers for the year eighteen hundred and sixty-two, shall be appointed by the Board of Supervisors of the county, at their first meeting after the passage of this Act. But the Road Overseers for the year one thousand eight hundred and sixty-three, shall be elected by the legally qualified electors of the respective townships, at the general election for the year one thousand eight hundred and sixty-two, and at the general election of every succeeding year, the legally qualified voters of each township shall elect a person to serve as Road Overseer in that District for the ensuing year. The persons who shall, in pursuance of this Act, be appointed Road Overseers by the Board of Supervisors, shall serve in that capacity till after the ensuing general election, and till their successors are elected and qualified. And persons elected Road Overseers at the general election of the year one thousand eight hundred and sixty-two, and persons elected to that office at the general election of each succeeding year thereafter, shall qualify and take their office on the first Monday of November subsequent to their election, and shall hold the same for the period of one year, and till their successors shall be elected and qualified. And the Board of Supervisors shall have power, and it shall be their duty, to fill, by appointment, any vacancy that may occur in the office of Road Overseer in any Road District of the county; *provided*, that in years when the general election takes place after the first Monday in November, the Overseers shall qualify and take their office on the second Monday after their election.

SEC. 3. Any person appointed or elected Road Overseer, before entering on the duties of his office, shall take and subscribe the usual oath of office, and shall execute a bond to The People of the State of California, with two or more sufficient sureties, in a sum double the probable amount of road moneys that will come into his hands, to be fixed on by the Board of Supervisors, which said bond shall be approved by the Board of Supervisors, and shall be conditioned on the faithful performance of the duties of the office, and the payment into the County Treasury of such moneys as he shall be required to do by the provisions of this Act.

SEC. 4. All able-bodied male persons, between the ages of twenty-one and sixty years, shall be bound and liable to perform, each year, on the roads and highways of their respective Districts, two days labor; and any person so liable, and failing

or refusing to perform the labor, shall pay the sum of four dollars, for the use and benefit of the Road Fund of the District where such labor was due. And the Board of Supervisors shall have power to levy a property tax, of not less than five nor more than sixty cents, on each one hundred dollars' value of taxable property in the county, for road purposes. The property tax for road purposes shall be assessed by the County Assessor, and collected and paid into the County Treasury by the County Collector, at the same time and in the same manner as other county and State taxes; *provided*, that when any person shall perform more than two days labor on the highways in any one year, as required by this Act, the Overseer of the District in which such labor shall be performed, shall receipt to such person for the extra amount of labor so performed; and said receipt shall be good and receivable for road dues for the year next ensuing.

Road prop-
erty tax.

Proviso.

Duty of
Collector.

Road Funds.

SEC. 5. It shall be the duty of the Collector to keep a separate account of the road tax collected in each Road District, and of the Treasurer to keep the moneys so collected in the several Districts, in separate funds. These funds, of the several Road Districts, shall be under the control of the Board of Supervisors, who may disburse the same for the construction of bridges, the opening or improvement of roads of general interest and value to the county, or may, in their discretion, transfer them to the Road Overseers, to be expended by them in the improvement of the roads—each fund in the District where it was collected. The Board of Supervisors shall draw money from the Road Funds by drawing their order on the Treasurer, and said orders shall specify the fund from which they are to be paid.

Duties of
Overseers.

SEC. 6. The Road Overseers shall warn and require all persons in their respective Districts, who by this Act are liable to road duty, to perform two days labor on the roads and highways of the District, and they shall notify such persons of the time when, and the place where, such service will be required, and shall superintend and direct their labor; and the Overseers shall cause all the roads and highways of their respective Districts to be kept clear of obstructions, and in good repair—shall cause banks to be graded, bridges and causeways to be made, and the same to be kept in condition for the accommodation of travel, and shall cause guide-boards to be erected at the intersection of roads, where the convenience of the travelling public may require the same, and shall have full power to contract for labor and materials necessary and proper for accomplishing these objects.

Collection of
road taxes.

SEC. 7. To enforce the collection of the road tax due from any person who, on the requirement of the Overseer, shall have neglected, failed, or refused, to do two days labor on the highways, the Overseer may seize so much of any and every species of property, right, possession, or claim whatever, belonging to such person so liable and refusing or neglecting to pay such road tax, or in the possession of, or due, from any other person, and belonging to such person so refusing or neglecting to pay such road tax, as will be sufficient to pay the same and costs of seizure, and may sell the same, at any time and place, on giving verbal notice one hour previous to such sale; and any person

indebted to another, liable to road tax, who shall neglect or refuse to pay the same, shall be liable for the tax of such other person, after service on him, by the Overseer, of a notice, stating the name of the person so liable and owing road tax, and may deduct the amount thereof from such indebtedness. The Overseer, after deducting the tax for which such property was sold, and the necessary fees and costs of sale, shall return the surplus, if any, to the owner of the property. A delivery of the possession of the property, by the Overseer, to any purchaser, at any such sale, shall be a sufficient title in the purchaser, without the execution of a deed therefor by the Overseer.

SEC. 8. The Board of Supervisors shall cause proper blank receipts for road taxes, to be printed, and shall require the Clerk of the Board to sign a number equal to the probable number of persons in the county liable to do work on the roads, and to issue the same to the Overseers, of the Road Districts of the county; and the Clerk of the Board shall charge to the Overseers, in a book kept for the purpose, the receipts which he shall deliver to them respectively; and when any person shall perform two days labor on the highways, or, in lieu thereof, shall pay the sum of four dollars, the Road Overseer of the District shall deliver him a road tax receipt, with the blanks properly filled.

SEC. 9. On the first Monday of November, of each year, the Road Overseers shall file their accounts, duly verified, with the Clerk of the Board of Supervisors, for settlement; said accounts shall contain a list of the names of all persons in the respective Districts liable to perform service on the roads, the names of the persons who have performed such service, and of those who, in lieu thereof, have paid the sum of four dollars in cash. They shall also contain a statement of the sums of money paid out, and to whom; and each Overseer shall state in his account the number of days he has spent in the discharge of the duties of his office; and all moneys still remaining in his hands, after deducting his per diem, he shall pay into the County Treasury, and take the receipt of the Treasurer for the same; and he shall file, together with his accounts, all receipts which he may have received from the Treasurer for moneys paid into the Treasury, and also, all road tax receipts which remain in his hands unsold. And the Board of Supervisors shall examine the accounts of the Road Overseers, and finding them to be correct, and that the persons who have paid road taxes, together with the tax receipts returned, are equal to the whole number of receipts issued to them respectively, shall order the Clerk of the Board to balance their accounts.

SEC. 10. When any Road Overseer shall pay any money into the County Treasury, it shall be the duty of the Treasurer to place it in the fund of the District of which the person so paying is Overseer; and the Treasurer shall pay money out of the Road Funds on orders drawn by the Board of Supervisors.

SEC. 11. Road Overseers shall receive pay for their services on the roads at the rate of four dollars per day, and for collecting the road tax from persons who refuse or fail to work on the roads, the same per centage that Assessors receive for collecting poll tax. And the Board of Supervisors may draw their order

on the Treasurer in favor of any Overseer who may have a balance due him on settlement, for the amount of such balance, payable out of the fund of the District of which such person is Overseer. Any Overseer, failing, refusing, or neglecting, to perform any of the duties proscribed by this Act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, before any Justice of the Peace in the county, shall be fined in any sum not exceeding two hundred dollars, for which fine his official bond shall be liable, and, when collected, shall be paid into the County Treasury, and placed in the Road Fund of his District.

Misdemeanor.

Penalty.

Acts repealed.

SEC. 12. All Acts, and parts of Acts, in conflict with this Act, and particularly sections eight, nine, ten, eleven, twelve, and thirteen, of an Act entitled an Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou, approved February twenty-second, eighteen hundred and sixty, so far as the same relates to the County of Siskiyou, are hereby repealed. This Act shall be in force from and after its passage.

CHAP. LXXXVII.—*An Act to provide for holding an Election in the City of Sacramento.*

[Approved March 22, 1862.]

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

Election.

SECTION 1. There shall be an election held in the City of Sacramento, on Thursday, March twenty-seventh, eighteen hundred and sixty-two, for the purpose of adopting or rejecting certain propositions for the government of said city. The ballots at such election shall be, "For the Citizens' Committee Charter Bill," or "For the Senate Charter Bill," and no ballot shall be counted unless it expresses, in clear and unmistakable terms, one or the other of said propositions; and the returns of said election shall be canvassed by the Auditor, who shall certify the result to the delegation from Sacramento County in the Legislature. The Mayor shall, as soon as this Act passes, give notice of the time and places of holding said election, by publication in all the daily newspapers of said city, and shall also cause to be published in the same, a copy of each of the above propositions, until the day of election.

Returns.

Notice.

Where to be held.

SEC. 2. The election herein provided for shall be held at the places of holding the last general election, and under the Judges and Inspectors of said election, or, if they are absent at the opening of the polls, then by Judges and Inspectors elected by the electors present. Said election, in every respect, shall be governed by the General Election Law, and any false voting, or other violation of the provisions of the General Election Law, at said election, shall be punished as is in said law provided.

SEC. 3. This Act shall take effect immediately.

CHAP. LXXXIII.—*An Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court.*

[Approved March 20, 1862.]

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

SECTION 1. The Supreme Court of this State is hereby authorized to admit William M. Pierson to practise as Attorney and Counsellor at Law in all the Courts of this State, the same as if he were of legal age.

CHAP. LXXXIV.—*An Act to authorize the Governor of this State to convey certain Lands.*

[Approved March 22, 1862.]

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

SECTION 1. All that tract of land, situated in the county of Santa Clara, and lying within the Town of Alviso, in the State of California, bounded and described as follows, to wit: Beginning at a point on the southwestern bank of Steamboat slough, one hundred and sixteen and six hundredths chains south, and twenty chains west, from the points where section thirty-three and thirty-four of Township Five south, of Range One west, and sections three and four of Township Six south, of Range One west, corner, and running thence south to the northeastern or right bank of the Guadalupe River, thence down the said bank of the said river to a canal connecting said river with an arm of said slough, thence along the said canal to the said arm of said slough, thence down the northeastern bank of said arm of said slough to the junction thereof with said Steamboat slough, thence up the southwestern bank of said slough to the place of beginning, containing sixty acres, more or less, is hereby granted unto Albanus B. Rowley and Robert Hutchinson, as Trustees of the Town of Alviso, to have and to hold the same, unto them, and the survivor of them, for the use and upon the trusts in this Act expressed. Boundaries.
To whom granted.

SEC. 2. The Governor of this State is hereby authorized and directed to execute and deliver to the above named Rowley and Hutchinson a patent for the said tract of land, upon their filing with the County Auditor of said county the receipt of the County Treasurer of said county, for the sum of sixty dollars, paid by them into the Swamp Land Fund, as the purchase money for the said tract of land, and filing a duplicate thereof with the said Governor, and upon their filing with the said Governor and Surveyor-General of this State copies of the plot and field notes of said land, made out by the County Surveyor of said county; and the said tract of land shall not be subject to entry, or pur- Governor to execute deed.

chase at private sale, as swamp and overflowed land, or marsh and tide land, as in this Act prescribed.

Duties of grantees.

SEC. 3. The said Rowley and Hutchinson, and the survivor of them, shall forthwith grant, bargain, sell, and convey, the lot, or part of the lot, according to the plot of said Town of Alviso, which is included within the boundaries of the aforesaid tract of land, to the person having, holding, or claiming, the same, by himself or his tenant, under title, or claim of title, derived from, under, or through, the grantee of the rancho "Rincon de los Esteros," upon such persons paying to said Trustees, said Rowley and Hutchinson, or the survivor of them, the sum of six dollars, for the expenses of the execution of each conveyance, and the further sum at the rate of twenty dollars per lot for the purchase money thereof.

Conditions.

SEC. 4. The grant hereby made, and the patent herein directed to be executed, shall enure to the benefit of the said Rowley and Hutchinson, respectively, in relation to any lot, or part or portion of a lot, mentioned in the preceding section, held or claimed by either of them, under or through the title derived from, under, or through, the grantee of the Rancho Rincon de los Esteros, in the same manner and to all intents as fully as to the person to whom the said Trustees may execute and deliver the conveyance, as provided for in the preceding section. And the said Trustees shall account for the purchase money for the same, at the rate aforesaid, in the same manner as in case of conveyance to another person.

Sale of lots.

SEC. 5. The lots included within the said tract of land described in the first section of this Act, which shall not be conveyed, as provided for in the third and fourth sections of this Act, within six months from and after the passage of this Act, shall be sold and conveyed by said Trustees to the person or persons who shall apply therefor, upon his or their making payment therefor, as provided in the third section of this Act; but no person shall be entitled to purchase more than one of said lots, when another person who has not made a purchase of any of said lots shall apply therefor.

Condition.

SEC. 6. The streets and alleys of said town shall not be in any manner affected, changed, or vacated, by reason of anything in this Act contained, or the conveyances herein provided for.

Application of purchase money.

SEC. 7. The Trustees shall dispose of the purchase money, arising from the sales of the lots herein provided for, in the following manner:

First—They shall retain for their own use the sum of sixty dollars, for the amount paid by them to the County Treasurer of said county.

Second—They shall retain the amount necessarily expended by them in procuring the title to said tract of land, and in surveying the same, if they shall have the same surveyed.

Same.

Third—The remainder of the purchase money shall be paid by them to the Trustees of the school district which includes the Town of Alviso, for the support of common schools in said district. The said Rowley and Hutchinson, or the survivor of them, shall once each year render an account to the Trustees of said school district of the money received and paid out by

them, and shall, at the same time, pay over to the said Trustees the money herein provided to be paid to them.

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

CHAP. LXXXV.—*An Act to authorize James Craig, Guardian of the Infant Heirs of Michael Flanigan, deceased, to sell Property in Tuolumne County.*

[Approved March 22, 1862.]

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

SECTION 1. It shall be lawful for James Craig, Guardian of the infant heirs of Michael Flanigan, deceased, to sell all the estate, both real and personal, in the County of Tuolumne, California, at public or private sale, as may be most advantageous to said heirs. Sale of property.

SEC. 2. That in case of any sales under the authority of the Guardian, as above provided, he may execute to the vendee or vendees of said estate so sold, all necessary and sufficient conveyances and transfers therefor. Conveyances

SEC. 3. That in case of any sales as herein provided, the Probate Judge of Tuolumne County shall require the said Guardian to file his bond, with additional securities, for the faithful discharge of his duties as such Guardian under this Act. The securities on this 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. Bond and securities.

SEC. 4. The said Guardian shall make a full report of the sale or sales of said estate, to the Probate Court of Tuolumne County, within three weeks thereafter; and said Court, or the Judge thereof, shall confirm or reject said sale as in the judgment of said Court or Judge the interest of said heirs may require. And the Guardian shall make no conveyance or transfer of the estate sold under this Act, nor shall such sale become valid, unless the sale be first confirmed and approved by the Probate Judge. Report of sales.

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

CHAP. LXXXVI.—An Act to grant the right to construct a Bridge across the Mokelumne River, at a point known as Big Bar, in Calaveras County, and to construct and maintain a Road from Mokelumne Hill, in the County of Calaveras, to the Village of Butte, in the County of Amador, to Louis Soher and others.

[Approved March 24, 1862.]

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

Franchise. SECTION 1. Louis Soher, his associates, and their successors, and assigns, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon the conditions that he and his associates shall adopt the name of Louis Soher and Company, and shall abide by and fulfil the further conditions hereinafter mentioned.

Powers, rights, etc. SEC. 2. Said company, as aforesaid, shall have full power to build, erect, construct, and maintain, a public toll bridge, across the Mokelumne River, at the point known as Big Bar, at or near the point where the Big Bar bridge, owned by said Soher and Company, which has been carried away, formerly stood, from the bank of said river, in Calaveras County, to the bank thereof in Amador County, 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, and of collecting tolls, as provided for in section five of this Act, for crossing the same, which is hereby granted and ceded to said company for the term of twenty years; *provided*, that, at any time after the lapse of ten years from the completion of said bridge, the said Counties of Amador and Calaveras shall have the right to purchase and take possession of said bridge and of the roads provided for in section four of this Act, by paying to said company, their successors, or assigns, the value of the same, which value shall be ascertained by five Appraisers, two of whom shall be chosen by said company, one by the Board of Supervisors of Amador County, one by the Board of Supervisors of Calaveras County, and the other, by the four thus selected; and in case of failure on the part of said company to appoint such Appraisers within thirty days after notice to that effect has been given said company by said Boards of Supervisors, the two appointed by said Boards shall choose the third, and they three shall determine the value of said bridge and roads, and such appraisalment shall be binding.

Counties may purchase bridge and roads. Construction of bridge. SEC. 3. The said bridge shall be constructed on a good and approved plan, in a substantial manner, and of the most durable materials, and shall be of sufficient width and strength to cross teams and wagons of the largest size.

Rights and powers of Company. SEC. 4. Said company shall have full power, and it shall be their duty, to construct and maintain a road from a point in Calaveras County, about one half mile from Mokelumne Hill, at or near the point where the road, known as Dr. Soher's Road, intersects the road leading from Mokelumne Hill to Middle Bar, down to said Big Bar, and the bridge to be constructed as aforesaid, and from the end of said bridge, in Amador County, to or

near the Village of Butte. The said company shall keep the said road in good repair and in good travelling condition, and shall, at their own expense, keep all of the bridges upon said road in good order and safe travelling condition. The said company shall have and enjoy all rights, privileges, and immunities, thereunto appertaining, and shall have the right of way for the said road, and the privilege of using the same for that purpose, which is hereby granted and ceded to said company, for the term of twenty years, except as in section two of this Act provided; *provided*, that said company shall not, at any time, erect toll gates on said roads, or collect tolls upon the same. Proviso.

SEC. 5. Upon the completion of said bridge, the said Louis Soher and Company shall charge and collect such rates of toll, and those only, as may be annually determined upon by the Board of Supervisors of Calaveras County, under the laws of this State. Tolls.

SEC. 6. 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 a judgment, in any competent Court, for any damages by said company sustained for such travel, riding or driving, exceeding the speed authorized by the company, and such offences may be punished under the criminal laws of this State. May regulate speed of travel.

SEC. 7. Said company shall keep, in some conspicuous place at each end of the bridge, a bulletin board, which shall contain the scales of prices and notice of speed allowed on said bridge. Scale of prices.

SEC. 8. Within one year from the date of the passage of this Act, the said company shall complete the construction of said bridge, 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 liable for any damages arising to persons or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition. Duties of Company.

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

CHAP. LXXXVII.—*An Act for the Relief of John T. Carey, late Treasurer of Klamath County.*

[Approved March 24, 1862.]

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

SECTION 1. The sum of five hundred and twenty-eight dollars and seventy-six cents is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated; to pay John T. Carey, late Treasurer of Klamath County, being the amount of commissions and mileage due him on his settlement with the State, made July twelfth, one thousand eight hundred and sixty-one, and the Controller of State is hereby authorized and directed to issue his warrant for the said sum, to John T. Carey, or his assigns. Appropriation.

CHAP. LXXXVIII.—*An Act to enable the Mayor and Common Council of the City of Placerville to pay a certain Claim of William J. Lewis against said city.*

[Approved March 24, 1862.]

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

Acts confirmed.

SECTION 1. The acts and proceedings of the Mayor and Common Council of the City of Placerville, in the County of El Dorado, and of the officers of said city acting under their authority, in levying and collecting a special tax for the purpose of defraying the expenses of a survey of a railroad route from said city to Folsom, are hereby ratified and confirmed; and the City Treasurer of said city is hereby authorized and required, out of the special fund raised by said tax, to pay to William J. Lewis the sum of three thousand dollars, or so much of said sum as may have been collected and paid in to said Treasurer on account of said special tax; *provided*, that said Lewis shall present the proper warrant therefor, or that by ordinance the Common Council of said city shall direct such payment to be made.

To pay claim.

Proviso.

Power of Common Council.

SEC. 2. Full power and authority are hereby conferred upon the Common Council of said city to appropriate and apply the said special fund to the purpose for which it was raised. And if said fund shall be insufficient to pay the claim of said William J. Lewis, the said Common Council are authorized to pay any balance thereof out of any money in the General Fund not otherwise appropriated.

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

CHAP. LXXXIX.—*An Act concerning Roads and Highways in the County of Alameda.*

[Approved March 24, 1862.]

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

Public highways.

SECTION 1. All the roads in the County of Alameda shall be public highways, which are now used and have been so declared by order of the Court of Sessions, or Board of Supervisors, or which may be declared such hereafter by order of the Board of Supervisors.

Width.

SEC. 2. The breadth of a public road, laid out as aforesaid, shall not exceed four rods, nor the width of a private road less than two rods; *provided*, nothing in this Act shall be so construed as to diminish the width of roads already established.

Road districts.

SEC. 3. The Road Districts shall be coincident with the Districts of the respective Supervisors, subject to such alterations as the Board of Supervisors may determine, and each

Supervisor shall be and act as the Road Commissioner in his District.

SEC. 4. The Board of Supervisors shall have authority to vacate or change the whole or any part of any public or private road, whenever the same shall have become useless or inconvenient. Powers of Supervisors.

SEC. 5. The Board of Supervisors may establish private roads in the manner herein set forth for the establishment and location of public roads; *provided*, that all costs of survey, damages, and other expenses, attending the opening of said private roads, shall be paid by the party petitioning for the same. Same. Proviso.

SEC. 6. The Board of Supervisors shall not open or establish any road or highway through the ornamental grounds of any dwelling house, or through any orchard of over three years standing from its planting, without the consent of the owner thereof. Powers restricted.

SEC. 7. Applications for locations, alterations, or discontinuance, of any public highway, shall be by petition to the Board of Supervisors, in writing, at their regular meeting, and shall plainly designate the beginning, general route, and intermediate points, if any, and termination thereof. Applicants shall accompany their petitions with an affidavit of one or more of the applicants interested, stating that all the parties occupying and owning land along the line of the proposed road, have been duly notified, by a written notice, served on them or their agents, personally, or left at their place of residence, of the time and place where the petition will be presented to the Board of Supervisors, and further stating, that said notice has been served at least ten days before the meeting of said Board at which said petition is to be presented; *provided*, that when the owners of any land over which it is proposed to locate a road, do not live in the county, or are unknown, it shall be sufficient that the affidavit states that the parties occupying the same have been duly notified, or, if the land be vacant, that a copy of such notice has been posted in some conspicuous place on such land, at least ten days previous to such application. Locations, alterations, etc. Affidavit. Proviso.

SEC. 8. The applicants, or some of them, shall enter into a bond, which shall accompany the aforesaid petition, with sufficient sureties, in such sum as the Board of Supervisors may determine, conditioned that the persons applying will pay into the County Treasury the amount of all costs or expenses accruing, or in consequence of such application, in case the prayer of the petitioner shall not be granted, and the location, alterations, or vacations, not finally confirmed or established. And should said applicants fail to pay such costs or expenditures into the Treasury, according to the tenor of such bond, within three months after such liability shall have accrued, then the Board of Supervisors shall cause said bond to be delivered to the District Attorney of the county, whose duty it shall be to proceed forthwith to collect all sums due by the makers of the bond, in accordance with the provisions of this Act, and to pay the proceeds, when collected, into the County Treasury. Costs. Collection.

SEC. 9. The Board of Supervisors may, at the meeting designated in the notice referred to in section seven, receive, hear, and consider, all evidence for and against the proposed road, Viewers.

which may be presented to them, and then, if desirable, they may, in their discretion, defer action upon the petition, to such time as they may appoint. The Board of Supervisors shall, if they deem the proposed road and alterations necessary, direct the County Surveyor to make an accurate survey thereof, and may, in their discretion, appoint three disinterested persons to act as Viewers, with the said Surveyor, who shall, on a day to be named by the Board, and at least ten days after their appointment, assemble, and run out the line of the proposed road, and hear and note all reasons that may be offered for and against the laying out of the same. The Viewers shall, within a time specified in the order of location, survey and view, report to the Supervisors, over their signatures—

First—The feasibility of the proposed road or alteration.

Second—The necessity for such road or alteration.

Third—The probable cost of its construction or alteration.

Fourth—The probable amount of damage that will be sustained by any person or persons, severally, by reason of laying out or altering the same, with a recommendation that it be, or be not, laid out; *provided*, if the Viewers shall fail to comply with the law, in any essential respect, the Board of Supervisors may set aside their report, and may order another view to be had, the same in all respects as though no view had been made.

Provido.

Surveyor.

SEC. 10. The Surveyor shall make an accurate survey and plat of the proposed alteration, or location, of any road, a description of which, together with a report of character, quality, and quantity, of land, taken by the proposed road, from the different owners or occupants on the route thereof, shall be returned to the Board of Supervisors within a time specified in the order of location, survey and view.

Expenses.

SEC. 11. The Board of Supervisors may, if, in their opinion, the proposed location, alteration, or vacation, is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, refuse to confirm the report of the Viewers, and may discontinue proceedings in the premises, and they shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the proceedings had in the premises, upon the bond provided for in section eight of this Act.

Collection by
District
Attorney.

SEC. 12. The Board of Supervisors shall, if they deem it expedient, after the return and reports of the County Surveyor, and Viewers, when appointed, deviate from the route proposed in the petition, and shall then direct the County Surveyor to make such deviation, and said survey of said road as changed by the order of the Board of Supervisors, shall be returned to them within a given time, specified in said order of change or alteration; *provided*, when any proposed deviation from the route set forth in the petition shall place the road upon lands occupied or owned by persons who shall not have been notified thereof, then no action shall be taken by said Board until at least ten days after the proper notification shall have been served upon such persons.

Provido.

Damages.

SEC. 13. The Board of Supervisors may, after the examination of the Surveyor and Viewers' reports, (if Viewers are ap-

pointed.) designate some meeting at which they may assess the amount of damages sustained by the parties affected by the location, or alteration, of a road; *provided*, that at the designated meeting the applicants for said location, or alteration, or one or more of them, shall file affidavits with the Clerk of the Board, that he has notified all owners, occupants, or agents, of land, over which said proposed road is to pass, of the aforesaid designated time for assessing damages, with a copy of said notice, which shall give the parties affected at least five days notice to appear; *provided*, further, that should the land over which said proposed road is to pass be vacant, or the owners thereof unknown, or reside out of the county, then the affidavit shall state that said notice was posted in some conspicuous place at least five days previous to the designated time for assessing such damages. The Supervisors may then, at a designated meeting after the filing of said affidavit, or affidavits, examine the Surveyor, Viewers, and witnesses, and reports, and consider such other evidence as may be produced by parties claiming damages, and shall then estimate and determine the amount thereof.

SEC. 14. In case any party, over or upon whose land said road may be laid, shall be dissatisfied with said damages so assessed, he may, within ten days after such assessment, serve upon the President of said Board of Supervisors a notice that he will not accept the same, and thereupon the Clerk of said Board shall file all papers, documents, and depositions, relating thereto, in the County Court of said county, and within ten days after filing the same, the County Judge, upon request of any party in interest, shall hold a special term of his Court. At or before the opening of said Court, the claimant, or claimants, shall file a statement, setting forth his, or their, damages. All persons over whose land the road runs, to unite in the same complaint, each separately setting forth his damages, and the items thereof, and, upon a general denial, all matters stated therein shall be deemed denied, and the issues so made shall be disposed of, either with or without jury, as in other cases. Damages, if any, shall be separately assessed to each one, and judgments rendered accordingly; *provided*, that unless the party claiming damages shall recover at least ten per cent. more than the same were assessed at by said Board, he shall pay all costs, otherwise the county shall pay the costs; and, *provided*, further, that if any claimant of such damages shall not give the notice, within five days, as aforesaid, to said Board, that he refuses to accept the same, as assessed, then he shall be deemed to have assented thereto, and in such case shall not be entitled to the proceedings aforesaid in the County Court, and shall then be forever barred from any additional damages.

SEC. 15. Upon the payment or tender of the damages assessed by said Board, and assented to by said claimant or claimants, or awarded in said County Court, and confirmed upon appeal therefrom, if any appeal is taken, such bond so taken for such road shall be deemed vested in said county, for all the purposes of said road, and the road may then be, by order of the said Board

of Supervisors, established and opened across and over the same.

Duty of
Clerk of
Board of
Supervisors.

SEC. 16. The Clerk of the Board of Supervisors shall, within ten days after the final establishment of any road, notify the Road Commissioner or Commissioners of the District or Districts within which said road is situated, of the establishment thereof, and furnish him with a specific description of said road, and it shall be the duty of such Road Commissioner or Commissioners, to open said road, or cause the same to be opened, within thirty days from the reception of such notice, unless otherwise directed by the Board of Supervisors.

Same.

SEC. 17. The Clerk of the Board of Supervisors shall record the order by which every public road may be established, and the plat and survey thereof, and all proceedings connected therewith, in a record book, to be kept by him solely for that purpose, to be called "Road Record."

Obstructions
or damages.

SEC. 18. If any person or persons obstruct or damage any public road, by digging or ploughing in it, or by felling any tree, or building any fence, or placing or creating any other obstruction therein, or by damming, digging, or deepening a creek or river, or its banks, so as to damage or destroy a road, ford, or crossing, or cut down or injure any tree planted or growing within the lines of any public road, it shall be the duty of the Road Commissioner of the District wherein such obstruction or damage may be, to prosecute for such offence, on the part of the county. Such prosecution shall be by criminal process, in the name of The People of this State, and before any Court of competent jurisdiction, and the party or parties found guilty of violating any of the preceding provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding two hundred dollars, and shall be liable, upon further suit, to be prosecuted in the name of such Road Commissioner, by summons before a Justice of the Peace, to pay the sum of five dollars for each day that such obstruction is allowed to remain, after the person who caused or placed the same has been notified to remove or remedy it.

Prosecution.

Penalties.

Wilful
injury.

SEC. 19. Any person or persons who shall wilfully injure or destroy any bridge, or other portion of any public highway, in such manner as shall render the same dangerous or impassable, shall be deemed guilty of a misdemeanor, and, upon indictment therefor and conviction thereof in the Court of Sessions of said county, shall be punished by a fine of not less than five hundred nor more than two thousand dollars, or imprisonment in the county jail for not less than three months nor more than one year, or by both such fine and imprisonment.

Penalty.

Tax.

SEC. 20. The Board of Supervisors shall have power to levy a property tax, for road and bridge purposes, not to exceed fifty cents on each one hundred dollars, which shall be levied on or before the first day of June, in each year, and collected at the same time and in the same manner as are the State and county taxes, to be paid into the County Treasury, and set apart as the County Road Fund. The Board of Supervisors shall set apart from the County Road Fund such amounts of money as they may deem proper, to each District Road Fund, to pay for work and material used in the construction of public roads and bridges

in the several Road Districts. The County Treasurer shall keep an account with each District Road Fund, and pay out road moneys upon county warrants drawn upon the proper Road Fund; and the Clerk of the Board of Supervisors shall notify him of all amounts of moneys appropriated to the several District Road Funds by said Board. Road Funds.

SEC. 21. The Board of Supervisors shall have power to levy a road poll tax, annually, not to exceed four dollars to each man, on all able-bodied men in the county between the ages of twenty-one and fifty years, which shall be paid, in money, to the County Assessor, on demand, and shall be due as soon as levied. The County Assessor, shall collect the road poll tax in accordance with the provisions of this Act, and shall cause all moneys so collected to be paid into the County Treasury, to the credit of the District Road Fund in which it was collected. If any person or persons shall fail to pay his road poll tax, on demand, such failure shall operate as a judgment against the delinquent for the amount of his tax, and the necessary costs of enforcing the same; and the County Assessor shall, at some time during the ensuing twelve months, levy upon and sell some property of such delinquent, by giving one hour's notice, by proclamation, of the time and place of such sale; and no property whatever shall be exempt from levy and sale for said tax. And any and all persons employing laborers shall, on notice by said Assessor, retain from the wages of such laborer the said sum, and pay the same over to said Assessor; and such payment, so made, shall be a legal offset to that amount against the wages of said laborer. And any person so employing laborers, and refusing or failing to retain or pay over, as aforesaid, shall himself be liable to pay all the amounts which he may fail so to retain and pay over, to be sued for in the name of said Assessor, in any Court of competent jurisdiction; and the County Assessor, shall be authorized to charge the same fees for his services in enforcing such judgment as the Sheriff of the county is authorized by law to charge for like services, and the surplus, if any, after deducting the amount of assessments and costs of sale, shall be returned to such delinquent. When any payment shall be made by any employer for any laborer or laborers in his employ, as provided in this section, the receipt to him therefor, by the Assessor, shall, in any controversy or suit by such laborer against him, be conclusive evidence of such payment, and of the amount paid. Road poll tax.

SEC. 22. All fines collected under the provisions of this Act shall be paid into the County Treasury, and placed to the credit of the District Road Fund of the District in which the same was incurred, and shall be appropriated in like manner as is the poll tax. Collection.

SEC. 23. The Board of Supervisors shall furnish, annually, to each Road Commissioner, a suitable District blank Certificate Book, and the County Assessor a suitable blank Road Poll Tax Receipt Book, for each Road District, all with proper blank ruled margins for explanation and figures.

SEC. 24. It shall be the duties of the Road Commissioners to have the general supervision of the roads, and bridges, and road tools, and implements, of their respective Districts; to hire Duties of Road Commissioners.

labor, tools, and teams, when required, at the lowest current rates; and to cause all bridges and roads to be made, and repaired, and kept clear of obstructions. They shall have power to make use of any materials, for building or improving the roads, which may be necessary, from any adjacent, unimproved land, and to dig ditches on any land, when necessary to drain roads; and the Board of Supervisors may allow such damages, if there be any, to the owners of such lands, as may be just; *provided*, that the said Board of Supervisors, or such members thereof, as voted to allow the same, shall pay damages to the county, at the suit of any citizen, if it shall be proved that they allowed extravagant damages.

Duties of
Road Com-
missioners.

SEC. 25. Such Road Commissioners shall, when ordered by the Board of Supervisors, for the protection of any public bridge, or causeway, place upon the same a legible sign, forbidding all persons, under penalty, from passing over the same with teams, or vehicles, faster than a given rate, which shall be entered upon the records of said Board. They shall issue certificates from their District Certificate Book, number them, and note in their marginal blanks, in such a manner as to exhibit the debits and credits of the District Road Funds, for all indebtedness incurred by them, in their respective Road Districts, in accordance with the provisions of this Act, which certificates shall be audited by the Board of Supervisors, in the same manner as other bills and accounts against the county, and warrants may then be ordered to issue upon the proper Road Funds. They shall, at every regular meeting of the Board of Supervisors, make a full and explicit report of the state of the roads and bridges in their respective Districts, and of all their other official acts; also, present an explicit account of all certificates issued for work, and material used in construction of roads and bridges, and the amount of money, if any, on hand, to the credit of the District Road Fund; and shall, at the close of their term of office, deliver over to their official successors, all books, road implements, and other property in their possession, belonging to their respective Districts. They shall obey all orders emanating from the Board of Supervisors, and all their official acts shall be subject to the approval of said Board.

Contracts.

SEC. 26. Whenever any contract, for the improvement, construction, or alteration, of roads, or the construction or repair of bridges, is to be made, advertisement thereof shall be given by the Road Commissioner of the District where the work is to be done, by posting written or printed notices, in at least two of the most public places in such District; and, also, by like notice, posted at the Court House door, of said county, ten days prior to letting the contract, and such Commissioner may also, in his discretion, publish such notice, once, in the newspaper (if any) published in said county, and which publication shall be at least five days prior to letting such contract. All contracts shall be awarded to the lowest responsible bidder, subject to the approval of the Board of Supervisors; *provided*, the Road Commissioners, in their respective Districts, shall have power to make contracts for the foregoing purposes, without such notice, not to exceed one hundred dollars in any one contract.

Award of.

SEC. 27. The Road Commissioners shall receive for their ser-

vices such sum, not to exceed five dollars for each day that they may be occupied in attending, necessarily, to their official duties, as the Board of Supervisors may allow, to be paid out of the Road Fund of their respective Districts, after being audited and allowed by the Board of Supervisors. The Road Commissioners may appoint Deputies, who shall be empowered to discharge any part or the whole duty of such Commissioner, and who shall be responsible to the Commissioner appointing him or them, for the faithful discharge of their duties, and may be removed at pleasure by the Commissioner making the appointment; but the Commissioners shall be responsible for all official acts of their Deputies.

Pay of Commissioners.

Deputies.

SEC. 28. The Assessor shall receive ten per cent. of all road poll taxes, collected by him, for his services in collecting the same.

Assessors' fees.

SEC. 29. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby declared inapplicable to the County of Alameda, and are hereby repealed, so far as said County of Alameda is concerned; *provided*, that nothing in this Act, or in such repeal, shall be construed as to prevent the opening or laying out of roads, the proceedings of which have been commenced.

Acts repealed.

SEC. 30. This Act shall go into effect from and after its passage.

CILAP. XC.—*An Act concerning Hogs running at large in the County of El Dorado.*

[Approved March 25, 1862.]

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

SECTION 1. All hogs found trespassing upon the premises of any person or persons in the County of El Dorado, may be taken up by the owner or proprietor of such premises, and safely kept, at the expense of the owner or owners of such hog or hogs so found trespassing, and be subject to all the provisions of sections two, three, four, five, six, seven, eight, and nine, of 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, eighteen hundred and fifty-seven.

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

CHAP. XCI.—*An Act to submit the Location of the County Seat of Stanislaus County to the qualified Electors thereof.*

[Approved March 25, 1862.]

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

Election. SECTION 1. At the next general election, to be held in September, A. D. one thousand eight hundred and sixty-two, the qualified electors of Stanislaus County are hereby authorized to vote upon the question of locating the county seat of said county. The qualified voters of said county are authorized to vote such ballots as shall express their preference.

Supervisors to canvass returns. SEC. 2. On the second Monday after the general election, A. D. one thousand eight hundred and sixty-two, the Board of Supervisors of said county shall meet at La Grange, the county seat of said county, to canvass the election returns, and the place, town, or village, in said county, having received a majority of all the legal votes cast, shall, from and after the second Monday after the said general election, be the County Seat and Seat of Justice of Stanislaus County.

Duties of Board. SEC. 3. If it shall appear, from the election returns, being duly canvassed by said Board, that any place, town, or village, in said county, other than La Grange, has received the majority of votes for county seat, the said Board shall, at said meeting, provide for the removal of the county records and archives to such place, town, or village; and the said Board shall also provide for the safe keeping of said records and archives; and all expenses incurred in making the removal, and providing for their safe keeping, shall be a county charge.

Residence of county officers. SEC. 4. From and after the second Monday after the general election, A. D. one thousand eight hundred and sixty-two, it shall be the duty of the various county officers, whose duty it is to reside at the county seat, to keep and hold their various county offices at the place, town, or village, in said county, having received the majority of legal votes for such county seat at said general election.

CHAP. XCII.—*An Act to authorize the Officers of Visalia Lodge, Number One Hundred and Twenty-Eight, of Free and Accepted Masons, to sell and convey certain Property belonging to said Lodge.*

[Approved March 25, 1862.]

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

SECTION 1. The Worshipful Master, Senior and Junior Wardens of Visalia Lodge, Number One Hundred and Twenty-Eight, of Free and Accepted Masons, are hereby authorized to sell and convey all the title and interest belonging to said Lodge in and to the following described property, situated in the Town of Vi-

salia, in the County of Tulare, and described as follows, to wit: Beginning at the northeast corner of lot number one, in block number thirty-three, in said Town of Visalia, according to the recorded plat of said town, thence south fifty-six feet, thence west forty-eight feet, thence north fifty-six feet, thence east forty-eight feet, to the place of beginning, including the Lodge building, and furniture therunto belonging, or any portion thereof, for the purpose of discharging mortgages and other liabilities of said Lodge.

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

CHAP. XCIII.—*An Act to pay the Board of Managers of the State Institution for the Care and Education of the Indigent Deaf, Dumb, and Blind.*

[Approved March 25, 1862.]

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

SECTION 1. The sum of one thousand four hundred and forty-seven dollars and ninety-four cents is hereby appropriated out of any moneys in the General Fund, not otherwise appropriated, for the payment of the claim of the Board of Managers of the State Institution for the Care and Education of the Indigent Deaf, Dumb, and Blind, for the quarterly allowance for the quarter ending June thirtieth, eighteen hundred and sixty-one, as authorized by the Legislature of the State of California, passed March twenty-ninth, eighteen hundred and sixty-one, and the Controller of State is hereby authorized to draw his warrant upon the Treasurer of State, for the same.

CHAP. XCIV.—*An Act concerning the Sale of certain School Lands in Tulare County.*

[Approved March 25, 1862.]

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

SECTION 1. The Board of Supervisors of Tulare County are hereby authorized to cancel and discharge a certain bond, entered into by J. D. P. Thompson, and his sureties, for the purchase money of the following described lot, or parcel, of school lands, situated in said county, the same having been sold at public auction, to said Thompson, on the twelfth day of March, one thousand eight hundred and sixty, to wit: the west half of the southeast quarter of section number sixteen, in Township Number Eighteen south, and Range Number Twenty-Six east, of Mount Diablo base and meridian, containing eighty acres; and

the said Board of Supervisors are hereby authorized to sell and convey said tract of land, at private sale, to said Thompson, or his assigns, at such price as the said Board of Supervisors may determine, which shall not be less than five dollars per acre, and to take a bond and security for the payment of the same, as required by law in other cases.

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

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

[Approved March 25, 1862.]

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

SECTION 1. Section two hundred and seventy-three of said Act is hereby amended so as to read as follows:

Liens, &c.

Section 273. If it shall appear to the Court, by the certificate of the County Recorder, or County Clerk, or by the sworn or verified statement of any person who may have examined or searched the records, that there are outstanding liens or encumbrances of record upon such real property, or any part or portion thereof, which existed and were of record at the time of the commencement of said action, and the persons holding such liens are not made parties to the action, the Court shall either order such persons to be made parties to the action, by an amendment or supplemental complaint, or appoint a Referee to ascertain whether or not such liens or encumbrances have been paid, or if not paid, what amount remains due thereon, and their order among the liens or encumbrances severally held by the said persons and the parties to the said action, and whether the amount remaining due thereon has been secured in any manner, and if secured, the nature and extent of the security.

Court may order holder to be made parties to action.

SEC. 2. Section two hundred and seventy-two of said Act is hereby repealed.

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

Duties of Clerk.

Section 509. On the commencement of an action, the plaintiff, and on the filing of notice of appeal from a final judgment, the appellant, shall pay to the Clerk three dollars, to be applied to the payment of the salary of the Judge of the Court in which the payment is made. Each Clerk shall keep a true and accurate account of all moneys so received, and shall pay over the same at the end of each month to the Judge of such Court, taking duplicate receipts for each payment, one of which shall be filed by the said Clerk, in his office. On the first day of each month, the said Clerk shall deliver to the Treasurer of the county an account of all sums received, specifying the cases in which received, and of all sums paid out. At the same time, a like account shall be made out and forwarded, by such Clerk, to

the Controller of State, of the sums paid in to the respective Courts, and of the sums paid out, with the other receipts of said Judge therefor. It shall be the duty of the District Attorney, at the commencement of each month, to examine the books of said Clerk, and if found correct, he shall make and execute a certificate to such Controller, to that effect. In paying the salary of any of the said Judges, the Controller shall deduct the amount paid to such Judge, as shown by the receipt of such Judge.

CHAP. XCVI.—*An Act to authorize the Construction of a Wharf at a point on the southerly bank of the San Joaquin River.*

[Approved March 25, 1862.]

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

SECTION 1. The right to erect and maintain a wharf on the southerly bank of the San Joaquin River, at a point not exceeding one mile from the town of Antioch—*provided*, that grantees, within six months from and after the passage of this Act, select such a place at a distance of not less than two hundred feet on either side of a place to be selected for the construction of a wharf by the Pittsburg Railroad Company, and file a description of such selection with the County Recorder of the County of Contra Costa, within thirty days after such selection; *provided*, that if no such selection is made, and a description filed with such County Recorder, within the time specified, this Act shall be void; and, *provided*, that when such selection shall have been made, the Legislature of this State may grant the right to construct wharves anywhere outside of two hundred feet on either side of any wharf that may be constructed under the authority of this Act, said wharf not to exceed five hundred feet in length, and one hundred feet in width—is hereby granted to William W. Greenhood, Joseph Newbaur, E. L. Goldstein, Stephen B. Whipple, Albert Whipple, Joseph Nougues, and associates; *provided*, said grantees shall, within one year after the passage of this Act, commence, and within two years after the passage of this Act, complete, said wharf, in a good and substantial manner.

SEC. 2. Said wharf shall not obstruct the navigation of the San Joaquin River, and all the rights and privileges granted by this Act shall cease at the expiration of fifty years from the date of the passage of this Act.

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

CHAP. XCVII.—*An Act to prohibit the keeping open of Markets, and the vending of Meats, Game, Vegetables, or other market products, in the City and County of San Francisco, on the Sabbath Day.*

[Approved March 27, 1862.]

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

SECTION 1. It shall not be lawful for any market place, or stall, for the sale of meats, game, vegetables, or other market products, in the City of San Francisco, to be kept open on the first day of the week, usually known as Sunday; nor shall any meats, game, vegetables, or other market products, be sold on Sunday, at any such stall or market, nor from carts, wagons, or otherwise, in said City and County of San Francisco.

SEC. 2. If any person who owns, keeps, or attends, any such stall, or market, or vends such meats, game, vegetables, or other market products, from carts, wagons, or otherwise, either in his own right, or as agent, or servant, for another, shall violate the provisions of this Act, he shall, for every such offence, be deemed guilty of a misdemeanor, and shall be punished by a fine of fifty dollars, for each and every offence, to be recovered as other fines for misdemeanor are recoverable by law, and by imprisonment until fine is paid.

SEC. 3. All Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect at the expiration of fifteen days next after its passage.

CHAP. XCVIII.—*An Act providing for the Construction of a Public Road, from Petaluma to Bloomfield, in Sonoma County.*

[Approved March 27, 1862.]

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

Powers and
Duties of
Supervisors.

SECTION 1. The Board of Supervisors in and for the County of Sonoma, are hereby authorized and empowered, and it is made their duty, to meet, at the county seat of said Sonoma County, on the first Monday of April, A. D. eighteen hundred and sixty-two, at which time and place they shall proceed to appoint three Viewers, to lay out and locate a route for a public road, between the City of Petaluma and the Town of Bloomfield, in said county. The said Board of Supervisors shall, at the same time, cause a notice to be published in one or more papers printed in said county, calling upon all persons, through whose land said route may be located, to appear at Santa Rosa, in said county, on the first Monday of May, A. D. eighteen hundred and sixty-two, and make known the damage, if any, which they claim, by reason of the location of said road, or, failing to

do so, be considered as dedicating the land taken to public use.

SEC. 2. It shall be the duty of the three Viewers provided for in section one of this Act, upon being appointed, to proceed to lay out and locate the best route for the best public road that can be constructed between the City of Petaluma and Bloomfield, and to report their proceedings in the premises to the Board of Supervisors of said Sonoma County, on the first Monday of May, A. D. eighteen hundred and sixty-two. The said report shall also embrace the expense of the Viewers in the performance of their duties, the width of the road laid out, which shall not be less than sixty feet, and the amount of damage which, in their opinion, will be sustained by any person or persons through whose land the said road is located. The said Viewers shall, also, at the same time of laying out the road, inform the occupants or owners of the land through which the road is located, that they may appear before the Board of Supervisors, at Santa Rosa, on the first Monday of May, A. D. eighteen hundred and sixty-two, and make application for such damages as they claim by reason of the location of the route through their land.

SEC. 3. It shall be the duty of the Board of Supervisors of Sonoma County, to meet at the county seat of said county, on the first Monday of May, A. D. eighteen hundred and sixty-two, and upon the receipt of the report of the Viewers appointed in accordance with section one of this Act, to declare the route, as located by the Viewers thereof, a public road. The said Board of Supervisors, at the same time, shall, upon any person or persons making known his or their claim for damages, by reason of the road being located through their land, consider the same, and all such damages as to them may seem just and proper.

SEC. 4. All persons who claim damages, by reason of the location of the road aforesaid, shall, on the first Monday in May, A. D. eighteen hundred and sixty-two, make application, for the allowance of the same, to the Board of Supervisors of said Sonoma County, and failing to do so, they shall be considered as waiving all rights to damages, and as dedicating the lands affected by the location of such road to the public use, as a highway, and their failing so to do, shall forever be a bar to any action for damages in any of the Courts in this State; *provided*, that if any owner of any portion of the land through which the road runs, shall not have received notice, as provided in this Act, then he or they shall be allowed one month, after the road is declared a public road, in which to file his claim with the Clerk of the Board of Supervisors, which shall be passed upon by the said Board at its first regular meeting thereafter.

SEC. 5. All expenses of viewing and laying out the road, together with all damages that are or may be allowed by the Board of Supervisors, shall be paid by said Board ordering the County Auditor of Sonoma County to draw his warrants on the County Treasurer of said county, in favor of the several claimants, for such amount as such Board of Supervisors shall allow, payable out of the General Fund of the county.

SEC. 6. Nothing in this Act shall be construed so as to inter-

ferre with the operation of the Road Law, approved February twenty-second, eighteen hundred and sixty, entitled an Act concerning Roads and Highways in the Counties of Humboldt, Napa, Siskiyou, and Sonoma. except as to the road between the points hereinbefore mentioned, viz: The City of Petaluma, and the Town of Bloomfield, and in respect to the road between its points last mentioned. This Act shall have full force and effect, and all Acts, and parts of Acts, in conflict with this Act, are hereby repealed, as far as they interfere with the operation of this Act. and no further.

SEC. 7. This Act shall go into effect immediately after its passage.

CHAP. XCIX.—*An Act to pay the Claim of Wm. P. Mitchner.*

[Approved March 27. 1862.]

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

Appropriation.

SECTION 1. The sum of four thousand and seventy-two dollars and fifty-one cents is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the claim of William P. Mitchner, for material furnished, and labor done, in fitting up the Supreme Court room, and the Controller of State is hereby authorized and directed to draw a warrant for the same, in favor of said William P. Mitchner.

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

CHAP. C.—*An Act to provide for the payment of the Salary of the County Judge of Sacramento County.*

[Approved March 27. 1862.]

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

Salary.

SECTION 1. From and after the expiration of the term of office of the present incumbent, the County Judge of Sacramento County shall receive a salary of three thousand five hundred dollars per annum, payable monthly, from the Salary Fund of said County of Sacramento, as provided by law.

SEC. 2. This Act shall take effect from and after its passage, and such portions of any Act as conflict with its provisions are hereby repealed.

CHAP. CI.—*An Act to correct a Clerical Error in an Act entitled an Act to transfer certain Funds, passed March eleventh, eighteen hundred and sixty-two.*

[Approved March 27, 1862.]

WHEREAS, A clerical error exists in the third section of the law above recited, which defeats one of the principal objects of said law, therefore,

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

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

Section 3. This Act shall take effect and be in force from and after its passage, and all other Acts, and parts of Acts, in conflict with this Act, are hereby repealed in so far as they conflict with this Act; *provided*, that so much of the Act of May seventeenth, eighteen hundred and sixty-one, entitled an Act to provide Revenue for the Support of the Government of this State, or of any other Act authorizing the Controller and Treasurer to anticipate, by draft or order, the settlement of any County Treasurer, or to draw any State money out of any County Treasurer's possession, is hereby suspended until the second Monday of August, eighteen hundred and sixty-two.

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

CHAP. CII.—*An Act to authorize the Executors of the will of John Wilson, late of San Luis Obispo County, deceased, to sell personal property, to pay debts, discharge the current expenses attendant upon the Administration of his Estate, and to support Testator's family.*

[Approved March 27, 1862.]

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

SECTION 1. Rinaldo Pacheco, and Mariana Pacheco, Executors of the last will and testament of John Wilson, late of San Luis Obispo County, deceased, are hereby authorized to sell, either at private sale, or at public auction, as may be deemed by them most advantageous to the estate of the testator, so much of the personal property of said estate, as will be sufficient to pay the debts lawfully chargeable against said estate, and also to pay the necessary current liabilities incurred in its management, and in the maintenance of testator's family.

SEC. 2. The said Executors shall, from time to time, as they may effect such sales, and at, or before, the term next following such sale or sales, report the same to the Probate Court of San Luis Obispo County, for consideration and approval. Such report or reports shall state what particular personal property of said estate may have been sold, the manner of sale, whether

at private sale or at public auction, to whom made, and the prices obtained. And if the Court, or the Judge thereof in vacation, shall be satisfied that such sale or sales has or have been fair, an order shall be made by said Court or Judge approving the same. And it shall be the further duty of said Executors, within ninety days after any sale or sales have been made and approved, as contemplated by this Act, also to make report to said Court of what disposition has been made of the proceeds of such sales; and if the Court, at its next or any term following such report, shall be satisfied that such proceeds have been faithfully applied by said Executors to the uses in this Act, then an order shall be entered in the records of the Court, expressing such approval.

CHAP. CIII.—*An Act to fix the Salary of the County Judge of the County of Santa Cruz.*

[Approved March 27, 1862.]

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

SECTION 1. The salary of the County Judge of the County of Santa Cruz shall be one thousand dollars per annum.

SEC. 2. This Act shall take effect from and after the expiration of the term of the present incumbent.

CHAP. CIV.—*An Act amendatory of and supplementary to an Act for the Preservation of Trout.*

[Approved March 27, 1862.]

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

SECTION 1. Section first of an Act entitled an Act for the Preservation and Protection of Trout, approved April seventeenth, eighteen hundred and sixty-one; is hereby amended so as to read as follows:

Section 1. It shall not be lawful for any person or persons to cast, draw, or make use of, any seine or net, hook and line, or other appliances, for the purpose of catching trout in any of the streams, rivers, or lakes, in this State, except in the Counties of El Dorado, Placer, Nevada, Sierra, and Plumas, during the time intervening between the twentieth of October of each year, and the first day of April of the following year.

SEC. 2. It shall not be lawful for any person or persons to catch or kill trout in any of the streams, lakes, or parts of lakes, or other waters, lying within the boundaries of the Counties of El Dorado, Placer, Nevada, Sierra, and Plumas, in this State,

Acts
declared
unlawful.

Same.

with any seine, or other net, or any spear, weir fence, basket, trap, or other implement or appliance, except a hook and line, at any time between the months of February and July of each year; and it shall not be lawful for any person or persons to catch or kill trout in any of the streams and lakes in the counties before mentioned, by the use of any gill-net, or set-net, or any poisonous, deleterious, or stupefying drug, or other substance, at any time.

SEC. 3. Any person who shall violate the provisions of the foregoing sections of this Act, shall, on conviction, be fined in any sum not less than fifty dollars nor more than two hundred dollars, with costs in addition; one half the fine in each case to be paid to the informer, should he demand the same, and the other half to be paid into the Common School Fund of the county in which suit shall be brought, and in case the one half of such fine shall not be demanded, the whole amount of the fine recovered shall be paid into the said fund; and in case default be made in the payment of such fine, the person or persons so convicted, shall be imprisoned not less than twenty-five nor more than ninety days. Violation of Act.

SEC. 4. Nothing in this Act shall be construed to prohibit or prevent Indians from taking trout in any of the streams or lakes of this State, at any time, in the same manner, and by the same means, heretofore usually used or employed by them. Indians not prohibited.

SEC. 5. This Act shall take effect from and after the first day of March, eighteen hundred and sixty-two.

CHAP. CV.—*An Act to provide for the Election of a Superintendent of Common Schools in the County of San Mateo.*

[Approved March 27, 1862.]

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

SECTION 1. At the next election for the members of the Assembly, there shall be elected, by the qualified voters of the County of San Mateo, in the same manner as other county officers are elected, a suitable and competent person, as Superintendent of Common Schools, who shall hold his office for the term of two years, and until his successor is elected and qualified. In case of a vacancy in said office, the Board of Supervisors of said county may, at any regular meeting thereof, make an appointment for the unexpired term. Election.

SEC. 2. The compensation of said Superintendent shall be three hundred dollars per annum, and shall not be changed during the term. The amount so fixed shall be audited and paid in the same manner, and out of the same fund, as other salaries in said county. Salary.

SEC. 3. Within five days after the election of said Superintendent, the County Clerk of said county shall notify the person so elected, and within ten days after such notice the said Bond.

Duties.

officer shall qualify and give bond, in manner now required by general law, and immediately enter upon the discharge of the duties of said office; and during his term, shall possess the same powers, perform the same duties, and be subject to the same rules, as other Superintendents, under the general law; except, that in selecting an Examining Board, he shall not be limited to select from among the teachers in said county, but may select such persons as he shall deem best qualified for the performance of that duty. And the said County Superintendent shall have power to grant certificates of qualifications to teachers, at any time he may deem necessary, but which shall remain in force only to the time of the first meeting of the Examining Board thereafter.

Office.

Sec. 4. The office of said Superintendent shall be kept at the county seat of said San Mateo County.

Sec. 5. All laws, and parts of laws, in conflict with the provisions of this Act, are hereby declared inoperative, so far as relates to the County of San Mateo.

Sec. 6. This Act shall take effect immediately.

CHAP. CVI.—*An Act relative to certain Outstanding Warrants of Tuolumne County.*

[Approved March 27, 1862.]

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

Publication of notice.

SECTION 1. Whenever there shall be outstanding warrants of the County of Tuolumne that have been redeemed for the period of four years or more, on the register of the Treasurer of said county, the Board of Supervisors of said county shall be authorized and required to make publication, in at least two newspapers in said county, for the period of three months, that said warrants will be redeemed, upon presentation, at any time within three months from the first publication of said notice.

Certain warrants outlawed.

Sec. 2. The Board of Supervisors of said county, at their first regular meeting after the expiration of the term of publication prescribed in the first section of this Act, are hereby authorized and empowered to declare all warrants so advertised by publication, and not presented for redemption, outlawed, and to cancel the same on the Treasurer's register and the Auditor's warrant book.

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

CHAP. CVII.—*An Act to provide for the Construction of a Railroad, from Mokelumne City to Woodbridge, in the County of San Joaquin.*

[Approved March 27, 1862.]

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

SECTION 1. The right to lay out, construct, and run, a line of ^{Franchise.} railroad, to keep in repair, and use the same, by running thereon cars propelled by steam or other motive power, for the convenient and profitable use thereof, and by such route as may be deemed most advantageous and convenient, between the Towns of Mokelumne City and Woodbridge, in the County of San Joaquin, is hereby granted to H. R. Leonard, his associates and assigns, for the term of twenty-five years; *provided*, the construction of said road is commenced in four months from the ^{Proviso.} passage of this Act, and completed in three years.

SEC. 2. *Be it further enacted:* That the party aforesaid, and ^{Power.} his assigns, shall have power to procure the right of way over any lands belonging to individuals or persons, other than the State, in the manner prescribed in the general laws of this State concerning the formation and incorporation of railroad companies; and the said grantee, and his assigns, shall at all times conform to the general laws of this State concerning railroads, so far as the same refers to the rates of fare, and transportation of freight and passengers; *provided*, that said railroad, where it ^{Proviso.} may run parallel to or across the county road, it shall be so constructed as to not obstruct travel on said road.

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

CHAP. CVIII.—*An Act to annex the County of Contra Costa to the Fourth Judicial District.*

[Approved March 27, 1862.]

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

SECTION 1. The County of Contra Costa shall be annexed to, and become a part of, the Fourth Judicial District.

SEC. 2. The District Judge of the Fourth Judicial District ^{Terms.} shall hold three terms of the District Court in the County of Contra Costa, annually, to commence as follows: On the Tuesday after the third Monday of January, on the Tuesday after the third Monday of May, and on the Tuesday after the third Monday of September.

SEC. 3. The District Judge of the Fourth Judicial District may designate, by rule, the time and place within the District

for hearing all motions and issues of law, in cases pending in the District Court, for the County of Contra Costa.

SEC. 4. All Acts, and parts of Acts, inconsistent with this Act, are hereby repealed.

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

CHAP. CIX.—*An Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one.*

[Approved March 27, 1862.]

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

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

Officers.

SECTION 4. In addition to the Board of Trustees, the officers of the town shall consist of a Clerk, Treasurer, Assessor, and Marshal, and no other. The Trustees shall appoint all of said officers, and have power to remove, and to put others in their stead, when in their judgment the interests of the town may require, except the Assessor and Marshal, who shall be elected at the same time and in the same manner, and for the same term, as are the Trustees of said town. The Marshal shall be the collector of all the taxes levied by the Board of Trustees.

Salaries.

The compensation of the officers shall be as follows: Trustees, each, one dollar per annum; Clerk, fifty dollars per annum; Assessor, fifty dollars per annum; Treasurer, five dollars per annum; and the Marshal, three hundred dollars per annum.

SEC. 2. This Act shall take effect from and after the first Monday of May, eighteen hundred and sixty-two.

CHAP. CX.—*An Act providing for an Attorney and Counsellor in and for the City and County of San Francisco.*

[Approved March 25, 1862.]

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

Election of Attorney.

SECTION 1. There shall be elected, hereafter, for the City and County of San Francisco, by the qualified electors thereof, on the third Tuesday in May, eighteen hundred and sixty-two, and every two years thereafter, one Attorney and Counsellor, learned in the law, who shall hold his office for two years, and until his successor shall have been duly elected and qualified, and shall be paid, by said city and county, a salary of five thousand dollars per annum, to be audited and paid monthly, in the same manner as the salary of the County Judge is by law audited and paid

Salary.

SEC. 2. Immediately after the passage of this Act, the Governor shall appoint an Attorney and Counsellor for said city and county, who shall, upon receiving his appointment, enter immediately upon the discharge of the duties of the office, and who shall hold his appointment until the election and qualification of said officer, as provided for in the foregoing section, and said Attorney and Counsellor, so appointed, shall be entitled to receive, during the time he shall hold said office by virtue of said appointment, a proportionable rate of said salary of five thousand dollars per annum, to be audited and paid as hereinbefore provided.

SEC. 3. All other Acts, or parts of Acts, providing for the appointment of City and County Attorney for said City and County of San Francisco, and payment of salary thereof, and all Acts, inconsistent or in conflict with this Act, are hereby repealed.

SEC. 4. This Act shall take effect immediately after its passage.

CHAP. CXI.—*An Act authorizing William H. Dickson, J. E. Clayton, and J. W. Pugh, and their associates, to construct and maintain a Toll Road in the County of Mono.*

[Approved March 20, 1862.]

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

SECTION 1. William H. Dickson, J. W. Pugh, J. E. Clayton, and their associates, are hereby authorized to construct and maintain a turnpike, or toll road, in the County of Mono; commencing at a point of rock, near where the Sweetwater crosses the Aurora road, thence following the survey of Clayton and Company, to the Town of Aurora, in Mono County, and connecting with the toll road established by Dickson, and others, under authority of an Act of the Territorial Legislature of Nevada, approved November twenty-eighth, A. D. eighteen hundred and sixty-one, extending from Desert creek to the Town of Aurora, in Mono County.

SEC. 2. Said grantees shall construct a good, substantial road, for the passage of loaded teams, and shall keep the bridges and culverts in good order.

SEC. 3. Said grantees shall have the right to erect and maintain one toll gate on said road, and the right to levy and collect tolls thereon for all animals, or vehicles, travelling upon the line of said road. The aggregate of tolls to be collected, for travelling over said road, not to exceed the following rates, to wit: for vehicles drawn by one animal, one dollar; for vehicles drawn by two animals, two dollars; and twenty-five cents for each additional animal; horsemen, twenty-five cents; pack animals, twenty-five cents each; loose stock, ten cents; sheep and swine, four cents each.

SEC. 4. *Provided*, that after the boundary line shall be estab-

lished between the State of California and the Territory of Nevada, that the Board of Supervisors of Mono County may fix the rates of toll on said road.

Proviso. SEC. 5. The rights and privileges hereby granted shall continue for the period of twenty years; *provided*, that said road shall be kept in good travelling order.

SEC. 6. This Act shall take effect and be in force from and after the date of its passage.

CILAP. CXII.—*An Act to grant the Right to construct and maintain a Bridge across the Mokelumne River, to certain parties therein named.*

[Approved March 29, 1862.]

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

Franchise. SECTION 1. J. H. Woods and John McCoslin, or their assigns, shall have and possess the right and privilege to construct and maintain a toll bridge across the Mokelumne River, in San Joaquin County, at or near the Village of Woodbridge, and shall have and enjoy all rights, privileges, and immunities, thereunto appertaining, which are hereby granted to the said Woods and McCoslin, or their assigns, for the term of fifteen years; *provided*, that within six months from the passage of this Act, the said parties commence the construction, and within one year complete the building, of said bridge—otherwise all rights granted by this Act shall be forfeited.

Conditions. SEC. 2. The said parties, or their assigns, shall, at all times, after its construction, 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 a neglect or failure to keep the same so repaired.

County may purchase. SEC. 3. After the expiration of fifteen years from the completion of said bridge, the County of San Joaquin shall have the right to purchase said bridge, at an appraised value, to be determined by five Appraisers—two of whom shall be selected by the Board of Supervisors of San Joaquin County, two by the said parties, their successors or assigns, and one to be selected by the four Appraisers herein provided for. Such Appraisers shall estimate and fix the value of said bridge, to be paid for by said county; *provided*, that when said bridge is so purchased by the county, the right to levy and collect tolls shall cease.

Construction SEC. 4. The bridge mentioned in this Act shall be constructed in a good and substantial manner, and of the best quality of material commonly used for such purposes.

SEC. 5. No bridge or ferry shall be established within one mile above or below said bridge, unless public convenience shall imperatively demand it.

Tolls. SEC. 6. Upon the completion of said bridge, the owners are hereby authorized to charge and collect such rates of toll as

the Board of Supervisors of San Joaquin County shall fix annually.

SEC. 7. The owners of said bridge may regulate the speed of travel, riding or driving, upon said bridge; notice of which, together with the rates of toll, shall be posted in some conspicuous place on said bridge. Any person wilfully riding or driving over said bridge faster than the speed designated, shall be fined in any sum not less than ten nor more than fifty dollars, by any Court of competent jurisdiction, and shall also be liable for all damages accruing from such violation.

SEC. 8. This Act shall take effect on and after its passage.

CHAP. CXIII.—*An Act to authorize Joseph B. Price, and his associates, to construct and maintain a Turnpike Road, from Cloverdale to Sanel, and to charge and collect Toll for Travel thereon.*

[Approved April 3, 1862.]

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

SECTION 1. Joseph B. Price, together with those whom he may associate with him, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that he and they shall incorporate themselves, under the general laws of this State regulating corporations, and shall adopt the name of "The Russian River Road Company," and shall abide and fulfil the further conditions hereinafter mentioned.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain, a public toll road, from Cloverdale, in Sonoma County, upon either or both banks of Russian River, to Sanel, in Mendocino County, and shall have the right of way for that purpose, and shall enjoy all the rights, privileges, and immunities, thereunto appertaining, for the space of twenty years from the completion of said road.

SEC. 3. Said company shall, within one year from the passage of this Act, commence the construction of said road, and within three years build and fully complete the same, otherwise the rights herein granted shall be forfeited, and this Act become null and void.

SEC. 4. Said company shall, at all times after its completion, keep said road in passable order and condition, and shall be responsible for any damage arising to persons or to property travelling said road, caused by neglect to keep said road in proper repair and condition.

SEC. 5. After the expiration of ten years from the completion of said road, the Counties of Sonoma and Mendocino, or either of them, shall have the right to purchase said road, at an appraised value, to be determined by three Appraisers, one to be selected by said road company, one by the Supervisors of the

Provisi- Counties of Sonoma and Mendocino, and one by the two Appraisers herein provided for; *provided*, after such purchase, said road shall be free from toll or charges.

Tolls. Sec. 6. Said company, upon the construction and completion of said road, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Mendocino County shall annually fix; *provided*, the Legislature may at all times modify or change the rates so fixed by said Board of Supervisors; *provided*, the rates of toll so fixed shall be such as to yield to said company not less than twelve per cent. per annum on the capital stock of said company; and, *provided*, further, the capital stock of said company shall never exceed the sum of fifty thousand dollars.

Scale of prices of tolls. Sec. 7. Said company shall keep conspicuously placed, at each end of said road, a bulletin board, containing the scale of prices allowed for travel on said road.

Provisi- Sec. 8. Said company shall have the right to continue said road to Ukiah City at any time within three years from the passage of this Act; and all the rights and privileges herein granted, shall attach to such further addition of the aforesaid road; *provided*, the Board of Supervisors of Mendocino County shall have the right to direct the location of said addition; and no such addition shall be constructed without the consent of said Board of Supervisors.

Sec. 9. This Act shall take effect from and after its passage.

CHAP. CXIV.—*An Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to the Act of March thirty-first, eighteen hundred and fifty-seven, supplementary thereto, and to extend their provisions to other counties herein named.*

[Approved April 3, 1862.]

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

SECTION 1. The provisions of an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and of the Act of March thirty-first, supplementary thereto, are hereby extended to the Counties of Santa Barbara and San Luis Obispo.

Sec. 2. The division of the counties last mentioned, into Supervisors' Districts, if not already made, shall be made at the next regular meeting of the present Board of Supervisors in said counties, in May, eighteen hundred and sixty-two, and in the manner prescribed in the second section of the Act of February fourth, eighteen hundred and fifty-seven, to which this Act is supplementary.

Sec. 3. This Act to take effect from and after its passage.

CHAP. CXV.—*An Act to amend an Act entitled an Act in relation to the County Officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 3, 1862.]

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

SECTION 1. Section first of said Act shall be amended so as to read as follows:

Section 1. On and after the first Monday of October, A. D. Sheriff, one thousand eight hundred and sixty-one, the Sheriff of Sierra County shall be ex officio Collector of real and personal property tax. The County Clerk shall be ex officio Clerk of the Probate Clerk, Court, and Recorder. And the Auditor shall be ex officio Clerk Auditor, of the Board of Supervisors of Sierra County. And for all services required of them by law, or for duties imposed on them by virtue of their several offices, they shall receive such salary as is hereinafter prescribed, and none other.

SEC. 2. Section eight shall be amended so as to read as follows:

Section 8. The Sheriff shall be allowed the following assistants, to be paid by the county, viz: one Under Sheriff, who Deputy of Sheriff, shall be Keeper of the Jail, to be paid at the rate of one hundred and fifty dollars per month; one Deputy, at the rate of one hundred and twenty-five dollars per month. The Board of Supervisors may authorize the Sheriff to employ special Deputies, whenever, in their judgment, it shall be necessary; provided, however, the pay of said special Deputies shall not exceed, in the aggregate, five hundred dollars per annum.

SEC. 3. Section thirteen of said Act shall be amended so as to read as follows:

Section 13. All fees or compensations for official services, Fees, which, under this Act, are required to be paid into the County Treasury, shall be charged to the Salary Fund of the county, and be applied to the payment of the salaries of District Attorney, County Judge, County Treasurer, County Clerk, Sheriff, Payment of salaries, and Auditor, and the Deputies of said Sheriff and Clerk, as now provided by law. The said Sheriff, Treasurer, Clerk and ex officio Recorder and Probate Clerk, as aforesaid, and Auditor, named in this Act, shall perform all services required of them by law, for county purposes, without fee or compensation further than that hereinbefore provided in this Act.

SEC. 4. This Act shall take effect and be in force from and after the first of April, A. D. eighteen hundred and sixty-two.

CHAP. CXVI.—*An Act in relation to the Register of the State Land Office.*

[Approved April 3, 1862.]

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

Salary. SECTION 1. The salary of the Register of the State Land Office shall be, from and after the tenth day of January, A. D. one thousand eight hundred and sixty-two, two thousand dollars per annum.

Fees. SEC. 2. All fees received by the Register in the performance of his duties, shall be paid into the State Treasury, quarterly, to the credit of the General Fund.

Draughtsman and Clerk, and their salaries. SEC. 3. The Register of the State Land Office shall be allowed, from and after the tenth day of January, A. D. one thousand eight hundred and sixty-two, one Draughtsman, with a salary of two hundred dollars per month, and one Clerk, whose salary shall be one hundred and fifty dollars per month.

SEC. 4. All laws, or parts of laws, conflicting with the provisions of this Act, are hereby repealed.

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

CHAP. CXVII.—*An Act to enable the Attorney-General to employ a Clerk.*

[Approved April 3, 1862.]

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

May employ a Clerk. SECTION 1. The Attorney-General is hereby authorized to expend, out of any money coming to his possession, belonging to the State, and collected by him, the sum of eighteen hundred dollars per annum, for Clerk hire, service, and incidental expenses of suits; *provided*, he shall not be permitted to expend more than ten per cent. of any amount received by him during any one year of the term of his office.

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

CHAP. CXVIII.—*An Act to grant the Right to construct a Turnpike Road, between the Big Tree Grove, in Calaveras County, and the Eastern Boundary of the State of California.*

[Approved April 3, 1862.]

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

SECTION 1. James L. Sperry, John Perry, P. L. Traver, John Kimball, Ephraim Cutting, T. Dunbar, John De Laithe, Joseph Shepherd, Volney Shearer, and Riely Senter, or their assigns, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they, or their assigns, shall incorporate themselves, under the general law of the State regulating corporations and providing for the incorporations of turnpike roads, and shall adopt the name of the Big Tree and Carson Valley Turnpike Company, and shall abide by and fulfil the further conditions hereinafter mentioned.

Franchise.

SEC. 2. The said company shall have full power to build and maintain a public turnpike road, from the Big Tree Grove, in Calaveras County, to the eastern boundary of the State of California, and have and enjoy the rights, privileges, and immunities, thereunto appertaining, and shall have the right of way, which is hereby ceded to said company for the term of twenty-five years. The State enters into these covenants, and grants these rights and privileges, upon express condition that within six months from the passage of this Act the said company shall commence, and within two years complete, said turnpike road; *provided*, that the said company shall not interfere with or obstruct any of the present county roads in the County of Calaveras.

Powers and rights of company.

Proviso.

SEC. 3. The same rights as are now extended by law to plank and turnpike road companies, in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the said Big Tree and Carson Valley Turnpike Company, the damages to be ascertained and paid in the same manner as they are by plank and turnpike road companies.

Rights.

Damages.

SEC. 4. The grades on said road shall be constructed with convenient places for the turning out and passing of the heaviest teams, and shall be kept open, in good repair, at least six months in each year.

Conditions.

SEC. 5. Upon the completion of every twenty-five miles of the said road, the company shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Calaveras County shall fix, and upon the final completion of said road, the said company shall be authorized and empowered to collect such rates of toll as the Board of Supervisors shall fix annually.

Tolls.

SEC. 6. The said company shall keep, in some conspicuous place at each end of the road, a sign board, which show the rates of toll and the regulations of the road.

Sign board.

CHAP. CXIX.—*An Act to release certain Claims on the part of the State.*

[Approved April 3, 1862.]

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

Judgments
against
auctioneers
released.

SECTION 1. All judgments heretofore obtained by the State against auctioneers, or persons acting as auctioneers, for non-compliance with, or failure to pay duties, under the provisions of 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-nine, are hereby released and discharged, upon the following conditions:

Conditions.

First—That they shall pay into the State Treasury the sum of two thousand eight hundred and twenty dollars.

Same.

Second—That they shall pay Gregory Yale, in full, for all Attorney and Counsel fees in said cases; also, pay Isaac N. Thorne, in full, for assistance rendered special Counsel, and disbursements made by him.

Duties of
Attorney-
General.

And upon the presentation of the receipt of the Treasurer of State, for the said twenty-eight hundred and twenty dollars, together with the receipts of the above named Gregory Yale, and Isaac N. Thorne, the Attorney-General is hereby authorized and directed to cancel and discharge the same of record, and to discontinue all suits and prosecutions heretofore commenced, and now pending, against any auctioneers, or persons acting as auctioneers, for non-compliance with the provisions of said Act, relative to auction duties, or for non-payment of duties under the same; and all claims of the State, for auction duties, under said Act, are hereby released and discharged.

SEC. 2. This Act shall take effect immediately.

CHAP. CXX.—*An Act to provide for the Election of Supervisors in the County of Napa.*

[Approved April 8, 1862.]

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

Election.

SECTION 1. At the next general election, there shall be elected, in the County of Napa, by the qualified electors thereof, three Supervisors, who shall constitute the Board of Supervisors of said county. And each of said Supervisors shall qualify and enter upon the duties of his office on the first Monday of October subsequent to such election, and hold said office until his successor is elected and qualified.

Residence
and term of
office.

SEC. 2. One of the Supervisors, elected as provided in the preceding section of this Act, shall be a citizen of Napa Township, and shall hold said office for the term of three years; one shall

be a citizen of Hot Spring Township, and shall hold said office for the term of two years; and the other shall be a citizen of Yount Township, and shall hold said office for the term of one year.

SEC. 3. At the next general election subsequent to the general election in the year one thousand eight hundred and sixty-two, and annually thereafter, there shall be elected, in said county, by the qualified electors thereof, one Supervisor, who shall be a citizen of the same township that his predecessor was at the time of his election, and shall qualify and enter upon the duties of his office on the first Monday of the month next succeeding such election, and shall continue to reside in said township during his term of office, otherwise said office shall be considered vacant. Election.

SEC. 4. 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, of the Acts amendatory of and supplemental thereto, and of all other Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed, so far as the same apply to the County of Napa. Acts repealed.

SEC. 5. This Act shall be submitted to the qualified voters of Napa County, for their approval or rejection, at an election that shall be held for that purpose, on the nineteenth day of April, A. D. one thousand eight hundred and sixty-two. The said election shall be conducted and governed by the laws regulating the general elections of this State, except that Pulaski Jacks, J. M. Mansfield, and Robert Crouch, Clerk of said county, shall be substituted for and perform such duties as are authorized and required to be done by the Board of Supervisors, and the said Pulaski Jacks, J. M. Mansfield, and Robert Crouch, shall canvass and declare the returns of the election to be held in pursuance of this Act. Act to be submitted to the electors.
Certain duties to be performed.

SEC. 6. The ballots voted at said election shall be headed as follows: "An Act to provide for the Election of Supervisors in the County of Napa," with the word "Yes," or "No," thereunder, as the elector may determine. Ballots.

SEC. 7. If a majority of the qualified voters of said county, voting at said election on that question, vote "Yes," then the provisions of this Act shall take effect and be in force in said county. If a majority of the voters in said county, voting on said question, vote "No," then this Act shall not take effect in said county.

CHAP. CXXI.—*An Act amendatory of and supplemental to an Act entitled an Act to authorize Married Women to transact Business in their own names, as Sole Traders, passed April twelfth, eighteen hundred and fifty-two.*

[Approved April 8, 1862.]

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 :

Applicants
to give
notice.

Notice.

Hearing of
application.

Order.

Oath.

Copy of
order to be
recorded.

Section 2. Any married woman, residing within this State, desirous to avail herself of the benefit of this Act, shall give notice thereof, by advertising, in some public newspaper of general circulation in the county in which she resides, for four successive weeks; *provided*, if any newspaper be published in said county, said publication shall be made in the paper so published in said county. Such notice shall set forth that it is her intention to make application to the District Court of said county, on the day therein named, for an order of said Court, permitting her to carry on business in her own name and on her own account, and it shall specifically set forth the nature of the business to be carried on. On the day named in the notice, or at such further time as the Court may appoint, on filing proof of publication, the Court shall proceed to examine the application, on oath, as to the reasons which induce her to make the application, and if it appear to the Court that a proper case exists, it shall make an order, which shall be entered on the minutes, that the applicant be authorized and empowered to carry on, in her own name, and on her own account, the business, trade, profession, or art, named in the notice; but the insolvency of the husband, apart from other causes tending to prevent his supporting his family, shall not be deemed to be sufficient cause for granting this application. Any creditor of the husband may oppose such application, and may show that it is made for the purpose of defrauding such creditor, and preventing him from collecting his debt, or will occasion such result, and if it shall so appear to the Court, the application shall be denied. On the hearing, witnesses may be examined on behalf of either party. Before making the order, the Court or Judge shall administer to the applicant the following oath :

"I, A. B., do, in presence of Almighty God, truly and solemnly swear, that this application is made in good faith, for the purpose of enabling me to support myself and my children, (if the applicant have minor children,) and not with any view to defraud, delay, or hinder, any creditor or creditors of my husband; and that of the moneys so to be used, in said business, not more than five hundred dollars has come, either directly or indirectly, from my husband. So help me, God."

A certified copy of said order, with the said oath indorsed thereon, shall be recorded in the office of the Recorder of the county where the business is to be carried on, in a book to be kept for such purpose.

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

SEC. 3. After the order has been duly made and recorded, as provided in the second section of this Act, the person therein named shall be entitled to carry on such business, in her own name, and the property, revenues, moneys, and credits, so invested, shall belong exclusively to such married woman, and shall not be liable for any debts of her husband; and said married woman shall be allowed all the privileges, and be liable to all legal processes, now or hereafter provided by law against debtors and creditors, and may sue, and be sued, alone, without being joined with her husband. But nothing contained in this Act shall be deemed to authorize a married woman to carry on business in her own name, when the same is managed or superintended by her husband.

Rights and liabilities of a sole trader.

SEC. 3. Section five of said Act is hereby repealed.

Act repealed

SEC. 4. All persons now doing business as sole traders, under the law of which this is amendatory, shall have six months from and after the first day of May, eighteen hundred and sixty-two, in which to give the notice and take the proceedings required by this Act; and if not done within that time, or if the application be denied by the Court, the right to transact business as a sole trader shall no longer exist; *provided*, however, that all property rightfully acquired by such sole trader, previous to that time, shall be held by her as her separate property.

Act applicable to present sole traders.

Proviso.

CHAP. CXXII.—*An Act to authorize and empower Joshua Hendy, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain Booms on the Navarro River, in the County of Mendocino.*

[Approved April 8, 1862.]

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

SECTION 1. It shall be lawful for Joshua Hendy, H. B. Tichenor, and Robert G. Byxbee, and their associates, who now own, or their assigns, who may hereafter erect, purchase, or own, or be in possession of, any saw mill, or mills, whether propelled by water or steam power, for the manufacture of lumber, on the Navarro River, in the County of Mendocino, State of California, to build, erect, hang, or purchase, and maintain, when in their estimation the same may be necessary to facilitate the manufacture of lumber, such boom, or booms, as may be necessary for that purpose; *provided*, that in the construction or erection of any such boom, or booms, as aforesaid, the person or persons, erecting, purchasing, or owning, the same, shall not obstruct or prevent the free navigation of said river.

Franchise.

Proviso.

SEC. 2. If any person or persons, in constructing any boom, or booms, shall obstruct or prevent the free navigation of said river, such person or persons shall be liable to the party or parties injured thereby, for all damages which such party or

Not to obstruct navigation.

Damages. parties may sustain by reason of such obstruction, to be recovered in any Court of competent jurisdiction, with costs of suit, as in other cases.

Malicious injury. SEC. 3. Any person or persons, who shall wilfully or maliciously destroy or injure said booms, or any of them, shall be deemed guilty of malicious mischief, as in other cases, and shall be liable to the party or parties injured or damaged, for all damages sustained by the owner or owners thereof, as in other cases for the destruction of private property.

Not to collect tolls. SEC. 4. Nothing in this Act contained shall be so construed as to authorize or empower the persons, in the first section of this Act named, or any of them, or their assigns, to collect water rents, or tolls, for the use of any such boom or booms.

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

CHAP. CXXIII.—*An Act to amend an Act entitled an Act to regulate Fees in Office in certain counties in this State.*

[Approved April 8, 1862.]

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

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

Fees in certain counties. SECTION 1. In the Counties of Sonoma, Santa Barbara, Santa Clara, San Mateo, Napa, San Joaquin, Los Angeles, Contra Costa, Sacramento, Alameda, Humboldt, Colusa, Santa Cruz, San Luis Obispo, Monterey, and Lake, such fees are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand, and receive, the same.

CHAP. CXXIV.—*An Act to amend an Act entitled an Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty.*

[Approved April 8, 1862.]

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

Section amended. SECTION 1. Section six of an Act entitled an Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty, is hereby so amended as to read as follows:

Corporation to organize within one year. SECTION 6. If any corporation, formed under the laws of this State, shall not organize and commence the transaction of its business within one year from the date of its incorporation, its corporate powers shall cease; *provided*, that the question of

the due incorporation of any company, claiming in good faith to be a corporation under the laws of this State, and doing business as such corporation, or of its right to exercise corporate powers, shall not be inquired into, collaterally, in any private suit to which such de facto corporation may be a party; but such inquiry may be had at the suit of the State, or information of the Attorney-General. Proviso.

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

Section 12. Whenever the capital stock of any corporation is divided into shares, and certificates thereof are issued, such shares may be transferred, by indorsement and delivery of the certificate thereof, such indorsement being by the signature of the proprietor, or his or her attorney or legal representative; but such transfer shall not be valid, except between the parties thereto, until the same shall have been so entered upon the books of the corporation as to show the names of the parties by and to whom transferred, the number or designation of the shares, and the date of the transfer. In all cases in which shares of stock in corporations, now existing, or hereafter incorporated under any law of this State, are held or owned by a married woman, such shares may be transferred by her, her agent, or attorney, without the signature of her husband, in the same manner as if such married woman were a female sole. Transfer of shares.

And in all cases of transfers of shares of stock of such corporation, on behalf of owners residing out of the State, it shall be lawful for the President, Secretary, or Trustees, of such corporation, before entering such transfer on the books of the company, or issuing the certificate therefor to the transferee, to require from such attorney, or from the person claiming under such transfer, a bond of indemnity, with two sureties, satisfactory to the officers of the corporation, or, if not so satisfactory, then approved by the District Judge of the district in which the principal office of said company is situated, conditioned to protect such corporation against any liability to the legal representatives of the owner of such stock, in case of his or her death, before such transfer; and in case of refusal to furnish such bonds upon request, such transfer shall be utterly void as against the corporation. Transfer of shares held by married women, etc.

All dividends, payable upon any shares of stock of a corporation held by a married woman, may be paid to such married woman, her agent, or attorney, in the same manner as if she were unmarried, and it shall not be necessary for her husband to join in receipt therefor; and any proxy, or power, given by a married woman, touching any shares of stock of any corporation, owned by her, shall be valid and binding, without the signature of her husband, the same as if she were unmarried. Non-residents.

SEC. 3. All laws, so far as they conflict with the provisions of this Act, are hereby repealed. Bonds.

SEC. 4. This Act shall take effect and be in force from and after its passage. Dividends payable to married women.

CHAP. CXXV.—*An Act to grant to James H., and Charles J., Deering, the Right to construct and maintain a Bridge or Bridges across the Tuolumne River.*

[Approved April 8, 1862.]

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

- Franchise.** SECTION 1. James H., and Charles J., Deering, and their successors, owners of the bridge and ferry franchise at Stevens' Bar and Jacksonville, on the Tuolumne River, shall have, take, possess, and enjoy, for the benefit of themselves and their assigns, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned.
- Powers and rights.** SEC. 2. The said James H., and Charles J., Deering, shall have full power to build, erect, construct, and maintain, a public toll bridge or bridges across the Tuolumne River, at a point or points anywhere between a point, one fourth of a mile above the point of their former bridge, and the lower point of their franchise, near Jacksonville, in Tuolumne County, and have and enjoy all the rights, privileges, and immunities, thereunto appertaining, and shall have the right of way across said river, and the privilege of using the same for the purpose aforesaid, between the points designated on said river, which is hereby granted and ceded to the said James H., and Charles J., Deering, and their assigns, for the term of twenty years; *provided*, that within one year from the date of the passage of this Act, the said parties shall have completed one principal bridge at or near the place where formerly was erected Deering's Bridge, near Stevens' Bar, in Tuolumne County; and if said bridge be not so completed within one year, the rights and privileges hereby granted shall be forfeited. The said parties and assigns shall, at all times after the completion of the bridge or bridges aforesaid, keep the same in good order and condition, and shall be responsible for all damages arising to persons or property crossing the same, caused by neglect to keep the same in proper repair.
- Proviso.** SEC. 3. The said parties and assigns, upon the completion of said bridge or bridges, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Tuolumne County shall fix; *provided*, that the Legislature may at all times regulate, modify, or change, the rates so fixed by said Board of Supervisors.
- Tolls.** SEC. 4. The said bridge or bridges shall be constructed in a good, substantial, and workmanlike, manner, and of the best and most durable materials.
- Proviso.** SEC. 5. The said parties and assigns are hereby authorized and empowered to assume the name of "The Stevens' Bar Bridge Company."
- Manner of construction.** SEC. 6. The said parties and assigns may regulate and determine the speed of travel, riding or driving, upon any of the bridges, and may require the speed not to be faster than a walk. Notice of said regulation, together with the rates of toll, shall be kept posted upon some conspicuous place upon
- Name.**
- Speed of travel, etc.**

said bridge or bridges; and for each violation of said regulation, the party offending, if prosecuted in any Court of competent jurisdiction, shall be fined in any sum not less than ten dollars nor more than fifty dollars, and, in addition, shall be liable to said parties and assigns for all actual damages sustained by reason of such violation.

Violation.

Penalty and damages.

Sec. 7. The said parties and assigns may regulate and determine the number of animals in the team, number of wagons, amount of freight, and number of stock cattle, that may pass over said bridge or bridges at any one time, which regulation shall be affixed to the rate of toll, in some conspicuous place, as aforesaid; and the said parties and their assigns shall not be responsible for any injury or damage to persons or property resulting from a violation of this regulation.

Powers of company.

Sec. 8. No ferry, ford, or toll bridge, shall be established within the limits of the aforesaid franchise, unless it be required by public convenience, and the right to establish the same be granted by the Legislature.

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

CHAP. CXXXVI.—*An Act supplementary to an Act entitled 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 twenty-first, eighteen hundred and fifty-eight.*

[Approved April 8, 1862.]

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

SECTION 1. The Commissioners of the Funded Debt of the City of San José, created by virtue of an Act entitled 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 twenty-first, eighteen hundred and fifty-eight, and their successors in office, shall have power, and they are hereby authorized, to grant, bargain, sell, quitclaim, and convey, in such manner and form, and for such prices, as they may deem for the best interest of said city, but without any warranty of title, the right, title, interest, claim, and demand, which the said city has held or claimed in or to any of the lands that have been or may hereafter be conveyed to said Commissioners, according to the provisions of said Act, or of any Act amendatory thereof, or supplementary thereto, and neither the sanction, consent, nor approval, of the City Government of said city, shall be necessary to give legality, validity, or full effect, to any sale, or conveyance, that has been or may be made or executed by said Commissioners, by virtue of any of the above mentioned Acts; *provided*, that the said Commissioners shall not grant, bargain, sell, convey, or in any manner dispose of, any right, title, interest, claim, or demand, in or to any public building, or the lot on

Commissioners of Funded Debt to sell lands.

Provided.

which the same is situated, or any property reserved for public use, or any road, street, or alley, in said city, without being thereunto duly authorized by the City Government of said city.

SEC. 2. If any right, title, interest, claim, or demand, in or to any of the lands mentioned in the preceding section, shall remain unsold by said Commissioners after the payment of the funded debts mentioned in the said Act, then the said Commissioners shall continue to grant, bargain, sell, quitclaim, and convey, the same, in the same manner and form, with the same exceptions and restrictions, and with the same force and effect, as prescribed in the preceding section of this Act.

Application
of moneys.

SEC. 3. The money realized from the sales and conveyances provided for in the second section of this Act, shall, from time to time, at least once in each year, be paid over to the City Treasurer of said city, and the Treasurer shall, from time to time, under the orders of the Government of said city, invest the same in bonds of the United States, or of this State, or of the County of Santa Clara, to the credit of, and to form a School Fund for said city, and the one fifth of the interest annually accruing upon such bonds shall be, in like manner, and for the like purpose, be invested by said Treasurer. It shall be the duty of the City Government of said city to cause the said money and interest to be and continue invested in bonds, as aforesaid, and to be reinvested whenever such bonds shall be redeemed or paid, and the same shall not be used, appropriated, or employed, for any other purpose whatsoever.

same.

SEC. 4. The remaining four fifths of the interest accruing upon said bonds shall be appropriated for the support of common schools in said city, in the same manner as School Funds received from the State Treasury are appropriated.

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

CHAP. CXXVII.—*An Act relating to the City Cemetery of the City of Sacramento.*

[Approved April 8, 1862.]

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

Superintendent to remove bodies from avenues, etc

SECTION 1. The Superintendent of the City Cemetery, of the City of Sacramento, is hereby authorized and required to disinter and remove, from the ground designated on the official map or plan of said cemetery as avenues and alleys, all bodies heretofore interred therein, and to reinter the same in some other part of said cemetery.

May disinter for non-payment.

SEC. 2. If any body or bodies have been, or hereafter shall be, interred in any part of said cemetery designated on the official map or plan, as a lot, the purchase money of which shall not be paid within thirty days after the passage of this Act, interment in cases hereafter arising, the Superintendent of said cemetery is hereby authorized and required to disinter such

body or bodies, and reinter the same in some other part of said cemetery.

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

CHAP. CXXVIII.—*An Act for the Punishment of Contempts and Trespasses.*

[Approved April 8, 1862.]

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

SECTION 1. Every person who shall have been, or shall be hereafter, dispossessed or ejected from, or out of, any piece, parcel, lot, or tract, of land, by the judgment, decree, or process, of any Court of competent jurisdiction, and who, not having legal right so to do, shall re-enter into, or upon, or take possession of, any such land, or any part thereof, or induce, or procure, any person, not having legal right so to do, or shall aid or abet him therein, shall be deemed guilty of a contempt of the Court by which such judgment or decree was rendered, or from which such process issued, and shall be tried and punished therefor, in the same manner and form as now provided by law, in case of contempt not committed in presence of the Court or Justice of the Peace. Contempt. Punishment

SEC. 2. Upon a conviction for such contempt, the Court, or Justice of the Peace, shall immediately issue an alias process, directed to the proper officer, and requiring him to restore the party entitled to the possession of such property, under the original judgment, decree, or process, to such possession of which he shall have been dispossessed by the wrongful conduct or act herein declared to be a contempt. Alias process

CHAP. CXXIX.—*An Act granting certain Privileges to Citizens of Grass Valley, Nevada County.*

[Approved April 8, 1862.]

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

SECTION 1. William Loutzenheiser, E. McLaughlin, J. H. Henderson, C. W. Smith, and William K. Spencer, their associates and assigns, are hereby authorized and empowered to lay down gas pipes in and through the streets of the Town of Grass Valley, Nevada County, State of California; *provided*, that without unnecessary delay, the above named persons shall place said streets in as thorough order and repair as they shall have been previous to the laying of said pipes. Privilege. Provision.

Limit of franchise. SEC. 2. The exclusive right and privilege of supplying said Town of Grass Valley and its inhabitants with gas, is hereby granted and confirmed to the persons named in the foregoing section of this Act, for the full term of ten years from and after the date of its approval; *provided*, that at no time during that period the price of said gas, charged to the consumers thereof, shall exceed the sum of ten dollars per thousand feet; and, *provided*, further, that the said parties shall commence the construction of the said gas works within three months after the passage of this Act, and, without unnecessary delay, complete the same.

Proviso.

SEC. 3. This Act shall take effect in ten days after its passage.

CHAP. CXXX.—*An Act for the Relief of W. J. Paugh, late Sheriff of the County of Amador.*

[Approved April 8, 1862.]

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

Duty of County Auditor.

SECTION 1. The County Auditor of Amador County, in making his settlement with W. J. Paugh, late Sheriff of Amador County, shall credit said Paugh with the sum of three hundred and sixty-four dollars, being the amount of ninety-one foreign miners' license receipts, which receipts were lost in the years one thousand eight hundred and fifty-nine, and sixty.

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

CHAP. CXXXI.—*An Act to authorize the Construction of a Wharf at a point designated upon the southerly bank of the San Joaquin River.*

[Approved April 8, 1862.]

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

Franchise.

SECTION 1. The right to erect and maintain a wharf on the southerly bank of the San Joaquin River, at a place anywhere between the "Bacon House" and the Town of Antioch—*provided*, said corporation select such place, and file with the Recorder of the County of Contra Costa a description of the place selected, within three months from and after the passage of this Act; *provided*, that if no such selection is made, and a description filed, as aforesaid, this Act to be void; and, *provided*, also, that when such selection shall have been made, and a description filed, as aforesaid, the Legislature of this State may grant rights to construct wharves anywhere outside of two hundred

Proviso.
Name.

feet on either side of any wharf constructed under the authority of this Act, said wharf not to exceed four hundred feet in length along the bank of said river, and not to extend into said river a distance exceeding two hundred feet—is hereby granted to the Pittsburg Railroad Company; *provided*, said railroad company shall, within one year after the passage of this Act, commence the construction of said wharf, and shall, within two years after the passage of this Act, complete said work in a good and substantial manner. Proviso.

SEC. 2. The said wharf shall not obstruct the navigation of the San Joaquin River, and all the rights and privileges granted by this Act shall cease and determine at the expiration of fifty years from the date of the passage of this Act. Conditions.

CHAP. CXXXII.—*An Act to amend an Act entitled an Act to incorporate the City of San José, passed March sixteenth, eighteen hundred and fifty-nine.*

[Approved April 8, 1862.]

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:

Section 15. If, at any time, the owners of two thirds of the real estate fronting on any street, counting from one cross street to another cross street, shall petition the Common Council for the privilege of constructing, repairing, grading, graveling, or paving, such street, or the sidewalks along the same, then it shall be the duty of the Common Council to cause an immediate survey of the proposed improvements to be made, by some competent Surveyor, who shall, in his specifications, give the proper grade, and the amount of excavation or filling in the front of each person's real estate to the middle of the street; or if the improvements only extend to the sidewalks, then he shall give the grade and the amount of the excavation or tilling of the sidewalks. If the Common Council approve the survey and specifications of the Surveyor, they shall order said improvements, as petitioned for, to be made, and shall make an assessment of the costs thereof to each of the persons owning said real estate; and the same shall constitute a lien upon such real estate, until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making their improvements, in accordance with the specifications, and within the time mentioned in the ordinance ordering said improvements to be made; but if not so made, then it shall be the duty of the Marshal, forthwith, to let out, in the manner provided by ordinance, the making of all the improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect, or refuse, to pay for the cost of the same, when completed, it shall be the duty of the Marshal, by Repairing streets, etc.
Duties of Common Council.
Proviso.

order of the Common Council, to institute suit in the name of the city, against said owner, for the recovery of said cost; and the judgment rendered thereon shall constitute a lien upon said real estate, and execution may be issued thereon, and may be served as in other cases in civil actions; *provided*, further, that the cost of the survey and specifications shall be paid by said city. The Common Council may require the said street and sidewalks, after such improvements have been made, to be kept in good repair by the owners of said real estate, and if not repaired when ordered, the Marshal shall let out the making of the said repairs, and collect the cost of the same, in the same manner as in case of the owner failing to make or to pay for the cost of the improvements, as aforesaid.

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

Payment
of cost of
repairs.

Proviso.

Powers of
Marshal.

CHAP. CXXXIII.—*An Act to provide for the Retention of the Hides of Cattle killed or slaughtered in San Mateo County.*

[Approved April 8, 1862.]

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

Hides to be
retained.

SECTION 1. Any person or persons who shall, at any time, kill, or slaughter, or cause to be killed, or slaughtered, any cattle, shall retain in their possession the hides of said animals, with the ears thereto attached, without any alteration or disfiguration of the same, or the marks or brands on the said hides or ears, for the period of four days, and shall, at any time within said period of four days, on request, exhibit said hides to any one desiring to inspect them, and permit them to examine said hides, and the marks and brands thereon.

Violation.

SEC. 2. Any person or persons who shall violate any of the provisions or requirements of the foregoing section, shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof, before any Justice of the Peace of said county, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or imprisonment in the county jail of said county, for a period of not less than ten days nor more than ninety days, or both such fine and imprisonment, in discretion of the Justice.

Penalty.

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

CHAP. CXXXIV.—*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 8, 1862.]

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

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

Section 203. Immediately after entering the judgment, the Clerk shall attach together and file the following papers, which shall constitute the judgment roll: Judgment roll.

First—In case the complaint be not answered by any defendant, the summons, with the affidavit or proof of service, and the complaint, with a memorandum indorsed upon the complaint, that the default of the defendant in not answering was entered, and a copy of the judgment. Form of.

Second—In all other cases, the summons, pleadings, verdict of the jury, or finding of the Court, and all bills of exception taken and filed in said action, and a copy of the judgment, and any orders relating to a change of the parties. Same.

CHAP. CXXXV.—*An Act to amend an Act entitled an Act concerning the Officers of Calaveras County, and the Collection of Poll Taxes, License Taxes, and Foreign Miners' License Taxes, in said county, approved February twenty-sixth, eighteen hundred and fifty-nine.*

[Approved April 8, 1862.]

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

SECTION 1. Section eighth of said Act shall be and is hereby amended so as to read as follows :

Section 8. Each Collector shall be allowed twenty cents on each dollar for foreign miners' licenses collected; and fifteen cents for each dollar on poll taxes collected; and ten cents on each dollar collected for State and county license tax, and the fees now allowed for the enforcing of the collection of the same, and no other compensation whatever, direct or indirect. Fees of Collector.

CHAP. CXXXVI.—*An Act to authorize the County of Placer to loan its Credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of One Hundred Thousand Dollars.*

[Approved April 8, 1862.]

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

Issuance
of bonds.

SECTION 1. Whenever the Sacramento, Placer, and Nevada Railroad Company, by and through its Board of Directors and President, shall make written application to the Board of Supervisors of the County of Placer, at any regular or stated meeting of said Supervisors, requesting said County of Placer, through its properly constituted authorities, to issue to said railroad company, the bonds of said county, in the total sum of one hundred thousand dollars, it shall be lawful for said county to issue its bonds, and dispose of them in the manner following, and subject to the following conditions.

Special
election.

SEC. 2. Upon the receipt of said petition from said Sacramento, Placer, and Nevada Railroad Company, the Board of Supervisors shall entertain the same, and in order to ascertain whether the people of said county are willing that its credit should be loaned, as desired by said company, said Board of Supervisors shall, within sixty days after the receipt of said petition, order a special election to be held in said county, at which shall be submitted the proposition of said loan to said railroad company, to be voted upon by the qualified voters of said county.

Same.

SEC. 3. The said election shall be fixed, by said Board of Supervisors, for some day, not less than thirty nor more than sixty days from the time of making said order. Said Board shall cause a notice of said election to be published for the period of four weeks next before the day of said election, in two or more newspapers published in said county, which notice shall specify the time of said election, the object of the same, the proposition to be voted upon, and the place where the polls will be opened on said day, for said election, which shall be the same as the precincts fixed for said purpose at the last preceding general election. They shall also appoint Judges and Inspectors of said election, and cause notice thereof to be given, as in other elections authorized by law. No compensation shall be allowed to any Judge, Clerk, or Inspector, acting at said election.

Ballots.

SEC. 4. Upon the day fixed by said order, the said election shall be held. Each of the electors voting at said election shall have written, or printed, upon his ballot, the words, "Railroad Loan, Yes," or the words, "Railroad Loan, No." Said election shall be conducted, and the returns thereof shall be made out and transmitted to the County Clerk, within the time and in the manner prescribed by law at general elections. On the fifteenth day after the day of holding said election, the Board of Supervisors shall meet, and canvass said returns, and declare the result.

SEC. 5. If, upon the canvassing of said returns, it shall be

found that of the votes cast at said election, having written or printed upon them the words, "Railroad Loan, Yes," or the words, "Railroad Loan, No," a majority have written or printed upon them, "Railroad Loan, No," then the duty of the Board of Supervisors in the premises shall cease and determine; but if a majority of the votes so cast shall have written or printed upon them the words, "Railroad Loan, Yes," then the Board of Supervisors shall issue the bonds of said county, in the manner hereinafter prescribed.

Sec. 6. When it shall be ascertained, in the manner prescribed in section five of this Act, that the majority of the votes cast at said election, having written or printed on them the words, "Railroad Loan, Yes," or, "Railroad Loan, No," have written or printed upon them the words, "Railroad Loan, Yes," then it shall be the duty of said Board of Supervisors, whenever thereto requested by the President and Board of Directors of said railroad company, to prepare and issue to said railroad company the bonds of said county, to the amount of one hundred thousand dollars; said bonds may be in sums of two hundred and fifty, five hundred, or one thousand dollars, each, as may be requested by said railroad company; they shall express upon their face the nature of the same, and object for which they are issued; shall be payable in twenty years from their date; shall bear interest at the rate of eight per cent. per annum, payable semi-annually, on the first days of July and January of each year, and shall have interest coupons attached, expressing the rate, and time of payment of interest, as above specified. Both bonds and coupons shall be made payable at the office of the Treasurer, in said county.

Sec. 7. Said bonds shall each be signed by the President of the Board of Supervisors and the Treasurer of the County, and shall have the county seal affixed to each and every bond. The coupons shall be signed by the Treasurer of said county. Both bonds and coupons shall be made payable to the Sacramento, Placer, and Nevada Railroad Company, or bearer, and each bond shall bear upon its back a certificate, signed by the President of the Board of Supervisors and the President of said railroad company, setting forth that it is duly and formally issued as contemplated by law. Said bonds shall be transferable by delivery, and, whenever so executed and issued, shall be the bonds of the County of Placer, and shall bind said county to the payment of the principal and interest, as therein expressed.

Sec. 8. Whenever the bonds of the County of Placer shall be issued and delivered to the railroad company, as prescribed in the last section, the Sacramento, Placer, and Nevada Railroad Company shall, at the same time, deliver to the President of the Board of Supervisors of said county, for the benefit of said county, the bonds of said railroad company, of equal number, in like amounts, maturing at the same time, bearing the same rate of interest, and interest payable at the same periods, as the bonds of the county so executed and issued. Said railroad bonds shall be made payable to the County of Placer, or its order, and shall be signed by the President and Secretary of the company, and countersigned by the Vice President of the

company, and each shall bear the seal of said company, and interest coupons shall be attached, corresponding in date, amount, rate, and time of payment, with the coupons attached to said county bonds, which coupons shall be signed by the Treasurer of said company.

Second mortgage to be executed to Placer County by railroad company.

SEC. 9. The said railroad company shall, at the time designated in the last section, by and through its proper officers, execute, under the seal of said company, a second mortgage, upon all the property, real and personal, and franchises, of said company, then owned and possessed and thereafter to be acquired by said company, as security for the payment of said railroad bonds and coupons, as prescribed in the last section; which said mortgage shall be, and express upon its face, that it is subject to the mortgage of said company, made and delivered to Lester L. Robinson and Francis L. A. Pioche, bearing date first of September, eighteen hundred and sixty-one, and of record in said county, but shall not be subject to any other mortgage or encumbrance upon said property. The said bonds of Placer County shall only be delivered to said railroad company upon the delivery by said railroad company, to the President of the Board of Supervisors, of the bonds and mortgage of the railroad company, as prescribed in this Act.

Sinking Fund.

SEC. 10. The mortgage provided for in the last section, shall provide, by its terms, for a Sinking Fund, to be reserved from the revenues of said company, sufficient to secure the payment of the principal and interest of the bonds of said company so given to the county, at maturity; and shall so pledge the revenues of the company to the said Sinking Fund, that no dividends shall be declared by the company, except of its moneys in excess of a sufficient portion of its net revenues, to be set apart to said Sinking Fund, to insure the payment of said bonds and coupons thereto attached, at their maturity. The Board of Supervisors of said county, or the President thereof, at any time during the regular session of said Board, and at all other proper and reasonable times, shall have power to examine into the affairs of said railroad company, and for that purpose may examine the books, papers, accounts, and documents, belonging to the company; and it is hereby made the duty of the officer of said railroad company, having custody of any such books, papers, and accounts, to exhibit the same, for the examination of said Board.

Powers of Supervisors

Tax to pay interest on bonds of county.

SEC. 11. The Board of Supervisors of said county shall, for each year, at the same time at which other taxes are levied for county purposes, levy a special tax upon all the real and personal property within said county, subject to taxation, for the purpose of meeting the whole amount of interest to become due within said year, upon said county bonds. In making said levy, said Board shall designate the number of cents on each one hundred dollars of said taxable property, which shall be so taxed for said purpose, and the tax, so levied, shall be known and designated as "The Railroad Tax."

Levy, assessment, and collection.

SEC. 12. The tax so levied shall be assessed and collected at the same time, by the same officers, and in the same manner, as other county taxes are levied and collected, for which said officers and the County Treasurer, for disbursements, shall receive

the same rate of compensation as is allowed by law for the collection and disbursement of other county taxes. The Tax Collector, upon the collection of said tax, shall give to each tax payer a separate receipt, which shall show upon its face the amount of railroad tax so paid by him. These receipts shall be printed, and all similar in form, differing only in name, date, and amount.

SEC. 13. The County Treasurer shall separate the amount collected on railroad tax from other moneys in the Treasury, and shall keep the same in a separate fund, to be called "The Railroad Fund," of which he shall keep a separate account. Duty of
County
Treasurer.

SEC. 14. The Board of Supervisors shall provide for the prompt payment of the interest on said county bonds, as the same falls due, and for this purpose they shall, as nearly as possible, at the time of making the annual levy, estimate the percentage of tax necessary to be levied to meet said interest for the next succeeding year, and shall fix the levy at said amount. Should there, for any reason, be a deficiency in the Railroad Fund derived from said tax, for the payment of any interest as it falls due, it shall be the duty of said Board to provide for the payment of said interest out of the General Fund of said county, and in such case they shall, in their next levy, provide a sufficient fund to pay the accruing annual interest, and also to reimburse the General Fund with the amount so taken from the same to pay said interest. Of Super-
visors.

SEC. 15. In addition to the moneys arising from the railroad tax aforesaid, the County Treasurer shall also place in said fund all moneys paid into the Treasury of said county, by the railroad company, for interest or principal upon the bonds of said company, held by said county; and said money shall be used by the said Board of Supervisors for the payment of interest on said county bonds, in like manner as the money raised by said railroad tax. Whenever the amount paid into said fund, by the said railroad company, shall equal the amount of interest to fall due upon the said county bonds for the ensuing year, no railroad tax shall be levied by said Board. Of County
Treasurer.

SEC. 16. At the expiration of five years from the time of issuing said county bonds, the said Board of Supervisors shall provide a Sinking Fund for the purpose of securing the payment of the principal of said bonds at their maturity; and for this purpose, they shall impose such special tax as they may deem necessary, and the moneys arising therefrom, together with all the moneys received from said railroad company, not applied to payment of interest, shall be applied toward the redemption of said bonds, in such manner as said Board may deem most expedient for the interests of said county. County
Sinking
Fund for
redemption
of bonds.

SEC. 17. The interest accruing upon the railroad bonds, given by the company to the county, during the period of three years from the date of said bonds, shall not, until the expiration of said three years, be required to be paid in money to the county, nor shall any proceedings for its forced collection be taken within said period by the county. Interest on
railroad
bonds.

SEC. 18. At the time, within the said period of three years, when the interest upon the bonds, given by the railroad company to the county, shall fall due, the railroad company shall To be paid
in full-paid
stock of
company.

issue a number of shares of full paid stock of said company, equal in value, at par, to the amount of said interest, and shall deposit said stock with the Treasurer of said county, for his disbursement, as hereinafter provided.

Duty of
County
Treasurer.

SEC. 19. Upon the presentation and delivery to said County Treasurer of one or any number of the railroad tax receipts, mentioned in section eleven, by any holder of the same, showing the payment by the holder of said receipts, or his assignors, of one hundred dollars of the railroad tax, herein provided for, the said Treasurer shall deliver to such person one share of the full paid stock, deposited with him by said company, and said person shall be the owner thereof. The said tax receipts shall be transferable, by indorsement, and may be presented for exchange by any indorsee, or if indorsed in blank, by the bearer of the same. The Treasurer shall exchange full paid stock for said tax receipts, at the rate of one share of stock for each one hundred dollars of tax receipts, so long as said tax receipts shall be presented for exchange. If any holder shall present to the Treasurer receipts amounting to more than one hundred dollars, but not amounting in the aggregate to an even number of hundreds of dollars, the Treasurer shall issue shares of stock for the even hundreds, and a receipt signed by him for the fractional sum. Such receipts shall be transferable and exchangeable for stock, in the same manner as the railroad tax receipts.

Same.

SEC. 20. So soon as the Tax Collector shall have made his returns, in each year, the County Treasurer shall estimate whether the amount of railroad tax collected, for which railroad tax receipts have been given, exceeds the par value of the full paid stock which has been deposited with him by the railroad company; and in the event that there be such excess, he shall notify said railroad company of the fact, and of the amount of said excess, and said railroad company shall immediately issue and deposit with said Treasurer sufficient additional full paid stock to meet said excess.

Same.

SEC. 21. The County Treasurer shall receipt to the railroad company for all the stock received by him from said railroad company, and shall preserve all receipts received by him in exchange for stock, as his vouchers for said exchange, and shall, at the time of receiving such receipts, write "cancelled" on the face of each, and shall, in a book kept for that purpose, keep an account of the stock received, and the tax receipts exchanged for stock.

Same.

SEC. 22. At the end of three years from the time of issuing said bonds, provided for in this Act, the County Treasurer shall credit the railroad company upon the interest due, or to become due, upon its said bonds, with the full amount of stock which during said period has been exchanged for said railroad tax receipts, less an amount equal to the sums allowed and paid to said Tax Collectors and Treasurer for the collection and disbursement of said railroad taxes, and shall return to said company the coupons for the interest thus paid, and any shares of stock which may be in his hands unexchanged. If the interest upon said railroad bonds, up to said date, shall not have been fully paid by the exchange of stock, as aforesaid, the balance shall be immediately due from said company to the county, and

shall be paid in cash, and its payment may be enforced by the foreclosure of the mortgage given by said company.

SEC. 23. The Board of Supervisors shall not issue the bonds of the county, as provided in this Act, nor any portion of the same, until at least twelve continuous miles of the Sacramento, Placer, and Nevada Railroad, commencing at or near Folsom, and extending on the line of said road toward the Town of Auburn, has been completed and is in running order, and at least one train of passenger cars shall be daily passing over the same.

SEC. 24. This Act shall be in force from and after its passage.

Condition as to issuance of county bonds

CHAP. CXXXVII.—*An Act to amend an Act entitled an Act concerning Corporations, passed April twenty-second, one thousand eight hundred and fifty, and the several Acts amendatory thereof and supplemental thereto.*

[Approved April 8, 1862.]

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

SECTION 1. Section one hundred and seventy-five, of chapter eight, of an Act concerning Corporations, passed April twenty-second, one thousand eight hundred and fifty, and the several Acts amendatory thereof and supplemental thereto, are hereby amended so as to read as follows:

Section 175. It shall be lawful for all churches, congregations, religious, moral, beneficial, literary, or scientific, associations, or societies, by such rules, or methods, as their rules, regulations, or discipline, may direct, to appoint, or elect, any number, not less than three nor more than fifteen, as Trustees, or Directors, to take charge of the estate and property belonging thereto, and to transact all affairs relative to the temporalities thereof. And the number first elected, or appointed, shall not thereafter be increased or diminished; and all vacancies that may thereafter take place, by death, resignation, or otherwise, of any of the Trustees, may be filled by election, or appointment, in the same manner; *provided*, that no such election, or appointment, to fill a vacancy, shall take effect until a certificate of such election, or appointment, as provided in the next section, shall have been filed with the County Clerk, in which the original certificate of incorporation shall have been filed.

Directors or Trustees.

Proviso.

SEC. 2. Section one hundred and seventy-six of said Act is hereby amended so as to read as follows:

Section 176. Upon the appointment, or election, of such Trustees, or Directors, a certificate of such appointment, or election, shall be executed by the person or persons, making the appointment, or the Judges holding the election, stating the names of the Trustees, or Directors. The name by which said corporation shall thereafter forever be called and known, shall be particularly mentioned and specified in the certificate made at the first election or appointment of Trustees, or Directors.

Certificate of election, etc.

Sec. 3. Section one hundred and seventy-eight is hereby amended so as to read as follows :

Powers of
Trustees, etc

Section 178. Such corporation may have a common seal, and may alter the same at pleasure. A majority of the whole number of Trustees, or Directors, shall form a Board for the transaction of business, and they may take into their possession and custody, all the temporalities of such corporation, or association, whether the same shall consist of real or personal estate, and whether given, granted, or devised, directly or indirectly, to such association or corporation, or to any person or persons, for their use ; and, in the name of such corporation, may sue, and be sued, may recover, and hold, all the debts, demands, rights, and privileges, all the churches, burying places, halls, school houses, hospitals, or other buildings, all the estate and appurtenances, belonging to such corporation or association. They may have, lease, improve the same, erect all houses and buildings that are necessary to carry out the object of the association, or corporation, and perform all duties imposed on them by the regulations, rules, or discipline, of such organization.

Sec. 4. Section one hundred and eighty is hereby amended so as to read as follows :

Certain
corporations
confirmed.

Section 180. Every corporation of the character aforesaid, heretofore incorporated in pursuance of law, and not since dissolved, shall be, and is hereby, established and confirmed, and shall be known by the name mentioned and specified in its certificate of association as the name by which the Trustees shall be called ; but the Board of Trustees, or Directors, may at any time make a certificate, under the hands of a majority of them, particularly stating, and designating, the name by which said incorporation, or association, shall thereafter be called and known, which certificate shall be acknowledged by the persons executing the same, before some officer authorized to take the acknowledgment of deeds, and shall be recorded in the office of the Clerk of the county where the original certificate was recorded, and also in the county in which said church or association meet for the transaction of business ; and the name so designated shall thereafter be the name of the said corporation.

Name.

To be
recorded.

Dissolution.

And in case of the dissolution of any such corporation, or any corporation hereafter to be formed in pursuance of the provisions of this chapter, for any cause whatever, the same may be incorporated under the provisions of this chapter, at any time within six years after such dissolution, and thereupon all the estate, real and personal, formerly belonging to the same, and not lawfully disposed of, shall vest in said corporation, as if there had been no such dissolution.

Sec. 5. Section one hundred and eighty-one is hereby amended so as to read as follows :

Powers of
corporations

Section 181. Such corporation may accept, receive, purchase, and hold, real estate ; and all the lands, tenements, and hereditaments, that have been, or may hereafter be, lawfully conveyed, by devise, gift, grant, purchase, or otherwise, to any person or persons, as Trustee or Trustees, for the use of said corporation or association, shall descend, with the improvements, upon the death of such person or persons, Trustee or Trustees, unless otherwise expressly provided in such devise,

conveyance, or deed of trust, to said corporation; *provided*, that Proviso. the amount of real estate held by any such corporation, or association, shall never exceed the amount named in the following section.

CHAP. CXXXVIII.—*An Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain Bonds, and to provide for the payment of the Principal and Interest thereof.*

[Approved April 8, 1862.]

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

SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized and empowered to issue bonds of said county to the amount of thirty thousand dollars. Said bonds, issued under this Act, to be styled "San Joaquin County Road and Bridge Bonds," to be issued in sums not less than fifty dollars, or more than five hundred dollars, and made payable at the office of the County Treasurer of said county, on the first day of January, A. D. one thousand eight hundred and seventy-two, bearing interest at the rate of ten per cent. per annum, with coupons attached for said interest, payable at the office of the said County Treasurer; coupon number one, for the amount of interest, from the date of bond, till January first, one thousand eight hundred and sixty-three, payable on said last mentioned day, and the balance of the coupons, for six months interest each, being payable successively on the first day of July, and the first day of January thereafter, until said bonds mature. The bonds to be signed by the President of the Board of Supervisors, attested by the Clerk of said Board, and countersigned by said County Treasurer.

SEC. 2. Said Board shall have power, at their discretion, to dispose of the whole or any portion of said bonds, for cash, in the following manner: By ordering the County Treasurer of said county to advertise in some public newspaper in the City of Stockton for ten days, stating the amount of such bonds to be offered, and inviting bids at such Treasurer's office on a given day, specifying the hour, for proposals to purchase said bonds, or portions thereof. Such bidding shall be in public, and it shall be the duty of said Treasurer to accept such bid or bids as will be most advantageous to the county; but no bid shall be received, nor shall said bonds be disposed of in any manner, for a less sum than eighty cents on the dollar.

SEC. 3. 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, amount of each, and to whom issued, and out of the money derived from the sale of said bonds the said Board of Supervisors may, in their discretion, use two thousand one hundred dollars in liquidation of county indebtedness to the City of Stockton, but the remainder shall constitute a separate

Application of money. fund, to be styled "The Special Road and Bridge Fund," and shall be under the control of, and used by, said Board of Supervisors, for the purpose of erecting and repairing county bridges and county roads in said county that have been washed away or damaged by the late floods, and also for erecting such bridges, and repairing such bridges and roads, as may become necessary to erect and repair from any cause other than ordinary wear or accident, and for no other purpose.

Interest. SEC. 4. For the payment of the interest on, and principal of, said bonds, the Board of Supervisors are hereby authorized and empowered to levy, at any time prior to the first Monday in May, one thousand eight hundred and sixty-two, and annually thereafter, at the time of levying and assessing State and county taxes, to cause to be levied, assessed, and collected, a tax, not exceeding ten cents on each one hundred dollars' value of property subject to taxation in said county, to be styled "The Road and Bridge Interest Tax;" and all moneys collected from such source shall constitute a separate fund, pledged for the payment of the interest on said bonds, and the reduction of the principal, and shall be applied to no other purpose. On the first day of January of each year, when there shall be as much as three hundred dollars in the fund mentioned in this section, over and above the interest due on such first day of January and July next, it shall be the duty of the County Treasurer to advertise, for the time and in the manner mentioned in section two of this Act, for proposals to redeem bonds by this Act authorized to be issued. Such bidding shall be conducted, as specified in said section two, and the award shall be made so as to redeem the largest amount of bonds for 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 cancelled; but no bid shall be received at a higher rate than principal and interest.

Redemption of bonds.

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

CHAP. CXXXIX.—*An Act to authorize Joshua Hendy, H. B. Tichenor, and Robert G. Byrbee, to construct a Wharf at the mouth of the Navarro River, in Mendocino County.*

[Approved April 8, 1862.]

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

SECTION 1. Joshua Hendy, H. B. Tichenor, and Robert G. Byrbee, are hereby authorized and empowered to construct a wharf, and maintain the same, in the bay or main arm of the mouth of the Navarro River, in Mendocino County.

Franchise.

SEC. 2. For the purpose of said wharf, there is hereby granted unto the said parties the right to use and occupy a strip of land south of the mouth of said river, three hundred feet wide, commencing at low tide and extending into the bay or ocean until a sufficient depth shall be obtained for the accommodation of

commerce; *provided*, said wharf shall not, in any manner, obstruct the navigation of the bay or river.

SEC. 3. The said parties shall commence the construction of said wharf within one year, and complete the same within two years, from the passage of this Act. Said wharf shall be firmly and substantially built, of such materials and of such dimensions as to make it sufficient for the requirements of the commerce of the vicinity. Conditions.

SEC. 4. The Board of Supervisors of Mendocino County shall, from time to time, fix the rates of wharfage to be collected at said wharf, and the said parties may charge and collect such wharfage as shall be fixed by said Board; *provided*, that said franchise shall not extend for a longer time than twenty years. The rates of wharfage shall be posted in a conspicuous place on said wharf. Rates of wharfage.

SEC. 5. If said wharf shall not be commenced within one year, and finished within two years, from the passage of this Act, all the wharf rights herein granted shall become forfeited. Condition.

CHAP. CXL.—*An Act amendatory and supplemental to an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation, for the County of El Dorado, approved April thirtieth, A. D. one thousand eight hundred and sixty, and amendatory of an Act entitled an Act amendatory and supplemental to an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation, for the County of El Dorado, approved April thirtieth, A. D. eighteen hundred and sixty, approved April ninth, A. D. eighteen hundred and sixty-one.*

[Approved April 8, 1862.]

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

SECTION 1. Section one of the Act last mentioned in the title of this Act, is hereby amended so as to read as follows:

Section 1. The Sheriff shall receive for his services, required of him by law, in his said office, a salary at the ratio of four thousand dollars per annum; and for any service rendered the State, he shall receive the payment provided for such service from the State, for his own use, in full compensation for such service and expense, incurred in the performance of such service. There shall also be allowed him, for the transportation of insane persons to Stockton, not exceeding seventy dollars for one person, and where more than one person is transported by him at the same time, an amount not exceeding one hundred dollars shall be allowed for such service; such compensation, together with his salary, shall be paid from the County Treasury. Sheriff's salary.
Fees of.

SEC. 2. Section eight of the Act first mentioned in the title of this Act, is hereby amended so as to read as follows:

Fees of
Under
Sheriff and
De. ut' es.

Section 8. The Sheriff shall be allowed the following assistance, to be paid as follows: An Under Sheriff, one hundred and fifty dollars per month; a Keeper of the Jail, who shall receive seventy-five dollars per month; two Deputies, at the rate of one hundred and twenty-five dollars per month; the said Deputies, or other officers performing such service, shall receive twenty cents per mile, in criminal cases, for each mile actually travelled, in going only; and when several witnesses are to be subpoenaed or process served on several persons who reside in the same direction from the county seat, one mileage only, for the distance actually travelled in going, shall be charged for service on all such witnesses or other persons. The said compensation shall be paid out of the County Treasury. The Deputy or other officer rendering service in civil cases, shall receive, for his own use, one half of the mileage now allowed by law in such cases, and shall pay the other half thereof into the County Treasury.

SEC. 3. Section ten of the Act first mentioned in the title of this Act, is hereby amended so as to read as follows:

Assessor and
Deputies' com-
pensation.

Section 10. The County Assessor shall be allowed three Deputies, who shall be paid by the county, for the assessment of the revenue, at a compensation at the rate of seven dollars per day, for the time actually employed, during the time provided by law for the assessment of revenue.

Titles of
Supervisors

SEC. 4. Every demand upon the Treasury must be acted upon 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 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 indorse 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. If he refuse to allow it, he shall indorse upon it the word "rejected," with the date and reason of such rejection, and sign his name thereunto; and no allowance, so rejected by the Auditor, shall ever after be allowed or paid, except the same be allowed by the concurrent vote of the entire Board of Supervisors of the county. The Auditor may call to his assistance the District Attorney of the county, and it shall be the duty of the District Attorney, when called upon by the Auditor, to examine into the legality of such allowances made by the Board of Supervisors, and to be passed upon by the Auditor.

Of Auditor.

SEC. 5. So much of any Act, or Acts, inconsistent with the provisions of this Act, are hereby repealed.

Acts
repealed.

SEC. 6. An Act entitled an Act to fix the Compensation of the Tax Collector of the County of El Dorado, and his Deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said county, and to order the payment of certain county warrants issued by the County Auditor of said county, approved March second, eighteen hundred and fifty-nine, is hereby repealed.

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

CHAP. CXXI.—*An Act granting the Right to construct and maintain a Bridge across the South Fork of the American River, at or near Coloma, in the County of El Dorado.*

[Approved April 8, 1862.]

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

SECTION 1. The right to erect and construct, and to have, ^{Franchise.} enjoy, and maintain, for twenty years, a public toll bridge across the South Fork of the American River, at, or near, Coloma, in the County of El Dorado, is hereby granted unto R. A. Pearis, together with such associates as he may admit, and their assigns, upon the terms and conditions hereinafter mentioned.

SEC. 2. Said bridge shall be erected and constructed in a ^{Construction} good and substantial manner, and of the best and most durable materials, and shall be completed within eighteen months after the passage of this Act.

SEC. 3. The said R. A. Pearis, and his associates, are author- ^{Tolls.} ized and empowered to charge and collect such rates of toll as the Board of Supervisors of said county may determine upon annually; *provided*, that the Legislature may at all times regulate, modify, or change, the rates so fixed by said Board of Supervisors.

SEC. 4. Said R. A. Pearis, and his associates, may regulate ^{Speed of} and determine the speed of travel, riding or driving, upon said ^{travel, etc.} bridge, and may require the speed not to be faster than a walk. Notice of such regulation shall be kept posted upon some conspicuous part of each end of said bridge, and for each violation of said regulation the party offending may be fined, in any Court of competent jurisdiction, in any sum not less than ten nor more than fifty dollars; *provided*, also, that parties violating such regulations shall be liable for any actual damage sustained by reason of such violation.

SEC. 5. No toll bridge or ferry shall be established within one mile immediately above or below said bridge, unless it be required by public convenience.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. CXLII.—*An Act to grant to E. P. Bowman, and his associates, the Right to construct and maintain a Toll Bridge across the Cosumnes River, in the Counties of Amador and El Dorado.*

[Approved April 8, 1862.]

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

SECTION 1. E. P. Bowman, and those he may associate with ^{Franchise.} him, their heirs and assigns, shall have full power to build, erect, construct, and maintain, a public toll bridge, across the Cosum-

nes River, below the Forks, near the intersection of Indian creek, and near the location of the former bridge, erected by E. P. Bowman, and known as Bowman's bridge; and the said Bowman, and his associates, shall have the right of way across the said river, and the privilege of using the same for the purposes before mentioned, and at the point and location before described; and this right is hereby granted and ceded to the parties before mentioned, for the term of twenty years; *provided*, that the parties to whom this franchise is granted, shall, within eighteen months from the passing of this Act, build, erect, and construct, a good, substantial, and safe bridge, across the river, and of such width and capacity as will accommodate the travelling public. And if said bridge be not erected, and built, within the time specified, then the parties to whom this franchise is granted shall be deemed to have forfeited all rights, franchises, and privileges, herein granted; and said parties, to whom this franchise is granted, shall, at all times, after the completion of this bridge, keep the same in good order and condition, and shall be responsible for all damages arising to persons or property crossing the same, caused by neglect to keep the same in proper repair.

Proviso.

Conditions.

Tolls.

SEC. 2. And the said parties, to whom this franchise is granted, after the completion of the bridge, are authorized to charge and collect such rates of toll as the Board of Supervisors of the County of Amador shall fix; *provided*, that the Legislature may, at all times, regulate, modify, or change, the rates so fixed by the said Board of Supervisors.

Speed of travel.

SEC. 3. And the said parties, to whom this franchise is granted, shall have the right to regulate and determine the speed of travel, either riding or driving, on said bridge, and may require the speed not to be faster than a walk—which, of such regulations, together with the rates of toll, shall be kept posted upon some conspicuous place on said bridge, and for each violation of said regulation, the parties offending, if prosecuted in any Court of competent jurisdiction, shall be fined in any sum not less than ten dollars or more than fifty dollars, and, in addition, shall be liable to the owners of said bridge, for all damages actually sustained by reason of such violation.

Rights of owners.

SEC. 4. The owners of this bridge and franchise shall have the right to regulate and determine the number of stock cattle that may pass over said bridge at any one time, which regulation shall be affixed to the rate of tolls, in some conspicuous place, as before mentioned; and the said owners of this bridge shall not be responsible for any injury or damages to persons or property resulting from a violation of this regulation.

SEC. 5. No ferry or bridge shall be established within one mile of this bridge franchise, across the Cosumnes River, unless public convenience shall require.

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

CHAP. CXLIII.—*An Act to amend the Charter of the City of Petaluma.*

[Approved April 8, 1862.]

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

SECTION 1. Section nine of the Charter of the City of Petaluma is hereby amended so as to read as follows :

Section 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, concerts, and places of amusement; to regulate and license tippling houses, and dram shops, hawkers, pedlers, and pawnbrokers; 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 repair public cisterns and wells; to lay out, alter, keep open, repair, establish, and construct, all streets, alleys, sidewalks, and public grounds, of the city, and to establish grades of the same. All sidewalks are to be built and repaired at the expense of the lot in front of which they are, by ordinance, established. All grading, paving, planking, sewerage, making, cleaning, and repairing, of streets, between the sidewalks, shall be done as follows: The owners of the lots fronting on said street, on either side, shall do, at his own expense, all such grading, paving, planking, sewerage, making, cleaning, and repairing, on the side of the street on which such lot may be situated, one third of the distance across said street, between the sidewalks, in front of such lot, the whole length of the said lot on such street; and the city shall grade, plank, pave, sewer, make, clean, and repair, the middle third of said street, between said sidewalks. Said building and repairing of sidewalks and streets, so to be done by the property owners, shall be done upon notice from, and under the direction of, the President of the Board of Trustees; and if the owner of any property, fronting on any street, as aforesaid, shall refuse so to build or repair said sidewalks, or so to build, clean, or repair, his or her third of said street, within a reasonable time after notice to do so from the President of the Board of Trustees, the city may do said work, and the cost and charges of the same shall be a lien upon said lots, to which all other liens shall be subject, and which may be enforced by said city, and foreclosed, like all other liens, in any Court having jurisdiction of the same. 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 appropriate fines, penalties, and forfeitures, for 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.

Proviso.

SEC. 2. Section twelve of said charter is hereby amended so as to read as follows:

Duties of Marshal.

Section 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 in the same manner as is by law prescribed for the collection of State and county taxes; and to pay over, monthly, to the City Treasurer, retaining his per centage, as allowed by law for collecting State and county taxes. All delinquent city taxes shall be collected at the same time and in the same manner as is provided for the collection of the delinquent State and county taxes, by an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one; the city officers being vested with the same powers, and subject to the same duties, in said city, in the collection of said delinquent city taxes, as the county officers are in the county vested with or subject to in the collection of delinquent State and county taxes. The City Clerk shall be ex officio Auditor, and the Board of Trustees shall appoint a City Attorney, for the collection of said delinquent city taxes, whose powers and duties shall be the same in said city, in collecting delinquent city taxes, as those of the District Attorney are in the county in collecting delinquent State and county taxes, and who shall be paid for his services in the same manner. The assessment roll and delinquent tax list of the present year is hereby legalized. The members of the Board of Trustees, during their continuance in said office, shall be exempt from jury duty.

City Clerk.

City Attorney.

Assessment roll legalized

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

CHAP. CXLIV.—*An Act concerning Public Roads and Highways in the County of Monterey.*

[Approved April 8, 1862.]

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

Road Districts.

SECTION 1. The County of Monterey is by this Act divided into Road Districts. The Road Districts therein shall be identical with the Districts of County Supervisors.

SEC. 2. County Supervisors shall be ex officio Supervisors of Supervisors of.
Roads in their respective Districts.

SEC. 3. The Road Supervisors shall have power to appoint one or more Road Overseers in their respective Districts.

SEC. 4. All able-bodied male inhabitants, between the ages of eighteen and fifty years, who shall have resided in this State sixty days, and thirty days in said county, shall be liable to appear, with such implements or tools, and at such times and places, as required by the Overseer, as hereinafter provided, and to work on the public roads and highways of said county, in the district wherein they respectively reside, not exceeding four days during the year A. D. eighteen hundred and sixty-two, and four days in each year thereafter. Persons liable to road taxes.

SEC. 5. The Supervisor of each Road District in said county shall, as often as he may deem necessary, give to the Road Overseer, or Road Overseers, in the District of said Supervisor, an order, requiring the said Overseer or Overseers to call out persons liable to perform road duty under the provisions of this Act. The order of the Road Supervisor shall specify the road and the part of the road to be repaired, the number of persons to be called out, and the number of days they shall work. And when the Supervisor shall appoint more than one Overseer, said Supervisor shall also apportion the roads and hands for said Districts. Duty of Supervisors

SEC. 6. It shall be the duty of each Road Overseer, when so directed by the Road Supervisor, to list, from time to time, the inhabitants resident in his District, who are liable, under the provisions of this Act, to labor upon said roads and highways. Road Overseers.

SEC. 7. Road Overseers shall, before entering upon the discharge of their duties, take the usual oath of office, and shall execute a bond, with two sufficient sureties, to The People of the State of California, in the penal sum of four hundred dollars, conditioned for the faithful performance of all the duties of their office, and for the payment by them to the County Treasurer of said county of all moneys which may come into their hands, and be due to the Road Fund of said county. The said bond shall be approved by two or more Supervisors of said county, and filed in the office of the County Clerk of said county. Oath. Bond.

SEC. 8. It shall be the duty of the Road Overseers, whenever ordered by the Road Supervisor, to call out any number of inhabitants, designated by such Supervisor, resident in the District, and liable to labor upon said roads and highways. Duty of Overseers.

SEC. 9. Said call shall be made by the Road Overseer delivering to the person called, or by leaving at his usual place of residence, a written or printed notice, to the effect that the person notified is required to appear at a given time and place, provided with a named implement or tool, then and there to labor upon roads and highways. And said notice shall in all cases be so delivered, or left, at least two days before the person is required to appear. Same.

SEC. 10. At the time and place specified in said notice, the Road Overseer shall then and there appear, and call all persons who have been notified, as provided in section nine of this Act. And it shall be the duty of said Overseer to carefully note any Same.

and all persons who have been so notified and who fail to appear with the tools or implements, as in the notice required.

SEC. 11. All persons who do appear, as in the notice required, shall labor under the direction of the Road Overseer, and shall obey all reasonable orders of such Overseer.

Failure to
labor or pay.

SEC. 12. Every person in said county, liable to work upon the public roads or highways in said county, who, after having been notified, as provided in this Act, shall fail to attend, either in person, or by a substitute satisfactory to said Overseer, or who shall fail to pay to said Overseer the sum of two dollars per day for each day that he shall be so required by the Overseer to labor, or who, having attended, shall disobey the reasonable orders of said Overseer, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in the sum of ten dollars, and in default of payment of said fine, shall be imprisoned in the county jail not less than ten nor more than thirty days. Execution shall issue on the said judgment, for the collection of said fine and costs, against the property of the delinquent, and nothing, except the homestead, shall be exempt from levy and sale under said execution.

Misde-
meanor.

Report of
Overseers.

SEC. 13. The Road Overseers shall faithfully report, to the District Attorney of the county, all persons who become liable to the pains and penalties of this Act; such report shall be made within ten days from the time default is made by such delinquents.

SEC. 14. If any Road Overseer fail to make the report provided for in section thirteen of this Act, within the time in said section specified, such Overseer, so failing, shall be liable to a fine of sixty dollars, one third of which shall go to the informer, one third to the District Attorney, and one third to the Road Fund of said county; said fine may be recovered before any Justice of the Peace in said county.

District
Attorney.

SEC. 15. It shall be the duty of the District Attorney of said county to prosecute all persons who become liable to the pains and penalties of this Act.

Fees.

SEC. 16. The District Attorney shall be allowed the sum of eight dollars for each and every conviction under this Act. The Justices of the Peace, and Constables, shall be allowed the same fees as are now prescribed by law; *provided*, always, that the same shall be taxed as costs against the defendant, when convicted, and that in no case shall the fees of any officer, for services rendered under this Act, be chargeable against said county, except as in section seventeen of this Act is provided. Jurors, summoned to try causes arising under this Act, shall not be entitled to any fees or compensation.

Same.

SEC. 17. Constables and Sheriffs shall be allowed twenty cents per mile for every mile necessarily travelled in taking a prisoner, convicted under this Act, to the county jail, which shall be a charge against the Road Fund of said county, the distance to be computed in going, only.

Commun-
ication.

SEC. 18. Every person subject to road duty, as provided in this Act, may, instead of working, pay to the Road Overseer of the District in which he is liable to work on the roads, the sum of two dollars for every day he is so liable and notified to work; such payments must be made before or on the day when the la-

bor is to be done, and such Overseer may, with the money so paid, employ other persons, at not more than two dollars and a half per day, to work upon the roads of his District.

SEC. 19. Whenever any Constable or Sheriff shall collect any moneys, under the provisions of this Act, he shall, within five days thereafter, pay the same, excepting his own fees, to the Justice of the Peace who entered the judgment, or to his successor in office; such Justice shall receive the same, and shall, on the demand of the District Attorney, pay over the same to the District Attorney, less the fees of the said Justice. The District Attorney of said county, and the several Road Overseers, shall, within twenty days after the receipt of the same, pay over to the County Treasurer of said county, any and all moneys collected by them, or either of them, under the provisions of this Act, (except so much thereof as the Road Overseers may have expended, as provided for in section eighteen of this Act, and except, also, the fees of the District Attorney,) and shall take from said Treasurer duplicate receipts therefor, one of which shall be filed with the County Auditor, and the other shall be retained by the person making the payment. All moneys so paid over shall be placed to the credit of the Road Fund of said county. The said District Attorney, and the said several Overseers, shall, at each regular meeting of the Board of Supervisors, render an account, under oath, of all moneys by them or either of them collected under the provisions of this Act; and the said Overseers shall be required to produce receipts for moneys by them expended under the provisions of this Act.

Disposition of moneys.

SEC. 20. The Board of Supervisors of said county shall allow such compensation to the Road Overseers, who may be appointed under the provisions of this Act, as they may deem just and proper, not to exceed the sum of five dollars for each and every day that the said Road Overseers may be actually employed in the discharge of the duties imposed by this Act.

Pay of Overseers.

SEC. 21. The said Road Overseers shall hold office during the pleasure of the Supervisor who may have respectively appointed them.

Term of office.

SEC. 22. In all prosecutions against persons who have been notified to appear and work, as is provided in this Act, it shall be sufficient if the complaint before the Justice of the Peace be as follows:

“State of California, Monterey County, Justice’s Court, ——— Township. The People of the State of California against A. B. The District Attorney of said county complains of A. B., and says that he is guilty of a misdemeanor, committed as follows: The said A. B. is liable to perform work and labor on the public roads and highways of said county, and heretofore, at said county, on, to wit: the ——— day of ———, A. D. ———, he refused to perform said labor, or to pay therefor. C. D., District Attorney.”

Complaint.

SEC. 23. Upon such complaint being filed in any Justice’s Court of said county, the said Justice shall issue his warrant for the arrest of the defendant, which shall be served immediately, by the Sheriff or any Constable of said county, and the

Arrest.

said Justice shall proceed to try said cause, as in other criminal cases.

Trial.

SEC. 24. Upon the trial of any such cause, the District Attorney shall only be required to prove that notice has been given to defendant, or left at his residence, as required by this Act, the proof of which fact shall be sufficient to warrant a conviction, unless the defendant shows that he is not liable to perform the labor required by the notice, or that he has complied with the terms of this Act. Upon such trials, no notice to produce the original notice served shall be requisite as preliminary to the proof of the contents thereof.

SEC. 25. Nothing contained in this Act shall be construed to affect in any manner the powers of the Board of Supervisors of said county to levy a tax upon property for road purposes, as is now provided by law.

Acts repealed.

SEC. 26. So much of all Acts, and parts of Acts, as is in conflict with any of the provisions of this Act, are hereby made inapplicable to the County of Monterey.

SEC. 27. This Act shall take effect from and after its passage.

CHAP. CXLV.—*An Act concerning the Salary and Fees of the Coroner of the City and County of San Francisco.*

[Approved April 8, 1862.]

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 salary to be allowed and paid to the Coroner of the City and County of San Francisco, shall be four thousand dollars; he shall also be allowed and paid, as fees, fifty dollars per month, for chemical analyses, and ten dollars for each interment made by him.

SEC. 2. All Acts, and parts of Acts, in conflict with this Act, are hereby repealed. This Act shall take effect from and after its passage.

CHAP. CXLVI.—*An Act authorizing Jacob M. Tewksbury, and his associates, to build a Wharf in Contra Costa County.*

[Approved April 8, 1862.]

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

Franchise.

SECTION 1. Jacob M. Tewksbury, and such others as he may associate with him, and their assigns, are hereby authorized to construct a wharf at the Potrero of the San Pablo Rancho, in Contra Costa County, at such convenient place thereon as they

may select, and extending into the bay of San Francisco to twelve feet of water at low tide.

SEC. 2. All the right of the State of California to the over-^{Grant.} flowed lands, for the distance of two hundred feet on each side of said wharf, is hereby released to said Tewksbury, and his associates or assigns, for the period of twenty-five years from and after the passage of this Act.

SEC. 3. The said Jacob M. Tewksbury, and his associates or^{Conditions.} assigns, shall, within one year after the passage of this Act, construct a wharf of sufficient dimensions to accommodate the commerce and trade of the neighborhood, and shall, from time to time, as the business may require, enlarge the same and keep the same in good repair. They may collect only such wharfage and toll as may be directed by the Board of Supervisors of Contra Costa County.

SEC. 4. Nothing in this Act shall be construed to authorize any obstruction of the navigation of the bay of San Francisco, or the use of the franchise herein granted for any other purposes than those herein named.

SEC. 5. This Act shall take effect immediately, and any failure to fulfil its requirements shall subject the grantees herein named to forfeiture of the franchise.

CHAP. CXLVII.—*An Act to authorize William O'Connell and John Fay, and their assigns, to build a Wharf, at, or near, Slaughter-house Point, in Contra Costa County, now in the possession of William O'Connell.*

[Approved April 8, 1862.]

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

SECTION 1. The right to build and erect a suitable wharf, at,^{Franchise.} or near, Slaughter-house Point, in Contra Costa County, now in the possession of William O'Connell, and to enlarge the same, as the wants of the trade may require, extending out into the water three hundred feet, if desired, is hereby granted to the said William O'Connell and John Fay, their heirs and assigns, for the term of twenty-five years from the passage of this Act.

SEC. 2. The use and occupation of a piece of land, commencing at high water mark, three hundred feet in width and extending three hundred feet into the bay—*provided*, that naviga-^{Proviso.} tion is not interfered with—is hereby granted to the said William O'Connell and John Fay, their heirs and assigns, for the term of twenty-five years; the said land to be used for the purposes of said wharf, and for the free ingress and egress of water craft to and from the said wharf.

SEC. 3. Said wharf shall be commenced and completed, suita-^{Conditions.} ble for a steambot landing, within twelve months from the passage of this Act, and the Board of Supervisors of the County of Contra Costa are hereby authorized, from time to time, to

Provision. regulate the rates of toll and wharfage which the grantees herein named may lawfully charge and collect for the use of said wharf; *provided*, any toll, or wharfage, shall at any time be charged.

SEC. 4. This Act shall take effect immediately.

CHAP. CXLVIII.—*An Act concerning the Board of Supervisors of the County of San Bernardino.*

[Approved April 8, 1862.]

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

Election. SECTION 1. At the next general election, there shall be elected, in the County of San Bernardino, by the legal electors thereof, three Supervisors—one to hold his office for the term of one year, one to hold his office for the term of two years, and one to hold his office for the term of three years, 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 shall draw one year, shall hold office for one year from the time of his election, and the one who draws two years, and the one who draws three years, shall hold office two and three years, respectively, or until their successors are elected and qualified; so that, after the next general election, there shall be annually elected, one Supervisor, to hold his office for three years.

SEC. 2. No member of the Board of Supervisors of the County of San Bernardino shall be entitled to receive any compensation, as mileage, for travelling to or from the county seat.

SEC. 3. All laws, or parts of laws, conflicting with this Act, are hereby repealed.

CHAP. CXLIX.—*An Act to authorize the Trustees of the Stockton Rural Cemetery to remove Human Remains from graveyards in the City of Stockton and vicinity.*

[Approved April 8, 1862.]

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

SECTION 1. The Trustees of the Stockton Rural Cemetery are hereby authorized to remove, or cause to be removed, all human remains, from the graveyards in the City of Stockton and vicinity, to the Stockton Rural Cemetery.

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

CHAP. CJI.—*An Act for the Purchase and Preservation of Public Newspapers, printed and published in the several counties of this State.*

[Approved April 8, 1862.]

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

SECTION 1. The Recorders of the several counties of this State are hereby authorized and required to subscribe for such newspapers, at least one, and not more than three, printed and published in their respective counties, as the Board of Supervisors therein may select and determine.

Duties of
County
Recorder.

SEC. 2. It shall be the duty of each County Recorder to receive and preserve every copy of the paper, or papers, so subscribed for, and from time to time cause the same to be properly arranged, and bound in volumes of convenient size, in a substantial manner, and said volumes, when bound, shall be kept in his office for the use of the Courts, when needed, of strangers, and the inhabitants of the county, all of whom shall have access to the same at all times during office hours, free of charge. For his services in this behalf, the Recorder shall receive the sum of ten dollars for each volume, and for neglect of the duties hereby imposed shall forfeit the sum of fifty dollars, to be recovered with costs in a civil action before any Court, one half of which shall be paid into the County School Fund, and the other half to the person who shall prosecute such action to successful termination.

Same.

Penalty for
neglect of
duty.

SEC. 3. The subscription price for such paper or papers, the binding of the several volumes thereof, and the Recorder's compensation for the care and preservation of the same, shall be paid out of the General Fund of the county, in the same manner as other charges are audited and allowed from such fund by the respective Boards of Supervisors; *provided*, that in any county in this State in which the County Recorder is compensated by a salary, said Recorder shall receive for such services no compensation additional to that of his salary, and the expense of procuring and filing such newspapers shall be paid as stationery and books for the office of said Recorder are now paid for.

Payment.

Proviso.

SEC. 4. Any person who shall wilfully abstract, destroy, mutilate, or deface, any number or volume, of such newspapers, purchased in pursuance of this Act, shall be deemed guilty of a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars, or imprisonment in the county jail not more than six months, or both such fine and imprisonment, in the discretion of the Court; *provided*, that one half such fine shall be paid into the School Fund of the county wherein such offender may be convicted, and the other half to the person who shall make the complaint.

Misde-
meanor.

Penalty.

Proviso.

CHAP. CLI.—*An Act to amend an Act entitled an Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her Real Estate and Chattels Real, passed March fourteenth, eighteen hundred and fifty-six.*

[Approved April 9, 1862.]

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 :

Act amended Section 1. The Guardian of Minna C. Buchanan, the posthumous daughter of the late Robert B. Buchanan, deceased, of the City of Marysville, Yuba County, is hereby empowered and authorized, and any Guardian or Guardians of said child, hereafter appointed by the Probate Court of said county, shall be empowered and authorized, to bargain, sell, transfer, release, and quitclaim, and grant, and convey, any and all interest said Minna C. Buchanan may have, or with others as joint tenants in common, or otherwise, to any lands, tenements, and hereditaments, or in and to any part or parcel thereof, and also all personal estate and things in action; *provided*, that such Guardian shall make no such sale, or disposal thereof, without the same being joined in with other owners, or claimants, of such property, unless it be to execute deeds of division and partition, upon a division or partition of any such lands, tenements, and hereditaments, with the other owner or owners thereof.

CHAP. CLII.—*An Act to authorize the Guardian of certain Minor Children to convey their Real Estate.*

[Approved April 9, 1862.]

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

Sale. SECTION 1. The Guardian, now or hereafter to be appointed, of Matilda Florence Mott, Marcus H. Talbot Mott, William Wallace Mott, and Mary Green S. Mott, minor children of Isaac T. Mott, deceased, is hereby authorized to sell the real estate of the said minors, situate in the State of California, or any part of said real estate, or any interest they, or either of them, may have therein, on such terms, and in such manner, either at public or private sale, as to the said Guardian may seem most advantageous to said minors.

Approval. SEC. 2. No such sale or sales shall be valid, until the same shall have been submitted to, and approved by, the Probate Judge of the City and County of San Francisco; and upon such sale, before the execution of the conveyance, the said Guardian shall file, in the Probate Court of the said city and county, such

Bond. a bond as said Judge may require, if any, conditioned for the

due and proper application of the proceeds arising from such sale.

SEC. 3. The said Guardian, upon any such sale or sales being made and approved, and upon the filing of the bond as hereinbefore provided, if such bond shall have been required, may execute, acknowledge, and deliver, to the purchaser or purchasers, a good and sufficient deed or deeds of conveyance of the premises sold, which shall operate to convey the interest of the said minors to the premises, in the same manner and to the same effect as if the said minors had executed, acknowledged, and delivered, such deed or deeds, when of competent age and discretion for that purpose. Conveyances

CHAP. CLIII.—*An Act to authorize the Guardian of Stephen C. Powell to sell and convey certain Real Estate.*

[Approved April 9, 1862.]

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

SECTION 1. Arthur W. Roman, the Guardian of Stephen C. Powell, a minor, is hereby authorized and empowered to sell, at public or private sale, in his discretion, any or all the real estate, or interests therein, of the said Stephen C. Powell, as shall, in his opinion, most promote the interests of the said minor, or to join, in behalf of said minor, in any deed of partition of any real estate in which said minor may be interested as a joint tenant in common with any other person or persons. Sale.

SEC. 2. On making any such sale, or sales, the said Guardian may convey the property so sold to the purchaser or purchasers thereof, and receive the purchase money therefor, and the title so conveyed shall be valid, and convey all the interests of said minor in the property so sold; and any deed of partition executed by said Guardian, as aforesaid, shall have the same force and effect as it would have if duly executed by the said minor after arriving at the age of majority. Conveyance

SEC. 3. The said Guardian shall account for the proceeds of such sales, as for any other assets in his hands pertaining to said minor.

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

CHAP. CLIV.—*An Act concerning the Collecting of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra.*

[Approved April 9, 1862.]

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

- Collection. SECTION 1. All foreign miners' license taxes, and all poll taxes for 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 April, A. D. one thousand eight hundred and sixty-two, be collected in each of the townships of said county, by an officer elected at the last general election, and who was elected and known as "Constable and Collector;" and who shall perform the duties and give the bonds as in this Act specified, and who shall hold his office until the next general election, and until his successor is elected and qualified.
- Election of Collectors. SEC. 2. There shall be elected in each of the townships of the County of Sierra, at the next general election, and at each successive 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.
- Oath. SEC. 3. 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.
- Bond. SEC. 4. 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 licenses 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 County Auditor, and surrender
- Conditions.

to him all unsold foreign miners' licenses, and poll taxes, and all other tax receipts received from him, and make a final settlement on the first Monday of each month, excepting the months of January, February, and March, with said County Auditor.

SEC. 5. The bonds of the said Constables and Collectors 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 special duty of said Judge to be satisfied of the sufficiency of the sureties on said bonds. Approval.

SEC. 6. 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. 7. Each Constable and Collector shall keep a book, in which he shall enter : Duties of Collector.

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 all times, in the office of said Constable and Collector, and shall by him be delivered over to his successor in office. Same.

SEC. 8. Each Constable and Collector shall, on the first Monday of each month, make a final settlement with the County Treasurer and the County Auditor. 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 his receipt for the same. The said receipt shall show : Settlements.

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.

Sixth and lastly—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; which receipt the Constable and Collector shall forthwith deliver to the County Auditor, and settle with said officer, and if said County Auditor shall find, on settlement, that said Constable and Collector has accounted to the County Treasurer for all State and county licenses received from him, and has paid over to said Treasurer all moneys collected by him, for foreign miners' licenses, poll taxes, and State and county licenses, he shall give to said Constable and Collector a receipt in full, and on presentation of said Auditor's receipt in full, and final settlement for the preceding month, to the Treasurer, and to the Auditor, they may then, and not till then, deliver to said Constable and Collector, so many foreign miners' licenses, poll tax receipts, and county and State licenses, as may be required by him for the next succeeding month, not to exceed the sum, in all, of one thousand dollars for foreign miners' licenses, one thousand dollars of poll tax receipts, and one thousand dollars of State and county licenses.

Fees. SEC. 9. Each Constable and Collector shall be allowed, on each monthly settlement, such fees as are allowed under the general revenue laws of the State for the collection of foreign miners' licenses and poll taxes; and for collecting licenses for State and county purposes, he shall be entitled to receive the one dollar now allowed by law to the Collector and Auditor for each license sold, and the fees now allowed by law for enforcing the collection of the same, and no other compensation whatever, either direct or indirect.

SEC. 10. Each Constable and Collector shall, at each monthly settlement with the County Auditor and the County Treasurer, and before each of them, take the following oath:

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 all the duties of Constable and Collector, in and for Township Number ———, 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 and County Auditor; and that I have not, directly or indirectly, or by or through any persons, given, issued, or granted, to any person or persons, any foreign miner's license, 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 any award, and allowed the said person or persons to evade the payment of their foreign miner's license tax, or their poll tax, or their State and county licenses. So help me, God."

And each, the said Treasurer and County Auditor, 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, wilfully, 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. 11. If any Constable or Collector shall fail to pay over to the County Treasurer of Sierra County, on the first Monday of each month, or within two days next succeeding, all moneys 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 ten days next succeeding, to make the settlement with the County Treasurer and 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 forthwith be notified of his appointment by the Sheriff, and who shall take the oath of office, and file the bonds in this Act 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.

Sec. 12. Immediately upon the Board of Supervisors declaring the office of Constable and Collector vacant in any township, for the causes specified in section eleven of this Act, the Clerk of said Board shall forthwith notify the District Attorney of the same, who shall forthwith commence suit upon the bonds 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

Failure to pay over money.

Vacant.

Appointment.

Suit.

to them all the foreign miners' licenses and poll tax receipts, 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.

SEC. 13. 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.

Laws
applicable.

SEC. 14. The Constable and Collector named in this Act shall be subject to all the laws and regulations governing the collection of foreign miners' licenses, poll taxes, and county and State licenses, in this State, and shall be liable to all the penalties and punishments of the same, except on failure to settle, as in this Act provided, when the proceedings shall be as provided in section twelve of this Act.

Collections
declared
legal.

SEC. 15. The collections of foreign miners' licenses, poll taxes, and State and county licenses, heretofore made by the Constables and Collectors elected at the last general election, in accordance with the provisions of an Act entitled an Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra, approved April thirteenth, A. D. eighteen hundred and fifty-eight, are hereby declared legal and valid; and the Sheriff, who, by virtue of an Act entitled an Act in relation to the County Officers of the County of Sierra, approved May seventeenth, A. D. eighteen hundred and sixty-one, was made ex officio Tax Collector of said county, shall not be held responsible on his official bond for the collection and payment into the County Treasury of foreign miners' licenses, poll taxes, and State and county licenses.

SEC. 16. All laws, and parts of laws, in conflict with the provisions of this Act, so far as they apply to the County of Sierra, are hereby repealed.

CHAP. CLV.—*An Act to empower Charles Lindley to sell and convey, at private sale, all Property, real and personal, situated in the State of California, in which his children, Metella S. Lindley, Curtis H. Lindley, and Josephine Lindley, have or possess any interest.*

[Approved April 9, 1862.]

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

SECTION 1. Charles Lindley, the natural Guardian of his children, Metella S. Lindley, Curtis H. Lindley, and Josephine Lindley, is hereby empowered and authorized to sell and convey, at private sale, all real and personal property, situated in this State, in which they, the said Metella S. Lindley, Curtis H. Lindley, and Josephine Lindley, or each, or either of them, may now own or possess any interest therein.

CHAP. CLVI.—*An Act to authorize and empower Charles S. Cupp, Guardian of Albert Dorante, a minor, to sell certain Real Estate belonging to said minor.*

[Approved April 9, 1862.]

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

SECTION 1. Charles S. Cupp, the duly appointed and qualified Guardian of the person and estate of Albert Dorante, a minor, is hereby authorized and empowered to sell any portion of the real estate of said minor, or any right, title, or interest in real estate belonging to said minor, situated in the City and County of San Francisco, on such terms and in such manner, either at public or private sale, as may seem most advantageous to the interest of said minor. Sale.

SEC. 2. The said Guardian shall make a full report of such sale or sales of real estate, as may be made by him, to the Probate Court of the City and County of San Francisco, and the Judge of said Court, either in term time or in vacation, shall examine the same, and may confirm or set aside the said sale or sales, as he may deem just and proper, and for the interest of said minor. Report.

SEC. 3. Upon the confirmation of such sale or sales by the said Probate Court, and upon the compliance by the purchaser or purchasers with the terms thereof, the said Guardian is hereby authorized to execute, acknowledge, and deliver, to the purchaser or purchasers, a conveyance of the lands so sold, which shall absolutely vest in the grantee all the right, title, interest, claim, demand, reversion, and remainder, legal and equitable, of the aforesaid minor in and to the property described in the deed of conveyance, but no deed of conveyance of property belonging to said minor, or his interest therein, shall be valid unless the sale thereof shall have been previously confirmed by said Probate Court. Conveyance

SEC. 4. The proceeds of such sale or sales shall be invested by said Guardian in such manner and upon such terms as may be deemed most for the interest of said minor, under the direction of, and subject to the approval of, said Probate Court. Proceeds.

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

CHAP. CLVII.—*An Act granting to James R. Vineyard, and his assigns, the Right to construct and maintain a Toll Bridge across the Yuba River, near Parks' Bar, in Yuba County.*

[Approved April 9, 1862.]

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

SECTION 1. James R. Vineyard, his associates or assigns, shall have full power to construct and maintain a public toll

- Franchise.** bridge across the Yuba River, in the County of Yuba, at any convenient point upon said Yuba River, at, or above, Parks' Bar, and below the junction of Timbuctoo ravine with said river, in said Yuba County, and have and enjoy all the rights, privileges, and immunities, thereunto appertaining, and shall have the right of way across said stream, and the privilege of using the same for said purpose, which is hereby granted and ceded to said James R. Vineyard, his associates and assigns, for the full term
- Proviso.** of twenty years; *provided*, that within eighteen months from the date of the passage of this Act, the said James R. Vineyard, his associates or assigns, shall have built, and fully completed, the said bridge; said James R. Vineyard, and his associates or assigns, 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 time said bridge shall be completed, the County of Yuba shall have the right to purchase said bridge, at an appraised value, to be determined by five Appraisers, two of whom shall be appointed by the Board of Supervisors of said County, two by said Vineyard, his associates or assigns, and one to be selected by the said four Appraisers so appointed as herein provided for; and such value shall be estimated to be the value of the bridge, not including the franchise or right of way hereby granted; and, *provided*, further, that if said bridge be purchased by the County of Yuba, the right to levy and collect tolls shall cease.
- Yuba County may purchase.**
- Proviso.**
- Conditions.** Sec. 2. Said bridge shall be constructed in a good and substantial manner, and of good, durable material.
- Tolls.** Sec. 3. Said J. R. Vineyard, his associates or assigns, 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 Yuba County may, from time to time, establish or authorize.
- Speed of travel.** Sec. 4. Said Vineyard, his associates or assigns, 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 Court of competent jurisdiction, for any damage, by said Vineyard, his associates or assigns, that he or they may sustain by such travel, riding or driving, exceeding the speed authorized by him or them.
- Rates of toll.** Sec. 5. Said James R. Vineyard, his associates or assigns, shall keep on some conspicuous place at each end of said bridge, a bulletin board, on which shall be legibly printed or engraved the rates of toll charged on said bridge, and notice of speed allowed thereon.

CHAP. CLVIII.—*An Act concerning the Construction and Repair of Levers in the County of Sacramento, and the mode of raising Revenue therefor.*

[Approved April 9, 1862.]

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

SECTION 1. A Board of City Levee Commissioners, with the powers and duties hereinafter provided, is hereby created for the City of Sacramento, which said Board shall, until its successors are elected and qualified, as hereinafter provided, consist of H. T. Holmes, Charles Crocker, William T. Knox, Charles H. Swift, and Francis Tukey. At the general election in the year eighteen hundred and sixty-two, and at the general election every four years thereafter, there shall be elected, by the qualified electors of the City of Sacramento, three members of said Board, who shall each hold their office for the term of four years, from and after the first Monday in March, eighteen hundred and sixty-three, and until their successors are elected and qualified; and at the general election in eighteen hundred and sixty-three, and at the general election held every four years thereafter, there shall be elected, in like manner, two members of said Board, who shall each hold his office for the period of four years from and after the first Monday in March, eighteen hundred and sixty-four, and until their successors are elected and qualified; *provided*, that the members of said Board, named herein, shall determine by lot, at the first meeting of said Board, which three of their number shall go out of office on the first Monday of March, eighteen hundred and sixty-three; and, *provided*, further, in case any vacancy occurs in the Board, it shall be filled by the remaining members of the Board.

SEC. 2. A Board of County Levee Commissioners, for Swamp Land District Number Two, with the powers and duties hereinafter provided, is hereby created, which said Board shall, until its members are elected and qualified, as hereinafter provided, consist of A. Runyon, Josiah Johnson, and Washington Fern, who shall, at their first meeting, determine by lot which of them, respectively, shall hold office for one, two, and three years, from the first Monday in October next, and until their respective successors are elected and qualified; and at the general election in eighteen hundred and sixty-three, and at each general election thereafter, the voters of the county outside of the city, and within Swamp Land District Number Two, shall elect one Levee Commissioner, who shall take his seat in the Board on the first Monday in the month next succeeding his election, and shall hold office for three years, and until his successor is elected and qualified. If, from any cause, a vacancy shall occur in the Board, it shall be filled by the remaining members of the Board.

SEC. 3. No person shall act as a Levee Commissioner until he has taken the constitutional oath of office; nor shall any Commissioner receive any pay for his services; and if any Commissioner shall, in any manner, either directly or indirectly, be interested in any contract for constructing or repairing any

levee, or furnishing any materials therefor, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not more than six months, or by both such fine and imprisonment.

Levee, line
of.

Construction

Proviso.

Sections.

Lettings.

May cause
lands to be
condemned.

SEC. 4. As soon as the Board of State Swamp and Overflowed Land Commissioners have finally adopted a plan for the reclamation of Swamp Land District Number Two, they shall certify so much of the plan, specifications, and estimates, as relate to the work adjacent to the American River, and as relate to the work adjacent to the Sacramento River, and north of the south line of Y street, in the City of Sacramento, to the Board of City Levee Commissioners; and said Board, as soon as possible, after receiving such plans, specifications, and estimates, shall, if they approve the same, proceed to cause so much of the levee required by said plans as lies within the city to be constructed on the line, and in exact accordance with the plans and specifications certified to them; *provided*, however, that they may cause such levee to be made broader and higher than the width and height designated; and, *provided*, further, that if the Board of City Levee Commissioners do not approve the plans certified to them, or disapprove of any part thereof, or of any part of the specifications and estimates therefor, they shall notify the State Commissioners of the fact, whereupon a joint meeting of the two Boards shall be held, and the determination arrived at by such joint meeting or meetings shall be final of the matters in controversy; and, *provided*, further, said City Levee Commissioners shall have, and they are hereby given, power and authority to turn or straighten the channel of any portion of the American River deemed necessary for the protection of the city.

SEC. 5. Before proceeding to construct the levee within the city, the City Commissioners shall divide it into two or more convenient sections, and shall then advertise, for at least ten days, in two city papers, for bids for each separate section, or the whole work, which bids, at the time and place appointed, shall be opened in public; and as soon as convenient, after the bids have been opened, the Commissioners shall let the work, either in sections, or as a whole, to such bidder or bidders as they shall deem most advantageous, not being limited to the lowest bidder; or they may reject all the bids, and then re-advertise; and they may, at any time deemed necessary, employ an Engineer or Superintendent, and fix his compensation.

SEC. 6. The Board of City Levee Commissioners, their agents, and employes, may enter upon and take possession of any land that may be necessary for the levee within the city, or any land either in the city, or in the county outside the city, that may be necessary or proper to furnish materials for its construction, or that may be necessary and proper to turn or straighten the channel of the American River, and may have the same condemned for public use, in accordance with section sixteen of the Act of May thirteenth, eighteen hundred and sixty-one, entitled an Act to provide for the Reclamation and Segregation of Swamp and Overflowed, and Salt Marsh and Tide Lands, donated to the State of California by Act of Con-

gress, or under the provisions of any law that has been or may be passed, authorizing the condemnation of lands for levee purposes, in the City and County of Sacramento.

Sec. 7. All the levees outside the limits of the City of Sacramento, required for the reclamation and protection of Swamp Land District Number Two, shall, as soon as possible, be let out, by the Board of State Swamp Land Commissioners, for construction, as is now provided by law; *provided*, however, that as soon as the work required on the American River, outside the city limits, is let out, the City Levee Commissioners, or some one of them, shall pay one half the estimated cost of construction of said levee, from Thirty-First street, up to, and including, Burns' slough, into the Swamp and Overflowed Land Fund of District Number Two; *provided*, the amount required has been received in the City Levee Fund, hereinafter created; but if not so received, then out of the first moneys that are received in it.

Levees
outside
the city.

Proviso.

Same.

Sec. 8. As soon as the levees north of a point to be fixed, at or near Suttersville, by the Board of State Swamp Land Commissioners, as the dividing line between those thereafter to be controlled by the City, and those to be controlled by the County, Levee Commissioners, are finished, the Swamp Land Commissioners shall deliver them to the City Levee Commissioners, whereupon the title to said levees, and their appurtenances, shall vest absolutely in the City of Sacramento, and thenceforward the City Levee Commissioners shall have the charge, care, and control, of all levees in the City of Sacramento, and also of all levees in Swamp Land District Number Two, north of the point to be fixed, as in this section before mentioned; and said Commissioners may raise, widen, and strengthen them, at their pleasure, but shall not alter their line, or in any way diminish their height, size, or strength; and said Commissioners may, with the consent of the city authorities, cause the levee on the American River side to be turnpiked and used as a road, and may collect tolls thereon, for the Levee Fund; or they may, with the consent of the city authorities, contract with any person or persons for raising, enlarging, and strengthening, said levee, such work to be paid for by a lease, with the right to collect tolls, for a period not longer than ten years, and the rate of tolls to be fixed, from time to time, by the city authorities; *provided*, however, that no such lease shall be made, unless the franchise is put up for public competition, after at least thirty days notice in two city papers. And all the levees in Swamp Land District Number Two, south of the aforesaid point, shall, as soon as they are finished, be delivered to the County Levee Commissioners for District Number Two, whereupon the title to said levees, and their appurtenances, shall vest absolutely in the County of Sacramento, and thenceforward the County Levee Commissioners for District Number Two shall have the charge, care, and control, of all said levees, and may raise, widen, and strengthen them, at their pleasure, but shall not alter their line, excepting where the encroachments of the water render it necessary, or in any manner diminish their height, size, or strength.

Powers of
Commissioners.

Duties of
Commissioners.

SEC. 9. Both the City and County Boards of Levee Commissioners, herein created, shall, from personal inspection and examination, annually, make and certify to the proper authorities, city or county, as the case may require, on or before the first Monday in March, an estimate of the amount of money that will be necessary to put the levees and works for protection under their control in perfect repair, and keep them so during the year. And upon receiving such statement, the city authorities shall levy, upon all taxable property within the city, and within the lines of said levees, a tax, sufficient to raise the whole amount of money so estimated to be required, less the sum, if any, therein the City Levee Fund, and not required for expenditures then already incurred. And upon receiving such statement, the Board of Supervisors shall levy, upon all taxable property outside the city, in Swamp Land District Number Two, a tax, sufficient to raise the whole amount of money so estimated to be required, less the sum, if any, therein the County Levee Fund, District Number Two, and not required for expenditures then already incurred. The taxes levied under this section shall be collected as other city or county taxes; and the city tax shall be paid into a special fund, entitled "The City Levee Fund," and the county taxes into a special fund, entitled "The County Levee Fund," District Two, and the money shall only be drawn out of said fund upon warrants for claims for levee purposes, allowed by a majority of the proper Levee Commissioners, and approved by the proper city or county authorities.

Same.

SEC. 10. During the session of the Board of Equalization, hereinafter provided for, the City Levee Commissioners shall file with it a statement of the whole sum of money necessary to construct the levee within the city, to pay one half of the estimated cost of that portion on the American River east of the city, up to and including Burns' slough, and to repay the amount expended by the Citizens' Levee Committee for repairs, and if, in the opinion of said Commissioners, it is deemed proper to turn or straighten the channel of the American River during the present year, then also including the estimated cost of such work; and the Board of Equalization shall, after the whole value of the taxable property within the city and within the lines of the levee has been ascertained, deduct fifteen per cent. for anticipated delinquencies, and then, by dividing the sum required by the Commissioners into the remainder, the Board of Equalization shall ascertain the rate of taxation upon each one hundred dollars value of property that will be required to raise the sum needed; and the rate so found, using, however, a full cent in place of any fraction of a cent, shall be and is hereby levied, as an ad valorem tax, upon all taxable property within the City of Sacramento and within the lines of the levee proposed to be constructed.

Duty of
Assessor.

SEC. 11. As soon as possible after the passage of this Act, the Assessor shall make a copy of the names of persons and description of real estate and improvements assessed in the city and within the lines of levee, as aforesaid, in the year eighteen hundred and sixty-one, and then, using the equalized assessment roll of eighteen hundred and sixty-one, as a basis for making his

estimates, he shall proceed and make an assessment of all taxable property within the city and within the levee lines, as aforesaid, keeping, during the time he is engaged, an advertisement in each paper published in the city, stating the fact that he is making an assessment, and requesting parties interested to call at his office and deliver him a statement of their property; and as soon as such assessment is completed, the Assessor shall deliver it to the Auditor, who shall forthwith give notice, by publication in each paper published in the city, that the special levee assessment roll has been completed and is in his possession, open for examination, and that the Board of Equalization will, upon a day to be named in the notice, which day shall not be less than five nor more than ten days from the first publication of the notice, meet, to hear and determine complaints in regard to valuation and assessments therein.

Duty of Auditor.

Sec. 12. Upon the day specified in the notice required by section eleven for the meeting, the Board of Equalization shall meet, and continue in session from day to day, so long as may be necessary, not exceeding eighteen days, exclusive of Sundays, to hear and determine such objections to the assessments and valuations as may come before them; and the Board may change the valuation as may be just, and may cite any person to appear before them, and answer concerning his property, and may assess any person or property omitted by the Assessor, and liable to taxation. The Assessor shall be present during the session of the Board, and shall act as its Clerk, and shall note all alterations in value, changes in the description or subdivisions of real estate, and in the owners thereof, or changes in the value of the improvements thereon, and additions to the assessment made by the Board, and within ten days after the close of the session, he shall have the total values, as finally equalized by the Board, extended into columns and added up; *provided*, further, that neither the Assessor nor Board of Equalization shall assess any titular interest on any land other than either the whole fee or an ascertained undivided portion thereof, and upon the tenth day, or sooner, if the Assessor has the roll completed, from the close of its session aforesaid, the Board of Equalization shall again meet and determine the rate of taxation, as provided in section ten, and shall certify the rate to the Auditor, Tax Collector, Treasurer, and District Attorney, and the said Board, or a majority of its members, and the Assessor, shall then certify to the assessment roll as finally equalized and determined, and the Assessor shall deliver it to the Auditor, and the Auditor shall forthwith deliver it to the Tax Collector, charging him the full amount of taxes therein assessed, and shall, from time to time, credit him with the amounts paid to the County Treasurer. During the sixty days next following, the Tax Collector shall collect thereon the amount of taxes levied, extending the sums received, in figures, as they are paid, and as soon as possible, not exceeding ten days after the expiration of the sixty days, the Tax Collector shall deliver said roll to the Auditor, and make a final settlement with him, and the Tax Collector shall at the same time deliver to the Auditor a duplicate of so much of said roll as remains unpaid, which duplicate shall be known as the Delinquent List. The

Board of Equalization.

Proviso.

Collection of taxes.

Delinquent list. Auditor shall forthwith deliver the delinquent list to the District Attorney, charging him with the total amount of delinquent taxes therein set forth, and the District Attorney, upon receiving such delinquent list, shall forthwith commence action, in the name of The People of the State of California, for the amount of tax hereinbefore levied and unpaid; and all the provisions, excepting such as are hereafter modified or rendered nugatory, of the Act of May seventeenth, eighteen hundred and sixty-one, entitled an Act to legalize and provide for the Collection of Delinquent Taxes in the counties of this State, are hereby extended to and made applicable to all taxes levied under this Act, and delinquent; *provided*, however, that when any real estate is assessed to unknown owners, or being assessed to some person, the true owner is unknown, the District Attorney may employ some competent person to search the title and ascertain the owner, for which the party making the search may be allowed one dollar and twenty-five cents for each lot, or fraction of a lot, which shall be entered up as costs in the case; and, *provided*, further, that when any real estate is assessed to unknown owners, or being assessed to some person, the true owner is unknown, and the District Attorney uses a fictitious name to represent such true owner or owners, and joins therewith the names of real parties, it shall not be necessary to serve summons on any such real parties personally, when summons is served by publication as hereafter provided; and, *provided*, further, that in case of estates of deceased persons, it shall not be necessary to present the claim to the Executors or Administrators, or the Probate Court, or Judge, but by reason of the non-payment of the taxes it shall be taken and deemed, in both law and equity, that the claims have been presented and rejected, and that the Probate Court has directed the issue to be joined in the Court where the suit is brought, which Court is hereby given jurisdiction for that purpose; and execution is hereby authorized to issue and to be levied upon the interest of the estate in the property described in the complaint, in the same manner as against other judgment debtors in civil actions; and, *provided*, further, that when any real estate is assessed to unknown owners, or being assessed to any person, the true owner is unknown, any number of actions may be included in one general summons, giving, in place of the names of the parties and thing in action in an ordinary summons, the amount claimed, a description of the property, the fictitious name used to represent the true owner or owners, and the real party or parties, if any, joined as defendants to that particular claim, substantially as follows: To recover ——— dollars and ——— cents, from (John Doe.) representing the true owner, and (John Brown, John Smith, and John Jones.) supposed to be parties interested, for taxes levied on (the east half of lot three, between H and I, Fourth and Fifth streets, in the City of Sacramento,) and so on with a similar condensation for each complaint wished to be embodied in the summons, and upon the publication of such summons, as hereinafter provided, service shall be complete upon all persons and parties whomsoever, whether named by their real names or represented by the fictitious name, owning, claiming, or having any interest in or on, any land or improvements described in such general summons.

Provido.

Unknown owners.

Provido.

Every such general summons issued shall be returnable in not less than thirty nor more than forty days from its issuance, and shall be published one time per week, four weeks, in some newspaper published in the City of Sacramento; and, *provided*, further, to obviate an unnecessary multiplicity of actions for the recovery of delinquent taxes, that when any person or property delinquent for taxes levied under this Act, is also delinquent for any taxes levied either in eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, eighteen hundred and sixty, eighteen hundred and sixty-one, or State Capitol taxes levied under the Act of April twenty-first, eighteen hundred and sixty-one, all the taxes due from any such person or property may be included in one complaint, and all the provisions of this section shall apply, and they are hereby made applicable thereto; and the proceedings shall be had in the same manner, and with the same force and effect, as though only the taxes levied under this Act were sued for; and, *provided*, further, that a certificate by the officer having the custody of any delinquent tax roll of any entry therein shall be prima facie proof, in any Court, of the person and property, or both, assessed, of the delinquency, of the amount due and unpaid, and that all the forms and requirements of law in relation to the levy and assessment, have been complied with; and, *provided*, further, that no redemption shall be made from a sale under this Act, except in accordance with the provisions of the Act of May seventeenth, eighteen hundred and sixty-one, entitled an Act to provide Revenue for the Support of the Government of this State; but, *provided*, further, that no person shall redeem unless he first pay to the purchaser the amount, if any, of all taxes and costs thereon paid on the same property by the purchaser, after his purchase, together with legal interest on the amount; and, *provided*, that any person holding any certificate of any tax sale for the same property, may, at any time, redeem any other outstanding tax certificate, the time for the redemption of which has not expired, and that, in case of such redemption, any subsequent redemptioner shall be required to redeem as well the original purchase as all redemptions subsequently made; *provided*, however, that in redeeming redemptions, he shall only be required to pay legal interest on the amount of redemption paid.

SEC. 13. The directions in this Act, given in regard to the manner of assessing, equalizing, and levying the taxes, shall be deemed directory only, and the assessments, valuations, assessment roll, and delinquent list, in this Act provided for, are hereby made valid and binding, both in law and equity, against the persons and property assessed; and the taxes levied shall become a lien upon the property assessed, upon the determination of the rate of taxation as herein provided, which lien shall not in any manner whatever be discharged, until said taxes, and costs, if any accrue, are paid; and all the officers who are required to render any service, under the provisions of this Act, shall have and receive, for their own use, such compensation as is now allowed by law for similar services.

SEC. 14. Upon the presentation to him of any certificate, signed by J. H. Warwick, Charles Crocker, and Alexander Boyd, or any two of them, of the amount of money advanced

Delinquent taxes.

Same.

Redemption

Assessments, etc., legalized.

Duty of Auditor.

by the holder or his assignor to the Citizens' Committee for levee purposes, the Auditor shall draw his warrant therefor on the City Levee Fund; *provided*, that, when any certificate presented exceeds one hundred dollars, the Auditor shall draw his warrant therefor in such sums, not less than fifty dollars each, as the holder may demand, and such warrants shall be receivable for any taxes levied under this Act.

Duty of
County
Treasurer.

SEC. 15. As soon as the City Levee Commissioners shall certify to the Treasurer that all the cost of constructing the levee within the city, and one half the estimated cost of constructing the portions on the American, east of the city, up to and including Burns' slough, has been paid, the Treasurer shall proceed to pay, out of the City Levee Fund, and in the order in which they were drawn, the warrants issued under the provisions of section fourteen.

City Levee
Fund.

SEC. 16. If any money shall remain in the City Levee Fund after paying the warrants as provided in section fifteen, or shall thereafter come into said fund from any of the taxes levied by section ten, the City Levee Commissioners may use it in constructing inner or cross levees, or they may use it in macadamizing or otherwise improving one or more outlets of travel to and from the city; and if no such money comes into the City Levee Fund, or it is insufficient, and the Commissioners deem any inner or cross levee necessary, they may cause the same to be built, and the money to pay therefor shall be levied and collected upon their estimate, in accordance with the provisions of section nine; *provided*, that the tax necessary to pay for such inside or cross levee shall only be levied upon the real estate and improvements enclosed thereby.

Diversion of
Swamp Land
Fund.

SEC. 17. In case the Swamp and Overflowed Land Commissioners shall, from a legislative diversion of the Swamp Land Fund, and consequent want of money, or for any other cause, be unable to let out the constructing the levees for Swamp Land District Number Two, so as to be completed on or before the first day of October, eighteen hundred and sixty-two, the City Levee Commissioners may construct so much of said levee as they may deem necessary for the protection of the city, and the cost of such construction, excepting the one half herein before provided for, from Thirty-First street to Burns' slough, shall be paid into the City Levee Fund, out of the first moneys that come into the State Treasury, applicable to Swamp Land District Number Two, or said City Levee Commissioners may advance the amount of money required for such construction, and the money so advanced shall be returned into the Levee Fund out of the first moneys that come into the State Treasury applicable to Swamp Land District Number Two.

Penalty for
injury to
levee.

SEC. 18. If any person shall cut, or dig away, or in any manner lessen the width, or diminish the height, or strength, of any levee within the County of Sacramento, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment for not less than ten days nor more than six months, or by both such fine and imprisonment.

SEC. 19. This Act shall go into effect on and after its passage, and all Acts, and parts of Acts, inconsistent or conflicting

with this Act, are hereby repealed, so far as to exempt the County of Sacramento from their operation.

CHAP. CLIX.—*An Act to authorize Philip G. Galpice, Guardian of Franklina C. Gray, a minor, to compromise certain claims, and to convey certain real estate.*

[Approved April 9, 1862.]

WHEREAS, Franklina C. Gray, a minor, residing in the State of ^{Preamble.} New York, claims to own certain real estate in the State of California, to recover which, sundry actions at law have been brought, and are now pending; and, whereas, certain parties in possession of said real estate desire to compromise with said minor upon equitable terms, and to receive a conveyance of her title to said real estate, therefore—

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

SECTION 1. That Philip G. Galpice, Guardian of Franklina ^{May} C. Gray, a minor, be and he hereby is authorized to compromise ^{compromise} or settle by arbitration, or without any suit, or suits, in which the said Franklina C. Gray is, or may be, a party plaintiff or defendant, affecting the title of the said Franklina C. Gray to any real estate in the State of California, or to compromise without suit, any claim against, or in favor of the said minor on account of any real estate claimed by her in said State; *provided*, that the said Guardian shall report said compromise, or settlement, or the result of said arbitration, to the Probate Judge of the City and County of San Francisco, who may, upon testimony taken, confirm or reject the same, according as the same may appear to said Judge advantageous or prejudicial to said minor. But any such compromise or settlement, or the result of any arbitration, shall not be valid, or conclude the right of said minor, unless approved in writing by said Probate Judge.

SEC. 2. Whenever, by the terms of any compromise or settlement so approved, as aforesaid, which has been or may be made, ^{Conveyance.} the said Franklina C. Gray is to convey her interest in any real estate, and to receive in lieu thereof other real estate, or mortgages, or other valuable considerations, the said Philip G. Galpice is hereby authorized to convey, in the name of said Franklina C. Gray, and as her Guardian, any and all interest of the said Franklina C. Gray in such real estate, to the party or parties with whom such compromise or settlement has been effected, and all conveyances so made shall be valid and binding upon said minor, and shall convey all the title of said Franklina C. Gray to said real estate, or such portion thereof as shall be mentioned in said conveyance; *provided*, that this Act shall not authorize the sale or conveyance of any real estate which has not been involved in litigation to which said minor has been a party upon the record.

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

CHAP. CLX.—*An Act to authorize the Administrator of the Estate of Francis Tribon, deceased, to sell Real Estate, at public or private sale.*

[Approved April 9, 1862.]

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

Sale.

SECTION 1. The Administrator of the late Francis Tribon, deceased, is hereby authorized and empowered to sell, at public or private sale, any real property belonging to the estate of his intestate, lying in the City and County of Sacramento, or elsewhere in this State, and to execute the proper deeds of conveyance therefor; *provided*, that such action of said Administrator shall be subject to the approval of the Probate Judge of the County of Sacramento.

CHAP. CLXI.—*An Act to authorize the Administrator of the Estate of Daniel B. Mosby, deceased, to sell and convey Real Estate.*

[Approved April 9, 1862.]

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

Sale.

SECTION 1. The Administrator of the estate of Daniel B. Mosby, deceased, is hereby authorized and empowered to sell, either at public or private sale, all the real estate owned or claimed by the said Daniel B. Mosby, deceased, at the time of his death, as, in the judgment of the said Administrator, shall best promote the interest of said estate.

Report.

SEC. 2. The Administrator shall make a full report of any sale or sales, made by virtue of the powers herein granted to the Probate Court of the City and County of San Francisco; and the Judge of said Court shall, either in term time or vacation, in open Court or in chambers, examine the same, and confirm or set aside the said sale or sales, as he may deem just and proper for the interest of said estate.

Conveyance.

SEC. 3. After the approval of the sale or sales, by the Probate Court of said City and County of San Francisco, the Administrator shall convey to the purchaser or purchasers the property so sold, and receive the purchase money therefor; and the titles so conveyed shall be as valid as if made under an order of the proper Probate Court, in due course of law.

SEC. 4. This Act shall take effect immediately after its passage.

CHAP. CLXII.—*An Act amendatory of and supplementary to an Act to provide for the Construction of a Macadamized Road, within the limits of the City and County of San Francisco, which became a Law on the twelfth day of April, eighteen hundred and sixty-one.*

[Approved April 9, 1862.]

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

SECTION 1. Section five of the Act of which this is amendatory is hereby amended so as to read as follows :

Section 5. Said grantees shall, after the completion of the ^{Tolls.} first half of said road, as provided in section three, have the right to erect and maintain, not to exceed two toll gates, at such point or points, on the line of such road, as they may determine, not east of Leavenworth street, and to levy and collect such tolls thereat as may be reasonable and just, until the completion of the last half of the road, after which time the Board of Supervisors may, from time to time, alter or reduce the rates, but the same shall not, without the consent of the grantees, be so reduced so as to produce less than eighteen per cent. per annum for the first eight years, nor less than twelve per cent. per annum thereafter, in net receipts upon the actual cost of said road. And for the purpose of ascertaining the cost and income of said road, the Board of Supervisors shall have access to the books of the grantees, and may examine said parties or their employés, under oath.

SEC. 2. The time within which the said grantees shall commence the construction of said road is hereby extended one year from the time fixed in section three of said Act.

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

CHAP. CLXIII.—*An Act supplementary and amendatory of an Act entitled an Act in relation to Public Roads in the County of El Dorado, and the Road Fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two.*

[Approved April 9, 1862.]

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

SECTION 1. The provisions of the Act to which this Act is supplemental and amendatory, so far as relates to the time of collecting road tax, is hereby extended through the months of April, May, and June, for the year eighteen hundred and sixty-two.

SEC. 2. Section fifteen of the Act to which this Act is supplemental and amendatory, is hereby amended so as to read as follows :

Obstructing
roads.

Any person or persons who shall erect or place, or cause to be erected or placed, in any public highway in the County of El Dorado, any fence, wall, embankment, building, structure, or any obstruction whatever, or who shall turn, or cause to run, in any highway, any stream of water, or who shall dig, or cause to be dug, or excavate, any pit or hole, in any highway, or any ditch or canal along or across the same, wilfully, and so as to materially obstruct the same, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not more than one hundred dollars, and may be imprisoned in the county jail of said county at the rate of one day for each two dollars of said fine, until said fine shall be satisfied.

Penalty.

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

CHAP. CLXIV.—*An Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado Wagon Road for a term of years.*

[Approved April 5, 1862.]

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

Supervisors
may lease.

SECTION 1. The Board of Supervisors of the County of El Dorado are hereby authorized and empowered to lease the Sacramento and El Dorado County wagon road, including the bridge across the South Fork of the American River, said road commencing at, or near to, Bartram's sawmill, about eighteen miles east of Placerville, in El Dorado County, and running thence eastward to Strawberry Station, for the period of not more than five years. Said leasing shall be made in the manner prescribed in the second section of this Act.

Duty of
Supervisors.

SEC. 2. It shall be the duty of the Board of Supervisors of the County of El Dorado, within twenty days after the passage of this Act, to cause to be published, daily, in one daily newspaper in the County of Sacramento, and in one daily newspaper in the County of El Dorado, for the period of ten days, a notice, asking for bids or proposals, under seal, stating at what rate of tolls upon said road and bridge the person making the bid or proposal will take said road for the period of five years. will put the same in good order and condition within such time as the parties may agree upon in their contract, not exceeding three months after the making of the contract, will keep the same in good order and condition for travel during the term of said lease, and from and after the expiration of three months from and after the making of the contract, will, in each month during the residue of said term of five years, pay into the Treasury of the County of El Dorado the sum of fifty dollars. The notice shall state with whom the bids or proposals shall be filed, and when and where the same will be opened. On the day named in the notice, the Supervisors of the County of El Dorado shall meet in the Clerk's office of said county, and be-

tween the hours of ten o'clock, A. M., and four o'clock, P. M., of such day, shall proceed to open the bids or proposals. The contract shall be awarded to the person or persons who offer to put said road in good condition and repair within such time as the parties may agree upon in their contract, not exceeding three months, and to keep the same in good condition and repair for the residue of the term of five years, and (after three months) to pay, at the end of each month during the term, into the Treasury of El Dorado County, the sum of fifty dollars, for the lowest rate of tolls; *provided*, that no bid shall be received nor contract let to any person or persons who shall have interest or ownership in any parallel road to the one named in this Act; *provided*, further, that if, in the opinion of the Board of Supervisors, all the bids or proposals require too high a rate of tolls, all the bids or proposals may be rejected, and they may again advertise for proposals, and let the contract, in all respects as in the first instance. Proviso.

SEC. 3. Whenever any bid or proposal shall have been accepted, or before that time, if the Supervisors deem expedient, the Board of Supervisors shall require the person or persons whose bid or proposal has been accepted, to file with them a bond, with at least two sufficient sureties, in such sum, not less than five thousand dollars, as to the said Board of Supervisors shall seem just and reasonable; said bond shall be in form, payable to the County of El Dorado, and shall be conditioned for the faithful performance of the terms of the contract herein before provided for. The sureties upon the bond shall justify as is required in cases of official bonds, and in case any damage shall accrue to any person or persons on account of any defect in said road, or any of the bridges thereon, arising from the failure or neglect of the lessee to keep the same in good order and condition during the term of said lease, according to the terms of his contract, the said lessee and his sureties shall be liable, upon the bond herein required, to the person or persons so injured, for the amount of the damage. Bond of Lessee.

SEC. 4. Whenever, in the opinion of the Board of Supervisors of El Dorado County, it shall be for the interest of the public that a higher bond should be required, or whenever the bond shall become insufficient, through the poverty or insolvency of the sureties, the said Board of Supervisors may require another bond. And in case the bidder shall fail to file his bond, as in this Act required, at the time the contract is awarded to him, the Board of Supervisors may refuse to enter into the contract with him, and may award it to the next lowest bidder who will give the bond as by this Act required; and in case, after any bond has become insufficient, and a new bond required, the person having the contract shall neglect, refuse, or fail, for the period of twenty days, to file a new bond, as herein before required in this Act, the Board of Supervisors shall have authority to annul the contract of the person so failing or refusing, and may proceed again to lease said road, as in this Act provided. New bond.

SEC. 5. After any person or persons shall have entered into the contract herein before mentioned, and shall have taken possession of said road, such contractor shall, until said road and Tolls.

bridges are put in good repair and condition, continue to charge and collect the same rates of toll on said road as are now charged; *provided*, however, that if said road is not in complete repair within three months from the date of the contract, that the whole money collected from and after the date of such contract, and prior to the complete repair of said road and bridges, shall be paid into the County Treasury; to be used as provided in section six of this Act; and after said contractor shall have put said road in good condition to be travelled, he shall be entitled to charge, collect, and receive, from all persons who shall travel such road, except immigrants, the rates of toll specified in his bid. And it shall be the duty of the person or persons having such contract and the lease of said road, to keep a statement of the rates of toll publicly and conspicuously posted near to and in plain view from the road at each end thereof. Immigrants are hereby defined to mean persons who may have crossed the plains from Utah, or from States east of the Rocky Mountains, on their way to become residents of California, and have not yet completed their journey.

Disposition of moneys received. SEC. 6. The fifty dollars per month hereinbefore provided to be paid into the County Treasury, shall be exclusively appropriated to the payment of allowances heretofore made by the Board of Supervisors of the County of El Dorado, for work done upon said Sacramento and El Dorado wagon road, and said allowances shall be paid in the order of the date of their allowance, and as fast as said payment of fifty dollars per month shall be paid into the County Treasury.

Repairs. SEC. 7. Whenever the lessee shall permit said road, or any part thereof, or the bridges upon the same, to fall greatly out of repair, and unsafe or difficult for travel, the Board of Supervisors, or any one of them, may notify said lessee, or contractor, to mend said road, or bridge, and place the same in good order and repair for travel, and if such lessee or contractor shall fail, neglect, or refuse, to mend and repair said road, or bridge, beyond a reasonable time, the Board of Supervisors shall have the right to cause such repairs to be made, and the lessee, or contractor, and his sureties, shall be liable, to the County of El Dorado, upon the bond required by the third section of this Act, for the expense to the county of making said repairs.

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

CHAP. CLXV.—*An Act concerning the County Records of the County of Trinity.*

[Approved April 10, 1862.]

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

Powers of Supervisors. SECTION 1. The Board of Supervisors of the County of Trinity are hereby authorized and empowered, at the regular meeting of said Board, to be held in the month of May, A. D. eight-

con hundred and sixty-two, or at any regular meeting thereafter, to order the transcribing and indexing of the books of record of said county, in the office of the County Recorder thereof, and known as books D, E, and H, also of any journals of the District Court, the Probate Court, the County Court, the Court of Sessions, or Board of Supervisors, of said county, which said Board may deem necessary.

SEC. 2. All the copies hereby required shall be made in plain ^{Copies.} and legible handwriting, and substantial, full bound books, shall be purchased by the said county for the object herein specified; and said copies, when made, shall be duly certified, and when so certified, shall have the same force, and be as valid in evidence, as the originals.

SEC. 3. When it shall appear to said Board of Supervisors ^{Payment.} that so much of the said work as may be ordered by said Board to be performed, has been fully completed, then the said Board shall order that the County Recorder of said county be paid, out of the moneys in the General Fund of said county, the sum of twenty cents for each and every folio of one hundred words, in the same manner as other county indebtedness, and no further compensation whatever shall be allowed for such services under this Act.

SEC. 4. The original records shall be carefully preserved in the office of said County Recorder, for future reference.

CHAP. CLXVI.—*An Act to appropriate Money to pay the Claim of Charles S. Fairfax, for costs in certain Suits where the State was interested.*

[Approved April 10, 1862.]

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

SECTION 1. The sum of two thousand one hundred and ninety-nine dollars and twenty cents is hereby appropriated, ^{Appropriation.} out of any money in the General Fund not otherwise appropriated, to pay the claim of Charles S. Fairfax, for costs in certain suits where the State was interested; and the Controller of State is hereby authorized and directed to draw his warrant in favor of said Charles S. Fairfax, for two thousand one hundred and ninety-nine dollars and twenty cents, and the Treasurer of the State to pay the same; *provided*, that said Fairfax shall give a receipt in full for all demands against the State.

CHAP. CLXVII.—*An Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other counties herein named, approved March thirty-first, eighteen hundred and fifty-seven, approved April fifth, eighteen hundred and sixty-one.*

[Approved April 10, 1862.]

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

SECTION 1. Section first of an Act entitled an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other counties herein named, approved March thirty-first, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

Provisions of Act extended to certain counties.

Section 1. The provisions of an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, are hereby extended to the Counties of Shasta, Trinity, Siskiyou, Tehama, Colusa, Stanislaus, Contra Costa, San Joaquin, Butte, Klamath, Humboldt, Mariposa, Fresno, and Tulare.

CHAP. CLXVIII.—*An Act to authorize the Removal of Human Remains in Butte County.*

[Approved April 10, 1862.]

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

SECTION 1. D. C. DOWNER, B. C. GRIDDY, and A. C. BOFFOM, are hereby authorized to remove, or cause to be removed, all human remains from the old graveyard, near the Town of Dogtown, Butte County, to the new graveyard, near said town, in said county; *provided*, said removal shall in no way be any charge on the County Treasury of said county.

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

CHAP. CLXIX.—*An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax, and to provide for building a Bridge, in said county, approved April fifteenth, eighteen hundred and sixty-one, and to dispose of the fund accumulated under said Act.*

[Approved April 10, 1862.]

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

SECTION 1. An Act entitled an Act to authorize the Supervisors of Calaveras County to levy a Special Tax, and to provide for building a Bridge, in said county, approved April fifteenth, eighteen hundred and sixty-one, is hereby repealed, and the fund in the hands of the County Treasurer, arising from the levy of said special tax, shall be disposed of as hereinafter directed.

Act repealed.

SEC. 2. All moneys which shall have been or may be received into the Treasury of said county, from the special tax authorized to be levied under the Act mentioned in the preceding section, shall be transferred and apportioned to the several funds for State and county purposes of said county, and may be appropriated and expended as other moneys accumulated therein.

Apportionment of moneys.

SEC. 3. In collecting taxes, imposed for State and county purposes, upon the inhabitants of the Tenth Township of said Calaveras County, for the year eighteen hundred and sixty-two, it shall be lawful for the Collector of assessed taxes in said township, for said year eighteen hundred and sixty-two, and he is hereby authorized and directed, to allow to and deduct from the tax to be paid by persons who have heretofore paid the special tax levied under the aforesaid Act, the amount paid by them respectively, and the Auditor of said county is hereby directed to furnish a list of the names of all persons who may have paid, or that may pay, such bridge tax, properly certified to, to the Tax Collector, accompanying the Assessor in said township, during the year eighteen hundred and sixty-two.

Collection of taxes.

SEC. 4. The District Attorney is hereby authorized and directed to discontinue and dismiss all legal proceedings instituted by him under the Act hereby repealed.

Duty of District Attorney.

SEC. 5. This Act shall take effect immediately after its passage.

CHAP. CLXX.—*An Act to District the County of Tuolumne into Supervisor Districts.*

[Approved April 10, 1862.]

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

SECTION 1. The Revenue Districts, as created and declared by the Board of Supervisors of Tuolumne County, August fifth,

Districts.

eighteen hundred and sixty-one, shall be the Supervisor Districts, as follows: Revenue District Number One shall be Supervisor District Number One. Revenue District Number Two shall be Supervisor District Number Two, Revenue Districts Numbers Three and Four shall be Supervisor District Number Three.

Qualification
of voters.

SEC. 2. To enable a voter to vote for Supervisor, he must be a citizen of the District for which such Supervisor is to be elected.

Election.

SEC. 3. At the general election preceding the expiration of the term of office of either of the members of the present Board, and whenever a vacancy occurs thereafter, by the expiration of the term of office of any Supervisor, some suitable person shall be elected as Supervisor from the District in which such member of the Board, whose term of office so expires, lived at the time of his election, who shall hold his office for the term of three years, or until his successor is elected and qualified.

Term of
office.

SEC. 4. All Acts, and parts of Acts, in conflict with this Act, so far as they relate to Tuolumne County, are hereby repealed.

CHAP. CLXXI.—*An Act to authorize Lewis E. Morgan, his associates, or assigns, to construct and maintain a Wharf in Contra Costa County.*

[Approved April 10, 1862.]

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

Franchise.

SECTION 1. The right to build and maintain a wharf, in San Francisco bay, at such a point as may be selected on the San Pablo Rancho, in Contra Costa County, fronting on the land now owned and occupied by Lewis E. Morgan, T. J. A. Chambers, or W. C. Daugherty, is hereby granted to Lewis E. Morgan, and his associates or assigns, for the term of twenty-five years.

Grant of
land.

SEC. 2. For the purpose of said wharf, there is hereby granted to the said Lewis E. Morgan, and his associates or assigns, the use and occupation of a strip of land one hundred yards in width on each side of said wharf, and running parallel with said wharf from the main land to ship channel; *provided*, that nothing herein contained shall be so construed as to permit the parties herein named to impede or obstruct navigation.

Conditions.

SEC. 3. The said Lewis E. Morgan, his associates or assigns, shall, within one year from the passage of this Act, commence the building of the wharf herein provided for, and shall, within two years, finish the same. The said wharf shall be firmly and substantially built, of such materials and of such dimensions as to make said wharf sufficient for all the purposes of a steam ferry, as well as for the local business of the place; and, from time to time, said wharf may be enlarged, as the commerce of the place may require; *provided*, that within one year the work shall be so far completed as to afford reasonable accommodation for the commerce of the district.

Proviso.

SEC. 4. The Board of Supervisors of Contra Costa County shall, from time to time, fix the rates of wharfage to be collected at said wharf, and the said Lewis E. Morgan, his associates or assigns, may, from time to time, charge and collect such wharfage as may be prescribed by the said Board of Supervisors. The rates of wharfage, which may be prescribed under the provisions of this Act, shall be conspicuously posted on said wharf.

SEC. 5. If the said Lewis E. Morgan, his associates or assigns, shall fail to commence and complete said wharf within the time proscribed in this Act, or, in any other manner, violate its provisions, then all the rights granted by this Act shall become forfeited to the State.

CHAP. CLXXVII.—*An Act to authorize Catharine Myers, Administratrix of the estate of Christopher Myers, deceased, to dispose of Real Estate, at public or private sale.*

[Approved April 10, 1862.]

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

SECTION 1. Catharine Myers, Administratrix of the estate of Christopher Myers, late of the County of Plumas, deceased, is hereby authorized and empowered to sell, at public or private sale, any and all real property belonging to the estate of said deceased, lying in the County of Plumas, or elsewhere in this State, and to execute and deliver proper deeds of conveyance therefor; *provided*, however, that before the execution and delivery of such deeds, the said Administratrix shall make report of her acts and doings, by virtue of this Act, and the same shall be approved by the Probate Judge of the County of Plumas, or the Probate Judge of any county wherein lands sold by virtue of this Act may be situated.

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

CHAP. CLXXVIII.—*An Act to grant the Right to construct a Turnpike Road, between the City of Petaluma and the Town of Santa Rosa, in the County of Sonoma.*

[Approved April 10, 1862.]

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

SECTION 1. Thomas T. Baylis, J. B. Hinkle, Lewis Lambertson, Berthold Hoen, and F. G. Hakman, together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and

immunities, herein mentioned, upon condition that they and their associates shall incorporate themselves, under the general law of this State regulating corporations and providing for the incorporation of companies, and shall adopt the name of "The Petaluma Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Powers and rights of company.

SEC. 2. Said company shall have full power to build and maintain a public turnpike road, from the City of Petaluma to the Santa Rosa creek, in Sonoma County, and to have and enjoy all the rights, and privileges, and immunities, thereunto appertaining, and shall have the right of way, which is guaranteed and ceded to the said company, for the term of twenty years, and the State enters into this covenant, and grants these rights and privileges, upon express condition, that within nine months from the passage of this Act, the said company shall commence, and within two years complete, the said turnpike road.

Same.

SEC. 3. Said company shall have full power to build and maintain a public turnpike road, from the City of Petaluma to the Santa Rosa creek, in Sonoma County, and shall have the right of way, which is hereby guaranteed and ceded to the said company, for the term of twenty years, and the State enters into this covenant, and grants these rights and privileges, upon the express condition, that within nine months from the passage of this Act, the said company shall commence, and within two years complete, the said turnpike road.

Conditions.

SEC. 4. Said turnpike road shall be constructed of sufficient width to admit of the passage of the largest and heaviest sized teams, and said road shall be kept, at all seasons of the year, in good condition for the travel of the largest and heaviest lumber and other wagons.

Tolls.

SEC. 5. Said company, upon completion of said turnpike road, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Sonoma County shall annually fix; *provided*, that the net receipts shall not be less than eighteen per cent. per annum on the cost of the same.

Same.

SEC. 6. The said company are hereby authorized and empowered to collect pro rata tolls on said road when one half the distance shall be completed.

Sign board.

SEC. 7. The said company shall keep at each end of the road a sign board, which shall show the scale of prices and the regulations.

Term of franchise.

SEC. 8. Said company, in consideration of the construction and keeping in repair the said road, as provided in this Act, shall have the exclusive right, privilege, and use, of all tolls collected, for the period not exceeding twenty years.

County may purchase road.

SEC. 9. The Board of Supervisors of Sonoma County may, at any time after the expiration of five years from the completion of said road, by paying to the said company, or their legal representatives, the amount expended by them in the construction of said road, which shall be established by competent testimony before the said Board, then and thenceforth the same shall become the property of the said County of Sonoma, and shall thereafter be under the control and management of the Board of Supervisors of the same.

CHAP. CLXXIV.—*An Act legalizing the Assessment Rolls of the City of Los Angeles for the fiscal year commencing May, eighteen hundred and sixty, and ending May, A. D. eighteen hundred and sixty-one; and of the fiscal year commencing May, A. D. eighteen hundred and sixty-one, and ending May, A. D. eighteen hundred and sixty-two, and that the Delinquent Taxes therein may be collected in the same manner as delinquent taxes are for State and county purposes.*

[Approved April 10, 1862.]

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

SECTION 1. The assessment rolls of the City of Los Angeles for the fiscal year commencing May first, A. D. eighteen hundred and sixty, and ending May first, A. D. eighteen hundred and sixty-one, and commencing May first, A. D. eighteen hundred and sixty-one, and ending May first, A. D. eighteen hundred and sixty-two, are hereby fully legalized, and the proper officers are hereby authorized and directed to proceed to the collection of all delinquent taxes upon said assessment rolls, in such manner as is now provided by law for the collection of delinquent taxes for State and county purposes.

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

CHAP. CLXXV.—*An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 10, 1862.]

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

SECTION 1. Section one hundred and eleven is hereby amended so as to read as follows:

Section 111. The terms of office of the Assessor, Treasurer, Tax Collector, County Recorder, District Attorney, Sheriff, County Clerk, Public Administrator, Coroner, and County Superintendent of Common Schools, of the several counties of this State, and the Clerk of the Board of Supervisors of the City and County of Sacramento, elected at the next general election for county officers, shall be for two years, and until the first Monday in March next succeeding the expiration of such period of two years, and until their successors are elected and qualified. and the terms of office of such officers thereafter elected, and the present incumbents in said offices, in Amador County, shall be for the two years commencing on the first Monday in March after their election, and until their successors are elected and qualified. Each Assessor, Tax Collector, District Attorney, and County Treasurer, shall, on the Saturday next preceding the

Terms of office.

Duties of officers.

first Monday in March, in each year, attend at the office of the County Auditor, for the purpose of making a settlement with him on account of all transactions connected with the revenue for the year ending on that day; and each and every officer, whether Assessor, Tax Collector, District Attorney, Treasurer, or Auditor, on going out of office, shall deliver to his successor in office all the public money, books, accounts, papers, and documents, appertaining to his office, and in his possession, taking a receipt therefor.

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

CHAP. CLXXVI.—*An Act amendatory of and supplemental to an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May ninth, eighteen hundred and sixty-one.*

[Approved April 10, 1862.]

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:

Stamps upon
exchange,
etc.

Section 1. On and after the first day of May, eighteen hundred and sixty-one, the following tax is hereby imposed on every sheet, or piece of paper, or parchment, or other material upon which may be written, printed, engraved, or lithographed, any or either of the instruments following, to wit: Any bill of exchange, draft, or order, certificate, or any written evidence of deposit, whether negotiable or otherwise, or letter of credit to any person or persons, and payable out of this State, of above twenty dollars, and not exceeding fifty dollars, eight cents; if above fifty, and not exceeding one hundred dollars, twenty cents; if above one hundred, and not exceeding one hundred and fifty dollars, thirty cents; if above one hundred and fifty, and not exceeding two hundred dollars, forty cents; if above two hundred, and not exceeding three hundred dollars, sixty cents; if above three hundred, and not exceeding four hundred dollars, eighty cents; if above four hundred, and not exceeding five hundred dollars, one dollar; if above five hundred, and not exceeding seven hundred and fifty dollars, one dollar and forty cents; if above seven hundred and fifty, and not exceeding one thousand dollars, two dollars; if above one thousand, and not exceeding fifteen hundred dollars, three dollars; if above fifteen hundred, and not exceeding two thousand dollars, four dollars; if above two thousand, and not exceeding three thousand dollars, six dollars; if above three thousand, and not exceeding four thousand dollars, eight dollars; if above four thousand, and not exceeding five thousand dollars, ten dollars; if above five thousand, and not exceeding seven thousand dollars, fourteen dollars; if above seven thousand, and not exceeding ten thousand dollars, twenty dollars; if above ten thou-

sand, and not exceeding fifteen thousand dollars, thirty dollars; if above fifteen thousand, and not exceeding twenty thousand dollars, thirty-eight dollars; if above twenty thousand, and not exceeding thirty thousand dollars, fifty-six dollars; if above thirty thousand, and not exceeding fifty thousand dollars, ninety dollars; if above fifty thousand, and not exceeding one hundred thousand dollars, one hundred and seventy-five dollars; if above one hundred thousand dollars, two hundred dollars; or any license to practise, or certificate of admission of any Attorney at law, granted by any Court in this State, ten dollars; and no order shall be entered granting such license or certificate of admission, issued, until such fee shall have been paid. 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, one half the duty levied on bills of exchange, as herein provided: if for nine months, and not less than six months, three fourths of the rates last above established; if for six months, and not less than three months, one half the rates above established; if for three months, or less, one fourth the rates above established; any receipt for the payment of money for, or any contract, certificate, or memorandum, relative to the purchase of passage from this State, to any place out of the limits of, or from any place out of this State, to another place out of the limits thereof, upon any vessel, or steamship, if for a first class passage, six dollars; 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 affect in any way the official drafts of officers of the United States, or of this State.

Attorneys.

Insurance.

Passengers.

Proviso.

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

Section 7. No instrument of writing whatever, executed on or after the first day of May, eighteen hundred and sixty-one, and chargeable by this Act with the payment of duty, as aforesaid, and no contract of insurance, made and entered into with any insurance company, or companies, or individual insurers, upon property or lives within this State, or upon vessels, freights, or merchandise, owned, shipped, or consigned, by or to any person or persons in this State, shall be pleaded, or set up, or given in evidence in any Court, or admitted to be available in law, or equity, but shall be and remain absolutely void, unless the same shall be stamped and marked, as aforesaid, and it shall not be lawful for any person or persons owning or controlling property in this State, to insure the same with any such insurance company or companies, or individual insurers, or to enter into any insurance contract, or to receive any policy on which the stamp tax has not first been paid; and in default of such payment by said insurer, insurers, insurance company or companies, every person so insured, or receiving unstamped policies, shall become liable to the State of California for the amount of tax on the sums named to be insured by such unstamped policies. Any person or persons refusing or failing to comply with the provisions of this Act, or acting as Agents for any insurance company, or individual insurer, who shall neg-

Instruments not valid unless stamped.

Penalty for violation of Act.

lect, or refuse, or fail, to comply with the same, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any Court of competent jurisdiction, be fined, for each offence, a sum not less than two hundred dollars or more than one thousand dollars, the amount recovered to be paid into the State Treasury.

Duties of officers, etc.

SEC. 3. Any person, firm, officer, or agent, on his own account, or for, or on account of any company, association, corporation, or individual, issuing any instrument or writing whatsoever, charged by this Act, or the Act to which this is amendatory and supplemental, with the payment of taxes or duty, shall be required to place such stamp upon the face of every such instrument or writing, and to write upon the face of every stamp used the date at which the same is placed upon every such instrument or writing aforesaid; and such stamp shall not again be used. Any person, officer, or agent, failing to comply with the provisions of this section, or issuing a stamp more than once, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any Court of competent jurisdiction, be fined in a sum of not less than two hundred dollars nor more than one thousand dollars, the amount recovered to be paid into the State Treasury.

Penalty for violation of Act.

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

CHAP. CLXXVII.—*An Act to regulate the Fees of Officers in the County of Sonoma.*

[Approved April 10, 1862.]

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

SECTION 1. In the County of Sonoma, such fees are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed upon them by law, as herein provided; and such officers may lawfully charge, demand, and receive, the same.

FEEES OF NOTARIES PUBLIC.

Notaries Public.

SEC. 2. For drawing and copying every protest for the non-payment of a promissory note, or for the non-payment or non-acceptance of a bill of exchange, draft, or check, one dollar.

For drawing and serving every notice of non-payment of a promissory note, or of the non-payment or non-acceptance of a bill of exchange, order, draft, or check, seventy-five cents.

For recording every protest, seventy-five cents.

For drawing an affidavit, deposition, or other paper, for which provision is not herein named, for each folio, fifteen cents.

For taking an acknowledgment, or proof of a deed, or other instrument, to include the seal and the writing of the certifi-

cate, for the first signature, one dollar; and for each additional signature, fifteen cents.

For administering an oath or affirmation, twenty cents.

For every certificate, to include writing the same, and the seal, seventy-five cents.

FEEs OF THE CLERK OF THE DISTRICT COURT.

SEC. 3. 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, fifteen cents. Clerk of District Court.

For issuing every writ or process, under seal, forty cents.

For issuing subpoena, for one or more witnesses, fifteen cents.

For filing each paper, fifteen cents.

For entering every motion, rule, order, or default, twenty cents.

For entering every discontinuance, dismissal, or nonsuit, twenty cents.

For entering every cause on the calendar, and making a copy thereof for the bar for each term of the Court, twenty cents.

For calling and swearing every jury, forty cents.

For receiving and entering each verdict of a jury, forty cents.

For entering every final judgment, for the first folio, seventy-five cents; for each subsequent folio, fifteen cents.

For filing judgment roll, twenty cents.

For entering judgment on judgment docket, twenty cents.

For entering satisfaction of judgment, forty cents.

For administering every oath or affirmation, fifteen cents.

For certifying every oath or affirmation, fifteen cents.

For copy of any proceeding, or record of paper, for each folio, fifteen cents.

For every certificate under seal, forty cents.

For searching the files of each year in his office, (but not to charge suitors and Attorneys,) twenty-five cents.

For issuing every commission to take testimony, forty cents.

For taking down testimony of witnesses during the trial, for each folio, fifteen cents, to be paid by the party requiring the same.

For issuing every execution, or other final process, forty cents.

For issuing every decree or order of sale of mortgaged property, forty cents.

For issuing writ of injunction or attachment, forty 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, forty cents.

For taking each bond required by law, forty cents.

For taking justification thereto, thirty cents.

For acknowledgment of deed, or other instrument, including all writing, and the seal, for the first name thereto, seventy-five cents; and each additional name, fifteen cents.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive, for the trial of each issue, where the charge is misdemeanor, three dollars.

He shall receive no other fee for any service whatever in a criminal action, or proceeding, except for copies of papers; for each folio, fifteen cents; for the trial of each issue, where the charge is felony, four dollars.

FEES OF CLERK OF COUNTY COURT.

Clerk of
County
Court.

SEC. 4. For filing all the papers sent on appeal from Justice's Court, in each cause, and making the necessary entries concerning the same, one dollar and fifty cents.

For all other services, the same fees as are allowed in the District Court for similar services.

FEES OF CLERK OF COURT OF SESSIONS.

Clerk of
Court of
Sessions.

SEC. 5. The Clerk shall receive the same fees as are allowed the Clerk of the District Court in criminal cases.

FEES OF CLERK OF PROBATE COURT.

Clerk of
Probate
Court.

SEC. 6. For issuing letters testamentary, or of administration, forty cents.

For certificate of appointing Appraisers or Guardians, forty cents.

For writing and posting notices, when required, for each copy, forty cents.

For recording wills, per folio, fifteen cents.

For all other services, the same as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, forty cents.

FEES OF COUNTY RECORDER.

County
Recorder.

SEC. 7. For recording any instrument, paper, or notice, when required, for each folio, fifteen cents.

For copies of any record or paper, per folio, fifteen cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty cents.

For every certificate under seal to copies of papers, or records in his office, when required, forty cents.

For every entry of discharge of mortgage on margin of record, forty cents.

For searching records and files of each year in his office, when required, twenty-five cents.

For abstract or certificate of title, when required; for each conveyance, or incumbrance, certified, fifteen cents.

For recording every town plat, for every course, ten cents.

For figures, and lettering plats, and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for

the first signature, seventy-five cents; and for each additional one, twenty cents.

For filing and entering a minute of certificate of Sheriff's sale, forty cents.

For filing and entering a minute of certificate of tax sale, forty cents.

For recording marriage certificate, two dollars.

For filing and keeping each paper not required to be recorded, and indorsing same, if required, twenty cents.

FEES OF SHERIFF.

SEC. 8. For serving a summons and complaint, or any other sheriff's process by which an action or proceeding is commenced, on every defendant, one dollar.

For travelling in making service, per mile, in going, only—to be computed, in all cases, from the Court House of the county—thirty cents; *provided*, that if any two or more papers required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged.

For taking bonds or undertaking in any case in which he is authorized to take the same, forty cents.

For copy of any writ, process, or other paper, when demanded, or required by law, for each folio, fifteen cents.

For serving every notice, rule, or order, forty cents.

For serving a subpoena, for each witness summoned, forty cents.

For travelling, per mile, in serving each subpoena, or venire, in going, only; but when two or more witnesses, or jurors, live in the same direction, travelling fees shall be charged only for the most distant, thirty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and with travelling fees, as on a summons, one dollar and twenty-five cents; but no travelling fees shall be allowed on such attachment, 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 first distance actually travelled, 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, one dollar and twenty-five cents.

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 a newspaper, one dollar.

For commissions for receiving and paying over money on execution, or process, when lands and personal property has been levied on, advertised and sold—on the first one thousand dollars, two per cent., and all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution, without levy, or when the land or goods levied on shall

sheriff.

not be sold, two per cent. on the first one 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, three dollars.

For serving a writ of possession, or restitution, putting any person entitled, into possession of premises, and removing the occupant, five dollars.

For travel in the service of any process, not herein before mentioned, for each mile necessarily travelled, in going, only, thirty cents.

For attending, when required, on any Court, in person or by Deputy, for each day, to be paid out of the County Treasury, three dollars.

For bringing up a prisoner, on a 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, forty cents.

And for travelling each mile from the jail, in going, only, thirty cents.

He shall also be allowed such further compensation for his trouble and expense 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.

For holding each inquest, or trial of right of property, when required, to include all service in the matter, except mileage, three 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, one dollar and fifty cents.

For serving each subpoena in criminal proceeding, forty cents.

For executing every sentence of death, twenty dollars.

For summoning a grand jury, of twenty-four, eight dollars.

For summoning each trial jury, of twelve persons, four dollars.

For each additional juror, twenty cents.

For service of any process in criminal cases, for each mile necessarily travelled, twenty cents.

And the same mileage for taking a prisoner before a magistrate, or to prison.

In serving subpoena of venire in criminal cases, he shall receive mileage for the most distant only, when witnesses and jurors live in the same direction.

For all services in Justice's Court, the same fees as are allowed to Constables in like cases.

FEES OF CONSTABLES.

SEC. 9. For serving summons in a civil suit, for each defendant, seventy-five cents. Constables.

For summoning a jury before a Justice of the Peace, one dollar and twenty-five cents.

For taking a bond required to be taken, forty cents.

For summoning each witness, twenty cents.

For serving an attachment against the property of a defendant, seventy-five cents.

For summoning and swearing a jury to try the rights of property, and taking the verdict, one dollar and fifty cents.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred.

For collecting all sums on execution, one and a half per cent., to be charged against the defendant in the execution.

Constables shall receive, in serving summons, attachment, order, execution, venire, notice, and subpoena, in civil cases, for each mile necessarily travelled, in going, only, but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction, twenty-five cents.

For serving a warrant, or order, for the delivery of personal property, or making an arrest, in civil cases, seventy-five cents.

For service and trial in criminal cases, the same fees as Sheriff's for similar service.

For all other services, except attending Court, the same fees as are allowed to Sheriff's for similar services.

FEES OF COUNTY AUDITOR.

SEC. 10. For filing Treasurer's receipts and issuing license, to be paid by the party, twenty cents. County Auditor.

FEES OF JUSTICES OF THE PEACE.

SEC. 11. For filing each paper, twenty cents.

Issuing any writ, or process by which suit is commenced, forty cents. Justices of the Peace.

For entering such cause upon his docket, forty cents.

For subpoena for each witness, fifteen cents.

For administering an oath or affirmation, fifteen cents.

For certifying the same, twenty cents.

For each certificate, twenty cents.

For issuing writ of attachment, or of arrest, or for the delivery of property, seventy-five cents.

For entering any final judgment, per folio; for the first folio, seventy-five cents; for each additional folio, fifteen cents.

For taking and approving any bond or undertaking, directed by law to be taken or approved by him, twenty cents.

For taking justification to a bond, forty cents.

For swearing a jury, twenty-five cents.

Justices of
the Peace.

For taking depositions, per folio, fifteen cents.

For entering satisfaction of a judgment, twenty cents.

For copy of judgment, order, docket, proceedings or papers, in his office, for each folio, fifteen cents.

For transcript of judgment, per folio, fifteen cents.

For issuing commission to take testimony, seventy-five cents.

For issuing subpoenas to an execution, twenty cents.

For making up and transmitting transcript and papers on an appeal, one dollar and fifty cents.

For issuing search warrant, seventy-five cents.

For issuing an execution, twenty cents.

For celebrating marriage, and returning certificate thereof to the Recorder, five dollars.

For all service and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment in criminal cases, seventy-five cents.

For entering cause without process, seventy-five cents.

For entering judgment by confession, and only on affidavit, as required in the District Court, two dollars and fifty cents.

For entering every motion, rule, order, verdict, or default, twenty cents.

For services as Associate Justice of the Court of Sessions, five dollars per day.

SEC. 12. All Acts, and parts of Acts, in conflict or inconsistent with the provisions of this Act, so far as the same relate to the fees of the officers hereinbefore named, in the County of Sonoma, are hereby repealed.

CHAP. CLXXVIII.—*An Act to provide for the Payment of Postage Stamps, Stamped Envelopes, and the Payment of Postage Bills of the present Session of the Legislature.*

[Approved April 10, 1862.]

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

Appropri-
ation.

SECTION 1. The sum of five hundred dollars is hereby transferred from the one hundred thousand dollars heretofore transferred from the Swamp and Overflowed Land Fund to the General Fund, for legislative purposes, to the Contingent Fund of the Assembly, and the sum of two hundred dollars is transferred from the same fund to the Contingent Fund of the Senate, for the purpose of paying for postage stamps, stamped envelopes, and postage bills, of the present session of the Legislature.

SEC. 2. The Controller of State is hereby authorized to draw his warrant for the above sums, or so much thereof as may be justly due, and the State Treasurer is hereby authorized to pay the same.

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

CHAP. CLXXIX.—*An Act to provide for the Redemption of Bonds issued for Expenses incurred in the Suppression of Indian Hostilities in certain counties of this State.*

[Approved April 9, 1862.]

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, upon the receipt of the amount of United States bonds appropriated by Act of Congress, entitled an Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the State of California, approved March second, eighteen hundred and sixty-one, to report the amount of said bonds so received to the Controller of State, who shall charge the Treasurer with the same. The Controller of State shall, by advertisement, notify all persons holding bonds, or certificates, issued by the Treasurer of State for services rendered and supplies and transportation furnished, under the provisions 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, eighteen hundred and fifty-seven, and of the several Acts amendatory thereto, and also all certificates issued for fractional claims audited and allowed by the Board of Examiners of War Claims, as authorized by the said Act and amendatory Acts, in payment of expenses incurred by the following expeditions, viz: the Shasta expedition of eighteen hundred and fifty-four, in the Siskiyou expedition of eighteen hundred and fifty-five, in the Klamath and Humboldt expedition of eighteen hundred and fifty-five, the San Bernardino expedition of eighteen hundred and fifty-five, the Klamath expedition of eighteen hundred and fifty-six, the Modoc expedition of eighteen hundred and fifty-six, the Tulare expedition of eighteen hundred and fifty-six—to surrender to him all such bonds and certificates issued under the Acts, and for the expeditions aforesaid.

Duty of
State
Treasurer.

Duty of
Controller.

SEC. 2. Upon the surrendering of any or all of such bonds or certificates to the Controller of State, he shall cancel the same, by writing across the face thereof the words, "Cancelled, this _____ day of _____, eighteen hundred and sixty—," (and shall transmit them to the Treasurer of State, who shall make a similar indorsement thereon, and file the same in his office,) and shall issue to the person or persons so surrendering the said bonds or certificates, a warrant upon the Treasurer of State, directing the Treasurer to deliver to such person the bond or bonds of the United States to which he is entitled, upon his paying to said Treasurer of State, in cash, five per cent. upon the principal of said United States bond or bonds so delivered; *provided*, that only the amount audited and paid by the Government of the United States upon the vouchers, for which said bonds or certificates so surrendered were issued, shall be paid in United States bonds.

same.

Proviso.

SEC. 3. Of the amount of cash paid to the Treasurer of

Apportionment of money's. State, as directed by section two of this Act, two fifths shall be paid by the Treasurer of State into the General Fund, and the remaining three fifths shall be set apart as a Special Fund, and paid to William C. Kibbe, upon the order of the Controller, who shall draw his warrant for the same upon the Treasurer of State.

Duty of Controller. **SEC. 4.** The Controller of State, upon the receipt of the United States bonds, as aforesaid, shall advertise for sealed proposals for the purchase of the amount paid to the Treasurer, and belonging to the State of California, for cash, and shall fix a time when the bids for the purchase of the same shall be opened, by the Controller and Treasurer, and the sale shall be awarded to the highest bidder; *provided*, that the same shall not be at a less rate than ninety cents on the dollar; of the proceeds of the sales of said bonds, two per cent. shall be paid by the Treasurer of State into the General Fund, and three per cent. shall be set apart and paid to William C. Kibbe, in the manner prescribed in the foregoing section, and the remainder of the proceeds shall be paid by the Treasurer of State, upon the warrant of the Controller, to the Assistant United States Treasurer, at San Francisco, as a part of the quota of the direct tax allotted to this State by Act of Congress.

Duty of Controller, Treasurer, and Secretary of State. **SEC. 5.** On the first Monday of July, September, January, and April next, the Controller, Treasurer, and Secretary of State, shall meet at the office of the Treasurer of State, and destroy all bonds and certificates surrendered under the provisions of this Act, after examining and approving the record of the same, which shall be kept by the Controller and Treasurer of State.

CHAP. CLXXX.—*An Act to define the Meaning of certain Terms used in the Revenue Laws of this State.*

[Approved April 10, 1862.]

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

SECTION 1. Wherever the terms "doing business," or "transacting business" in any amount are used in any of the revenue laws of this State, which have been heretofore passed, or which may hereafter be passed, such terms shall be construed to mean the whole value of the property in relation to which the business was done or transacted, and not the profits arising therefrom.

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

CHAP. CXXXI.—*An Act amendatory of and supplemental to an Act entitled an Act to regulate the Fire Department of the City and County of San Francisco, passed March twenty-fifth, one thousand eight hundred and fifty-seven, and the several Acts amendatory thereof.*

[Approved April 10, 1862.]

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

SECTION 1. Section fourth of an Act entitled an Act to regulate the Fire Department of the City and County of San Francisco, passed March twenty-fifth, one thousand eight hundred and fifty-seven, is hereby amended so as to read as follows :

Section 4. At its stated meeting in October, each and every engine and hook and ladder company shall elect two of its members, and each and every hose company one of its members, to the Board of Delegates, which Board shall consist of two representatives from each engine and each hook and ladder company, and one representative from each hose company, who, before entering upon the duties of their office, shall take and subscribe an oath or affirmation, to be administered by the President of the Fire Department, to well and truly perform the duties of Delegates, as prescribed in the laws governing the Department. They shall assemble, on the second Wednesday of November, at seven and a half o'clock, p. m., in the room of the Board, and then and there organize, by the election of a President, Secretary, and Treasurer, whose term of office shall be for one year, or until their successors are duly elected and qualified. They shall make laws for the government of the Fire Department, and all laws made by them shall be binding on every company, officer, or member, of the Department; and any company, officer, or member, of the Department, who shall violate any of the said laws, or any of the provisions of this Act, or who shall refuse to obey the lawful orders of the Chief or Assistant Engineer, 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 a majority of the Board in its judgment may direct. They shall examine the returns, and declare the result, of all Engineers' elections, and give them their certificates of office.

Election of Board of Delegates.

Officers.

Powers and duties.

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

Section 6. An engine company, or a hook and ladder company, shall be composed of not more than sixty-five, nor less than twenty-five, and a hose company, of not more than twenty-five, nor less than fifteen, males, of the full age of twenty-one years, all of whom must be duly registered members of the Department. The officers of a company shall be, a Foreman, at least one Assistant Foreman, a Secretary, and a Treasurer. A company desiring admission into the Department, must make application to the Board of Delegates, accompanying such application with a copy of their constitution, signed by at least twenty-five males, of the age of twenty-one years, the names of their

Number to compose company.

Admission. officers, the residence of their members, and the location they desire, and should the Board, by a vote of a majority of all its members, decide to recommend the admission of such company, the Secretary of the Department shall 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, 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 Department, and shall be furnished, by the city and county, with a fire apparatus, and a house for receiving the same; and no petition for the admission of any company shall be entertained by the Board of Supervisors, until it shall have received the recommendation of the Board of Delegates.

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

Companies may be disbanded.

Section 8. Whenever, by reason of death, resignations, or expulsions, an engine, or hook and ladder company, shall have reduced its roll to less than twenty-five, or a hose company to less than fifteen, active registered members, it shall be the duty of the Secretary of the Department to forthwith notify the Chief Engineer and the Foreman of the company of the fact; and it shall be the duty of the Chief Engineer to suspend such company until the next stated meeting of the Board of Delegates, when, unless a majority of the members composing said Board decide to reinstate the company, it shall be disbanded.

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

Exempt firemen.

Section 14. Any member of any fire company belonging to the said Department, who shall have served as an active fireman for the period of five years, and shall produce a certificate of the same, signed by the Chief Engineer, President, and Secretary, of the Fire Department, and sealed with the seal of said Department, which said seal is hereby made evidence in any Court of Justice within this State, shall be forever released, after the date thereof, from jury duty or militia service within this State; *provided*, that the service which shall entitle such person to the exemption herein provided, shall not date prior to the date of the original certificate of membership of such person, of the fire company or companies, belonging to the said Department, in which such service shall have heretofore or may hereafter be rendered; and further, that the date from which said period of five years shall begin, shall be the time when such person became a member of said Department, and shall be proven by the production by such person of a properly authenticated certificate of his membership of some fire company or companies, belonging to said Department.

Badges.

SEC. 5. The Board of Delegates shall have power to prescribe a badge, to be worn by duly registered members of the Department when on duty at a fire, or during an alarm of fire; and after said Board of Delegates has prescribed such badge, the Board of Supervisors shall, within sixty days thereafter, provide a sufficient number of such badges, for the use of duly registered members of the Department. Who[ever] shall wear one of said badges with intent to represent or pass himself off

as a member of the Department, shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment.

SEC. 6. The seal of the Fire Department shall be in the custody of the Secretary of the Fire Department, and a copy or impression thereof, shall, on or before the first day of May next, be filed in the office of the County Clerk of the City and County of San Francisco, and in the office of the Secretary of State. Seal of Department

SEC. 7. All laws, or parts of laws, in any way conflicting with this Act, are hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAP. CLXXXII.—*An Act changing the Time of Assessing the value of Real and Personal Property, and Collecting the Taxes levied thereon, for State and county purposes, in the County of Sierra.*

[Approved April 10, 1862.]

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

SECTION 1. The County Assessor of Sierra County shall assess all the real and personal property in said county, between the first Monday in March, and the first Monday in June, of each year. Assessment.

SEC. 2. The Assessor shall, on the second Monday of June in each year, deliver to the Clerk of the Board of Supervisors, the assessment roll of his county. Roll.

SEC. 3. The Assessor may, at any time subsequent to the first Monday in June, and prior to the third Monday in August, in each year, assess any property which shall not be on the regular list.

SEC. 4. The Board of Supervisors of said county shall meet as a Board of Equalization on the second Monday of June of each year, and shall continue in session from time to time until the business of equalization is disposed of; *provided*, however, that they shall not sit after the first Monday of July. At the regular meeting of the Board of Supervisors, in August, said Board shall sit as a Board of Equalization, to equalize the subsequent assessment roll, as provided in section third of this Act. Board of Equalization

SEC. 5. The Clerk of the Board of Equalization shall deliver the original or first assessment roll, as corrected, on or before the first Monday of July, and the subsequent assessment roll, as corrected, on or before the first Monday of September, of each year, to the Auditor of the county. Duty of Clerk of Board.

SEC. 6. The Auditor shall, on the third Monday of July of each year, deliver the first assessment roll, prepared in the manner required by law, and on the second Monday in September, the subsequent assessment roll, prepared in like manner, to the Duty of Auditor.

Sheriff of the county, who is ex officio Tax Collector, and who shall immediately on receipt of each of said assessment rolls, proceed to collect the taxes in each township of the county, as directed in the next succeeding section.

Duty of Tax
Collector.

SEC. 7. The Tax Collector shall, on or before the third Monday in June, cause to be published, in one or more newspapers published in the county, which publication shall be made once each week, for four consecutive weeks, a notice, stating the time when the assessment rolls of the county will be placed in his hands, and that the State and county taxes will then be due and payable thereon, and that the law in regard to their collection will be strictly enforced, and that he will be at the places named, in each township, on the day or days therein stated, to receive the taxes due on real and personal property; and he shall, also, on or before the third Monday in July, cause printed notices, of like import and effect, to be posted in five of the most public places in each township in the county. The Tax Collector, or his Deputy, shall be in attendance at the places and times named in said notices, to receive the taxes then due. The Tax Collector shall also keep his office open at the county seat of his county, for the receipt of taxes, each day, (Sundays excepted,) from the third Monday in July until the fourth Monday of September, in each year.

Same.

SEC. 8. On the fourth Monday in September, in each year, the Tax Collector shall, at the close of his official business on that day, enter, upon the duplicate assessment roll, a statement, that he has made a levy upon all the property therein assessed, the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes delinquent, and file in the office of the Auditor a statement of said amount, verified by the oath of himself or Deputy, which list shall be completed by the second Monday in October, and shall be known as the Delinquent List.

Same.

SEC. 9. On the second Monday in October, the Tax Collector shall attend at the office of the County Auditor, with his duplicate assessment roll, and the Auditor and Tax Collector shall then carefully compare the duplicate assessment roll with the original, marking on the original roll the word "paid" opposite the name of each person whose taxes have been paid, or opposite the description of the property upon which the taxes have been paid, and the Auditor shall then and there administer to the Tax Collector an oath, which shall be written and subscribed on the original and duplicate assessment rolls, to the effect that each person and all property assessed in said roll, on which the taxes have been paid, has the word "paid" marked opposite the name of such person and the property described, and the Auditor shall then foot up the amount of taxes remaining unpaid, and credit the Tax Collector with the amount, and shall make a final settlement with the Tax Collector of all taxes charged against him on account of said assessment roll.

Delinquent
taxes.

SEC. 10. At any time before the first Monday of September, and before the institution of suit as provided in the revenue laws of this State, any delinquent tax payer may, upon certificate from the Auditor, giving a description of the property and the taxes due thereon, pay to the County Treasurer the taxes

assessed against such delinquent, with five per cent. additional thereon, taking from the Treasurer duplicate receipts for the amount paid, one of which shall be filed with the County Auditor, and the other with the District Attorney of the County.

SEC. 11. The District Attorney shall, on the first Monday in June of each year, deliver to the Auditor a written statement of all delinquent taxes upon said delinquent list or lists remaining uncollected, or for which suit has not been brought, with his reason, in detail, for not being able to collect the same, or for not bringing suit. Duty of District Attorney.

SEC. 12. All the requirements and directions of the Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, A. D. eighteen hundred and sixty-one, concerning the duties of the Board of Supervisors, Clerk of the Board of Equalization, County Assessor, County Auditor, Tax Collector, District Attorney, County Treasurer, County Recorder, and County Clerk, not inconsistent with this Act, shall be applicable to, and obligatory on, each of said officers under this Act, and each and every provision of said Act, above recited by its title, from section one to section forty-nine thereof, not inconsistent with this Act, shall be applicable to the County of Sierra, for each and every purpose of revenue to be derived from taxes on real and personal property. Act applicable.

SEC. 13. An Act entitled an Act changing the Time of Assessing the value of the Real and Personal Property, and Collecting the Taxes levied thereon, for State and county purposes, in the Counties of Sierra and Plumas, approved April sixteenth, A. D. eighteen hundred and fifty-nine, and all other laws inconsistent with the provisions of this Act, so far as they apply to the County of Sierra, are hereby repealed. Act repealed.

SEC. 14. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXXIII.—*An Act in relation to Public Roads in the County of Calaveras, and to the Road Fund of said county.*

[Approved April 10, 1862.]

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

SECTION 1. The provisions of an Act entitled an Act to provide for the establishment, maintenance, and protection, of Public Roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the County of Calaveras, except as in this Act provided. Act made applicable.

SEC. 2. At the next general election, and at each general election thereafter, there shall be elected in each township in the County of Calaveras, a Road Overseer, who shall qualify and enter upon the duties of his office on the first Monday of the month subsequent to the general election, and shall hold his office one year from the date of his qualification. Election of Road Overseers.

SEC. 3. Before qualifying and entering upon the duties of his

Oath, bond. office, each Road Overseer shall make oath, and give a bond, in the sum of five hundred dollars, for the faithful performance of the duties of his office, with two or more sureties, which bond shall be approved by the County Judge, and be filed with the County Recorder.

Vacancy. SEC. 4. Any vacancy in the office of Road Overseer shall be filled, by the Supervisors, by the appointment of a citizen of the township in which the vacancy has occurred.

Road tax receipts. SEC. 5. The Board of Supervisors shall cause to be printed, each year, as many road tax receipts as may be necessary for the use of the county; each receipt for the current year shall be for the sum of two dollars, and shall be signed by the Chairman of the Board of Supervisors and County Auditor, and shall contain a blank for the signature of the Road Overseer. The receipts shall be numbered consecutively. The County Auditor shall open an account with each Road Overseer, charging him with such receipts as he shall receive, and crediting him with the money paid into the County Treasury, and with the blank receipts returned.

Duty of County Treasurer. SEC. 6. The County Treasurer shall keep a separate account of the Road Tax Fund of each township, crediting the money received, and charging the warrants paid.

Duty of Road Overseers. SEC. 7. It shall be the duty of each Road Overseer to procure, from the Auditor, road tax receipts, and he shall visit all persons liable to pay road tax, and demand and collect from each of them the sum of two dollars for the current year. Upon the payment of this sum, he shall give such person a road tax receipt, writing thereon, with ink, the date of payment and the name of the person paying the same, and sign his own name thereto. If any person, liable to pay a road tax, shall fail or refuse to pay the same, upon demand, the Road Overseer may enforce the collection thereof in the same manner, in all respects, as is provided for the collection of poll taxes by sections sixty-six and sixty-seven of an Act entitled an Act to provide Revenue for the Support of the Government of this State.

Same. SEC. 8. The Road Overseer shall pay to the County Treasurer the total amount collected, on the first Monday of each month, and take a receipt for the amount paid, which receipt shall be filed immediately with the Auditor. He shall make a settlement with the Auditor on the first Monday of the third month subsequent to the general election, and on the first Monday of every third month thereafter, and return all the receipts unsold. Upon making such settlement, and the return of all unsold tax receipts, he shall receive a certificate from the Auditor that all road tax receipts issued to him have been accounted for, and the Auditor shall forthwith draw his warrant on the County Treasurer, payable out of the Road Tax Fund, in favor of the Road Overseer, for fifteen per centum of the amount collected and paid over by the Road Overseer.

Same. SEC. 9. In making such settlement, as provided in the foregoing section, the Road Overseer shall file with the Auditor, his report, which report shall have been subscribed and sworn to by him, before some officer authorized to administer oaths and affirmations. Said report shall contain a detailed statement of the business of his office during the preceding three

months, of the names of those persons who have paid road tax, the number of days work, of eight hours per day, he has performed, labor, personally, on roads or bridges in his District, and also the number and nature of contracts entered into by him, for building, repairing, and keeping in repair, the roads and bridges in said District, together with the names of the contractors, and the amounts to be paid for each service so performed by them. He shall also file a duplicate of said report, similarly sworn to, with the Clerk of the Board of Supervisors, and both reports shall be open to public inspection.

SEC. 10. The roads and bridges of each township shall be under the supervision of the Road Overseer of the township, and it shall be the duty of the Road Overseer to build, repair, and keep in repair, all the public roads and bridges in his township, and he shall receive a compensation of four dollars per diem, payable out of the Road Tax Fund, for every day's work performed by him upon said roads and bridges, as shown and sworn to by him in his report, provided in the preceding section of this Act. Same.

SEC. 11. The Road Overseer may, with the consent of the President of the Board of Supervisors, make contracts for the purchase of lumber or other material for building bridges or culverts, for grading roads, or any other necessary work upon the highways within his township. He may also, with the consent of the President of the Board of Supervisors, make contracts for the repair, and keeping in repair, of any public road, or section of such road, within his township; *provided*, such contracts shall be awarded to the lowest responsible bidder, after notice for proposals have been posted in three public places in the township for the term of ten days. All payments for the fulfilment of any contract, for the purposes herein before specified, shall be made from the Township Road Fund, and upon the order of the Board of Supervisors. The Auditor shall draw his warrant upon that fund for the amount of said payment. Powers of Overseers.

SEC. 12. No warrant shall be drawn upon the Township Road Fund, unless there be money in said fund. Warrants.

SEC. 13. All moneys collected for road purposes, by tax upon property, shall be placed in the General Road Fund, and the Auditor shall issue no warrants against said fund, except upon the order, and by the direction, of the Board of Supervisors. General Road Fund.

SEC. 14. Sections nineteen and twenty of the Act referred to in section one of this Act, are hereby amended so that all fines collected under the provisions of that Act shall be paid, one half to the Road Overseer, and one half into the County Treasury, to be apportioned as provided for in section thirteen of this Act. Sections amended.

SEC. 15. No warrants shall be issued against the Township Road Fund, except in payment of the services of Road Overseers, and in payment of contracts made, as provided for in section eleven of this Act. Warrants.

SEC. 16. Upon the filing of a sufficient bond, and proof of notice of the application, required by the Act to provide for the establishment, maintenance, and protection, of Public and Private Roads, approved May sixteenth, eighteen hundred and sixty-one, for establishing any new, or the vacation of any old, road, within said county, the Board of Supervisors shall Viewers.

appoint, as Road Viewers, three disinterested persons, and shall place in the hands of such Road Viewers the petition of the road which they are to view, together with all applications for damages in the premises; and upon a day named by the Supervisors, or within five days thereof, after taking an oath to perform faithfully the duties devolving upon them by law, as such Road Viewers, they shall proceed to view the proposed location, alteration, or vacation, and shall decide whether such proposed location, alteration, or vacation, is required for public convenience; and they shall take in consideration, private, as well as public, interests. If, in the opinion of the Viewers, the prayer of the petitioners is reasonable, and the location, alteration, or vacation, necessary to the public, they shall make their report, and file the same with the Clerk of the Board of Supervisors, on or before the first day of the regular meeting of said Board next succeeding that at which said Road Viewers have been appointed, as provided by this Act, in which they shall set forth:

Report.

Form of.

First—Who of them were present.

Second—That they were sworn.

Third—Whether such location, alteration, or vacation, is, or is not, desirable.

Fourth—The amount of damages sustained separately by each applicant for damages.

Fifth—The expenses of the view.

Sixth—The width of the road, which shall not exceed sixty feet.

Act to govern Overseers.

SEC. 17. The Road Overseers now in office shall be governed by the provisions of this Act; *provided*, that no contracts made under any previous Act shall be affected by the passage of this Act.

SEC. 18. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed, so far as the same relates to the County of Calaveras.

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

CHAP. CLXXXIV.—*An Act amendatory of and supplementary to an Act entitled an Act for the Construction of Canals, and for Draining and Reclaiming certain Swamp and Overflowed Land in Tulare Valley, passed April first, eighteen hundred and fifty-seven.*

[Approved April 10, 1862.]

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

Franchise.

SECTION 1. W. F. Montgomery, Joseph Montgomery, A. J. Downer, F. W. Sampson, and their associates and assigns, are hereby granted the right and privilege to reclaim all of the following described swamp and overflowed lands belonging to the State, to wit: The swamp and overflowed lands situated and lying between the San Joaquin River, at a point known as the

King's River slough, and Tulare Lake, and also the swamp and overflowed lands, bordering on Tulare, Buena Vista, and Kern Lake, and between the said lakes, and up to the lines dividing the said swamp and overflowed lands from the lands belonging to the United States; and for the purpose of reclaiming the said lands, the persons above named, and their associates and assigns, are hereby granted the right and privilege to construct, and put in operation, a canal, from Tulare Lake, or King's River, to the waters of the San Joaquin River; and also a canal from Tulare Lake to Buena Vista Lake; and also a canal from Buena Vista Lake to Kern Lake, or from the said Tulare Lake to intersect the main channel of Kern River, above its connection with any of the aforesaid lakes; said canals to be of sufficient depth and width to afford a convenient passage for boats of eighty tons burthen. The said canals, or some one of them, to be commenced within one year, and all of said canals to be completed and put in operation within three years from the passage of this Act; and each of said canals, when completed, is hereby declared navigable.

SEC. 2. The persons named in the first section of this Act, ^{Same.} and their associates and assigns, are hereby granted, for the construction of said canals, the full right of way through any and all lands belonging to the State, including the right to use any of the existing sloughs and water courses. And to enable them to put said canals in operation, and keep the same in repair, without molestation, two hundred feet of any lands belonging to the State, on each side of said canals, sloughs, and water courses, is hereby granted to them; ^{Provided,} *provided*, the said grantees shall leave open, on each side of said canals, sloughs, and water courses, sufficient space for a public highway, free from expense or charge; and the said canals shall be and remain the property of said grantees, for the purpose of controlling the same, and charging and collecting such tolls for passage through and navigating said canals, as may be fixed by law, yearly, for the term of twenty years from the passage of this Act; after which, they shall revert and become the property of the State; and the State hereby reserves the right to cross said canals by ferries or bridges, as the Supervisors of the counties through which said canals may pass may direct; *provided*, that such bridges or ferries do not impede the navigation of said canals.

SEC. 3. The lands mentioned in the first section of the said Act are hereby divided into three Districts, as follows, viz: All the lands lying between the San Joaquin River and the sixth standard line south of the Mount Diablo base and meridian line, extended, of the United States surveys, shall be the First District; All the lands lying between the sixth and seventh standard lines south, as aforesaid, extended, of the United States surveys, shall be the Second District; All the lands lying south of the Second District, embraced within said grant, shall be the Third District. ^{Districts.}

SEC. 4. In consideration of the reclamation of the said swamp and overflowed lands, and for the opening and completion of said canals, the one half of said lands is hereby granted and conveyed to the persons named in the first section of this Act, and their associates and assigns. Upon the completion of the ^{grant of} ^{of lands.}

- canals, and reclamation of all the land, in any one of the Districts mentioned in section three of this Act, within the said term of three years, all the title of the State to one half of the odd sections heretofore granted, shall vest in the said grantees, or their assigns; *provided*, that nothing in this section shall be so construed as to compel the said grantees to reclaim any portion of said lakes, sloughs, or ponds, impracticable of reclamation, or any portion of land that may be necessary for the said canal or drains to pass over; and, *provided*, further, that all that
- Proviso.** portion of said grant situated between the fourth and fifth standard lines south, shall be bounded upon the east as follows, to wit: Beginning at the northeast corner of Township Number Seventeen south, of Range Number Twenty-Two east; thence south to the northeast corner of Township Number Twenty south, of Range Number Twenty-Two east; thence east to the northeast corner of Township Number Twenty south, of Range Number Twenty-Three east; thence south to the fifth standard line south of Mount Diablo base and meridian. The said lands to be designated by odd and even sections, according to the plan of survey by the United States. The said grantees, after the reclamation of the lands, as aforesaid, to take the odd sections, or fractions of the same, and the State to retain the even sections, or fractions of the same;
- Same.** *provided*, that if any of the said odd sections, or any portion of the same, shall have been sold by the State, previous to the passage of this Act, then the grantees shall be entitled to select, in lieu of the lands so sold, four times the quantity of such land out of any swamp land belonging to the State, within the limits described in the first section of this Act. Such selection may be made at any time within six months after the passage of this Act; *provided*, further, that none of the odd sections mentioned in this Act, and none of the lands selected under the authority hereby given, shall be subject to private entry after the passage of this Act.
- Same.**
- Forfeiture.** SEC. 5. A failure to comply with the provisions of this Act, or any part thereof, on the part of said grantees, as to any one of said Districts, shall work a forfeiture of said grant, as to the lands in such District.
- Meaning of "Reclamation."** SEC. 6. Reclamation, as used in this Act, shall be construed to mean, when the lands included in either of the Districts described in section third, are so drained and leveed as to make them susceptible of cultivation; *provided*, the Governor and Surveyor-General of this State shall approve and certify to such reclamation, before any title shall vest in the said grantees.
- Rights confirmed.** SEC. 7. Any rights which have vested in the said grantees, or their assigns, under the provisions of the Act to which this Act is amendatory, and not in conflict with the provisions of this Act, are hereby confirmed.
- King's River declared navigable.** SEC. 8. King's River is hereby declared navigable, from its mouth, or connection with Tulare Lake, to Smith's Ferry, in Fresno County.
- SEC. 9. All Acts and parts of Acts, in conflict with this Act, are hereby repealed.
- SEC. 10. This Act shall take effect from and after its passage.

CHAP. CLXXXV.—*An Act concerning Roads and Highways in the County of Mariposa.*

[Approved April 10, 1862.]

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

SECTION 1. All roads in the County of Mariposa are hereby declared to be 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 hereafter be declared such by said Board, in accordance with the provisions of this Act.

SEC. 2. The sections, from one to twelve, inclusive, of an Act entitled an Act to provide for the establishment, maintenance, and protection, of Public and Private Roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the County of Mariposa, and the said county is hereby exempted from the operation of remaining sections of said Act.

SEC. 3. For all the purposes of this Act, the Road Districts as now established shall be the Road Districts within the meaning of this law, and they may be changed, or new ones created, by the Board of Supervisors of said county, at any time when considered necessary.

SEC. 4. The said Board shall have power to levy a road poll tax on all able-bodied men, except Indians, between the ages of twenty-one and fifty years, which tax shall not exceed three dollars per annum, payable in cash; *provided*, that any person liable to pay said tax may pay the same, when called on by the Road Master, in labor on the road, under the direction of said Master, at the rate of two dollars per day, and having fully worked out his road poll tax, the Road Master shall deliver to him a receipt therefor; said road poll tax shall be levied by the said Board, at their last regular meeting in each year, for the year succeeding, which tax so levied shall be due and payable on or after the first Monday of January thereafter; and said Board may, in their discretion, levy a property tax, for road purposes, upon all taxable property in said county, of not more than twenty cents upon the one hundred dollars, which said property tax shall be levied and collected at the same time, in the same manner, and by the same officers, as other property taxes.

SEC. 5. The Board of Supervisors shall, at their last regular meeting in each year, appoint one Road Master for each Road District, and the Clerk of said Board shall, within ten days after such appointment, notify, in writing, each appointee of his appointment, who shall give bonds, to be approved and justified as other official bonds, and filed with the County Clerk, in such sums as the said Board may require, for the faithful performance of his duties, and who shall, after giving said bonds, enter upon said duties upon the first Monday of January succeeding his appointment, and hold his office until the first Monday of the

next January, unless sooner removed, by said Board, for cause. Said Board shall have the power to fill vacancies occasioned by removal, death, resignation, or otherwise, and either for fractional or full terms.

Duties of
Road
Masters.

SEC. 6. It shall be the duty of the Road Masters, upon entering into office, to proceed to collect the road poll tax, from any person, liable to said tax, he may find in his District; and no person shall be deemed or held to have paid said tax, unless he shall be able to exhibit a receipt therefor, or testify, upon oath or affirmation, that he has paid the same; and for all the purposes of this Act, the Road Master is hereby authorized to administer oaths and affirmations. Upon any person, who may be liable, refusing, upon demand upon himself or his agent, to pay his road poll tax, it shall be the duty of the Road Master to enforce the collection of the same, by seizing so much of any species of personal property, debts, or choses in action whatsoever, of the delinquent; and if none such can be found, then by levying upon and seizing so much of the real property of the delinquent as will be sufficient to pay such tax, and cost of seizure and sale, and shall and may sell the personal property at any time and place, upon giving a verbal notice of one hour, previous to such sale, and shall and may sell the realty in the manner prescribed for Sheriffs' sales under execution; and any person indebted to another, liable to pay said tax, shall be liable to pay the same for such other person, after service upon him, by the Road Master, of a written notice, stating the name or names of the person or persons liable and owing said tax, and the party paying is hereby authorized to deduct the amount thereof from such indebtedness. The Road Master, after deducting the tax for which property was sold, and such fees and costs as would accrue to Sheriffs for like services, shall return the surplus to the owner of the property. A delivery of the possession of personal property, by the Road Master, to any purchaser, shall be a sufficient title to the purchaser, or, if required by the purchaser, the Road Master shall execute a bill of sale. The Road Master shall have a right to demand, of any employer in his District, a complete list of the names of the men employed by him, and any employer refusing, or neglecting, to give such list, when demanded of him by said Master, shall be liable to pay a fine of not less than ten dollars nor more than fifty dollars, to be recovered before a Justice of the Peace, in the name of the Road Master, for the use of, and to be paid into, the Road Fund of said county; he may also demand of each employer, a statement, under oath, touching his indebtedness to the laborers employed by him, who are liable to pay road poll tax; and if it shall appear, upon such statement being made, that such employer is indebted to any person liable to pay road poll tax, in an amount equal to said tax due by him, the Master may demand payment of said taxes from such employer; and if such employer refuse or neglect to pay the same, the said Master, in his own name, may proceed to collect the amount from him, by suit; and if recovered, the Road Master shall deliver to the employer the road poll tax receipts of those whose taxes are thereby paid; and in all suits under this Act, the Road Master shall be a competent witness.

Same.

SEC. 7. The Board of Supervisors shall cause proper blank road poll tax receipts to be printed, of a uniform appearance, which shall be numbered consecutively, and signed in writing, by the Chairman thereof, and also by the Clerk of said Board, and no other receipts for road poll tax than the above shall be used for the payment of said tax, by the Road Master. The Chairman, after having signed a sufficient number of said receipts, shall deliver the same to the Clerk of said Board, who shall, from time to time, deliver them in such number as may be needed, to the Road Masters of the different Districts, unless otherwise ordered by the Board, taking their receipts therefor, and the said Clerk shall keep an account always open to the inspection of the Supervisors, or any of them, of debit and credit with the Road Master of each District. Any person who shall wilfully pass, sell, or transfer, or who shall forge, or fraudulently issue, any receipt or receipts, for road poll tax, contrary to the spirit of this Act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined a sum not less than ten nor more than two hundred dollars, to be paid to the Road Fund of said county.

Tax receipts

SEC. 8. It shall be the duty of the Road Master to have the care and general supervision of the public roads within his District, to maintain them in good repair, and to erect such necessary bridges, causeways, and culverts, as the means at his command will permit, to keep the roads clear of obstructions, and properly graded; and for these purposes the Road Master is hereby authorized to take, for the road service, any timber, earth, gravel, rock, or other material, growing or being in any unenclosed lands in the vicinity of a public road, except that he shall not cut down any tree which has been planted or preserved as a shade or ornamental tree, and upon application of the owner thereof he shall make such allowance therefor as he may deem just, and shall give to said owner a certificate of said allowance, and, upon presentation of such certificate to the Board of Supervisors, they may order a warrant to be drawn for said allowance, or a less amount, payable out of the County Road Fund; *provided*, that such certificate from the Road Master shall be received in payment of road poll tax, upon presentation.

Duties of Road Masters.

SEC. 9. The Board of Supervisors shall, at their last regular session, in each year, fix, by an order to be entered on their journal, the amount of the per centage that each Master shall receive for the collection of the road poll tax for the succeeding year, which per centage shall not exceed twenty per cent. upon each dollar collected; *provided*, that for the payment of the per centage for the present year, eighteen hundred and sixty-one, the said Board may make such order at any regular or special meeting of the present year.

Payment of.

Proviso.

SEC. 10. Each Road Master shall, at the August session of said Board, and at such other times as the Board may require, present a correct account of the amount of road poll tax paid in labor, the amount paid in cash, and how much of, and for what, the same was expended, and the number of days service by him actually and necessarily performed in working upon the roads in his District, which statement shall be verified by his

Road Masters to make statement.

oath or affirmation, and the said Board may examine, on oath, any Road Master, touching his account, and the Road Master shall be allowed, in payment of such service, such per diem as the Board of Supervisors may deem just, not to exceed five dollars, and he shall, at the end of his term of office, file with the Clerk of said Board a final settlement, and shall return to him all unsold poll tax receipts, who shall credit said Master with the same, and immediately before making his final settlement, the said Road Master shall pay into the Road Fund of said county all moneys in his hands, remaining unexpended at that time.

Penalty.

SEC. 11. Any Road Master, failing or refusing to perform any of the duties prescribed by this Act, besides being liable to be removed, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding two hundred dollars, and for which fine his official bond shall be liable, and when collected, said fine shall be paid into the Road Fund of said county.

Penalty for obstructing highways.

SEC. 12. Any person or persons, who shall obstruct any public highway, either by placing an obstruction thereon, or by digging a ditch, or deepening the waters of any stream, and not bridge the same, the full width of the road, within twelve hours, or sooner, if possible, by placing good and substantial timbers across the same, not exceeding six feet apart, and planking the same with plank not less than three inches in thickness, unless permission shall have been granted, by the Road Master of the District to build the bridge of a less size, but, in no case, to be less than sixteen feet in width, shall be liable to a prosecution for a misdemeanor, and it shall be the duty of the Road Master of the District to prosecute, for such offence, on behalf of the county; and the party offending, on conviction, shall be liable to a fine, of not less than ten nor more than two hundred dollars, with costs of suit, to be collected as other fines, and he shall be further liable, at the suit of the Road Master of the District, in the sum of five dollars for each day that such obstruction remains, after being notified to remove or remedy the same; and whenever any public highway shall be washed away or injured, by the breaking of any water ditch, or canal, the owner thereof shall be liable for all damages occasioned to said road by said breaking; and it is made the duty of the Road Master in the District to prosecute said owners for all such damages, and all moneys collected under the provisions of this section shall be paid into the Road Fund of said county.

SEC. 13. This Act shall take effect from and after its passage, and all Acts, and parts of Acts, inconsistent with this Act, so far as they apply to the County of Mariposa, are hereby repealed; *provided*, that the Road Masters, elected in said county at the last general election, shall continue their offices until the first Monday of January, A. D. eighteen hundred and sixty-three; and, *provided*, further, that the Board of Supervisors may levy the road poll tax for the present year at any general or special meeting during this year, which tax shall be payable immediately thereafter.

SEC. 14. This Act to take effect from and after its passage.

CHAP. CLXXXVI.—*An Act supplemental to an Act entitled an Act to provide for the Reclamation and Segregation of Swamp and Overflowed, and Salt Marsh, and Tide Lands, donated to the State of California, by Act of Congress, approved May thirteenth, one thousand eight hundred and sixty-one.*

[Approved April 11, 1862.]

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

SECTION 1. Upon the completion of the survey and estimates of the cost of permanent reclamation of a Swamp Land District, established, or to be established, by the Board of Swamp Land Commissioners, it shall be the duty of said Board of Commissioners to procure from the Registrar of the State Land Office, a certified statement of the amount of money paid into the Swamp Land Fund of the State, by the purchasers of land within such District, and to file said statement, together with a list of the Swamp and Overflowed, Salt Marsh, or Tide Lands, included in such District, with the Controller of State; said Board shall also file a statement of the amount of money that has been expended in the survey of said District, and in other expenses incidental thereto; and the money then in, or thereafter received, in the Swamp Land Fund, as having been paid by the purchasers of land within the District thus certified, less the amount expended in the survey, shall be set apart by the Controller and Treasurer of State, from the Swamp Land Fund, as a Special Fund, to the credit of such District, to be applied in the reclamation of said District as is provided in the Act to which this Act is supplemental; *provided*, that in no case shall more than one dollar for each acre of the Swamp, Tide, or Marsh Land, in such District, be thus set apart from the Swamp Land Fund, excepting that where more than one dollar per acre is paid, as is hereinafter provided, the whole sum so paid shall be thus set apart; *provided*, further, that the salaries of Commissioners, and all general expenses not properly chargeable to a particular District, shall be paid from the Swamp Land Fund, and, upon the final reclamation of a District, the Commissioners shall ascertain the amount of such expenses properly chargeable to the tract of land so reclaimed, and certify the same to the Controller, whereupon, such amount, so ascertained, shall be transferred by the Treasurer and Controller from the Fund of the District to the Swamp Land Fund.

SEC. 2. The Board of Swamp Land Commissioners shall also cause to be recorded, by the County Recorder of each county in which a District, or part of a District, finally established by them, may be situate, a certified statement of the boundaries of the District, together with a detailed list, by sections and subdivisions of sections, of all the Swamp, Marsh, or Tide Lands, embraced in said District. They shall also file with the Treasurer of each county in which such lands are situated, a certified list, and map, showing the lands, by sections and subdivisions of sections, embraced in such District.

SEC. 3. Upon the receipt of the certified list and map, the

Duties of
Swamp
Land Com-
missioners.

Proviso.

Boundaries
of Districts
to be
recorded.

Duty of
County
Treasurer.

County Treasurer shall open an account with each District thus certified, and credit said District with any money that may then be in his hands, and received as principal or interest for any Swamp, Tide, or Marsh Lands, included in said District; and all money thus placed to the credit of a District, or thereafter received for land within a District, as principal or interest, or for the tax hereinafter authorized to be levied, shall be by him received for the use of, and paid into the State Treasury to the credit of, the Special Reclamation Fund of the District from which it was received.

Tax.

SEC. 4. If, from the report and estimates of the Engineer, and after the approval of the plan of reclamation by the Board of Commissioners, it shall appear that the amount in the State Treasury, to the credit of a District, be not sufficient to reclaim said District, the Board of Supervisors of each county in which such District, or part of a District, may be situated, shall, and they are hereby required, upon presentation of a petition from the holders of patents, or certificates of purchase, of Swamp, Tide, or Marsh Lands, within the District, representing one third in acres of the whole of said District, levy a tax on all real estate, and improvements on real estate, within their county, and within the boundaries of such District, including only real estate and improvements to be protected from overflow by the reclamation of such District, which tax shall, in the aggregate, when added to the amount in the State Treasury to the credit of such District, equal the amount of the cost of permanent reclamation, as estimated and returned by the Engineer for said District.

Collection.

SEC. 5. The tax thus authorized to be levied, shall be collected as other taxes are required to be levied and collected; and the laws for the collection of State and county taxes are hereby made applicable to the tax authorized to be levied and collected under the provisions of this Act; *provided*, that the tax shall be levied and collected on the assessment of real estate and improvements made for the current fiscal year during which the petition was received.

Disposition
of moneys.

SEC. 6. The tax thus authorized to be levied and collected, shall be paid into the State Treasury, to the credit of the Fund of the District from which it was received, to be applied in the reclamation of such District, under the provisions of the Act of which this is supplemental.

Duty of
County
Treasurer.

SEC. 7. After said tax shall have been levied, it shall be the duty of the County Treasurer to collect, from the purchaser of any Swamp, Marsh, or Tide Lands, in such District, not theretofore sold, the amount of said tax on the aggregate of his purchase, at the rate of one dollar per acre, in addition to the amount of principal and interest now required by law to be paid; and said amount, with the principal and interest, and cost of survey, shall be paid into the State Treasury, to the credit of the Reclamation Fund of the District.

Penalty for
injuring
levees, etc.

SEC. 8. If any person shall, at any time, or in any manner, lower or alter any levee, to facilitate crossing, or shall cut, destroy, or in any other manner whatever injure or destroy, any levee, or tide gate, or embankment, or other work, constructed for the purpose of reclamation, or in any manner whatever

diminish the height, width, or strength, of any levee or embankment of a District, or cross levee within a District, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than ten days nor more than six months, or by both such fine and imprisonment; and in every case of conviction, the sum of fifteen dollars shall be charged as costs, and be paid to the Prosecuting Attorney, for his own use; and all fines collected under this Act shall be paid into the Levee Fund of the District.

CHAP. CLXXXVII.—*An Act to provide for the Formation of Corporations for the Accumulation and Investment of Funds and Savings.*

[Approved April 11, 1862.]

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

SECTION 1. Corporations, for the purpose of aggregating the funds and savings of the members thereof and others, and preserving and safely investing the same for their common benefit, may be formed according to the provisions of this Act; and such corporations, and the members and stockholders thereof, shall be subject to all the conditions and liabilities herein imposed, and to none other.

SEC. 2. Any five or more persons, who may desire to form an incorporated company for the purposes specified in the preceding section, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and a certified copy thereof in the office of the Secretary of State, a certificate, in writing, in which shall be stated the corporate name of the corporation, the object for which the corporation shall be formed, the time of its existence, not to exceed fifty years, the number of Directors, and their names, who shall manage the affairs of the company for the first six months, and the name of the city, or town, and county, in which the principal place of business of the company is to be located.

SEC. 3. A copy of any certificate of incorporation, filed in pursuance of this Act, and certified by the County Clerk of the county in which it is filed, or his Deputy, or by the Secretary of State, shall be received in all Courts, actions, proceedings, and places, as presumptive evidence of the facts therein stated.

SEC. 4. When the certificate shall have been filed, the persons who shall have signed and acknowledged the same, and such persons as may thereafter become their associates or successors, shall be a body politic and corporate, and by their corporate name have succession for the period limited, and power—

First—To sue and be sued, in any Court.

Second—To make and use a common seal, and to alter the same at pleasure.

Third—To purchase, hold, sell, convey, and release, from trust or mortgage, such real or personal estate as hereinafter provided in this Act.

Fourth—To appoint such officers, agents, and servants, as the business of the corporation shall require, to define their powers, prescribe their duties, and fix their compensation, and to require of them such security as may be thought proper for the fulfillment of their duties.

Fifth—To loan and invest the funds of the corporation, to receive deposits of money, and to loan and invest the same, to collect the same, with interest, and to repay such deposits with so much of the earnings and interest as the by-laws of the corporation may provide.

Sixth—To make by-laws, not inconsistent with the laws of this State, for the organization of the company and the management of its property, the regulation of its affairs, the conditions on which deposits shall be received, the time and manner of dividing the profits, and the time and manner in which any person may become, or may cease to be, a member of the corporation, and for carrying on all kinds of business within the objects and purposes of the company.

Restriotion. SEC. 5. No corporation formed under this Act shall loan any money without adequate security on real and personal property, and no deposits shall be loaned or invested for a period exceeding six years.

Officers. SEC. 6. The corporate powers of the corporation shall be exercised by a Board of not less than five Directors, residents of this State, and a majority of them citizens of the United States, who shall be holders of stock, each to such amount and under such conditions as the by-laws may prescribe, (if a capital stock is provided for in the certificate of incorporation,) or members, each having deposits with the corporation to the amount of at least one hundred dollars, (if the company has no capital stock.) All Directors, to hold office after the expiration of the term of the Directors named in the certificate of incorporation, shall be annually elected, at such time and place, and in such mode, and upon such notice, as shall be directed by the by-laws of the company. All such elections shall be by ballot, and each stockholder, who shall be a member, and shall have signed the by-laws, shall be entitled to such number of votes as shall be fixed by the by-laws, not exceeding one vote for every share of stock held by him; and the by-laws may provide what qualifications shall entitle a member, not stockholder, or the members of a corporation having no stock, to a vote, and the persons receiving the greatest number of votes shall be Directors. The President of the corporation, who shall also be the President of the Board of Directors, shall be chosen by said Board from among their own number. When any vacancy shall occur in the Board of Directors, by death, resignation, or otherwise, it shall be filled for the remainder of the term in such manner as may be prescribed by the by-laws of the company.

Same. SEC. 7. If it should happen, at any time, that an election of Directors shall not be made on the day designated by the by-laws of the company, the corporation shall not, for that reason, be dissolved, but it shall be lawful, on any other day, to hold an

election for Directors, in such manner as shall be provided for by the by-laws of the company, and the Directors shall be continued in office until their successors shall be elected.

SEC. 8. The call for the first meeting of the Directors shall be signed by one or more persons named Directors in the certificate, setting forth the time and place of meeting, which notice shall be delivered, personally, to each Director, or published, at least ten days, in some newspaper of the county in which is the principal place of business of the corporation, or, if no newspaper be published in the county, then in the newspaper nearest thereto. Meetings.

SEC. 9. A majority of the whole number of Directors shall form a Board for the transaction of business; and every decision of a majority of the persons duly assembled as a Board, or a larger number, if the by-laws shall so require, shall be valid, as a corporate act, but no real estate shall be sold, or released from trust or mortgage, except by a vote of a majority of the whole number of Directors. Quorum.

SEC. 10. It shall not be lawful for the corporation, or the Directors, to make any dividend, except from the surplus profits arising from the business of the corporation; and the Directors shall, at such times and in such manner as the by-laws shall prescribe, declare and pay dividends of so much of the profits of the company, and of the interest arising from the capital stock and deposits, as may be appropriated for that purpose by the provisions of the by-laws. And it shall not be lawful for the corporation, or the Directors, to contract any debt or liability against the corporation, for any purpose whatever, but the capital stock and the assets of the corporation shall be a security to depositors who are not stockholders, and the by-laws may provide that the same security shall extend to deposits made by stockholders. Acts declared unlawful.

SEC. 11. Corporations formed under this Act, may prescribe by their by-laws the time and conditions on which repayment is to be made to depositors, but whenever there is any call, by depositors, for repayment of a greater amount than the corporation may have disposable for that purpose, it shall not be lawful for the Directors or officers to make any new loans or investments of the funds of the depositors, or of the earnings thereof, until such excess of call shall have ceased. And the Directors of any corporation formed under this Act, and having no capital stock, shall retain, on each dividend day, at least five per cent. of the net profits of the corporation, to constitute a Reserve Fund, which shall be invested in the same manner as other funds of the corporation, and shall be used towards paying any losses which the corporation may sustain in the pursuit of its lawful business; and the corporation may provide, by its by-laws, for the disposal of any excess in the Reserve Fund, over one hundred thousand dollars, and the final disposal, upon the dissolution of the corporation, of the Reserve Fund, or of the remainder thereof, after payment of losses. By-laws.

SEC. 12. No corporation formed under this Act, shall, by any implication or construction, be deemed to possess the power of Not to issue bills, etc.

creating and issuing bills, notes, or other evidences of debt, for circulation as money.

Company may hold certain real estate.

SEC. 13. The real and personal estate which it shall be lawful for any such corporation to purchase, hold, and convey, shall be:

First—The lot and building in which the business of the company may be carried on; *provided*, that the cost of the same shall not exceed one hundred thousand dollars.

Second—Such as shall have been mortgaged or pledged to it, or conveyed in trust for its benefit, in good faith, for money loaned in pursuance of the regular business of the corporation.

Third—Such as shall have been purchased at sales under pledges, mortgages, or deeds of trust, made for its benefit, or upon judgments or decrees obtained or rendered for money so loaned. And the said corporation shall not purchase, hold, or convey, real estate, in any other case, or for any other purpose, and all such real estate as is described in the second and third subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandise, whatever, except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business, and except gold and silver bullion, and United States Mint certificates of ascertained value, and evidence of debt issued by the United States Government.

Married women may vote.

SEC. 14. Any married woman, being a member, or holding stock in her own name, in any company formed under this Act, may cast her own vote, and appoint her own proxy to vote for her; *provided*, no objection to the casting of said vote by herself or her proxy shall be made, in writing, by her husband, to said corporation, previous to the casting of such vote. Whenever any stock or deposits are held by any person, as Executor, Administrator, Trustee, or Guardian, he shall represent such stock or deposits, and may vote accordingly.

Proviso.

Minors.

SEC. 15. Whenever any deposit shall be made by any minor, the Directors of said corporation shall pay to such depositor such sums as may be due to him or her, although no Guardian shall have been appointed by or for such minor, or the Guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance, of such minor, shall be as valid as if the same was executed by a Guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and whenever any deposit shall be made, in her own name, by any woman, being, or thereafter becoming, married, said Directors shall pay such sums as may be due to her, on her own receipt or acquittance; and any person authorized thereto by resolution of the Board of Trustees or Directors of any corporation, association, or society, having funds deposited, or owning stock, in any corporation formed under this Act, shall be entitled to receive such deposit, or transfer such stock, and to cast the vote of such corporation, association, or society.

SEC. 16. Every corporation incorporated or doing business under the provisions of this Act, shall cause to be published an-

nually, once a week for at least six successive weeks, in one public newspaper, printed in the county in which such corporation may be located, a true and accurate statement of all depositors who shall have deposits, dividends, or interest, to their credit on the books of said corporation, and concerning whom, at the date of such statement, the officers of the corporation shall have had no knowledge during the two years next preceding such date; such statement shall contain the name, residence, and occupation, if known, of the person making the deposit, or in whose favor the dividend was declared, and in all cases so published the expense of advertising shall be deducted from the sums unclaimed, in proportion to the amount of each respectively.

Statement
of deposits.

SEC. 17. Corporations formed for the purpose designated in section one of this Act, may have a capital stock, and may issue certificates to represent shares of such capital stock; *provided*, that the certificate, directed by the second section of this Act to be executed and filed, shall also contain a statement of the amount of such capital stock, and number of shares of which it shall consist. The rights and privileges to be accorded to such capital stock, as distinct from those to be accorded to depositors, and the obligations to be imposed upon it in the same relation, shall be fixed by the by-laws.

Capital stock

Proviso.

SEC. 18. It shall not be lawful for the Directors to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock, nor to reduce the amount of the same.

Acts not
lawful.

SEC. 19. Whenever it is desired to increase the amount of capital stock, a meeting of stockholders may be called, by a notice, signed by at least a majority of the Directors, and published at least sixty days in every issue of some newspaper published in the county where the principal place of business of the company is located, which notice shall specify the object of the meeting, the time, and place where, it is to be held, and the amount to which it is proposed to increase the capital stock; and a vote of two thirds of all the shares of stock represented at the meeting shall be necessary to an increase of the amount of capital stock.

Increase of
capital stock

SEC. 20. If, at any meeting so called, a sufficient number of votes has been given in favor of increasing the amount of capital stock, a certificate of the proceedings, showing a compliance with these provisions, the amount of the capital actually paid in, and the amount to which the capital stock is to be increased, shall be made out, signed, and verified by the affidavit of the Chairman and Secretary of the meeting, certified by a majority of the Directors, and filed, as required by the second section of this Act. When so filed, the capital stock of the corporation shall be increased to the amount specified in the certificate.

Sums.

SEC. 21. The stock of the company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws.

Stock to be
personal
estate.

SEC. 22. No certificate, representing shares of stock, shall be issued, nor shall such stock be considered as acquired, until the

Issuance.

whole sum of money which such certificate purports to represent, shall have been paid into the corporation.

Stock may
be pledged.

SEC. 23. Any stockholder may pledge his stock, by a delivery of the certificate, or other evidence of his interest, but may, nevertheless, represent the same at all meetings, and vote as a stockholder.

Dissolution
of corpo-
ration.

SEC. 24. Any corporation formed under this Act may dissolve and disincorporate itself, by presenting to the County Judge of the county in which the principal place of business of the company is situated, as named in the certificate of incorporation, a petition to that effect, setting forth the reason therefor, signed by all the Directors of the corporation. Notice of the application shall then be given by the Clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which such application shall be heard, and shall be published in every regular issue of some newspaper in the county where the application is to be heard, and in at least one newspaper published in the City and County of San Francisco, for at least three months, and if no newspaper is published in the county where the application is made, then such notice shall be posted up, at least thirty days previous to the time when such application is to be heard, in three public places in said county, one of which shall be the Court House of said county. At the time and place appointed, or at any other time to which it may be postponed by the Judge, he shall proceed to consider the application, and if satisfied that the members and stockholders of the corporation will be benefited thereby, and that no indebtedness of the corporation exists, other than to depositors who have not demanded their deposits, he shall enter an order declaring it dissolved. The hearing of such application for dissolution shall not be had by the Judge until after the expiration of twenty days from and after the last publication of the notice aforesaid. After filing the petition for dissolution, no more deposits shall be received, nor certificates of stock be issued, by the officers of the corporation.

Same.

SEC. 25. Upon the dissolution of any corporation formed under this Act, the Directors, at the time of the dissolution, shall be Trustees for the members and others interested in the corporation dissolved, and shall have full power and authority to sue for and recover the debts due to, and property of, the corporation, settle all of its affairs, and divide among the members and stockholders, in such proportion as the by-laws shall direct, the money and other property that shall remain after the payment of all the expenses. And all unclaimed deposits, and the interest accruing thereon, and unclaimed shares and money due thereon, not called for within thirty days after the collection of all solvent indebtedness, shall be paid by the said Trustees into the State Treasury, accompanied by a statement setting forth the time that such deposits were made, or such share acquired, by the person holding the same at the time of such dissolution, and the name and residence, if known, of the person making or holding the same, the amount of such deposits or shares, and also of the dividends not called for, and the name of the person or persons to whom the deposit or stock, and the dividends, be-

long, if known. All amounts of unclaimed dividends and deposits, paid into the State Treasury, as aforesaid, shall be received, invested, and accounted for, and paid out, in the same manner and by the same officer as is provided by law concerning escheated estates. Upon such payment by the said Trustees, the State Treasurer shall give to them a receipt for the amount so paid in, which shall fully discharge them from all liability to such depositors or stockholders.

SEC. 26. The misnomer of any such corporation in any instrument, shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties. Misnomer.

SEC. 27. Corporations formed under this Act, and the members and stockholders thereof, shall not be subject to the conditions and liabilities contained in, and shall be exempt from, the operation of an Act entitled an Act concerning Corporations, passed April twenty-second, A. D. eighteen hundred and fifty. Liabilities.

SEC. 28. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby declared to be inoperative, so far as they affect this Act.

SEC. 29. This Act shall take effect from and after its passage.

CHAP. CLXXXVIII.—*An Act to provide for the Collection and Payment of the quota of the Direct Tax apportioned to this State, by an Act of Congress, entitled an Act to provide increased Revenue from imposts, to pay interest on the Public Debt, and for other purposes, passed the fifth day of August, eighteen hundred and sixty-one.*

[Approved April 12, 1862.]

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

SECTION 1. An annual ad valorem tax, of fifteen cents upon each one hundred dollars in value of all the property in this State, which is, or may be, liable to taxation, to provide revenue for the support of the Government of this State, is hereby levied upon all such property, for the payment of the quota of the Direct Tax apportioned to this State, by an Act of Congress, entitled an Act to provide increased Revenue from imposts, to pay the interest on the Public Debt, and for other purposes, approved the fifth day of August, eighteen hundred and sixty-one. Ad valorem tax.

SEC. 2. The said ad valorem tax hereby levied shall be assessed and collected in the same manner, and at the same time, as is now or may be prescribed by law for the assessment and collection of the ad valorem tax for State purposes. and shall become a lien, in like manner; and all the officers required by law to discharge any duties relative to the assessment, collection, safe keeping, and disbursement, of the State ad valorem and poll tax, are hereby required to discharge the same duties, and shall be subject to the same restrictions, fines, and penalties, in the assessment, collection, safe keeping, and disbursement, of the Federal ad valorem and "Federal Poll Tax," hereby levied; *provided,* Assessment and collection.

Proviso. that in those counties where the assessment for State and county purposes has already been made, their respective Boards of Supervisors shall, on or before the third Monday in April, A. D. eighteen hundred and sixty-two, add, to the amount levied by law on each one hundred dollars of taxable property, real or personal, for either State or county purposes, the ad valorem tax hereby levied.

Settlements, etc. SEC. 3. All the ad valorem taxes collected under the provisions of this Act, shall be paid, by the officers collecting the same, into the County Treasury of their respective counties, and the said officers, and the County Auditors and Treasurers, shall make their statements, settlements, and payments, at the same times, and in the same manner, as is now or may hereafter be required by law in making statements, settlements, and payments, of the State ad valorem tax, and shall be entitled to the same compensation as is now, or may be, provided by law, for performing similar duties in collecting the State revenue; and the State Treasurer is hereby required to set apart all the taxes collected under this Act in a separate fund, to be called the "Federal Tax Fund."

Poll tax. SEC. 4. In addition to said ad valorem tax, an annual poll tax of two dollars, also for the payment of said quota, as recited in section first of this Act, is hereby levied upon each male inhabitant of the State, of the age of twenty-one years and upwards, California Indians excepted, to be known as the "Federal Poll Tax;" which shall be collected by the same officers and in the same manner as the State poll tax, in the respective counties, and paid over to the County Treasurers, and by them to the State Treasurer, as provided in this Act; and for the purpose of collecting said tax, the officers hereby authorized to collect the same shall have all the powers which are now, or may hereafter be conferred by law on the Collectors of State poll taxes, and any person who shall neglect or refuse to pay said Federal poll tax, or who shall forge or fraudulently issue any Federal poll tax receipt, or give a false name, or refuse to give his name, shall be subject to all the pains and penalties imposed by law on persons who neglect or refuse to pay the State poll tax, or who forge or fraudulently issue any State poll tax receipt, or who give a false name, or refuse to give their names to the officer collecting the same; *provided*, that volunteers in the Government Army be exempted from the provisions of this section.

Due and payable. SEC. 5. The said Federal poll tax shall be due and payable on and after the first Monday of March, of each year, and the officers hereby authorized shall proceed to collect the same as soon as it becomes due; and the said officers and the County Auditors and Treasurers, shall make their statements, settlements, and payments, at the same time and in the same manner as is now or may hereafter be required by law, in making statements, settlements, and payments, of the State poll tax; except that the return and exchange of blank receipts shall not be required to be made on the first Monday in August, as directed by the law as to State poll tax receipts; *provided*, that the officers

Proviso. authorized to collect the Federal poll tax shall be allowed to retain, for their services, fifteen per cent. on all sums collected by them and paid over to the County Treasurers on or before

the first Monday in June, of each year, and ten per cent. on all sums collected and paid over thereafter.

SEC. 6. The County Treasurers shall, on the first Monday of June and August, in each year, or within ten days thereafter, pay over to the State Treasurer all sums received by them on account of said Federal poll tax; and they are hereby authorized, in their discretion, to pay said sums in person, or to forward the same to the State Treasurer by Wells, Fargo & Co.'s Express Company, and the Treasurer of the State is hereby authorized to pay to said Express Company, or the County Treasurers, on the delivery to him of any amounts hereby authorized to be transmitted, the usual per centage charged by said company for such services; and no County Treasurer shall receive any mileage for proceeding to the State Treasury to make such payment.

Payments
to State
Treasurer.

SEC. 7. The officers herein authorized to collect said Federal poll tax shall keep a book, in which they shall enter the name of every person upon whom said tax is assessed, who, when called upon, shall refuse or neglect to pay the same; and shall, on the first Monday in March, in each year, deposit the same with the County Auditor, who shall carefully preserve the same, and said book shall, at all times, during office hours, be open to the free inspection of all persons desiring it.

List of per-
sons refusing
to pay.

SEC. 8. The Controller of State shall, immediately after the passage of this Act, for the year eighteen hundred and sixty-two, and before the first Monday of March, in each succeeding year, cause proper blank receipts for Federal poll taxes to be printed, by the State Printer, of a uniform appearance, changing the style thereof each year; and said Controller, after signing and numbering them, shall cause a number thereof, equal to the probable number of inhabitants in each county liable to pay the Federal poll tax, to be immediately forwarded to the County Treasurer of each county, who shall sign them, or so many of them as may be required, and make an entry thereof in a book to be kept for that purpose, and thereupon deliver them to the Auditor, who shall likewise sign them, and make an entry of the number he receives, in a book to be kept by him for that purpose.

Duty of
Controller.

SEC. 9. The Auditor shall, from time to time, issue to the Tax Collector, or the District Collectors, in those counties divided into collection districts, so many of the Federal poll tax receipts as he may need, taking his receipt therefor, and the said Auditor shall immediately charge the same to the Tax Collector so receiving them.

Auditor of
county to
issue
receipts.

SEC. 10. The Treasurer of the State is hereby directed to pay over to the Assistant Treasurer of the United States, at the City of San Francisco, on the first Monday in each month, all moneys in the State Treasury belonging to the Federal Tax Fund, not exceeding, in each fiscal year, the quota of the direct tax allotted to this State by the said Act of Congress, after retaining therefrom the deduction allowed by the said Act of Congress to this State, in lieu of compensation, pay, per diem, and per centage. In case the amount raised, by the taxes provided for in this Act, shall exceed the amount required to pay the said quota of the direct tax allotted to this State, by the

Duty of State
Treasurer.

Surplus. said Act of Congress, when the same is payable according to the provisions of the said Act, the surplus shall be paid into the General Fund; and in case there shall not be sufficient money in the Federal Tax Fund to meet the said payments, when required by the said Act of Congress, then the Treasurer of the State shall pay the deficiency out of the General Fund; and the Controller of State is hereby authorized, and required, to draw his warrants, from time to time, in favor of the said Assistant Treasurer of the United States, for the several sums of money in this section directed to be paid to him, in the same manner as in the disbursement of the revenue provided for State purposes.

Deficiency.

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

CHAP. CLXXXIX.—*An Act to provide for the Publication and Distribution of the Laws of eighteen hundred and sixty-two, relating to Revenue; and to call Meetings of the Boards of Supervisors of the several counties.*

[Approved April 12, 1862.]

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

Duty of Secretary of State.

SECTION 1. The Secretary of State is hereby required to cause to be collated, and printed in pamphlet form, nine hundred and sixty copies of all laws of the thirteenth session of the Legislature, relating to State revenue, and the revenue for the National war debt, as soon as possible after the same shall have been filed in his office, and forward two copies thereof, one by mail, and one by Wells, Fargo & Co.'s Express, to the Clerk of each Board of Supervisors in the State, and two copies to each County or District Assessor, and to each Tax Collector and Treasurer in the State. Such printing to be performed and paid for as other printing ordered by the State.

Meetings of Supervisors.

SEC. 2. The Boards of Supervisors of the several counties of this State are hereby required to meet on the first Monday of May, eighteen hundred and sixty-two, for the purpose of performing such business as may be required of them, by the laws herein required to be printed, and such other business as they may deem proper.

Duty of Secretary of State.

SEC. 3. The Secretary of State shall forward two copies of this Act, either printed or written, to the Clerk of each Board of Supervisors in the State, one by mail, and one by Wells, Fargo & Co.'s Express, as soon as possible after the same shall have been filed in his office, and such Clerk shall, immediately upon receipt of the same, notify each member of the Board of Supervisors of the county, of the meeting called in this Act.

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

CHAP. CXC.—*An Act to amend an Act entitled an Act to amend an Act concerning Jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one.*

[Approved April 10, 1862.]

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 14. A jury shall be drawn for every term of the District Court, and for every term of the Court of Sessions, held for criminal business; *provided*, however, that in the Counties of Mendocino, San Mateo, Lake, and Mono, no trial jury shall be drawn for any term of the Court of Sessions, unless it shall be deemed necessary by the County Judge, in which case he shall make an order, directing the drawing of said jury, and file the same with the Clerk of the Court of Sessions.

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

CHAP. CXCI.—*An Act to provide means to pay the Indebtedness of Del Norte County to Klamath County.*

[Approved April 10, 1862.]

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

SECTION 1. The Board of Supervisors of Del Norte County may, for the purpose of paying the indebtedness of Del Norte County to Klamath County, adjusted by an Act approved March eighth, A. D. eighteen hundred and sixty, borrow the sum of five thousand dollars, at such rate of interest as they may agree upon, not to exceed two per cent. per month, and issue a warrant or warrants for the same, payable as is hereinafter provided; and said money shall be paid to the County Treasurer, who shall place it to the credit of the Sinking Fund, raised by sections nineteen and twenty of an Act approved March second, A. D. eighteen hundred and fifty-seven, to liquidate the aforesaid debt.

SEC. 2. The County Treasurer of Del Norte County shall purchase, with the money in said Sinking Fund, so much of the indebtedness of Klamath County, funded by an Act approved March thirty-first, A. D. eighteen hundred and fifty-seven, as shall be sufficient to pay the balance of the principal and interest of the aforesaid indebtedness of Del Norte County to Klamath County, or as much as the amount in said Sinking Fund will purchase. The Treasurer, before purchasing any such bonds, shall give at least thirty days notice, by publication in some newspaper published in said county, or, if there shall be

none published therein, then in some paper published in the State, nearest to the county seat of said county, that sealed proposals, directed to him, for the sale and transfer of such bonds, will be received by him up to a certain day, to be specified, which shall be during some meeting of the Board of Supervisors. On the day specified in the notice, said Treasurer shall, in the presence of the Board of Supervisors, proceed to open all proposals, and the lowest bids for the sale of said bonds shall be accepted; *provided*, that no bid for more than the par value of said bonds, or any bid, unless accompanied by the bond proposed to be sold, shall be accepted. When any bids are accepted, the Clerk of the Board of Supervisors shall take a description of the number and amount of the bonds to be purchased, specifying the amount to be paid for each bond, and make a record thereof, and thereupon the Board of Supervisors shall make an order, directing the Treasurer to purchase the bonds designated in the accepted bids, after being properly indorsed or assigned, and pay for the same out of the Sinking Fund mentioned in section one of this Act.

Proviso.

SEC. 3. The County Treasurer shall, after he has purchased the aforesaid bonds or any part thereof, proceed to the county seat of Klamath County, and deliver the same to the Treasurer of Klamath County, and the last named Treasurer shall indorse the amount of said bonds, together with the interest on the same, on the warrant held against Del Norte County; and if there be bonds, together with the interest, sufficient to pay the principal and interest of said warrant, he shall deliver the same up to the Treasurer of Del Norte County, and said Treasurer of Del Norte County shall be paid such a sum of money for his expenses as the Board of Supervisors may allow.

Settlement.

SEC. 4. The Board of Supervisors of Del Norte County are hereby authorized to levy a special tax, not to exceed forty cents on each one hundred dollars of taxable property of said county, to pay the principal and interest of the aforesaid borrowed money.

Special tax.

SEC. 5. All Acts, and parts of Acts, in conflict with this Act, are hereby repealed.

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

CHAP. CXCVII.—*An Act to prevent certain Animals from Running at Large in Napa City.*

[Approved April 10, 1862.]

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

Acts
declared
unlawful.

SECTION 1. From and after the first day of May next, it shall not be lawful for any horses, mules, cows or other horned cattle, goats, or hogs, to run at large in any of the streets of the Town of Napa City, in the County of Napa, in the State of California.

SEC. 2. If any animals, named in the preceding section, shall be found running at large within the surveyed limits of Napa City, or within any of the surveyed additions thereto, after this Act takes effect, it shall be lawful, and it is hereby made the duty of the Sheriff or any Constable of said county, upon being notified thereof by any resident of said town, to take up and impound and keep such animal until the owner thereof shall demand the same, or until disposed of as hereinafter provided. Impounding

SEC. 3. The officer taking up any horse, mule, or horned cattle, shall be entitled to a fee of two dollars each, and one dollar for each day such officer keeps such animal, one dollar for taking up each hog or goat, and fifty cents per day for keeping the same, in each case to date from the time of posting said animals, hogs, or goats, as hereinafter provided for. Fees.

SEC. 4. It shall be the duty of the officer taking up any animals under the provisions of this Act, within twenty-four hours thereafter, unless previously claimed by the owner, to post the same, by posting written or printed notices in at least three public places in said town, describing said animals as accurately as may be, when taken up, and the charges thereon; and if such animal be a horse or mule, he shall also cause a notice thereof to be published in some newspaper, printed in said town, for the period of two weeks, and the cost of such publication, together with the fees for taking up and keeping said animal, shall constitute a lien upon said animal so taken up, as aforesaid, and shall be paid by the owner thereof before he shall be entitled to the possession of the same. Notices.

SEC. 5. After the expiration of five days after posting the animals, if the same be horned cattle, goats, or hogs, and fifteen days after advertising, if the same be a horse or mule, if no owner appears and claims such animal, or fails to pay the charges thereon, the officer having charge of such animal shall sell the same, at public auction, in front of the Court House in said town, to the highest bidder for cash, (notice of the time and place shall be set out in said notice,) and out of the proceeds of such sale shall retain the fees and charges provided in this Act, and the residue, if any, he shall pay over to the County Treasurer, taking his receipt therefor. Sale.

SEC. 6. At any time within six months after the sale provided for in the preceding section, the owner of such animal sold shall be entitled to receive of the Treasurer the net amount arising from the sale thereof, and if not demanded within the period aforesaid, the amount shall be applied to the County Fund, for road purposes. Surplus to be paid to owner.

SEC. 7. This Act shall take effect and be in force from and after the first day of May next.

CHAP. CXCIII.—*An Act to authorize and empower William H. Kelly to construct and maintain Booms on Gaspar Creek, in Mendocino County.*

[Approved April 10, 1862.]

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

Franchise. SECTION 1. It shall be lawful for William H. Kelly, who now owns, or his assigns, who may hereafter erect, purchase, or own, or be in possession of, any saw mill or mills, whether propelled by water or steam power, for the manufacture of lumber, on Gaspar creek, in the Township of Big River, County of Mendocino, State of California, to build, erect, hang, or purchase, and maintain, when in his or their estimation the same may be necessary to facilitate the manufacture of lumber, such boom or booms as may be necessary for that purpose.

Willful injury. SEC. 2. Any person or persons who shall wilfully or maliciously destroy or injure said booms, or any of them, shall be deemed guilty of malicious mischief, as in other cases, and shall be liable to the party or parties injured, for all damages sustained by the owners thereof, as in other cases for the destruction of private property.

SEC. 3. Said boom shall be so constructed as not to injure or impair the navigation of said creek.

CHAP. CXCIV.—*An Act to fix the Compensation of the County Judge of Nevada County.*

[Approved April 10, 1862.]

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

Salary. SECTION 1. The County Judge of the County of Nevada shall receive, for his compensation, the sum of three thousand dollars per annum.

SEC. 2. This Act shall take effect and be in force from and after the legal term of the present incumbent.

CHAP. CXCV.—*An Act concerning the Indebtedness of San Bernardino County.*

[Approved April 10, 1862.]

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

Interest. SECTION 1. It shall not be lawful for the County Treasurer to pay interest on any warrant drawn by the County Auditor

on the Treasurer of the County of San Bernardino, after the first day of June next, eighteen hundred and sixty-two; and all provisions of law, inconsistent or conflicting with the letter or spirit of this Act, are hereby repealed.

CHAP. CXCVI.—*An Act to legalize the Declaration of Roads and Public Highways made by the Board of Supervisors of Tuolumne County.*

[Approved April 10, 1862.]

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

SECTION 1. The public highways in the County of Tuolumne, as declared by the Board of Supervisors, on the fifteenth day of February, eighteen hundred and sixty-two, the field notes of which are recorded in the road book of said county, are hereby legalized and confirmed, and declared public highways of Tuolumne County.

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

CHAP. CXCVII.—*An Act granting to William H. Tillinghast, and his associates and assigns, the Right to construct a Wharf at the place called "New York, on the Pacific," in the County of Contra Costa.*

[Approved April 10, 1862.]

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

SECTION 1. William H. Tillinghast, and his associates and assigns, who shall be organized under the corporation laws of this State, are hereby authorized to construct and maintain a wharf at the place called "New York, on the Pacific," in the County of Contra Costa. Franchise.

SEC. 2. The right of occupation, for the purposes of this Act, of any lands belonging to this State, from the main land to deep water, and along the shores of the San Joaquin and Suisun bay for a distance of six hundred feet, is hereby granted to the said William H. Tillinghast, his associates and assigns, for the term of twenty-five years. Term.

SEC. 3. The spot selected for the purposes of this Act shall be surveyed, and a plat and field notes of such survey shall be filed in the office of the County Recorder of Contra Costa, within six months after the passage of this Act. Location.

SEC. 4. Nothing in this Act contained shall authorize the said William H. Tillinghast, his associates and assigns, to obstruct the navigation of any of the navigable waters of this State.

Tolls. SEC. 5. The said William H. Tillinghast, and his associates and assigns, shall have the right to collect tolls and wharfage at such wharf; *provided*, that the Board of Supervisors of Contra Costa County may, from time to time, by an order to that effect, fix the maximum of such tolls and wharfage.

CHAP. CXCVIII.—*An Act to authorize the parties therein named to construct and maintain a Wharf.*

[Approved April 10, 1862.]

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

Franchise. SECTION 1. The right to construct and maintain a wharf, upon the premises hereinafter described, lying in Solano County, is hereby granted to Byron Nickerson, Prentiss Crowell, and their assigns, for the term of twenty-five years.

Conditions. SEC. 2. The said wharf shall be located upon the following premises: Beginning at a point on the eastern line of Suisun City, according to the official map thereof, ninety-five feet due south of the south line of Solano street, and thence running north, two hundred and forty feet, to a ditch, thence easterly, along the line of said ditch, to Suisun slough, thence along the bank of said slough, in a southerly direction, to a point one hundred and forty feet, due east, of the point of beginning, and thence west, to the place of beginning; *provided*, that nothing herein contained shall be construed to conflict with, or to annul, any franchise which may have been heretofore granted by the Legislature of this State; or to impair, or in any wise affect, the rights of any of the owners or claimants of land on which said proposed wharf is to be constructed.

Proviso.

Wharfage. SEC. 3. The rate of wharfage shall be regulated, from time to time, by the Board of Supervisors of Solano County.

CHAP. CXCLIX.—*An Act concerning Hogs running at large in the County of Solano.*

[Approved April 10, 1862.]

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

SECTION 1. Any hog, or hogs, found trespassing upon the premises of any person or persons, in the County of Solano, between the first day of January and the fifteenth day of August, in each year, may be taken up by the owner or owners of such premises, and safely kept, at the expense of the owner or owners of such hog or hogs, so found trespassing, and be

subject to all the provisions of the second, third, fourth, fifth, sixth, seventh, eighth, and ninth, sections, of an Act of March twenty-sixth, eighteen hundred and fifty-seven, concerning hogs running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa.

SEC. 2. All Acts, and parts of Acts, in conflict with this Act, so far as they relate to the County of Solano, are hereby repealed.

CHAP. CC.—*An Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the Records, and ascertain the present existing Debt of said county, and to allow a reasonable compensation for the same; and also to allow a reasonable compensation for the examination already made of the Tax Rolls of said county, for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty.*

[Approved April 10, 1862.]

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

SECTION 1. The Board of Supervisors of Calaveras County are hereby authorized and empowered to employ some competent person, at their discretion, to examine the records of, and ascertain the present existing debt of, said county, granting a reasonable compensation for the same, but not to exceed the sum of one thousand dollars. Examination authorized.

SEC. 2. In consideration of the services rendered by P. W. Cornwell, in examining the tax rolls of said county for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty, the said Board of Supervisors are hereby authorized and empowered to make such allowance to the said P. W. Cornwell, for the performance of said services, as they may deem just and reasonable, but not to exceed the sum of five hundred dollars.

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

CHAP. CCI.—*An Act to authorize the Board of Supervisors of Klamath County to levy a Special Tax, and create a Redemption Fund, for the payment of County Indebtedness.*

[Approved April 10, 1862.]

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 Klamath shall have power, and they may levy a special tax, annually, in addition to other taxes provided for by law, upon the taxable Tax.

property in 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.

Redemption
Fund.

SEC. 2. The tax provided for in the first section of this Act, together with sixty per cent. of 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.

Notice.

SEC. 3. It shall be the duty of the County Treasurer to give thirty days notice, by publication in some newspaper, published at or nearest 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.

Redemption

Same.

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, nor any bid, unless accompanied by the warrants proposed to be surrendered, shall be accepted.

Duties of
officers.

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 cancelled, as other redeemed county warrants are, 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 accept 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.

Same.

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.

CHAP. CCII.—*An Act to change the Name of Anna Eliza Weir.*

[Approved April 10, 1862.]

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

SECTION 1. The name of Anna Eliza Weir, a minor, step-daughter of Henry O. Anderson, of the County of Nevada, is hereby changed to Anna Eliza Anderson. Name changed.

CHAP. CCIII.—*An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain Claims to Real Estate, and to convey such Real Estate, pursuant thereto.*

[Approved April 14, 1862.]

WHEREAS, Pursuant to the provisions of section twelve of 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, in the year one thousand eight hundred and fifty-one, certain real estate formerly held by the Town or City of San Francisco, was conveyed by the Commissioners of the Sinking Fund, mentioned in the said section of the said Act, to the Commissioners of the Funded Debt of the said City of San Francisco; and whereas, it is alleged that certain parcels of said real estate have never been sold, leased, dedicated, reserved, or conveyed, by the said Commissioners of the Funded Debt, but are in the actual possession of certain persons, who have purchased the same in good faith, and for valuable considerations, and who, by themselves their tenants, or the persons through whom they claim and derive possession of the said lands, have been in the actual possession of the same, from and including the first day of January, in the year one thousand eight hundred and fifty-five, and who therefore claim to have become entitled to and possessed of all the right, title, claim, interest, and estate, of the said City of San Francisco, of, in, and to, the said lands, by them respectively occupied, as aforesaid, by virtue of the provisions of an Act entitled an Act concerning the City of San Francisco, and to ratify and confirm certain ordinances of said city, approved March eleventh, in the year one thousand eight hundred and fifty-eight, and of the ordinances mentioned in the said last mentioned Act, and particularly of the ordinance therein mentioned, commonly called the "Van Ness Ordinance;" and whereas, it is doubtful whether or not the said claims of the said possessors of the said lands are well founded in fact and in law, and also, whether the said claims of the said Commissioners of the Funded Debt have Preamble.

not become barred by the Statutes of Limitation of this State; therefore—

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

- Petition.** SECTION 1. Upon receiving a petition from any person or persons, claiming that they, by themselves, their tenants, or the persons through whom they claim or derive possession, have been, from and including the first day of January, in the year one thousand eight hundred and fifty-five, and still are, in the actual possession of any of the lands conveyed to the Commissioners of the Funded Debt of the City of San Francisco, by the Commissioners of the Sinking Fund of said city, according to the provisions of section twelve of 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, in the year one thousand eight hundred and fifty-one, and that such lands have not been sold, leased, dedicated, reserved, or conveyed, by the said Commissioners of the Funded Debt, to any one, or for any purpose, and that such claimant or claimants were the purchasers of such lands so claimed by them, for a valuable consideration, and asking for a grant of such lands under the provisions of this Act—the said Commissioners of the Funded Debt shall proceed to take testimony as to the matters alleged in such petition. Full and accurate notes of such testimony shall be made and preserved, all documentary testimony shall be copied in full, and the testimony of witnesses shall be made in writing, signed by the witnesses, and attested by the Commissioner taking the same. Any one or more of the said Commissioners of the Funded Debt shall be competent to take such testimony, and to administer the requisite oath or affirmations, on taking the same, and in all proceedings under this Act, as well as for the purpose of verifying the petition aforesaid. Such petition shall be verified by the oath or affirmation of the party in whose behalf the same is presented, or, in case it shall appear that he is absent from the State, or, from any other cause, is incapable of verifying the same in his own person, the same may be verified by his agent or attorney in the premises, before one of the Commissioners of the Funded Debt, or before any officer authorized to take affidavits to be read in Courts of record. Any person who shall be guilty of wilful false swearing in any material matter provided for in this Act, shall be adjudged to be guilty of the crime of perjury, and shall suffer the penalty thereof.
- Commissioners of Funded Debt to take testimony.**
- Petition to be verified.**
- Perjury.**
- Award.** SEC. 2. Upon the completion of the testimony offered by any such petitioner, the said Commissioners of the Funded Debt shall proceed to act upon the same, and if, in their judgment, the claim is well founded, according to the provisions of this Act, they shall, by an order entered in their minutes, adjudge and award a grant of such lands, so petitioned for, according to the provisions of this Act. They shall, thereupon, give public notice of such their award, by a notice, published at least once a week, for three successive weeks, in a daily public newspaper, published in the City and County of San Francisco, which

notice shall specify the name of the applicant, the date and filing of his petition, the tract of land awarded, by metes and bounds, the official number of the lot of which it consists, or is a parcel, if any, and the streets upon which it is situated. Proof of such publication shall be made in the manner now or hereafter required by law for the proof of publication in civil process.

SEC. 3. Upon receiving proof as herein before provided, for the publication of such notice, the said Commissioners of the Funded Debt shall execute and deliver conveyances of the respective lands, upon the assessment and payment of moneys, per centages, and expenses, required by the subsequent provisions of this Act, as hereinafter provided; *provided*, that in case a complaint shall be, or shall have heretofore been, filed in any Court of competent jurisdiction, by any person or persons, against any such claimant or claimants, duly verified by oath, demanding the possession of any such lands against such claimant, and alleging that the plaintiff therein was wrongfully dispossessed or ejected therefrom, and a copy of such complaint, certified under the seal of the Court, shall be filed with the Secretary of the said Commissioners of the Funded Debt, before they shall have executed and delivered a conveyance in the respective case, then, and in that case, they shall withhold such conveyance until such suit shall be finally determined, and shall thereafter execute a conveyance of the respective lands to the person or persons who shall be finally adjudged and decreed in such action to be entitled to the possession of the same; *provided*, that the payment required in the fourth section of this Act shall be made before such conveyance shall be delivered.

SEC. 4. The value in money of such lands shall, thereupon, be assessed by the said Commissioners of the Funded Debt, without any unnecessary delay, in the manner following: If the same specific parcel of lands shall stand assessed upon the next preceding assessment roll of said city and county, the amount for which it shall stand assessed shall be deemed the value of such lands. If the same shall not stand so specifically assessed, the said Commissioners of the Funded Debt, or a majority of them, may agree with the respective petitioner, as to the value at which the same shall be assessed. If no such agreement be made, then the same shall be assessed by two arbitrators, one to be chosen by the said Commissioners of the Funded Debt, and the other by the respective petitioner or petitioners, with power to such arbitrators, in case of their disagreement, to choose a third, and the assessment so made by such arbitrators shall be final. No conveyance shall be delivered to any petitioner until at least ten per cent. of such assessed value of the respective lands shall be paid to the said Commissioners of the Funded Debt, to be by them applied to the extinguishment of the said Funded Debt, according to the provisions of the said Act in that behalf made and provided, nor until the respective petitioner or petitioners shall have paid to the said Commissioners of the Funded Debt all of the expenses of the respective proceedings, including publication, proofs thereof, the conveyance, and the acknowledgment thereof, but no charge shall be made for taking testimony.

Conveyances
of lands.

Proviso.

Value of
lands to be
assessed.

Ten per
cent. to be
paid to Com-
missioners.

Conveyance. SEC. 5. Upon any award being finally made, as aforesaid, and upon the previous payment of the per centage upon the ascertained assessed value of the respective lands, and of the expenses of the respective proceedings, as provided in the preceding section, the said Commissioners of the Funded Debt, or a majority of them, shall, by a deed of conveyance, executed under their hands and seals, or under the hands and seals of a majority of them, grant, convey, remise, and release, to such petitioner or petitioners, the lands so respectively petitioned for and awarded, which said deed of conveyance shall be construed to convey to such petitioner, his heirs and assigns, all of the interest of the said City and County of San Francisco, and of the Commissioners of the Funded Debt, in and to such lands. Such deed of conveyance shall contain recitals, showing that the same was executed under the provisions of this Act; and when the same shall contain recitals, showing that all the provisions of this Act have been regularly complied with, such deed of conveyance shall be deemed prima facie evidence of such facts, so recited; *provided*, however, that no such conveyance shall be executed or delivered in any case, until a per centage upon the assessed value of such lands, in money, and the expenses of the respective proceedings, shall be paid to the said Commissioners of the Funded Debt, as provided in this Act.

Proviso.

Rights of third persons.

SEC. 6. No conveyance of any such lands, made as herein before provided, shall be deemed to conclude the rights of third persons; but such third persons may have their action in the premises, to determine alleged interest in such lands, against such grantee, his heirs and assigns, to which they may deem themselves entitled, either in law or equity.

To take effect.

Proviso.

SEC. 7. This Act shall take effect immediately, and the said Commissioners of the Funded Debt shall execute the same within one year from the date of its passage; *provided*, however, that if they are hindered or delayed in the execution of any proceeding, by any process of law, the time during which they are so hindered or delayed shall not be taken to be a part of such period of one year, so far as that proceeding is concerned.

CHAP. CCIV.—An Act to provide for the Construction of a Wagon Road, from a point on the Sacramento River, opposite the Town of Red Bluff, to the Eastern Boundary Line of this State, near Honey Lake.

[Approved April 14, 1862.]

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

Franchise.

SECTION 1. The right to construct and maintain a wagon road, from a point on the Sacramento River, opposite the Town of Red Bluff, to the eastern boundary line of this State, near Honey Lake, and collect tolls thereon, is hereby granted to a company, to be formed as hereinafter provided.

SEC. 2. The road shall commence at the river bank, opposite the Town of Red Bluff, Tehama County, and proceed easterly, by the most practicable and direct route, in the direction of Honey Lake, through what is known as the Battle Creek meadow, on the South Branch of Battle creek, to the eastern boundary of the State. Location.

SEC. 3. Application for permission to organize such company shall be made to the Board of Supervisors of Tehama County, after publication, at least four successive weeks next preceding such application, in a newspaper published in said county; *provided*, said Board may act upon such application, either at any regular or special meeting of said Board, and upon the approval of said Board of Supervisors such company shall have the right to organize and proceed under this Act. Organization

SEC. 4. The duration of said company shall be for twenty years, and until their outlay shall be reimbursed, as hereinafter provided. There shall be a Board of Directors of said company, to consist of not more than fifteen, nor less than three, members; they shall prescribe the rates of toll upon said road at any regular meeting of the same; *provided*, that they shall not be levied at a rate that will pay more upon the capital stock of said company than twenty, nor less than ten, per cent. per annum, without an order to that effect passed by the Board of Supervisors of said county. Duration of franchise.

SEC. 5. Said company shall organize in accordance with the provisions of an Act to authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads, as passed May twelfth, one thousand eight hundred and fifty-three, and the provisions of said Act, and also of an Act to provide for the Incorporation of Wagon Road Companies, passed April twenty-second, one thousand eight hundred and fifty-three, as amended April first, one thousand eight hundred and fifty-six, shall apply to the company formed under this Act, so far as they are applicable and not in conflict with, and is not otherwise provided for in this Act. Conditions.

SEC. 6. The County of Tehama is hereby authorized to subscribe for stock, or purchase stock, and become stockholders in any wagon road company, organized under the provisions of this Act, not exceeding in amount one half of the capital stock of said company, in manner following: Whenever a petition, signed by fifty, or more, of the qualified electors of the county, owning real estate in the county, to subscribe for stock, or purchase stock, in said road, and specifying the amount of stock it is desired the county shall take, shall be presented to the Board of Supervisors, they shall cause to be entered in the journal of their proceedings a copy of such petition, and may submit to the qualified electors of said county, at the next general election thereafter, or a special election called therefor, the proposition, whether or not such stock shall be subscribed for, or purchased, as petitioned for. If two or more petitions shall be presented to said Board, with different sums therein named, the Board, by an order entered in their minutes, shall determine the amount to be voted on by the people. Tehama County may subscribe for stock.

SEC. 7. The proposition to be submitted to the people, as pro- Election.

vided in the last section, shall be published, in some newspaper in the county, for one month next prior to such election.

Ballots.

SEC. 8. Voting, at such election, shall be by ballot, and those voting in favor of the county taking stock, shall have written or printed on their ballots the words, "Wagon Road Stock, Yes," and those voting in opposition shall have written or printed on their ballots the words, "Wagon Road Stock, No."

SEC. 9. Ballots shall be returned, counted, and canvassed, in the same manner as the ballots at the general election for State and county officers are returned, counted, and canvassed, and if a majority of the votes so cast, "Yes," or "No," on said proposition, shall be in favor of the county subscribing or purchasing stock, it shall be the duty of the Board of Supervisors, within five days after the result shall be ascertained, or as soon thereafter as may be practicable, to subscribe for the amount of stock so petitioned for, or purchase the same, according as the proposition may have been submitted to the people, and they shall enter on the journal of their proceedings the result of the votes, as soon as ascertained, with an order that said county subscribe for or purchase said stock; said entry and said order shall be signed by the President of the Board of Supervisors.

Bonds of county.

SEC. 10. If there should be no funds in the County Treasury, with which to pay the subscription provided for in this Act, the Treasurer of said county shall issue the bonds of the county, signed by him as Treasurer, and which shall be countersigned by the President of the Board of Supervisors. The said bonds shall be issued whenever and as often as a call shall be made upon the stockholders of said company for the payment of subscription or assessments, if the county becomes a stockholder by subscription, but if said county should become a stockholder by purchase, said bonds shall then issue according to contract between the county and the vendor of said stock, said contract being entered into by the Board of Supervisors, and the Treasurer being notified of the nature thereof, and ordered to issue bonds accordingly.

Bonds.

SEC. 11. Said bonds shall be issued for sums not less than one hundred dollars each, and coupons for the interest shall be attached to each bond, so that the coupons may be removed without injury to the bonds.

Interest.

SEC. 12. The bonds issued under this Act shall bear interest at a rate not exceeding twelve per cent. per annum, and shall be paid by money raised by taxation upon all taxable property of the county, in ten, and the interest in twenty, annual instalments.

Tax.

SEC. 13. It shall be the duty of the Board of Supervisors, annually, to levy on all taxable property in the county a sufficient per centum tax to pay the amount of interest accruing on said bonds annually, on the twentieth day of December, each year, for twenty years; and also on and after the tenth year from the issuance of said bonds, to levy, annually, an additional per centum tax upon all taxable property of the county, sufficient to pay, each year, on the twentieth day of December, one tenth part of all said bonds remaining unpaid. And said levies shall be made early enough in each year to enable the Collector of Taxes to collect the same, at the same time and in

the same manner as the annual State and county tax shall be collected. And it is here made the duty of the Collector of Taxes to collect the said tax at the same time, and in the same manner, as State and county taxes are, by law, required to be collected.

SEC. 14. The taxes collected in accordance with this Act shall be paid into the County Treasury, and shall be set apart for the "Wagon Road Fund," and shall be paid out by the Treasurer in redemption of said bonds, and payment of the annual interest, as provided in this Act. Wagon Road Fund.

SEC. 15. The payment and redemption of bonds referred to in this Act, shall be the payment and redemption of the principal debt or original bonds, and the interest shall be annually paid, as herein provided, on the twentieth day of December, upon the presentation of the coupons attached to the bonds; twenty coupons shall be attached to each bond, and shall be numbered, and shall express thereon the amount of interest due each year, when and where payable, and shall be signed by the County Treasurer and President of the Board of Supervisors, in the same manner as the bonds are required to be signed. Payment of bonds and interest.

SEC. 16. Whenever the Treasurer shall pay any coupons, or bonds, under the provisions of this Act, he shall cancel the same, and preserve the cancelled coupons and bonds, and keep a record thereof, giving the number, date, and the amount thereof, and from whom received, and shall write across every such bond and coupon, the words "Cancelled by me," and sign his name thereto as Treasurer. Cancellation

SEC. 17. Upon payment of any annual instalment of interest, or interest and principal, as herein provided, any balance remaining in said funds shall annually be transferred to the County General Fund. Transfer of surplus.

SEC. 18. Of all dividends declared upon the capital stock of the Wagon Road Company, the portion due the county shall be paid into the County Treasury, for general county purposes. Dividends.

SEC. 19. In case the county shall become a stockholder, as provided, the members of the Board of Supervisors shall severally represent, in equal amounts, such stock, and be entitled in such behalf to all the rights and privileges of other stockholders, and shall be eligible to any office in the company, to which he may be elected.

SEC. 20. The company formed under the provisions of this Act, shall have full power to bridge any stream or creek, on their adopted route, and to determine all matters touching the construction and maintenance of the same, and of the construction of the road, including the width, and the manner, and style, in which the same may be built. Powers of company.

SEC. 21. The amount of stock necessary to be subscribed prior to the final organization of such company, shall be at least one hundred dollars per mile.

SEC. 22. In case the county shall not become a stockholder in the Wagon Road Company, as provided for by this Act, then from sections six to nineteen of this Act, inclusive, shall be inoperative.

SEC. 23. This Act shall take effect and be in force from and after its passage.

CHAP. CCV.—*An Act amendatory and supplemental of an Act entitled an Act to prescribe the Duties and to provide for the Compensation of the several County Officers of the County of Butte, approved May third, eighteen hundred and sixty-one.*

[Approved April 14, 1862.]

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:

Sheriff's
salary and
duties.

Section 3. The Sheriff of said county shall be allowed and paid a salary of one thousand dollars per annum, which salary shall be in full payment for all services rendered by him, chargeable to said county, except the services rendered by him as Jailor of said county, and in the board of county prisoners. He shall be ex officio Collector of all foreign miners' license taxes in said county, and shall receive therefor the compensation at all times allowed by the general revenue laws of the State. He shall also collect all other license taxes payable in said county, except ferry license taxes, and shall receive therefor fifty cents from each individual or copartnership license, and fifteen per centum of all license taxes collected by him, except foreign miners' license taxes, on which he shall receive the per centage only allowed by the general revenue laws of this State. And before entering upon the discharge of his duties, proscribed in this Act, he shall give bond, payable to the State of California, conditioned for the faithful discharge of all said duties, in the penal sum of ten thousand dollars, with two or more sureties, to be approved by the Board of Supervisors, and filed and recorded in the office of the County Clerk of said county; *provided*, it shall be the duty of the Sheriff of said County of Butte, in the collection of all licenses on which he is allowed fifteen per centum, to collect the same from the proper party or parties, at their usual place of business, unless called for at the office of said Sheriff; and it shall be his duty, further, when any party is known to him to be delinquent in procuring the required license, to report the same, in writing, to the District Attorney of said county, and his said report shall be prima facie evidence of the delinquency of the party or parties therein named; and the District Attorney shall thereupon proceed against the party or parties, so reported delinquent, in any Court of competent jurisdiction, by either civil or criminal action, as he may deem best for the interest of the State and county.

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

Fees to be
paid into the
Salary Fund

Section 14. All fees and per centage now, or which may be hereafter, allowed to the County Judge, County Clerk, Clerk of the District Court, the County Court, the Court of Sessions, and the Probate Court, to the County Treasurer, and ex officio Tax Collector, (of property taxes,) the County Recorder and ex officio County Auditor, the County Auditor and ex officio County Recorder, and the County Assessor, shall be charged

and collected by them respectively at or before the rendition by them of any official services, for which they are allowed to charge fees, and shall be paid by them respectively into the Salary Fund of said county, on a written verified statement setting forth that the amount so paid in is the full amount collected since the last payment, that is, the full amount for which services have been rendered during said period, for which charges could legally be made, and that the full amount by law allowed was in every instance charged and collected. Said payments shall be made, and said written statements filed, in the office of the County Treasurer of said county, on the first Monday of each and every month; *provided*, the statement of the County Treasurer and ex officio Tax Collector, shall be filed in the office of the County Auditor, and said last mentioned statement shall disclose that no moneys received by him as County Treasurer, during the term of his office, have been used or paid out except as the law directs; and, *provided*, further, that no officer shall be allowed to charge for administering the oaths and certifying the same, provided for in this section; and, *provided*, further, that the County Judge of said county shall charge and collect, to the use of the Salary Fund of said county, the same fees allowed by law to other officers for taking and certifying oaths and acknowledgments of any kind, and for taking depositions of witnesses. Provided. Same.

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

Section 16. The Clerk of the District Court and the Clerk of the County Court of said county, shall collect, from the plaintiff or appellant, as the case may be, when any original civil suit is commenced, or appeal papers are filed, in either of said Courts, a Court tax of three dollars, and the Clerk of the Probate Court in said county shall collect, from each estate therein administered upon, for each order of said Court made, one dollar, unless the making thereof be contested, and in that case three dollars, and should any order be asked in said Court opposed by the Administrator or Executor of the estate, and refused by the Court, the party asking such order shall pay to, and the Clerk shall collect from, him, three dollars. The fees and charges provided for in this section, shall be collected and paid by the Clerk, as other fees and charges, into the Salary Fund of said county, and on a like statement as in this Act required. In any criminal case in the District Court, County Court, or Court of Sessions, of said county, in which a fine is paid, the Clerk shall tax up, collect, and pay into the Salary Fund of said county, in the same manner as above provided, a Court tax of three dollars. Clerk to collect certain fees.

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

Section 17. On the Tuesday next succeeding the first Monday of each month, the County Treasurer of said county shall certify to the County Auditor of said county the amount of funds in the Salary Fund of said county; and thereupon, the Auditor shall draw his warrant, as soon as demanded, in favor of each county officer of said county entitled to draw salary Payment of salaries.

out of said fund, for one twelfth part of his yearly salary; *provided*, if there be not sufficient money in said Salary Fund to pay to each officer the full amount due, he shall draw his warrant for such proportion thereof only as can then be paid, and then issue his warrants on the General Fund to each one respectively, for the remainder of the month's salary; but no salary of any officer of said county shall be paid in advance, nor shall any warrant be issued on the Salary Fund of said county, unless there are moneys therein to pay the same.

SEC. 5. Section nineteen of said Act is hereby repealed.

SEC. 6. No Constable in said county shall be allowed more than five dollars as fees in any one criminal case, unless collected from a defendant, and no Constable shall be permitted to serve any process issued out of a Court of record in said county, except a subpoena.

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

CILAP. CCVI.—*An Act amendatory of an Act entitled an Act to authorize the Location of the Town Site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine.*

[Approved April 10, 1862.]

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

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

To file
evidence
of claims.

Section 2. Immediately after the location and entry of said lands at the proper Land Office, the Common Council of Crescent City, aforesaid, shall cause notice to be published in the Humboldt Times, in the County of Humboldt, once a week for four successive weeks after the passage of this amendatory Act, requiring every claimant of any portion or lot of the lands included in said location to present a statement, supported by the evidence of their respective claims, to the Common Council, aforesaid, and file the same with the Clerk of said Council, at his office in said Town of Crescent City, within six months from the date of the aforesaid publication thereof; and the said Clerk shall be in attendance at his office at all ordinary business hours, for the reception of such statements; and no claim shall be filed, or any proof shall be permitted, after the term of time prescribed in this section.

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

Sale of
lands.

Section 4. The corporate authorities of said town shall proceed to dispose of the lots and parcels of land claimed, as provided for in this Act, and, for this purpose, shall, as soon as practicable, examine each and every claim filed as herein provided, and any papers in support of the same, and shall hear such proof as the claimant or claimants may submit to establish his, her, or their, rights thereto; and if the same shall be found

to comply with the provisions of this Act, and there be no conflicting claim filed therein, the said corporate authorities shall issue a certificate, confirming his, her, or their, claim, which certificate may be recorded in the Recorder's office in said county, in like manner, and with the same effect, as deeds are recorded. But in all cases where a dispute or contest shall arise in regard to the right of claim in or to any lot or lots, or parcel of land, in said town, the corporate authorities shall hear the testimony relating thereto, and decide upon the same, and all their proceeding in said hearing shall be entered upon the records of said corporate authorities, and thereupon, in case there shall be no appeal from such decision within sixty days from the time the same is so entered, they shall then issue their certificate to the person or persons to whom the said lot or lots, or parcel of land, may have been awarded; and in case any claimant or claimants of any such lot or lots, or parcel of land, as may have been awarded, shall feel aggrieved by such decision, such claimant or claimants may commence a proceeding in the District Court of said county, within sixty days from the time such decision may have been made and entered. Such proceeding shall be commenced by filing, within that time, with the said corporate authorities, notice thereof, and with the Clerk of the said District Court a complaint, and by serving a copy of said notice and complaint on the contesting party; and if there be more than one contesting party, claiming also adversely to other contestants, then on each of such contestant parties. The said contestant or contestants shall answer or demur at and within the time provided for in civil actions, and, in all respects, the pleadings and all proceedings shall be governed by the same rules applicable to actions commenced in Courts of record, with the same right of appeal, and in the same manner, to the Supreme Court. And when notice of such proceeding in the District Court shall be filed with the corporate authorities, their power to issue a certificate, as provided for in this Act, shall be suspended, until such proceedings shall be dismissed, or be finally determined; and, upon dismissal or final determination, they shall issue said certificate to the party found by such determination entitled thereto. *Provided*, that any appeal from the District Court to the Supreme Court, in any such case, shall be taken within ninety days from the final determination thereof by the said District Court.

Sec. 3. Section sixth of said Act is amended so as to read as follows:

Section 6. All lots and parcels of land, within the location made by the said corporate authorities, which shall remain unclaimed or unproved at the expiration of the time specified in section two of this Act, shall be deemed as the property of said Town of Crescent City, and shall be held as such, in trust, by the corporate authorities, and may be disposed of in such manner as such corporate authorities may direct; *provided*, always, that said lots and parcels of land shall be sold at public auction to the highest bidder, after giving public notice of such sale for the space of at least thirty days, and the proceeds of such sale shall be appropriated to the exclusive use and benefit of said town. Nothing in this Act shall be construed as to

Same.

Parties
aggrieved
may sue.

Trial.

Proviso.

Town
property.

Proviso.

authorize the sale of any of the public lands reserved for ornament, use, or health.

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

Expenses
to be
apportioned.

Section 7. The expenses incurred by the corporate authorities aforesaid, for entering the lands provided in this Act, and the amount required to be paid for the land at the proper Land Office, shall be assessed and apportioned upon all the lots and parcels of land in said town, in proportion to the assessed value of the lot or parcel of land, (regardless of the improvements thereon.) respectively, which assessed value shall be fixed by three competent persons, to be appointed by said corporate authorities, but not of their number; and no claim shall be allowed, or certificate awarded, unless payment be made of the proportion due from such claimant or claimants, when required. And whenever a patent shall issue to the corporate authorities of said town, under the laws of Congress, it shall enure to the several use and benefit of those whose claims have been affirmed, and to whom certificates have been awarded and issued, to every intent and purpose, as though the same had been issued directly to them, without any further or additional conveyance; and it is hereby made the duty of the corporate authorities to cause said patent to be recorded in the office of the County Recorder of said county.

SEC. 5. All Acts, and parts of Acts, in conflict with this Act, are hereby repealed.

CHAP. CCVII.—*An Act to reincorporate the City of Sonora.*

[Approved April 10, 1862.]

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

Style of
corporation

SECTION 1. The people of the City of Sonora shall continue to be a body politic and corporate, under the style of the "Trustees of the City of Sonora," and by that name they shall have succession, may sue and defend in all Courts, and in all actions and proceedings, purchase, receive, and hold property, and sell, or otherwise dispose of, the same, for the benefit of said city.

Boundaries.

SEC. 2. The boundaries of the City of Sonora shall be described in "An Act to define and establish the Boundary Line of the City of Sonora," passed April fifteenth, eighteen hundred and sixty-one.

Trustees.

SEC. 3. The Government of said city shall be vested in a Board of five Trustees, who shall be elected annually, on the first Monday of March, and shall, within ten days after their election, take the oath of office, and organize as a Board, by choosing a President from among their number.

Powers.

SEC. 4. The Trustees shall have power to appoint: First—a Clerk; Second—an Assessor and Collector; Third—such minor officers as may be necessary for the preservation of order and good government in said city, and to provide for the compensa-

tion of, and security to be furnished by, said officers, or any or either of them.

SEC. 5. The Clerk shall keep regular minutes of the meet- Clerk.
ings and proceedings of said Board of Trustees, with the names of the Trustees present at each meeting, and shall enter ayes and nays, when required. The minutes and records shall be open to public inspection during business hours, and the Clerk shall furnish a copy of the proceedings of said Board, at each meeting, to some paper published in said city.

SEC. 6. The meetings of the Board shall be public, and shall Meetings.
be held on the first Monday of each month, and at such other times as the Board may appoint. The Board shall have power to rent an office, at an expense of not more than ten dollars per month.

SEC. 7. The Board of Trustees shall hold in trust all the Powers and
property belonging to said city, of every description, with duties of
power to sell, lease, or otherwise dispose of, the same, for the Trustees.
benefit thereof; they shall also have power to bring or defend any suit or proceedings relative to said city, either at law, or in equity, civil, or criminal, in any Court of this State, or of the United States; to open, alter, repair, regulate, or change, any street, drain, or alley, in said city; to regulate the fire department, to provide for the preservation of health, and the enforcement of good order therein, and generally to pass such ordinances as may be necessary for the proper government and regulation of said city, not inconsistent with the Constitution and laws of the United States, or of this State. Said Board shall also have power to impose a fine, not exceeding fifty dollars, for the breach of any such ordinance, which may be enforced in the same manner as other fines under the laws of this State.

SEC. 8. Every such ordinance shall be published in some newspaper printed in said city.

SEC. 9. The Trustees shall have power, and it shall be their Same.
duty, to levy an annual tax, for the necessary expenses of said city, on all the real and personal property therein, not to exceed one per cent. per annum. The assessment and collection of all taxes shall be governed, so far as practicable, by the State laws existing at the time in relation thereto.

SEC. 10. The Trustees shall have power, and it shall be their Same.
duty, to levy an additional tax, on all such real and personal property, not to exceed one per cent. per annum, for the purpose of creating a Sinking Fund, to liquidate the city debt, and which fund shall be inviolate for that purpose. The Trustees shall be Commissioners of said fund; and the surplus of all other funds received, and taxes collected, on account of said city, shall be paid into said Sinking Fund.

SEC. 11. Immediately after the last day appointed for the Same.
collection of the city taxes, or sooner, if there be a reasonable amount of funds on hand, the Board of Trustees shall publish a notice, for two weeks, in a newspaper printed in said city, for the acceptance of sealed proposals from the creditors of said city, for the liquidation of the amount due them, or any part thereof; said proposals shall be accompanied with the vouchers of said indebtedness, and shall state what amount on the dollar

such creditor is willing to receive in cancellation of his indebtedness; and no proposal shall be received which calls for more than one hundred cents on the dollar. At the first regular meeting of the Board, after the expiration of said two weeks, they shall open said proposals, and the moneys then in said fund shall be applied to the liquidation of the indebtedness specified therein, the bid or bids calling for the least number of cents on the dollar, to be first paid; if two or more bids are equal, then the smallest amount of indebtedness to be first paid. All the indebtedness thus cancelled, with the date of such cancellation, shall be specially entered by the Clerk, on the minutes, and the vouchers thereof filed away among the records of said Board, the word "cancelled," with the date of such cancellation, having been first written across the face thereof, and signed by one of the members of said Board.

Peace
officers.

SEC. 12. The Justices of the Peace and Constables within said city shall be conservators of the peace therein, and shall have jurisdiction in all civil and criminal cases, not inconsistent with their jurisdiction as otherwise established by law.

Quorum.

SEC. 13. A majority of the Trustees shall form a quorum for the transaction of business, but a smaller number may compel the attendance of absent members, and no tax or assessment shall be levied, except by the vote of a majority of all the Trustees.

Payment
of taxes.

SEC. 14. Tax payers may pay all taxes and assessments in cash or city scrip.

To report.

SEC. 15. The Trustees shall report and publish, every three months, in a newspaper printed in said city, an account of the financial affairs thereof.

SEC. 16. This Act shall take effect from and after its passage, but nothing herein contained shall be construed to affect, or in any way impair, the rights or remedies of any creditor under any judgment or decree heretofore obtained against the said Trustees of the City of Sonora, but the same shall be and remain in full force and effect, and all Acts, and parts of Acts, inconsistent herewith, are hereby repealed.

CHAP. CCVIII.—*An Act to regulate the Fees of the County Surveyor of Napa County.*

[Approved April 10, 1862.]

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

SECTION 1. The fees of the County Surveyor of Napa County shall be the same as those prescribed in section thirty-seven of an Act entitled an Act to regulate Fees of Office, passed April tenth, eighteen hundred and fifty-five, as amended April first, A. D. eighteen hundred and fifty-six.

SEC. 2. All Acts, and parts of Acts, in conflict with the provisions of the preceding section, so far as they apply to Napa County, are hereby repealed.

CHAP. CCLIX.—*An Act to amend an Act entitled an Act to repeal the several Acts Incorporating the City of Benicia, and to provide for the Government thereof, approved April eighteen, eighteen hundred and fifty-nine.*

[Approved April 10, 1862.]

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

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

Section 12. For the purpose of providing for the payment of ^{Tax.} the interest of the debt of said city, and for the extinguishment of said debt, the Board of Supervisors of Solano County are hereby authorized to levy, upon the assessment made by the County Assessor, of property within the corporate limits of said city, which assessment shall be adopted as and for the city assessment, a tax, not exceeding one hundred cents on each one hundred dollars, which shall be collected in the same manner as county taxes are collected, and shall be paid over to the Treasurer of said county, subject to the same commissions as are provided by law for State and county taxes. The payment of said taxes may be enforced in the same manner as the payment of ^{Collection.} the State and county taxes may be enforced under the laws of this State. The said Treasurer shall apply such fund, in redeeming the bonds and warrants of said city, as in this Act is hereinafter provided. For all services under this Act, the said Treasurer shall be entitled to and receive the same fees as for like services as County Treasurer.

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

CHAP. CCX.—*An Act to authorize and empower Frederick Brown, or his assigns, to construct and maintain Booms and Piers on Garcia Creek, in the County of Mendocino.*

[Approved April 10, 1862.]

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

SECTION 1. It shall be lawful for Frederick Brown, who now ^{Franchise.} owns, or his assigns, who may hereafter erect, purchase, or own, or be in possession of, any saw mill or mills, whether propelled by water or steam power, for the manufacture of lumber, on Garcia creek, in the County of Mendocino, State of California, to build, erect, hang, or purchase, and maintain, when in his estimation the same may be necessary to facilitate the manufacture of lumber, such boom or booms, and piers, as may be necessary for that purpose; *provided*, that in the erection or construction of any such boom, booms, or piers, as aforesaid, the person or persons erecting, purchasing, or owning, the same, shall not obstruct or prevent the free navigation of the said Garcia creek.

Obstruction of navigation. SEC. 2. And if any person or persons, in constructing any such boom or booms, shall obstruct or prevent the free navigation of said Garcia creek, such person or persons shall be liable, to the party or parties injured thereby, for all damages which such party or parties may sustain by reason of such obstruction, to be recovered in any Court of competent jurisdiction, with costs of suit, as in other cases.

Wilful injury. SEC. 3. Any person or persons who shall wilfully or maliciously destroy or injure said booms or piers, or any of them, shall be deemed guilty of malicious mischief, as in other cases, and shall be liable, to the party or parties injured, for all damages sustained by the owner or owners thereof, as in other cases for the destruction of private property.

Condition. SEC. 4. Nothing in this Act contained shall be so construed as to authorize or empower the person in the first section of this Act named, or his assigns, to collect water rents or tolls for the use of any such boom or booms.

CHAP. CCXI.—*An Act to authorize the Construction of a Wagon Road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in San Bernardino County.*

[Approved April 10, 1862.]

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

Franchise. SECTION 1. George Garner, Edward Daly, and G. S. Chapin, or their assigns, are hereby authorized to construct a wagon road, not to exceed eighty feet in width, commencing at the City of San Bernardino, and running to the base of the mountain, at the mouth of Devil's Cañon; thence up said cañon to the summit of the mountains; thence, in as straight a line as practicable, to a point on the Mojave, intersecting the road now travelled from Cajon Pass to Lanes. And the said grantees, or their assigns, shall be authorized to collect tolls on said road for a period of twenty years from the completion of said road.

Tolls. SEC. 2. The Supervisors of the County of San Bernardino shall, from time to time, regulate the tolls to be collected on said road.

Conditions. SEC. 3. Said road shall be surveyed and completed within eighteen months from and after the passage of this Act, and shall not hinder or obstruct, nor interfere, with any other travelled road in said county.

Acts made applicable. SEC. 4. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the Construction of Plank and Turnpike Roads, and the Act of April twenty-second, eighteen hundred and fifty-three, to provide for the Incorporation of Wagon Road Companies, are made applicable to this Act, except so far as they may conflict with the provisions of this Act.

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

CHAP. CCXII.—*An Act for the Relief of W. D. Sawyer.*

[Approved April 10, 1862.]

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

SECTION 1. The sum of two hundred and eighty dollars and thirty-six cents is hereby appropriated, out of any money in the General Fund not otherwise appropriated, in payment of the claim of W. D. Sawyer, for services rendered as District Attorney of the County of Plumas, in prosecuting to final judgment the claim of The State of California against the sureties of Thomas J. Miner, late Treasurer of said County of Plumas; and the Controller of State is hereby directed to draw his warrant for that sum, on the General Fund, in favor of the said W. D. Sawyer, in payment of said claim.

CHAP. CCXIII.—*An Act to pay the Claim of Eugene Lies, for Translating the State Laws of Twelfth Session of the Legislature.*

[Approved April 10, 1862.]

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

SECTION 1. The sum of one hundred and fifty dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay the claim of Eugene Lies, for translating the State laws of twelfth session of the Legislature, and the Controller of State is hereby authorized to draw his warrant, in favor of the said Eugene Lies, for one hundred and fifty dollars, and the Treasurer of State to pay the same.

CHAP. CCXIV.—*An Act to provide for the Care of the Indigent Sick of Tehama County, and to levy a Tax therefor.*

[Approved April 10, 1862.]

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

SECTION 1. The Board of Supervisors of Tehama County are hereby authorized to levy, annually, and cause to be collected, in said county, in addition to the taxes now authorized by law, such special per capita tax as they may deem necessary, not exceeding two dollars on each taxable inhabitant thereof, to be

appropriated to the maintenance of the indigent sick of said county.

Collection.

To be set
apart in sep-
arate fund.

SEC. 2. The tax specified in this Act shall be collected and paid into the County Treasury at the same time, and in the same manner, as poll taxes are collected and paid; the money arising under the provisions of this Act, together with those arising under the provisions of an Act to provide for the Indigent Sick of the counties of this State, passed thirty-first of March, eighteen hundred and fifty-five, shall be set apart, and constitute an Indigent Sick Fund, and be applied to the payment, in the order of their registry, of warrants already, or hereafter to be, drawn upon the Indigent Sick Fund of said county, for the care and maintenance, as provided by law, of the indigent sick of said county.

Blank
receipts.

SEC. 3. The Auditor of said county shall provide blank receipts for the tax herein provided for, which shall be signed by the President of the Board of Supervisors, and delivered by such Clerk to the County Treasurer, taking his receipt therefor; the County Treasurer shall then countersign said tax receipts, and, from time to time, deliver to the officer authorized to collect poll taxes, upon demand, a sufficient number of such receipts, taking his receipt therefor. The Collector shall settle, monthly, on the first Monday in each month, with the Treasurer, accounting for all receipts, and pay over all funds collected, into the County Treasury, after deducting fees at the same rate allowed for the collection of poll taxes. The Treasurer shall settle with the Auditor, monthly, and account for all receipts received under this Act, in the same manner as is required in other cases of collection and disbursement of revenue.

Settlements.

Duty of
Supervisors

SEC. 4. It shall be the duty of the Board of Supervisors of said county to provide for the care of the indigent sick of said county, and to make all contracts concerning the same; but they shall not contract, for any one year, a greater liability against said county than twelve hundred dollars, nor allow any demands or accounts against the county, growing out of the care of the indigent sick, with other accounts or demands previously allowed, within the twelve months then last past, that shall, singly, or in the aggregate, amount to more than twelve hundred dollars.

Acts
repealed.

SEC. 5. Sections three and six of an Act to provide for the Indigent Sick in the counties of this State, passed thirty-first March, one thousand eight hundred and fifty-five, so far as the same relates to the County of Tehama, and all Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAP. CCXV.—*An Act to amend an Act entitled an Act creating a Board of Commissioners and the office of Overseer, in each township of the several counties of this State, to regulate Water Courses within their several limits, passed May fifteenth, one thousand eight hundred and fifty-four.*

[Approved April 10, 1862.]

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

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

Section 2. Upon the petition of a majority of the voters of Election. any township in said counties, the Board of Supervisors of the respective county shall thereupon order an election, of which ten days notice shall be given, by at least three notices, posted up at the most public places in such township, to be held at the next general election of township officers of such township, for the election of three Commissioners, and an Overseer, whose term of office shall be for one year, and until the election and qualification of their successors; such election shall be conducted by the Inspector and Judges of election in accordance with the laws regulating elections. The Board of Supervisors shall canvass the votes and declare the result. At each succeeding annual election of township officers, three Commissioners and an Overseer shall be elected by the qualified electors of such township, who shall hold their offices for the term above specified. Supervisors to canvass the votes, etc. Vacancies occurring in the office of Overseer, by death, resignation, or other casualty, shall be filled by appointment by the Commissioners, and the person so appointed shall hold his office until the next annual election of township officers.

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

Section 3. The duties of the Commissioners shall be to examine and direct such water courses as they adjudge ought to be appropriated to public use, and apportion the water thereof among the inhabitants of their district, determine the time of using the same, and, upon a petition of a majority of the persons liable to work upon ditches, lay out and construct ditches, as set forth in such petition. Duties of Commissioners.

SEC. 3. Section fourteen of the Act hereby amended, is amended so as to read as follows:

Section 14. No person or persons shall direct the waters of any river, creek, or stream, from its natural channel, to the detriment of any other person or persons, located below them, on any such stream, unless previous compensation be ascertained, and paid therefor, under the provisions of this Act, or under the provisions of other laws of this State authorizing the taking of private property for public uses.

CHAP. CCXVI.—*An Act to authorize the Governor of the State of California to convey certain Real Estate.*

[Approved April 10, 1862.]

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

Conveyance

SECTION 1. The Governor of the State of California is hereby authorized, empowered, and directed, to make, execute, acknowledge, and deliver, to Barbara Cunningham, a deed of all the right, title, and interest, of the State of California, in and to the original water lot number seven hundred and fifty-five, as laid down on the official map of the City of San Francisco, and being described as follows, to wit: Beginning at a point on the westerly line of Stewart street, two hundred and twenty-nine feet two inches north of Folsom street; thence northerly, along the west line of Stewart street, forty-five feet ten inches; thence, at right angles, westerly, one hundred and thirty-seven feet six inches; thence, at right angles, southerly, and parallel with Stewart street, forty-five feet ten inches; thence, at right angles, easterly, and parallel with Folsom street, one hundred and thirty-seven feet six inches, to the place of beginning; on his receiving satisfactory evidence of the fact that said Barbara Cunningham is now equitably the owner of said lot, and that the same was duly sold by the Land Commissioners of the State of California, appointed by the Governor of this State under and by virtue of an Act, passed May eighteenth, eighteen hundred and fifty-three, 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, eighteen hundred and fifty-one, and that said Barbara Cunningham is now the owner of the interest so sold by said Land Commissioners to Samuel Brannan, and, furthermore, of the fact that no deed, conveying the interest of the State of California in and to said lot, has ever been executed to any person whatsoever.

Boundaries.

Conditions.

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

CHAP. CCXVII.—*An Act in relation to the Board of Supervisors in and for Butte County, and concerning their powers.*

[Approved April 10, 1862.]

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

Number.

SECTION 1. The Board of Supervisors in and for Butte County shall hereafter be composed of four members, not less than three of whom shall be a quorum for the discharge of any duty by law imposed upon said Board. No order or resolution shall be made,

carried, or adopted, by said Board, without the concurrence of three members thereof, entered of record by name. Said Board shall have no right or power to depute or appoint any one or more of its own members, to do any business whereby any compensation shall be allowed, or expense incurred, payable by said county.

SEC. 2. Said county shall be divided into four Supervisor Districts, and numbered accordingly; and District Number Three is hereby divided so as to constitute, out of Chico and Hamilton Townships, District Number Four; District Number Three to be the remainder of that portion of said county lying on the northwesterly side of Feather River and the North Fork thereof; and Districts Numbers One and Two to remain as at present constituted. Districts.

SEC. 3. A Supervisor of said county, for District Number Four, shall be elected within thirty days after the passage of this Act; and to this end, the County Clerk of said county is hereby empowered and ordered to call a special election, for one Supervisor, in said District, within thirty days after the passage of this Act, and to give public notice thereof, by posting printed notices, at least ten days prior to the day of election, in each precinct in said District, at which polls were allowed to be opened at the last general election. Said Clerk shall also designate, in said notice, the names of the precincts, the day of election, and the Judges and Inspectors of said election, so far as practicable. In all other respects than as herein provided, said election shall be governed by the general laws of this State, including the returns to be made, the manner of the canvass, and the declaring of the result. Special election.
Duty of Clerk.

SEC. 4. The Supervisor elected in District Number Four, as above provided, shall enter upon the discharge of his official duties as soon as elected, and shall remain in office until the first Monday in January, A. D. eighteen hundred and sixty-three. At the general election, A. D. eighteen hundred and sixty-two, one Supervisor shall be elected in District Number Four, in said county, and one Supervisor shall be elected therein at the general election every third year thereafter; and each Supervisor elected in said county, at any general election, shall hold his office three years from and after the first Monday in January succeeding his election, and until his successor is elected and qualified. Term of office.

SEC. 5. The compensation to be paid to each member of said Board, shall be eight dollars per day, for each day of actual services, in session, and fifty cents per mile, for going, only, from his place of residence to the county seat of said county, once, only, for each regular and called session; *provided*, the compensation, in per diem, of each member, shall not exceed five hundred dollars per annum. And the payment of all per diem and mileage provided for in this Act, shall be paid out of the Salary Fund of said county, as other salaries are paid; but no warrant shall be issued in favor of any member of said Board, except upon certificate of the County Clerk, as to the number of days service rendered, and the number of miles travelled, for which payment is due. Pay of Supervisors.
Provido.

SEC. 6. This Act shall take effect immediately; and all Acts,

and parts of Acts, heretofore passed, so far only as they conflict herewith, are hereby repealed.

CHAP. CCXVIII.—*An Act for the Relief of Purchasers of Swamp and Overflowed, Salt Marsh, and Tule Lands.*

[Approved April 10, 1862.]

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

One year's
interest
remitted.

SECTION 1. All interest, due and unpaid, or that may become due, within one year after the passage of this Act, on all swamp and overflowed, tide, and marsh lands, which have been sold under the provisions of any Act providing for the sale of said swamp and overflowed, tide, and marsh lands, of this State, is hereby remitted; *provided*, that there shall not, in any case, be more than one year's interest remitted on any of the said lands; but all subsequent payments shall be due on the same day and month of the year in which they would have been due had not one year's interest been remitted.

SEC. 2. All laws, and parts of laws, in conflict or inconsistent with the provisions of this Act, are hereby suspended for one year.

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

CHAP. CCXIX.—*An Act making an Appropriation for the Payment of the Claim of James Whitney, and others, for the Transportation of the Property and Appurtenances of the Legislature to San Francisco, and for fitting up apartments for the same.*

[Approved April 10, 1862.]

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

Appropriation.

SECTION 1. The sum of one thousand three hundred and thirty dollars is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the claim of James Whitney, President of the California Steam Navigation Company, for one thousand dollars; also, the claim of Kennedy & Bell, for two hundred and fourteen dollars; also, claim of D. W. Van Court, twenty-eight dollars; also, claim of John Travis, twenty-eight dollars; also, claim of William J. Horton, twenty-eight dollars; also, claim of J. Dougherty, sixteen dollars; also, claim of J. Bolden, sixteen dollars.

SEC. 2. The Controller of State is hereby authorized and required to draw his warrants, on the Treasurer of State, in favor of James Whitney, President of the California Steam Naviga-

tion Company, for one thousand dollars; in favor of Kennedy & Bell, for two hundred and fourteen dollars; in favor of D. W. Van Court, for twenty-eight dollars; in favor of John Travis, for twenty-eight dollars; in favor of William J. Horton, for twenty-eight dollars; in favor of J. Dougherty, for sixteen dollars; in favor of J. Bolden, for sixteen dollars.

CHAP. CCXX.—*An Act to amend an Act entitled an Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 10, 1862.]

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

SECTION 1. That portion of section one of said Act which relates to the Tax Collector, is hereby amended so as to read as follows: To the Tax Collector, four thousand dollars per annum; *provided*, that for the year expiring July first, A. D. eighteen hundred and sixty-two, he shall receive seven thousand dollars. During the entire year the Tax Collector shall be allowed two Deputies, one at two hundred dollars per month, and one at one hundred and seventy-five dollars per month; during six months he shall be allowed two Clerks, in addition to said Deputies, and during five months he shall be allowed three additional Clerks; said Clerks shall be paid at the rate of one hundred and fifty dollars per month, each. He shall also be allowed one Auctioneer, to conduct tax sales, whose compensation for sales of real estate delinquent for taxes, in any one year, shall not exceed the sum of two hundred dollars. All fees, commissions, per centages, and other compensation, of whatever nature or kind, heretofore allowed by law, or which may hereafter be allowed by law, as the compensation of the Tax Collector of said City and County, for the collection of State and county taxes, shall be paid into the Special Fee Fund.

Tax
Collector's
salary.

Deputies and
Clerks.

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

CHAP. CCXXI.—*An Act to create a Contingent Fund in the County of Solano.*

[Approved April 10, 1862.]

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

SECTION 1. The Auditor and Treasurer of Solano County are hereby authorized and directed to set apart, semi-annually, on the first Monday of March, and the first Monday of September,

Moneys to be
set apart.

in each year, from moneys derived from licenses, the sum of fifteen hundred dollars, which shall be known as the Contingent Fund of said county, and shall be subject to the order of the Board of Supervisors, and shall be used only for repairs on public buildings, for books, stationery, fuel, lights, clothing for prisoners, and the payment of the fees of witnesses in suits to which The People are a party.

Surplus.

SEC. 2. Any surplus remaining in said fund on the Saturday preceding the first Monday of March and September, in each year, shall be transferred to the County General Fund.

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

CHAP. CCXXII.—*An Act to authorize Hiram Thorne and others to reconstruct and make a Wagon Road in the Counties of Contra Costa and Alameda.*

[Approved April 14, 1862.]

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

Franchise.

SECTION 1. The right to reconstruct and make a wagon road in the Counties of Contra Costa and Alameda is hereby granted to Hiram Thorne, and others with whom he may wish to associate, his or their assigns, for the space of twenty-five years from the passage of this Act.

Route.

SEC. 2. The said Hiram Thorne, and his associates or assigns, shall, within six months from the passage of this Act, reconstruct and make the wagon road in the Counties of Contra Costa and Alameda, heretofore known as "Thorne's Road," as surveyed by the County Surveyor of Contra Costa County, at the instance of the said Hiram Thorne; which road commences in the Redwood cañon, or Manruga cañon, thence running through said cañon, in Contra Costa County, to the Oakland and San Antonio road, in Alameda County, a distance of five miles, more or less, which road shall be made sufficient to accommodate the travel thereon; and the builders or owners of said road shall have the right to erect upon said road a toll gate, at such place or point as they may deem proper, within the County of Contra Costa, and shall be allowed to charge and collect such rate of tolls as the Board of Supervisors of said county shall authorize, from time to time. A failure to keep the road in good repair, shall work a forfeiture of the franchise herein granted.

Tolls.

CHAP. CCXXIII.—*An Act to change the Name of Meyer Ciechanowiecki.*

[Approved April 15, 1862.]

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 Meyer Ciechanowiecki, to change the said name to Charles Meyer.

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

CHAP. CCXXIV.—*An Act concerning Hogs running at large in Tulare County.*

[Approved April 15, 1862.]

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

SECTION 1. The provisions of an Act concerning Hogs running at large in the Counties of Colusa, Tehama, Butte, Napa, and Sonoma, approved March twenty-sixth, eighteen hundred and fifty-seven, are hereby made applicable to all that portion of Tulare County lying between the foot hills of the Sierra Nevada Mountains, to within five miles of, and around, Tulare, Korn, and Buena Vista, Lakes, and tule lands between said lakes.

Act made applicable to Tulare County.

SEC. 2. It shall be the duty of the Board of Supervisors of Tulare County, to submit said question to the qualified voters of said district at the next general election.

SEC. 3. Said election shall be conducted and governed by the provisions of the general Election Law; *provided*, that separate ballot boxes shall be used for said election.

SEC. 4. If a majority of the qualified electors voting on said question shall decide affirmatively, then the provisions of said Act, of the twenty-sixth day of March, eighteen hundred and fifty-seven, shall go into effect and be in force from and after the first day of February, eighteen hundred and sixty-three.

SEC. 5. In case the qualified electors voting on said question shall decide negatively, then the Act entitled an Act permitting Hogs to run at large in certain portions of Tulare County, approved May seventeenth, eighteen hundred and sixty-one, shall cease to be in force and effect in said county.

SEC. 6. This Act to take effect and be in force from and after its passage.

CHAP. CCXXV.—*An Act to authorize the Register of the State Land Office to issue Duplicate Certificates of Purchase to School, or Swamp and Overflowed, and Salt Marsh and Tide, Lands, when the originals have been lost, or destroyed.*

[Approved April 15, 1862.]

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

Duty of Register.
Evidence.

SECTION 1. The Register of the State Land Office is hereby authorized and required to receive testimony as to the loss, or destruction, of any certificate of purchase for school, or swamp and overflowed, and salt marsh and tide, lands, legally issued from the office of Secretary of State, or the State Land Office, and determine, from the records in his office, whether the original has been issued to the particular tract of land described in said testimony.

To issue certificate

SEC. 2. If the Register of the State Land Office is satisfied, from the testimony, of the loss, obliteration, or destruction, of the certificate of purchase, he shall issue a duplicate certificate to the legal owner, and the word "Duplicate" to be written plainly across the same, with red ink; *provided*, that the applicant for said duplicate shall have published notice in some newspaper, published in the county where the land is situated, or if there be no newspaper published in said county, then in the paper published nearest to said land, describing the same particularly, and giving the name of the person to whom the certificate was issued, the date thereof, and when the application will be made, at least four consecutive weeks before the application is to be made to said Register.

Fees.

SEC. 3. The fees for issuing the duplicate in all respects shall be the same as for issuing the original.

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

CHAP. CCXXVI.—*An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 15, 1862.]

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

Section seventy-five of said Act is amended so as

...ers, or such persons, associations, or corporations, engaged in one or more of the following occupations, to wit: lending moneys at interest, or in buying or selling other evidences of indebtedness, of private or public, or selling State, county, or city stocks, bonds, or other securities, or county, or city indebtedness, or

stocks, or notes, bonds, or other evidences of indebtedness of incorporated companies, or in buying or selling gold dust, gold or silver bullion, or gold or silver coin, or in receiving special or general deposits of gold dust, gold or silver bullion, or gold or silver coin, for profit; or in carrying or transmitting, as common carriers, gold dust, or gold or silver bullion, or gold or silver coin, from any place within this State to any place without this State, or from one place to another, within this State, for profit; or in keeping or conducting savings banks, shall be divided into six classes, as follows: Those doing business in the aggregate to the amount of two hundred and fifty thousand dollars per quarter, and over, shall constitute the first class. Those doing business to the amount of two hundred thousand dollars, and less than two hundred and fifty thousand dollars, per quarter, shall constitute the second class. Those doing business to the amount of one hundred thousand dollars, and less than two hundred thousand dollars, per quarter, shall constitute the third class. Those doing business to the amount of fifty thousand dollars, and less than one hundred thousand dollars, per quarter, shall constitute the fourth class. Those doing business in any amount under fifty thousand dollars, and over three thousand dollars, per quarter, shall constitute the fifth class. Those doing business in any amount under three thousand dollars per quarter, shall constitute the sixth class. The licenses shall be obtained from the Tax Collector, and shall be given for the first class, upon the payment of one hundred dollars per quarter; for the second class, eighty dollars per quarter; for the third class, forty dollars per quarter; for the fourth class, twenty-five dollars per quarter; for the fifth class, fifteen dollars per quarter; for the sixth class, three dollars per quarter; said amounts for licenses to be paid to the Collector of Taxes in each county in which the party applying therefor desires to, or does, transact, any or all of the occupations specified in section seventy-four, and a separate license shall be obtained for each branch establishment, or separate house, of such business, located in the same county.

Amount of
license.

CHAP. CCXXVII.—*An Act to tax Foreign Insurance Companies, doing business in this State.*

[Approved April 15, 1862.]

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

SECTION 1. After the first day of May, A. D. one thousand eight hundred and sixty-two, it shall not be lawful for any person or firm, officer or agent, to collect premiums of insurance in this State in any manner or in any capacity whatsoever, on either fire, life, marine, or inland risks, for or on account of any company, association, or individual insurers, not incorporated under the laws of this State, unless such person or firm, officer or

To file
certain
documents
with State
Controller.

agent, shall have first filed with the Controller of State the following described documents :

Document
to be filed.

First—A certified copy of the power of attorney, certificate of agency, open policy, commission, or other authority or agreement, under which such person, firm, officer or agent, shall claim to be authorized to collect premiums of insurance in this State.

Same.

Bond.

Second—A good and sufficient bond, to be signed by the person or firm, officer or agent, so authorized by the powers of attorney, or other authority, as aforesaid, as principal, with two good and sufficient sureties, to be approved by the Controller, in the penal sum of two thousand dollars for each fire insurance company ; or one thousand dollars for each life insurance company ; or five thousand dollars for each marine or inland insurance company, association, firm, or individual, not incorporated under the laws of this State, for whose account it is proposed to collect premiums of insurance in this State, the conditions of such bonds to be as follows, viz :

Same.

Conditions
of bond.

First—That the person or firm, agent or officer, named therein, acting on behalf of the company, association, firm, or individual, named therein, will pay to the Treasurer of the county, or city and county, in which the principal office of the agency shall be located, such sum per quarter, quarterly in advance, for a license to transact an insurance business, or such other license or licenses as is or may be imposed by law, so long as the agency shall remain in the hands of the person or firm, officer or agent, named as principal in the bond.

Same.

Second—That the person or firm, officer or agent, so specified as above, will pay, or cause to be paid, to the State, all stamp duties on the gross amounts insured by them, in the manner and at the time prescribed by law, inclusive of renewals on existing policies.

Same.

Third—That within thirty days after the first day of August, A. D. one thousand eight hundred and sixty-two, and within thirty days after the first of August in each succeeding year, the agent or officer named in the bond shall render to the Treasurer of the county, or city and county, in which the principal office of the agency shall be located, a statement, sworn to by him, and exhibiting the gross amount of premiums collected by the agency, inclusive of all amounts collected by sub-agents throughout the State, for each company or association, firm, or individual insurer, represented by him or them respectively, from which shall be deducted the gross amount of return premiums. The first statement shall exhibit the amounts so collected between the first day of May and the first day of August, A. D. one thousand eight hundred and sixty-two ; and subsequent statements shall exhibit the amounts so collected during the year terminating on the first day of August in each year respectively, and that, on filing the statements as herein required, the agent or agents, or officer, named in the bond, shall pay to the Treasurer of the county, or city and county, aforesaid, a tax of two per cent. on the amounts of gross premiums, after deducting return premiums, as set forth in his statement, and collected from fire, marine, and inland risks, and a tax of one per cent. on the amount of premiums collected from life risks ; and for the purposes of this

Form of
Statement.

Statement.

Act, all premiums shall be deemed to have been collected which have been entered upon the books of the agency.

SEC. 2. For the purposes of this Act, all persons, firms, and officers of companies or associations, not incorporated under the laws of this State, and engaged in collecting premiums of insurance, directly or indirectly, on fire, life, inland, or marine risks, shall be deemed to be agents of foreign insurance companies, and liable to all the provisions of this Act. And all express companies, not so incorporated as aforesaid, engaged in the carriage of treasure or merchandise from and within this State, and insuring the same, whether themselves assuming the risk, or whether the risks be reinsured by companies or associations not chartered by this State, shall be deemed to be foreign insurers within the meaning of this Act, and shall be required to file with the Controller a separate bond for each express company taking risks as aforesaid, and for each foreign company or association reinsuring them on such risks.

Who deemed Agents of foreign insurance companies.

Separate bond.

SEC. 3. Every person or firm, who shall effect, agree to effect, or procure, any insurance for citizens of this State, from or on account of any insurers or insurance companies whatever, not incorporated under the laws of this State, after the first day of May, A. D. one thousand eight hundred and sixty-two, without first having executed and filed the bond required in section one of this Act, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in the sum of three thousand dollars for each company or association on whose account such insurance shall have been effected; one half of such fine to be for the use of the State, and one half for the benefit of the informer. But nothing herein contained shall apply to the sub-agents or employes of any principal agent who shall have complied with the requirements of this Act.

Penalties.

SEC. 4. A copy of the bond herein required to be filed with the Controller, certified by that officer, shall be filed with the Treasurer of the county, or city and county, where the principal office of the agency shall be located, before any license shall be issued to any agent for the transaction of insurance business, and shall remain on file in the office of the County Treasurer, until he is notified, in writing, by the Controller, of the termination of the agency and cancellation of the bond.

Copy of bond to be filed with County Treasurer.

SEC. 5. Whenever the same person, firm, officer, or agent, shall desire to collect premiums of insurance for more than one company, association, or individual, not incorporated under the laws of this State, the Controller shall require a separate bond, as provided in section one, for each company or association so represented by such person, firm, officer, or agent.

When separate bonds to be filed.

SEC. 6. If any agent or officer of a foreign insurance company, as defined in section two of this Act, shall make any false statement, concealment, or misrepresentation, in the sworn statement required by section one of this Act, with intent to defraud the State of revenue, he shall be deemed guilty of perjury, and shall be liable, on conviction thereof, to the pains and penalties as prescribed by law for the punishment thereof; all penalties imposed by this Act shall be collected in the name of The People of this State, by the District Attorney of the county, or city and county, where the offence shall be committed.

False statement.

Penalties.

Insurance companies may be exempted from tax on premiums.

Conditions.

Duty of Controller.

License tax

SEC. 7. Any insurance company, or association, not incorporated under the laws of this State, may be exempted from the payment of the annual tax upon premiums, as provided in section one of this Act; *provided*, that on the first day of August in each year, the agent or agents of such company or association shall satisfy the Controller, by affidavit, or other proofs, that the said company or association has invested in this State the sum of at least fifty thousand dollars in the bonds of this State, or of the City, or City and County, of San Francisco, or in real estate, or in first mortgages upon productive city property, worth double the amount loaned thereon, and that the said sum has been so invested for at least one year anterior to the first day of July last preceding; that the said investment was made and is continued in the name of said company or association, or of the agent thereof; that it is liable to assessment for the purposes of taxation in this State, and has actually paid all taxes levied upon it by the laws of this State for the year preceding the application: and that the same is, and always has been, since the date of the investment, free from pledge or mortgage, and available to pay losses, or to reinsure outstanding risks on policies issued by such company or association to citizens of this State. And whenever the Controller shall be satisfied that the conditions of this section have been complied with in good faith, he shall thereupon issue to the applicant his certificate to that effect, which shall be a full and complete discharge from all liability on the part of the agent or company, for the taxes upon premiums imposed in section one of this Act.

SEC. 8. There shall be levied upon and collected from each person, firm, officer, or agent, collecting premiums of insurance in this State, in any manner or in any capacity whatsoever, on either fire, life, marine, or inland risks, for or on account of any company, association, corporation, or individual, a license tax of twenty-five dollars per quarter year, payable quarterly, in advance, to the Collector of license taxes under the revenue laws of this State; such Collector shall account for and pay over the same, at the times and in the manner provided by law for the payment of other State and county licenses. The Treasurer of the county, or city and county, shall pay into the State Treasury all moneys collected under the provisions of this Act, at the same time and in the same manner as other moneys belonging to the State are required to be paid.

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

CHAP. CCXXVIII.—*An Act to amend an Act entitled an Act in relation to Trial Jurors, in the Court of Sessions, and County Courts, of certain counties in this State, approved April sixth, eighteen hundred and fifty-nine.*

[Approved April 15, 1862.]

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

SECTION 1. The Trial Jury summoned for the Court of Sessions in the Counties of Placer, San Mateo, San Luis Obispo, Del Norte, Sonoma, Mendocino, Marin, and Lake, shall be the Trial Jury for the County Courts of said counties; *provided*, that nothing contained herein shall be held to entitle any juror to receive pay out of the County Treasury of said county, for more than services in one Court, less the amount he may have received at such term as fees paid by parties in civil or criminal cases.

Counties affected.

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

CHAP. CCXXIX.—*An Act supplemental to an Act concerning Public Ferries and Toll Bridges, passed April twenty-eighth, one thousand eight hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto.*

[Approved April 15, 1862.]

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 of this State shall have the power to grant a license to construct a toll bridge across any unnavigable stream in their county, and for using and maintaining such bridge for a period not exceeding ten years; and said Board shall have the power to prescribe the rates of toll, and change the same from year to year, as in their discretion may seem proper; but shall not fix them so low as to make the net income less than fifteen per cent. per annum upon a fair valuation of such bridge. The Board shall have the power to authorize and maintain fords across any stream so bridged, as near to any such toll bridge, as, in the discretion of the Board, the public convenience may require. All the provisions of the Act to which this is supplemental, except that which limits to one year the terms for which a license may be granted for a toll bridge, shall apply to all grants made under this Act. Said valuation, in case of a disagreement as to the amount of the same, shall be determined by three Commissioners, one of whom shall be chosen by the Board of Supervisors, one by the owners of said bridge, and the third to be selected by the two thus chosen.

Powers of Board of Supervisors.

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

CHAP. CCXXX.—*An Act to provide Revenue for the Support of the Government of this State, from a Tax upon Foreign and Inland Bills, Passengers, Insurance Companies, and other matters.*

[Approved April 15, 1862.]

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

Governor to appoint Inspectors of Stamps.

SECTION 1. The Governor, by and with the advice and consent of the Senate, shall appoint two Inspectors of Stamps, to reside at the City of San Francisco, to continue in office for two years, or until their successors are qualified; who shall be entitled to receive as compensation for their services, the sum of one hundred dollars each, per month, and each of the Stamp Inspectors, in addition to his salary, may receive three per cent. upon any amount received by the State Treasurer for stamp duties exceeding twenty-five thousand dollars for each quarter of a year; *provided*, the salary and per centage shall not exceed two hundred and fifty dollars each, per month.

Salary.

Per centage

Duties of Inspectors.

SEC. 2. The Stamp Inspectors shall devote their time to an examination of stamps issued, and the Stamp Inspectors, or one of them, shall, on the sailing of any steamer or vessel from the port of San Francisco to any port without the limits of this State, be on board such steamer or vessel, and examine the tickets, contracts, or memoranda, for passage, held by the passengers, or issued to them, to see that such tickets, contract, or memoranda, for passage, are stamped according to law; also, to inspect the records of policies of insurance of all persons or companies collecting premiums in the City of San Francisco. Said Stamp Inspectors shall cause all stamps, inspected by them, and all stamps once used, to be marked, by writing or stamping upon them with ink the date when the instrument to which they are affixed shall expire, or otherwise, so that they cannot again be used; and shall perform such other duties as may be required of them by the "Commissioners of Stamps."

Same.

Duties of shipmasters, etc.

SEC. 3. The Agent, Shipper, Captain, Purser, or any other person authorized to issue tickets, contracts, or memoranda, for passage, shall, on the application of either of the Stamp Inspectors, exhibit to him the original and correct list of all tickets, contracts, or memoranda, for passage, issued for passengers in any vessel or steamer about to leave the port of San Francisco for any port without the limits of this State; and passengers on such vessels or steamers shall, on application of either of the Inspectors, exhibit to him their tickets, contract, or memoranda, for passage; and in case no ticket, contract, or memorandum, for passage, has been issued to passengers on board such vessel or steamer, then the Inspector shall ascertain the number of first cabin, second cabin, and steerage, passengers, on board, and the Captain or Purser of any steamer or vessel shall, before such steamer or vessel leave the wharf in the harbor of San Francisco, outward bound, pay over, to the Inspector demanding it, the sum of six dollars for each first cabin passenger, four dollars for each second cabin passenger, and two dollars for each steerage passenger, on board, or having taken passage on

Of Inspectors

such steamer or vessel, giving a receipt therefor, and taking a duplicate, countersigned by said person authorized to receive the same; and the Inspector shall pay over the amount so collected, monthly, to the State Treasurer, and file a sworn statement, with said countersigned receipt, at the same time, with the Controller of State, showing the number and class of passengers upon which such duties have been collected. All insurers and insurance companies, or the agents thereof, collecting premiums at San Francisco, on the application of either of the Stamp Inspectors, shall exhibit to him their records of policies, or certificates, issued, and their books, showing the amount of their business, and the names of parties insured by them. All persons engaged in the collection of premiums from citizens of this State, whether by the issuance of policies or certificates of insurance, or by the indorsement of risks upon open policies, issued by the insurers or insurance companies, shall be deemed to be insurance agents, for the purposes of this Act; and the amount of stamp tax to be paid by such agents shall be ascertained by applying the rates of duty established by law to the whole sum insured by such agents, to be ascertained by the Inspectors from the books of the agency. Any receipt for the payment of a premium of insurance, when no policy or certificate has been issued, shall be deemed a policy, for the purposes of this Act, and shall be stamped as aforesaid. But no policy, certificate, or entry of reinsurance, made by one company or individual for another, when the original insurance has paid stamp duty, as herein before provided, shall be liable to the operations of this Act. All bankers and others engaged in issuing certificates of deposit, or letters of credit, or in selling exchange, shall, on the application of the Stamp Inspector, or either of them, exhibit to them their books and records of drafts, certificates of deposit, and letters of credit, issued from time to time; also their account of stamps purchased and disposed of. Any person or persons refusing to comply with the provisions of this law, shall be deemed guilty of a misdemeanor, and shall be fined, upon conviction thereof before any Court of competent jurisdiction, for each offence a sum of not less than two hundred dollars nor more than one thousand dollars, the amount recovered to be paid into the State Treasury.

Duties of insurance officers.

Who deemed insurers.

Reinsurance when stamp duty has been paid.

Penalty for violation of Act.

SEC. 4. The sum of three thousand dollars is hereby appropriated and set apart from the General Fund, for the payment of the salaries of the Stamp Inspectors, and for enforcing this law; and in case the receipts from stamp duties exceed twenty-five thousand dollars per quarter of a year, the State Controller is hereby authorized, on the expiration of each quarter of a year, to ascertain the amount of excess, if any, and allow the Stamp Inspectors three per cent. each thereon, and thereupon to draw his warrant, for such amount as may be found due them, on the General Fund; *provided*, the whole amount shall not exceed the sum of two hundred and fifty dollars each per month, as specified in section one.

Appropriation.

Duty of Controller.

Proviso.

SEC. 5. Before entering upon the discharge of their duties, each Stamp Inspector shall file with the State Treasurer a bond,

Bonds of Inspectors.

to the State of California, with sufficient sureties, to be approved by the Governor, in the sum of ten thousand dollars.

Oath.

SEC. 6. The Stamp Inspectors hereby created are authorized to administer such oaths as may be necessary to compel obedience to the provisions of this Act.

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

CHAP. CCXXXI.—*An Act to authorize the issuance of a certain Duplicate Bond to Iredell M. Hart.*

[Approved April 15, 1862.]

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

Duty of Treasurer of State.

SECTION 1. The Treasurer of State is hereby authorized and required to issue to Iredell M. Hart, of the County of Siskiyou, State of California, a duplicate of Bond Number One Hundred and Nineteen, of the bonds issued under Act of the Legislature, 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, said bond being for the sum of two hundred dollars; *provided*, that before the issuance of said duplicate bond, the said Iredell M. Hart shall file with the State Treasurer a bond of indemnity, in the sum of one thousand dollars, to be approved by said Treasurer, conditioned, that in the event of the original bond, Number One Hundred and Nineteen, being presented to the State authorities for payment, then said one thousand dollars shall be paid to the State of California.

Bond of indemnity.

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

CHAP. CCXXXII.—*An Act to authorize the Board of Supervisors of San Joaquin County to appropriate Money.*

[Approved April 15, 1862.]

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

To appropriate, etc.

SECTION 1. The Board of Supervisors of the County of San Joaquin are hereby authorized and empowered to appropriate any sum of money, not exceeding one thousand dollars, from the County Treasury of said county, for the purpose of paying premiums awarded by the San Joaquin Valley Agricultural Society, to be held in Stockton, in September, A. D. eighteen hundred and sixty-two.

CHAP. CCXXXIII.—*An Act to provide for the Collection of Road Poll Taxes in the County of Contra Costa.*

[Approved April 15, 1862.]

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

SECTION 1. The Road Masters of the several Road Districts Collection. in the County of Contra Costa are hereby authorized and required, under the direction of the Board of Supervisors of said county, to collect, either in money or labor, any or all road poll taxes, payable by persons in their respective Districts.

SEC. 2. The said Road Masters shall be entitled to five per Fees of Road Masters. cent. on all cash collections of road poll taxes, and all such taxes not paid to the Road Master shall be paid to the Tax Collector of the county, as is now provided.

SEC. 3. This Act shall take effect immediately.

CHAP. CCXXXIV.—*An Act to grant the Right to construct and maintain a Toll Bridge, across the Mokelumne River, to P. A. Athearne and associates.*

[Approved April 15, 1862.]

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

SECTION 1. P. A. Athearne, with such persons as he may associate with himself, and their assigns, shall have and enjoy all the franchises, privileges, rights of way, and immunities, hereinafter mentioned, upon condition that he or they, as the case may be, shall comply with the provisions of this Act. Franchise.

SEC. 2. The said P. A. Athearne, his associates and assigns, Location. are hereby authorized to build and maintain a toll bridge across the Mokelumne River, at a place known as "Athearne Ferry," in the County of San Joaquin, and shall have and enjoy all the rights, privileges, and franchises, thereof, together with the right of way, which is hereby granted and ceded for the term of twenty years; *provided*, that the said bridge shall be commenced Conditions. within six months, and completed within one year, from the passage of this Act; and, *provided*, further, that after the lapse of ten years from the completion of said bridge, the said County of San Joaquin may purchase the said bridge, by paying therefor the actual value of the same, to be ascertained by five Appraisers, two to be selected by the owners of the bridge, two by the Board of Supervisors of the County of San Joaquin, and one by the four persons thus selected; *provided*, further, that whenever such bridge may be so purchased, the right to collect toll thereon shall cease.

SEC. 3. The said bridge shall be constructed on the best and Same. most approved plan, in a good and substantial manner, and of

the most durable materials, and of sufficient width and strength to pass and sustain teams and wagons of the largest size.

Tolls.

SEC. 4. Upon the completion of the said bridge, the said P. A. Athearne, and his associates, may charge and collect such rates of toll as may be annually fixed by the Board of Supervisors of San Joaquin County, under the laws of this State, and may, moreover, regulate the speed of riding or driving upon said bridge, and may prohibit any person from riding or driving upon said bridge at a faster gait than a walk; and for such violation of the rule so established, may recover judgment for the actual damages sustained by the owners of said bridge, in any Court of competent jurisdiction in the said County of San Joaquin; *provided*, that at each end of said bridge there shall be kept a bulletin board, on which the rates of toll and speed shall be distinctly written, printed, or painted.

Rates of toll

SEC. 5. The franchises hereby granted shall be subject to the general laws of this State, concerning toll bridges and ferries, and, within the provisions of said laws, shall be exclusive.

SEC. 6. This Act shall take effect from and after its passage.

CHAP. CCXXXV.—*An Act making Appropriation for Deficiencies made for the Thirteenth Fiscal Year, ending June thirtieth, A. D. eighteen hundred and sixty-two.*

[Approved April 11, 1862.]

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

Appropriation.

SECTION 1. The sum of five thousand dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the contingent expenses of the Senate; and the sum of six thousand dollars is hereby further appropriated, out of any money in the General Fund not otherwise appropriated, for the contingent expenses of the Assembly.

Exemption from Board of Examiners.

SEC. 2. The sums herein appropriated shall be disbursed under the direction of the Senate and Assembly, respectively, and shall not be subject to the provisions of 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 twenty-first, eighteen hundred and fifty-eight.

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

CHAP. CCXXXVI.—*An Act to amend an Act entitled an Act concerning District Court Reporters, for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth, Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, in so far as it relates to the Fourth and Twelfth Judicial Districts.*

[Approved April 17, 1862.]

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

SECTION 1. Section three of an Act entitled an Act concerning District Court Reporters, for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth, Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Section 3. Such Reporter shall receive such compensation for his services as may be agreed upon between the said Reporter and the parties, or Counsel, in the cause, and in the case of failure to agree, between the said parties, then the amount may be fixed by the Court; *provided*, that when so fixed it shall not exceed ten dollars per day, which amount shall be paid by the party requesting the services of such Reporter, and be taxed up, by the Clerk of the Court, as costs against the party against whom judgment is rendered, unless he shall have already paid such Reporter's fees; *provided*, that in criminal cases, or capital offences, when the testimony has been taken down by order of the Court, the compensation of the Reporter shall be fixed by the Court, and paid out of the Treasury of the county in which the case is tried, in the same manner as the fees of trial jurors are paid in such cases; and, *provided*, further, that the Reporters appointed by the District Judges of the Fourth and Twelfth Judicial Districts, shall, whenever employed, in accordance with the provisions of section one of this Act, to take down, in short hand, the rulings of the Court, the exceptions taken, and the testimony in any case, either civil or criminal, triable in said District Courts, receive a compensation of ten dollars per day for each and every day so employed, and twenty cents for each and every folio of one hundred words contained in the long hand transcription of the same.

CHAP. CCXXXVII.—*An Act to provide for the Collection of Delinquent Taxes in the Counties of Placer and Tuolumne.*

[Approved April 17, 1862.]

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

SECTION 1. The assessment of taxes upon all property, both real and personal, in each and all of the townships or revenue districts in the Counties of Placer and Tuolumne, whether for

Assessments
legalized.

State, county, or other purposes, for the fiscal year ending on the first day of March, eighteen hundred and sixty-two, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed.

District
Attorneys
to bring
civil actions.

SEC. 2. The District Attorneys of the Counties of Placer and Tuolumne are hereby authorized and directed to commence civil actions, in the name of The People of the State of California, to recover the unpaid taxes in said counties for the fiscal year mentioned in section one of this Act, in the manner provided by law.

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

CHAP. CCXXXVIII.—*An Act to amend an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 17, 1862.]

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

SECTION 1. Section one hundred and thirteen of the above entitled Act is hereby amended so as to read as follows:

Not to repeal
or affect cer-
tain Acts.

Section 113. The provisions of this Act shall not repeal nor affect the provisions of an Act concerning the Officers of Calaveras County, and Collection of Poll Taxes, License Taxes, and Foreign Miners' License Taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine; nor with an Act abolishing the office of County Assessor, and establishing the office of Township Assessor, in said county, approved April twenty-eighth, eighteen hundred and sixty; nor shall the provisions of this Act repeal or affect the provisions of an Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' License Taxes, in the County of Sierra, approved April thirteenth, eighteen hundred and fifty-eight, and an Act amendatory thereto, approved February fourteenth, eighteen hundred and sixty; nor shall the provisions of this Act be so construed as to repeal an Act to provide Revenue for the Support of the Government of this State, approved April thirtieth, eighteen hundred and sixty, so far as the same relates to the division of Tuolumne County into revenue districts, or the appointment or election of District Assessors and District Tax Collectors in said county, or the provisions of said Act relating to the bonds to be given by them in said county; nor shall the provisions of this Act be so construed as to repeal an Act to provide Revenue for the Support of the Government of this State, approved April thirtieth, eighteen hundred and sixty, so far as the same relates to the division of Placer County into revenue districts, or the appointment or election of District Assessors or District Tax Collectors in said county, or the provisions of said Act relating to the bonds to be given by said officers in said county; *pro-*

rules, that with the exceptions above made, with reference to the County of Placer, the revenue officers in said county shall, in the performance of their duties, be governed by the provisions of the Act of which this is amendatory, and receive for their services the fees in said Act prescribed. Provis.

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

CHAP. CCXXXIX.—*An Act to amend an Act entitled an Act to legalize and provide for the Collection of Delinquent Taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one.*

[Approved April 17, 1862.]

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 2. If the Tax Collector of any county shall fail to collect the delinquent taxes mentioned in the preceding section, by reason of his inability to find, seize, or sell property belonging to the delinquent, it shall be the duty of the District Attorney of the county to commence a civil action, in the name of The People of the State of California, in any of the Courts of the county, whether the defendant be a resident of the township or city in which the Court is located or not, to recover the unpaid taxes in said county for the fiscal years mentioned in the first section, and he shall designate in his complaint the amount of taxes due and unpaid for State and county purposes, separately, and shall state the kind and quantity of property assessed, both real and personal, and if any real, describe the same, correcting, when necessary to a definite description of such real property, any errors, omissions, or other imperfections, and the defendant shall not be allowed to set up or show any informality in the levy or assessment as a defence, such defendant being allowed only to plead, First: that the taxes have been paid before suit; or, Second: that he had not the property mentioned in the complaint at the time of assessment, and has never been liable to pay said taxes; and no answer shall be filed in any such case unless the same be verified by oath.

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

CHAP. CCXI.—*An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads, in the County of Santa Cruz.*

[Approved April 17, 1862.]

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

Location, or
change of
location.

SECTION 1. Any person or persons proposing to apply for the location, or change in location, of any public road or highway, shall give notice of such intention, by posting three notices thereof in the most public places in each Road District affected thereby, and in the vicinity of the road proposed to be located or changed, and one such notice on the door of the room in which the Board of Supervisors of the county hold their meetings, and cause to be served, a copy thereof, upon the owner or claimants of each tract of land over which the proposed road is to be opened, at least ten days previous to the time of making such application, which application shall only be made at a regular meeting of the Board of Supervisors; and in such notice, shall set forth, specifically, the place of beginning, the intermediate points, if any, a general description of the proposed route, the termination of said road, or the particular portion of said road proposed to be altered or changed, and the time at which the application will be made.

Same.

SEC. 2. Upon the day specified in any notice of the character described in the previous section, the person or persons giving such notice shall complete the proposed application, by petition to the Board of Supervisors, which petition shall be signed by at least twenty citizens of the county, residing in the vicinity of such road, and set forth the same matter contained in said notice, and shall ask for the appointment of Viewers, to view said proposed location, alteration, or vacation, and the final confirmation and establishment thereof; proof shall also be made to the Board of Supervisors, upon the affidavit of some competent person, of the posting of the notices required in the first section of this Act, and also, that all persons owning the land on the proposed route have been notified of said proposed application, at least ten days previous to the day specified in the notice; *provided*, that where the owner is a minor, idiot, or insane person, notifying the legal Guardian of such minor, idiot, or insane person, shall be sufficient, and shall be set forth in the affidavit; and, *provided*, that where the owner is a non-resident of the county, notifying the occupant of the land, and if the place of residence of the owner is known, by placing a notice in the post office, directed to such owner, and paying the postage, twenty days before such application shall be acted upon by the Board of Supervisors, shall be sufficient, and shall be set forth in the affidavit.

Damages.

SEC. 3. Any person or persons, owning, or in possession of, lands, through or upon which it is proposed to locate and establish a public highway, and desiring to apply for damages, in consequence of such location, shall give notice of his intention, in writing, to the Board of Supervisors, on the day on

which the application for such location shall be made, according to notice. All persons who fail to give such notice, within the time and in the manner specified in this section, shall be considered as waiving all rights to damages, and as dedicating the lands affected by the proposed location or alteration to the public use, as a highway, and their failure to do so shall forever be a bar to any action for damages in any of the Courts of this State.

SEC. 4. If, after considering the petition for the proposed location, alteration, or vacation, of a road, and the notices for damages, the Board of Supervisors are of the opinion that such location, alteration, or vacation, is practicable, and necessary to the public, they shall appoint as Road Viewers three citizens of the county, and shall place in the hands of said Viewers the petition for the road they are to view, together with all notices for damages in the premises, and, after taking an oath to perform faithfully the duties devolved upon them by law, as Road Viewers, they shall, as soon as practicable, view the proposed location, alteration, or vacation, and if a location or alteration, they shall lay out the road on the nearest and best route between the points designated in the petition or order of the Board of Supervisors, and they shall distinctly mark the commencement, the courses, and distances, and the termination, of the said route; they shall also estimate the damages claimed by any party by such location, alteration, or vacation; *provided*, however, that in making such location or alteration, no lands, covered by orchards, vineyards, houses, or other improvements of a like substantial, permanent character, shall be taken for or crossed by any public highway.

SEC. 5. At or before the first day of the regular meeting of the Board of Supervisors, next succeeding that at which the Road Viewers have been appointed, or at a special meeting of the Board of Supervisors, called for the purpose of considering the said location, alteration, or vacation, the said Road Viewers shall file with the Clerk of the Board of Supervisors a report of their proceedings in the premises, in which they shall set forth :

First—Who of them were present.

Second—That they were sworn.

Third—Whether such location, alteration, or vacation, is, or is not, advisable.

Fourth—A particular description of the route, as viewed.

Fifth—The amount of damages sustained separately by such applicant for damages.

Sixth—The width of the road, which shall not exceed sixty-six feet.

The Board of Supervisors shall thereupon proceed to consider all the matter touching the original petition for the location, alteration, or vacation, of any road, and all subsequent proceedings had thereon in connection with the report of the Viewers on file, and such evidence as parties interested may introduce, touching the same; and if, in their opinion, the public good and convenience require that the proposed location, alteration, or vacation, should be established, they shall confirm the

Form of
report.

Duty of
Supervisors

report thereon, in whole or in part, as they may deem advisable, and establish said location or alteration, or so much thereof as they may deem advisable, as a public highway; or they may make the establishment conditional, upon the payment by the petitioners of all or any part of the damages assessed, or the costs which have accrued.

Damages.

SEC. 6. If any person or persons, claiming damages on account of the location or alteration of any road, under the provisions of this Act, shall be dissatisfied with the award of the Road Viewers, and cannot agree with the Board of Supervisors as to the amount of damages sustained, and shall refuse to receive the same, such person or persons shall, within ten days from the time of final hearing, commence an action against the county, by name, for such damages, in a Court of competent jurisdiction, which action shall be conducted in like manner as other actions in civil cases in the Courts of Justice in this State, except as hereinafter provided, and shall be verified by the oath of the plaintiff. The complaint shall be in writing, and the summons, with a copy of the complaint, shall be served upon the District Attorney of the county, which shall be sufficient notice to the county, and it shall be the duty of the District Attorney to appear on the part of the county, and defend all actions commenced under the provisions of this Act, and in case he fail to file his complaint, as in this section provided, the award of the Road Viewers shall become final.

Action.

Costs.

SEC. 7. If the plaintiff in the action shall fail to recover a greater amount of damages than was awarded by the Road Viewers, or than that agreed to be allowed by the Board of Supervisors, all the costs in the case shall be taxed against him, and in favor of the county; but in case he recover a greater amount than was awarded, he shall also recover his costs in the action.

SEC. 8. No public or private road shall be opened, unless all claims for damages shall have been determined, and compensation made.

Description of road to be recorded.

SEC. 9. Whenever any public road is established, or vacated, a particular description of such road shall be recorded by the Clerk of the Board of Supervisors, in a book to be kept for that purpose, called the Road Record, and the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Road Master of such establishment, or vacation.

Private roads.

SEC. 10. Private roads may be laid out and established in the same manner as public roads; *provided*, the expenses of laying out the same, and all damages, shall be paid by the party or parties for whose benefit such private road is laid out. The width of private roads shall not exceed forty feet. All private roads shall be opened, and kept in good repair, by the parties for whose benefit the same were laid out.

Men liable to road labor.

SEC. 11. All able-bodied men, between the ages of twenty-one and fifty, shall be required to work the public roads in their Districts one day in each year, or may commute, by paying to the Road Master two dollars, instead of one day's labor. The Board of Supervisors may increase the amount of labor to be performed in any one or all Road Districts to two days, and may decrease the amount of money to be paid, instead of labor.

SEC. 12. The road year shall commence on the first day of January.

SEC. 13. At the session of the Board of Supervisors, for levying State and county taxes, the said Board shall levy upon all the taxable property in the county, a tax, for road purposes, of not more than twenty cents upon the hundred dollars, which sum shall be levied and collected as all other property taxes; *provided*, that in the year A. D. eighteen hundred and sixty-two, the said tax may be levied at any time before the first day of June in said year. Road tax.
Provido.

SEC. 14. For all purposes of this law, the townships, as now established, shall be Road Districts within the meaning of the law, and they may be changed, created, or more distinctly defined, by the Board of Supervisors, at any time when considered necessary; *provided*, that upon the application of thirty citizens of the township, made in writing, to the Board of Supervisors, at any regular meeting of said Board, they may divide any township into two or more Road Districts, defining the same as clearly as possible, and numbering the Districts from one upward. Road Districts.

SEC. 15. In case of the division of any Road District, the Road Master elect shall be the Road Master for the division in which he resides, and, for the other divisions, the Board of Supervisors shall appoint a suitable person to act as Road Master for said division for the remainder of the year. Division of.

SEC. 16. At the general election in each year, the qualified electors in each Road District shall elect some citizen of said Road District, as Road Master of said District, for the term of one year from the first day of January next following. It shall be the duty of the Clerk of the Board of Supervisors to notify the persons so elected of their election, and each of them shall, thereupon, or within ten days thereafter, qualify, by taking the oath of office, and by filing a bond with the County Clerk, in the form prescribed by the Act concerning the Official Bonds of Office, conditional for the faithful performance of the duties of the office, in a penalty of double the probable amount of money that may be collected by him under the Act, during one year, in the District for which he is elected, which bond, before it is filed, shall be approved by the County Judge. Election of Road Master

SEC. 17. It shall be the duty of the Road Master to have the care and general supervision of the public roads, to cause the same to be kept free from obstruction within the District, to maintain them in as good repair, and to erect such necessary bridges and culverts, as the means at his command will permit. He shall, for that purpose, have power to use any suitable raw materials found on any adjacent unimproved lands. If the owner or occupier of the lands object to such material being taken, the same shall not be taken 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 until the Board shall award such compensation as they may deem just. The Road Master shall also, by direction of the Board of Supervisors, cause suitable guide boards to be erected at the intersection of important roads. He shall oversee and direct the labor expended upon the roads, and see that teams, ploughs, and other implements, are furnished for the road ser- Duties of.

vice; he shall upon all newly established roads within thirty days from the time he has been notified of such establishment.

Duties of
Road Master

SEC. 18. The Road Master of each District shall, within sixty days after he shall have entered upon the duties, make out a list of the names of the persons residing in his District, in alphabetical order, who are required by this Act to perform labor on the public roads or pay a road poll tax, and file the same in the office of the Clerk of the Board of Supervisors.

Same.

SEC. 19. The Road Master shall have the right to demand of any employer of working men in his District a complete and correct list of the names of the men employed by him, and any such employer refusing or neglecting to give such list, when demanded of him by the Overseer, shall be liable to pay a fine of not less than ten nor more than fifty dollars, to be recovered by action before a Justice of the Peace, in the name of the Road Master, which shall be expended by him in the same manner as money collected for poll taxes or road purposes.

Same.

SEC. 20. Before providing to work the roads, the Road Master shall notify the men liable to work on the road in his District, in writing, two days or more before the day fixed for working the road; in this notice he shall distinctly state the place where the work is to be done, and what kind of tools he shall require to be brought. If, on the day appointed to work the road, any person, having been notified by the Road Master, or by some person for him, shall fail to appear at a reasonable hour in the morning, or, appearing, shall fail or refuse to work diligently, or pay the legal commutation, it shall be the duty of the Road Overseer to seize and sell so much of the goods and chattels of said delinquent as shall satisfy all road poll tax due from him, with the costs and expenses of such sale; and, in so doing, the Road Overseer shall have the same power, proceed in the same manner, and be entitled to the same fees, as Constables while proceeding under a writ of execution.

SEC. 21. Upon the completion of the road service, or payment of the commutation, the Road Master shall deliver to the person paying, or on whose account the service is rendered, a receipt for the same.

Road Master
failing to
give receipt.

SEC. 22. Any Road Master failing to deliver a proper receipt, as required by this Act, to any person who has paid his road poll tax, or performed road service, as in this Act provided, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than twenty nor more than two hundred dollars, which fine may be collected from his sureties. All fines collected under this section shall be paid into the County Road Fund, for the use and benefit of the Road District in which the person resides from whom such are recovered. All moneys collected by the Road Master, for road poll taxes, shall be expended by him for the purposes of building and repairing the roads and bridges in his District.

Fine.

Contracts.

SEC. 23. The Road Master may, with the consent of the Board of Supervisors, make contracts for the purchase of lumber, or other materials, for building bridges, or culverts, for grading roads, or any other necessary work upon the public roads in his District, such contract to be let in such a manner as the Board of Supervisors shall direct.

SEC. 24. Each Road Master shall report to the Board of Supervisors, quarterly, at the time of their regular meetings, the amount of money received during said quarter, and from whom; the amount of money paid out by him, and to whom, and for what paid; the amount of road labor performed, and by whom; the probable amount of money that will be required for repairs or improvements on the roads, and the nature of such repairs and improvements; the number of days service by him actually and necessarily performed in the discharge of his official duty—all of which particulars shall be verified by his oath, and he shall be allowed, in payment of such service, not to exceed four dollars per day, payable out of the County Road Fund.

SEC. 25. On the first Monday of February in each year, each Road Master shall make a full and final settlement, with the Board of Supervisors, of all his transactions of the preceding year, and shall pay to his successor in office the amount of money remaining in his hands belonging to his District.

SEC. 26. Each Road Master may, with the consent of the Board of Supervisors, appoint one or more deputies, for whose acts he shall be responsible.

SEC. 27. Road Viewers shall be allowed at the rate of three dollars per day, while engaged in viewing locations or vacations of roads, or in estimating the damages sustained by applicants for damages by such location or vacation.

SEC. 28. Any person or persons, who shall wilfully injure or destroy any bridge, or other portion of the public highway; or who shall cut down or injure any living tree, planted or preserved as a shade or ornamental tree, either in or upon the borders of any public road, shall be guilty of malicious mischief, and, upon conviction thereof, before any Justice of the Peace, shall be punished by a fine of not more than one hundred dollars, or imprisonment in the county jail for not more than thirty days, or by both fine and imprisonment; and it shall be the duty of the Road Master, in any District, to prosecute, in behalf of the county, any person so offending within his Road District. The fines collected under this section shall be expended by the Road Overseer in repairing the roads in his District.

SEC. 29. This Act shall be applicable only in the County of Santa Cruz, and shall take effect from and after its passage; and all Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

CHAP. CCXII.—*An Act to amend an Act, approved February nineteenth, eighteen hundred and sixty-two, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow Money for Municipal Improvements.*

[Approved April 17, 1862.]

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

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

Tax.

For the purpose of paying the interest on any debt or debts that may be contracted by the aforesaid corporation, under this Act, and to provide for the payment of the principal of the same, when due, said corporation shall levy and collect a tax of thirty-five cents on every one hundred dollars' worth of taxable property, real and personal, within said city, five sevenths of the fund derived from which said tax shall be set aside, and applied exclusively to the payment of the interest and the final redemption of the bonds, or other evidences of indebtedness, issued in pursuance of this Act, and shall be known by the name of the "Interest and Loan Fund of eighteen hundred and sixty-two."

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

CHAP. CCXLII.—*An Act to authorize Robert G. Arthur, his associates, or assigns, to construct and keep in repair certain Roads upon the San Miguel Rancho and adjoining property, in the City and County of San Francisco, and to levy and collect Tolls thereon.*

[Approved April 17, 1862.]

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

Franchise.

SECTION 1. The right to open, build, and maintain, macadamized roads, upon the San Miguel Rancho and adjoining property, by and with the consent of the owners and claimants thereof, and to levy and collect tolls thereon, is hereby granted to Robert G. Arthur, his associates, or assigns, for the term of ten years from and after the passage of this Act.

Location of road.

SEC. 2. Said road shall commence at the junction of Mission and Eagle streets, at Mission Dolores, as laid down upon the map of said city and county, running thence in a southwesterly direction, over the Mission Mountains to the Ocean House, and beach; thence in a southerly direction, until it intersects the county road of San Mateo County, with such branches as may be necessary for the public convenience; taking and receiving, for the use of said roads by the public, such tolls as are hereinafter specified: For horse, mule, and rider, ten cents; for each led or drove horse, or mule, five cents; for vehicle drawn by

Tolls.

horse or mule, ten cents; for vehicle drawn by two horses or mules, twenty cents; for vehicle drawn by four or more horses or mules, one dollar; for drove of cattle, each, five cents; for sheep, hogs, or other animals, each, two cents; *provided*, that no tolls shall be collected upon any branch, or branches, of said road, nor for the use of the same as a public highway.

SEC. 3. The Board of Supervisors of the City and County of San Francisco shall have the right (whenever they may deem it necessary for the public good to make said roads free,) to purchase the same from the owners thereof, at a value to be ascertained by two persons, one to be chosen by said Board of Supervisors, and the other by the owners of said roads; and, in case they cannot agree, they shall have power to appoint a third party, and the appraisement of any two of said parties shall be considered the value of said roads; and, at any time after the completion of the same, should said Board of Supervisors pay to the owner of said roads the amount of the value so ascertained, it shall operate as a complete extinguishment of the franchise hereby granted.

City and County of San Francisco may purchase.

SEC. 4. The party named in section first, his associates, or assigns, shall, within one year from and after the passage of this Act, open, grade, and macadamize said roads, to the width of at least thirty feet, and shall at all times keep and maintain the same in thorough repair; and shall have a right to erect suitable toll gates, to collect the rate of tolls above named, as soon as said road is completed to the Ocean House and beach.

Conditions.

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

CHAP. CXXLIII.—An Act in relation to the Indigent Sick of the County of Placer.

[Approved April 17, 1862.]

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 Placer County to make provisions for the indigent sick of the county, as follows:

Duties of Supervisors

First—For all indigent sick whose diseases are natural, or the result of unavoidable accidents, and who, when in health, had some lawful and visible means of support.

Second—For all indigent sick whose diseases are not venereal, or the result of intemperance; *provided*, the Board of Supervisors shall not provide for the indigent sick of the second class, unless there is an unexpended balance in the Hospital Fund, after providing for all the indigent sick of the first class.

SEC. 2. The Board of Supervisors shall not, for any purpose, audit any account, or permit the issuance of any order, payable out of the Hospital Fund, unless, at the time of auditing such account and the issuance of such order, there is an unexpended

Supervisors not to draw order except against money in the fund.

balance in the Hospital Fund to meet the payment of said order on presentation.

County
Treasurer
to report.

Duty of
Supervisors

Proviso.

SEC. 3. The County Treasurer shall report to the Board of Supervisors, on the first day of each meeting of said Board, the amount of money remaining in the Hospital Fund at the date of said report, subject to their order, and in no case shall the Board of Supervisors, at any such meeting, allow or direct the issuance of orders which will, singly, or in the aggregate, exceed the sum reported by the Treasurer to be subject to their order at said meetings; and in no case shall any order be issued payable out of any other than the Hospital Fund, for any service rendered for or in behalf of the indigent sick of the county; and any member of the Board of Supervisors, or County Auditor, consenting to the issuance of any orders in violation of the provisions of this section, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum double the amount of such order, and in default of payment shall be imprisoned in the county jail for any time not exceeding sixty days; *provided*, that nothing in this Act contained shall be construed to prevent the Board of Supervisors from auditing and directing the issuance of orders on the General Fund of the county, (in case there is a deficiency in the Hospital Fund,) for the discharge of any and all indebtedness which may have been incurred for the care and maintenance of the indigent sick prior to the passage of this Act.

Powers of
Board of
Supervisors

SEC. 4. The Board of Supervisors shall have the power to contract for the care, maintenance, and medical treatment, of the indigent sick of the county; but all contracts shall particularly specify that the party or parties agreeing to keep said indigent sick shall accept, in full satisfaction for said contract, the money to be received into the Hospital Fund during the continuance of said contract; and said contract shall further specify the price per week at which each indigent sick patient shall be kept, which price shall not exceed twelve dollars per week.

Applications
for benefits.

SEC. 5. All applications for the benefits of this Act shall be made to the Board of Supervisors, or some member thereof, and no person shall be admitted as a charge upon the County Hospital Fund until he or she shall first subscribe to an oath, before some person qualified to administer the same, specifying that he or she is indigent sick, and has no means of sustenance here or elsewhere.

SEC. 6. All Acts, and parts of Acts, in conflict with the provisions in this Act, are hereby repealed.

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

CHAP. CCXLIV.—*An Act to give further Powers to the Board of Supervisors of the City and County of San Francisco.*

[Approved April 17, 1862.]

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 empowered, with the assent of the respective creditors of said city and county, hereinafter mentioned and referred to, and in the manner hereinafter provided, to settle, compound, and compromise, and adjust, certain indebtedness of said city and county, existing by certain final judgments against the City of San Francisco, or against said city and county, in favor of the purchasers, or assignees of purchasers, of certain property, known as the "City Slip Property;" and also, any final judgment that may hereafter be rendered in favor of any other of such purchasers or assignees; and also, the claim in suit in Fourth District Court, in the name of Felix Argenti, against the said city; and also, the judgment in the Twelfth District Court, in the name of Lucas, Turner & Co., against said city; and also, the judgment of H. W. Seale, against the said city, in said Twelfth District Court; and also, a certain judgment, in favor of Nathaniel Holland, against the City of San Francisco, rendered in the Twelfth Judicial District Court, in and for the City and County of San Francisco, on the seventh day of January, eighteen hundred and fifty-six, for four thousand eight hundred and sixty-eight dollars, and costs, with interest thereon, the same as if said judgment remained in full force and effect, and unreversed; and to close, adjust, and settle, all controversies respecting the title to said property, known as the "City Slip Property," upon such terms as the said Board may deem just and equitable; and the said Board is further hereby authorized and empowered to sell, on such terms and conditions as it may deem proper, the said property, called the "City Slip Property;" and, if deemed by it expedient, to apply the proceeds thereof to the payment of said judgments and indebtedness, or either or any of them, or any part thereof, in such sums and proportions as said Board shall deem best, and to issue, or cause to be issued, in such manner and form, and with such terms and conditions, redeemable in twenty years, as may be approved by said Board, bonds of said city and county, in payment of said indebtedness and judgments, or any or either of them, or of so much thereof as shall remain unpaid after the application and payment, as aforesaid, of said proceeds of sale, if said Board shall conclude to sell said city slip property, and appropriate the proceeds, as aforesaid; and said bonds, so issued, shall be good and valid securities against said city and county for the amounts for which the same shall be issued in pursuance of this Act; *provided*, the interest on said bonds shall not, in any instance, exceed the sum of seven per cent. per annum; and the said Board are further authorized and empowered to levy and collect, from time to time, and in any settlement, as aforesaid,

Supervisors
to compro-
mise certain
claims.

Proviso.

as herein provided, to provide for the future levy and collection of such tax, not to exceed one half of one per cent. per annum, upon the taxable property in said city and county, as may be deemed necessary to pay the interest, and, eventually, the principal, of said bonds, when said interest and principal shall, respectively, become due; which tax shall be levied and collected in the same manner, and with like remedies, as other taxes are levied and collected in said city and county; *provided*, that in all cases where the purchase money has been paid for any of said lots, and the purchasers may elect to receive deeds for the same, in lieu of any judgment recovered, or claim for a return of the purchase money, the Mayor of said City and County of San Francisco is hereby authorized to make and execute deeds to such purchasers, or their assigns, without any additional consideration, which deeds shall convey all the title in said lots which the city and county has therein; *provided*, further, that the Mayor of said city and county is also authorized to make and execute deeds, for certain slip lots, to such purchasers, or their grantees, as paid in full, and receive deeds from the Treasurer of said city and county, under and by virtue of an Act to authorize the Treasurer of the City and County of San Francisco to execute certain Deeds and cancel Claims, approved April twenty-sixth, eighteen hundred and fifty-eight, and an Act amendatory of said Act, approved April sixth, eighteen hundred and sixty, without additional compensation, which deeds shall convey all the title in said lots, which the city and county has therein.

Provided.

Same.

Powers of Board.

SEC. 2. *Be it further enacted*, That in the settlement and adjustment of such indebtedness, the said Board shall have full power to require and take such assurances, indemnities, and satisfactions, as the said Board may deem necessary for the protection of the interests of said city and county.

SEC. 3. *Be it further enacted*, That this Act shall not be construed to divert, diminish, or impair, any power heretofore possessed by said Board of Supervisors.

SEC. 4. All Acts, or parts of Acts, of the Legislature of the State of California, inconsistent herewith, are hereby repealed.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

CHAP. CCXLV.—*An Act to amend an Act entitled an Act to provide Revenue for the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 17, 1862.]

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

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

Section 17. If any person shall wilfully make, or give, under

oath or affirmation, a false list of his, her, or their, taxable prop- False list of
 erty, or a false list of taxable property under his, her, or their, property.
 control, such person shall be deemed guilty of perjury, and,
 upon conviction thereof, shall be punished therefor, as is by law
 provided for the punishment of perjury; and any property wil-
 fully concealed, removed, transferred, or misrepresented, by the
 owner or agent thereof, to evade taxation, shall, upon discovery,
 be assessed at ten times the amount of tax, for that year, which Increased
 would otherwise have been assessed upon it; and fifty per cent. assessment.
 of the amount of such additional tax, when collected, shall be
 paid to the person or persons who shall furnish the information
 which reveals the property so concealed, transferred, removed, Disposition
 or misrepresented, and the remaining fifty per cent., after to be made
 deducting the usual per centage for collection, shall be paid into of tax.
 the Treasury, for the benefit of the Common School Fund of
 the State.

SEC. 2. This Act shall take effect immediately, and shall
 apply in and to all the counties of this State.

CHAP. CCXIV.—*An Act to regulate the Proceedings of the Board
 of Supervisors for the County of San Diego, and to define their
 Duties.*

[Approved April 17, 1862.]

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

SECTION 1. There shall be, within and for the County of San Board.
 Diego, a Board of Supervisors, to consist of the Trustees of the
 City of San Diego, as enacted by an Act, approved January
 thirteenth, one thousand eight hundred and fifty-two, and one
 member from each township of said county, and they shall hold
 office for one year, and until their successors are elected and
 qualified.

SEC. 2. The qualified electors of each township shall, at each Election.
 and every annual general election, elect one of their qualified
 electors, as Supervisor, who shall qualify and take his office on
 the first Monday of the month following said election, as is pro-
 vided in the general Election Law of this State.

SEC. 3. The County Clerk shall be ex officio Clerk of the Duties of
 Board of Supervisors; he shall keep a record of the proceedings, Clerk of
 and all resolutions, acts, decisions, regarding the auditing of ac- Board.
 counts, and the receiving and payment of moneys, and he shall
 enter on the journal, in full, all and everything relating to the
 business transacted by said Board, and the vote of each member
 shall be recorded, "Aye," or "No," in full, on each and every
 question acted upon, or decided, by said Board. The books, pa-
 pers, and accounts, of the Board, shall be kept in the office of
 the County Clerk, and shall at all times be open to the inspec-
 tion of any citizen of the county.

SEC. 4. The Board of Supervisors shall meet at the Court
 House, in the City of San Diego, on the first Monday of Jan-

Meetings. uary, April, July, and October, and on the second Mondays of May and November, for the especial and only purpose of settling with the County Treasurer, of each and every year, and whenever they deem it necessary for the interest of the county; *provided*, that no special meeting of said Board shall be convened or held for any purpose whatever, unless notice of the same shall have been posted, over the signatures of at least three members of said Board, for five days next preceding said special meeting; said notices shall state fully and particularly what business will be transacted at said special meeting, and no other business shall be in order at any special meeting of said Board. It shall be the duty of the Board, which expires on the first Monday of the month following the general election of each year, to meet on said day, in order to deliver over to the Board the accounts and books, together with an abstract account of the financial condition of said county. Three qualified Supervisors shall constitute a quorum for the transaction of any business legally coming before them. Their proceedings shall be in public. They shall, at their first meeting, elect one of their number as Chairman, who shall, by virtue of this Act, have power to administer oaths in all matters touching the business of said Board. Each Supervisor shall be allowed the sum of three dollars per day for each day's attendance on the stated meetings of said Board, but no pay shall be allowed to any member of said Board for attendance on special meetings, or while sitting as the Board of Equalization.

Quorum.

Duties.

Powers of Board.

SEC. 5. The Board of Supervisors shall have power to make such orders, concerning the property of said county, as they may deem expedient, and to sell, or otherwise dispose of, the same, appropriating the proceeds thereof to the use of the county; they shall examine and audit the accounts of all officers having the management, collection, or disbursing, of any moneys, or funds, belonging to the county; to examine, settle, and allow, all accounts legally chargeable against the county, and to raise such sums, in manner as herein provided, as may be necessary to pay the same; to establish townships and election districts, and to alter the same; to have the management and control of public ferries, roads, and bridges, and to make all necessary orders concerning the same; to impose and enforce a tax upon roads, bridges, and ferries, such as they may deem just and equitable; and shall have power to examine all books, accounts, and vouchers, of all and every county and township officer of said county, and audit and settle the same, according and pursuant to law, which examination of auditing, and settlement, shall take place at such and every stated meeting of the Board, and shall have power to take and approve all bonds executed by county officers, for the faithful discharge of their official duties; *provided*, that for the disposal of any of the property of the county, it shall require a majority of all the members of the Board of Supervisors, at a regular quarterly meeting of the Board, to adopt any resolution, or order, for such disposal, which order, or resolution, shall be published by posting in one or more public places in each township of the county, at least sixty days previous to the next quarterly meeting of the Board, when said resolution, or order, shall be again considered by the

Board, and, if it shall be approved by a majority of all the Supervisors of said county at said meeting, then they may proceed and dispose of said property at public auction, and not otherwise, giving at least fifteen days public notice.

SEC. 6. No member of the Board shall in any manner be interested in any contract or undertaking with said county; they shall not be permitted to allow any interest, or any claim, against the county, or to audit or allow any claim for damages, or non-performance of any contract, on the part of the county.

Supervisors not to be interested in contracts.

SEC. 7. All Acts, or parts of Acts, either of a general or local nature, contrary to the provisions of this Act, are hereby repealed.

SEC. 8. This Act shall take effect from and after its passage.

CHAP. CCXLVII.—*An Act for the Payment of Oliver and Lewis.*

[Approved April 17, 1862.]

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

SECTION 1. The sum of two hundred and ninety-five dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying Oliver and Lewis for supplies furnished "Kibbe Rangers," in the Pitt River expedition against the Indians, in the year one thousand eight hundred and fifty-nine.

Appropriation.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant, on the Treasurer of State, in favor of the said Oliver and Lewis, for the sum mentioned in section first of this bill.

CHAP. CCXLVIII.—*An Act to authorize the Reissue of a certain Lost School Land Warrant.*

[Approved April 17, 1862.]

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, in the name of Thomas Mooney and Michael Riley, in the County of Yuba, or in the name of their assigns, (duly proved before a Notary Public to be such,) the following described California School Land Warrant, viz.: Number Fifty-Three, for three hundred and twenty acres of land, and formerly issued to Henry H. Watson, August twelfth, eighteen hundred and fifty-two.

State Treasurer to issue.

SEC. 2. Before said land warrant is delivered to said Mooney and Riley, or their assigns, the Treasurer shall demand and re-

Bond of
indemnity.

ceive from the said Thomas Mooney and Michael Riley, a bond of indemnity, in the sum of six hundred and forty dollars; said bond shall be payable to the State of California, conditioned against the appearance, or presentment for location, of the original school land warrant herein before mentioned, and said bond shall be executed by at least two good and sufficient sureties, to be approved by the Treasurer of State.

CHAP. CCXLIX.—*An Act to amend an Act entitled an Act to incorporate the City of Placerville, approved March seventh, one thousand eight hundred and fifty-nine.*

[Approved April 17, 1862.]

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:

Election of
officers.
officers to be
appointed.

Section 5. The Mayor, Assessor and ex officio Clerk, shall be elected by the qualified voters of said city, and the Marshal and the ex officio Collector, and Superintendent of Streets, shall be appointed by the Board of Aldermen, and shall hold their office for the term of one year, and until their successors are elected, or appointed, and qualified, as provided for in this section.

SEC. 2. Section two of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine, approved April fourteenth, eighteen hundred and sixty, is hereby repealed.

SEC. 3. This Act shall take effect on the expiration of office of the present incumbents.

CHAP. CCL.—*An Act for the Relief of E. B. Ryan, Assessor for the City and County of Sacramento.*

[Approved April 17, 1862.]

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

SECTION 1. Whereas, Norman S. Leslie, a resident of Sacramento City and County, was, on the ninth day of October, A. D. one thousand eight hundred and sixty-one, duly appointed Deputy Assessor, by and under E. B. Ryan, Assessor for the City and County of Sacramento; and whereas, the said Norman S. Leslie, acting as such Deputy Assessor, for the collection of poll taxes, did, on the tenth day of November, A. D. one thousand eight hundred and sixty-one, lose, or have stolen, from his pos-

session, forty-three poll tax receipts, duly signed by the proper officers: *Be it therefore enacted*, That the Auditor of Sacramento City and County, in making his settlement with E. B. Ryan, Assessor of said city and county, shall credit said Ryan with the sum of one hundred and twenty-nine dollars, being the value of said poll tax receipts lost as aforesaid.

CHAP. CCLI.—*An Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the Claim of Robert Nixon, Jr.*

[Approved April 17, 1862.]

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

SECTION 1. The Board of Supervisors of Siskiyou County are hereby authorized to audit and allow, and order paid out of the General Fund of said county, the sum of three hundred dollars, to Robert Nixon, Jr., for the publication of the delinquent tax list of said county, for the year one thousand eight hundred and sixty-one.

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

CHAP. CCLII.—*An Act to regulate Artesian Wells in the County of Santa Clara.*

[Approved April 17, 1862.]

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

SECTION 1. Any person, being the owner, or occupant, or in possession, of any parcel of land situated in the County of Santa Clara, on which there may be an artesian well, or having the use or control of the water issuing from such well, who shall suffer or permit the water issuing from the same to overflow, or injure, any road, street, or alley, that is used as a public road, street, or alley, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars; and, if he shall have been previously convicted of such offence, or, if he shall have been notified that the water of such well overflowed, or injured such road, street, or alley, such fine shall not be less than five dollars per day. Such person shall also be liable, in a civil action, at the suit of the person injured, for the damages sustained by him by reason of such road, street, or alley, being overflowed, or injured, by such water.

Owners to control water from wells.

Penalties for violation of Act.

SEC. 2. The Overseer, or other person, having charge of any public road, street, or alley, who shall, for the space of ten days

Penalties for violation of Act. during which the water from any artesian well shall have overflowed, or injured, such road, street, or alley, neglect or refuse to prosecute, or cause to be prosecuted, the person having the use or control of the artesian well from which such water issued, or of the parcel of land on which such artesian well may be, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars.

Same. SEC. 3. Any person, being the owner, or occupant, or in the possession, of any parcel of land on which there may be an artesian well, or having the use or control of the water issuing from such well, who shall suffer or permit the water thereof to flow to waste, or more water to flow therefrom than is sufficient for the use of himself, or of any person to whom he may, by contract, be furnishing water from such artesian well, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, and, upon a second or further conviction for such offence, he shall be punished by a fine not less than five dollars per day, for each day since his last conviction, that he shall have suffered or permitted such water to flow to waste.

SEC. 4. The Act entitled an Act concerning Artesian Wells in Santa Clara County, approved April fifteenth, eighteen hundred and fifty-eight, is hereby repealed.

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

CHAP. CCLIII.—*An Act concerning the Office of District Attorney of Los Angeles County.*

[Approved April 18, 1862.]

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

SECTION 1. That so much of section thirteen of an Act entitled an Act to regulate Fees of Office in the Counties of Los Angeles and Santa Barbara, approved April fourth, eighteen hundred and sixty-one, as relates to the salary and fees of the District Attorney of Los Angeles County, be and the same is hereby repealed.

Salary of District Attorney

SEC. 2. From and after the first day of January, eighteen hundred and sixty-two, the District Attorney of Los Angeles County shall receive for his services a yearly salary of twenty-five hundred dollars, to be audited and paid in the same manner as the salary of the County Judge, and fees and per centage in all cases as provided by section six hundred and ninety of the Criminal Practice Act, and the Revenue Laws of the State.

SEC. 3. This Act shall take effect immediately.

CHAP. CCLIV.—*An Act granting the Right to keep and maintain a Bridge across the North Fork of the American River, near Carrolton, in the Counties of Placer and El Dorado.*

[Approved April 18, 1862.]

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

SECTION 1. The right to keep and maintain, for twenty ^{Franchise.} years, a public toll bridge, across the North Fork of the American River, at, or near, Carrolton, in the Counties of Placer and El Dorado, is hereby granted to J. D. Pratt, W. C. Lyons, and their associates and assigns, upon the terms and conditions hereinafter mentioned.

SEC. 2. The said J. D. Pratt, W. C. Lyons, and their asso- ^{Tolls.} ciates, are hereby authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Placer County may fix annually; *provided*, that the Legislature may, at all times, regulate, modify, or change, the rates of toll so fixed by said Board of Supervisors.

SEC. 3. Said J. D. Pratt, W. C. Lyons, and their associates, ^{May regulate rate of speed} 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. Notice of such regulation shall be kept posted upon some conspicuous part of each end of said bridge, and for each violation of said regulation, the party offending may be fined, in any Court of competent jurisdiction, in any sum not less than ten nor more than fifty dollars; *provided*, also, that ^{Violation of.} parties violating such regulations, shall be liable for any actual damage sustained by reason of such violation.

SEC. 4. No ferry or toll bridge shall be established within one mile immediately above or below said bridge, unless it be required by public convenience, and the right to establish it be granted by the Legislature.

SEC. 5. It is also further provided, that nothing in this Act contained shall in any wise diminish the rights and privileges which said J. D. Pratt, W. C. Lyons, and their associates, now possess and enjoy, under the laws concerning ferries and toll bridges.

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

CHAP. CCLV.—*An Act to amend an Act, approved March fourth, eighteen hundred and fifty-seven, entitled an Act to amend an Act to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three.*

[Approved April 18, 1862.]

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

SECTION 1. The second section of an Act, approved the fourth of March, one thousand eight hundred and fifty-seven, entitled an Act to amend an Act to incorporate the City of Monterey, approved May eleventh, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows:

Section 2. Another section is added to said Act, to read as follows:

Powers of
Trustees.

Section 14. The Trustees within said city shall have power to prevent and remove nuisances, to regulate the slaughtering of cattle, and to levy and collect license taxes for the purpose of repairing and opening streets; such license not to exceed one dollar per month for any one person for one kind of business; and also to regulate and restrict the running at large of hogs; to enact ordinances not inconsistent with the laws of the United States or of this State; to impose and appropriate fines, penalties, and forfeitures, for breaches of their ordinances; *provided*, that no fine shall be imposed of more than five hundred dollars, and no offender shall be imprisoned for more than ten days.

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

CHAP. CCLVI.—*An Act for the Relief of William P. Sayward.*

[Approved April 18, 1862.]

Preamble.

WHEREAS, By virtue 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, A. D. eighteen hundred and fifty-one, approved May eighteenth, A. D. eighteen hundred and fifty-three—the interest of the State of California in and to Water Lot Number Three Hundred and Thirty-Eight, was, on the seventeenth day of August, A. D. eighteen hundred and fifty-four, sold to William P. Sayward; and whereas, the deed for said property has been lost, without having been recorded; therefore—

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

SECTION 1. Frank M. Pixley is hereby authorized and em-

powered to convey to William P. Sayward, by deed, duly executed and acknowledged, all the interest which the State of California had in and to Water Lot Number Three Hundred and Thirty-Eight, in the City of San Francisco, on the seventeenth day of August, one thousand eight hundred and fifty-four.

Attorney-General to execute deed.

CHAP. CCLVII.—*An Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their associates, to construct a Plank Road, or Bridge, over the Waters of Mission Bay, in the City and County of San Francisco.*

[Approved April 18, 1862.]

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

SECTION 1. D. B. Northrop, Horace Cole, and E. B. Goddard, together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall incorporate themselves, under the general laws of the State regulating corporations and providing for the incorporation of bridge companies, and shall adopt the name of "Mission Bay Bridge Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Franchise.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain, a public plank road and toll bridge, across Mission bay, in the City and County of San Francisco, from or near the foot of Fourth street, on the north side of said bay, to or near the foot of Noble street, on the south side of said bay, and have and enjoy all rights, privileges, and immunities, thereunto appertaining, and shall have the right of way across said bay, and the privilege of using the same for that purpose, which is hereby granted and ceded to said company for the term of twenty years; *provided*, within one year from the date of the passage of this Act, the said company shall commence the construction of said plank road and toll bridge, and within two years shall build and fully complete the same; otherwise the right to build the same shall be forfeited, and this Act become null and void. Said company shall, at all times after its completion, keep said road and bridge in passable order and in good 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, or road, the City and County of San Francisco shall have the right to purchase the same, at an appraised value, to be determined by five Appraisers, two to be selected by said company, two by the said city and county, and one to be selected by the four Appraisers herein before provided for; and such value shall be estimated to be the value of the bridge,

Powers of company.

Conditions.

or road, not including the franchise or right of way; and, *provided*, further, that if said bridge, or road, be purchased by said city and county, then the right to levy and collect tolls shall cease.

Conditions. SEC. 3. The said plank road, or bridge, shall be constructed of the best material and in the most substantial manner, and shall be of sufficient width to allow carriages and vehicles of every description to meet and pass with ease and safety, and shall have a draw, or opening, in the centre of the channel of said Mission bay, of sufficient width (not less than twenty-five feet in width) as will admit the passage of all ships, or boats, navigating the waters of Mission creek and Mission bay, above said plank road, or bridge, and the said company shall at all times keep said draw or opening in good working condition, and shall also employ not less than two persons, one of whom shall be in constant attendance at said draw, or opening, for the purpose of allowing an uninterrupted navigation of the said bay and creek; and any damage that may accrue, by reason of his absence or inattention to the duties as prescribed, shall be at the cost and expense of said company, to be recovered by an action in any Court of competent jurisdiction.

Tolls. SEC. 4. The said company, upon the erection and completion of said plank road, or bridge, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of said city and county may fix annually; *provided*, no toll shall be charged or collected for foot passengers.

Rates of speed of travel. SEC. 5. Said company may regulate and determine the speed of travel, riding or driving, upon said bridge, or road, 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.

Violation of. SEC. 6. For the faithful performance of the terms of this Act, on the part of the grantees, their associates, or assigns, they shall execute, within three months from the date of this Act becoming a law, a bond, to the Treasurer of the City and County of San Francisco, in the sum of twenty thousand dollars, with two sureties, to be approved by the Judge of the Twelfth Judicial District of the State of California, and shall file the same in the office of said Treasurer; and upon the forfeiture of said bond, it shall be the duty of the Attorney of said city and county to bring an action for the amount thereof, and, upon recovery, to have the amount of said bond, with costs of suit, paid into the Treasury of said City and County of San Francisco, and in case said bond shall not be executed, approved, and filed, as provided in this Act, or in case of the non-performance of any of the terms or conditions of this Act, by said grantees, their associates, and assigns, required to be performed, then the franchises and privileges herein granted shall utterly cease and determine.

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

CHAP. CCLVIII.—*An Act to amend an Act entitled an Act to regulate Fees of Office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one.*

[Approved April 13, 1862.]

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

SECTION 1. Such fees are allowed to the officers hereinafter named, within the County of Los Angeles, for their services rendered in discharging the duties imposed on them by law, as are herein provided; and such officers may lawfully charge, demand, and receive, the same.

FEEES OF THE CLERK OF THE DISTRICT COURT.

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

Section 2. For entering every cause on the Clerk's register of actions, fifty cents. Clerk of District Court.

For making the necessary entries therein, during the progress of the trial, for each folio, thirty cents.

For issuing each subpoena, for each witness, twenty-five cents.

For issuing each commission to take testimony, fifty cents.

For issuing a writ of attachment or summons, or other writ or process, under seal, seventy-five cents.

For issuing every execution, or other final process, under seal, seventy-five cents.

For entering return of attachment, execution, or other process, fifty cents.

For entering each suit in plaintiff's index, fifty cents.

For issuing every decree or order of sale of mortgaged property, or writ of injunction, for the first folio, seventy-five cents; and for each subsequent folio, thirty cents.

For filing each paper, twenty-five cents.

For calling and swearing jury, seventy-five cents.

For entering each appearance, fifty cents.

For entering every motion, rule, order, default, discontinuance, dismissal, or nonsuit, fifty cents.

For entering each verdict of a jury, seventy-five cents.

For polling each jury, fifty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, fifty cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, thirty cents.

For each entry of judgment on judgment docket, fifty cents.

For filing judgment roll, fifty cents.

For each entry of satisfaction of judgment, fifty cents.

For copy of any proceeding, record, or paper, for each folio, thirty cents.

For every certificate or attestation, under seal, seventy-five cents.

For administering every oath or affirmation, twenty-five cents.

For taking down testimony of witnesses during trial, for each folio, thirty cents, to be paid by the party requesting the same.

For receiving and filing every remittitur from the Supreme Court, and accompanying papers, fifty cents.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For entering every decree in insolvency, for the first folio, one dollar, and for each subsequent folio, thirty cents.

For every notice given by publication, seventy-five cents.

For taking justification to bond, for each name thereto, fifty cents.

For acknowledgment of deed, or other instrument, including all writing and seal, for the first name thereto, one dollar; for each subsequent name, twenty-five cents.

For searching the files of each year in his office, (but not to charge suitors or Attorneys,) fifty cents.

For each day's attendance in Court, when the same is sitting as a Court of criminal jurisdiction, five dollars.

FEES OF THE CLERK OF PROBATE COURT.

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

Clerk of Probate Court.

Section 3. For issuing letters testamentary, or of administration, or guardianship, seventy-five cents.

For certificate of appointment of each Guardian or Appraiser, seventy-five cents.

For writing and posting notices, for each copy, seventy-five cents.

For each notice given by publication, seventy-five cents.

For recording wills, for each folio, thirty cents.

For making in the index thereto all the entries required of the filing and recording the same, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

FEES OF CLERK OF THE COUNTY COURT.

SEC. 4. Section four of said Act is amended to read as follows:

Clerk of County Court.

Section 4. For filing all papers sent on appeal from Justice's Court, in each case, two dollars.

For filing any paper required, twenty-five cents.

For recording any instrument or paper, when required, for each folio, thirty cents.

For making in the several indexes all entries required, of the filing and recording any instrument, paper, or notice, twenty-five cents.

For recording a certificate of location of a school land warrant, or a float thereof, three dollars.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

FEES OF CLERK OF THE COURT OF SESSIONS.

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

Section 5. The Clerk of the Court of Sessions shall receive the same fees as the Clerk of the District Court for similar services. Clerk of Court of Sessions.

FEES OF COUNTY RECORDER.

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

Section 6. For recording every instrument, paper, or notice, when required, in the English language, for each folio, thirty cents ; in any other language, for each folio, fifty cents. County Recorder.

For filing and receiving every instrument, paper, or notice of, or record, twenty-five cents.

For making the necessary entries in every instrument, paper, or notice, filed for record, fifty cents.

For filing and keeping each paper, not required to be recorded, and indorsing same, fifty cents.

For making, in the several indexes, the entries required, of the filing and recording any instrument, paper, or notice, for each entry, twenty-five cents.

For every certificate or attestation, under seal, seventy-five cents.

For every entry or discharge of mortgage on margin of record, fifty cents.

For indexing every satisfaction of mortgage, twenty-five cents.

For searching records and files of each year in his office, fifty cents.

For abstract or certificate of title, when required ; for each conveyance, or incumbrance, certified, fifty cents.

For recording every plat or map, for each course, thirty cents.

For figures, and lettering plats and maps, for each folio, one dollar.

For acknowledgment of deed, or other instrument, including all writing and seal, for the first name, one dollar ; for each additional name, twenty-five cents.

For filing and recording every marriage certificate, one dollar.

For recording every mark, brand, or counterbrand, one dollar.

For copies of papers and records, the same fees as are allowed for recording the same.

FEES OF COUNTY AUDITOR.

SEC. 7. Section seven of said Act is amended to read as follows :

Section 7. The County Auditor shall receive, for services rendered by him in the discharge of the duties imposed upon him by law, for each folio, thirty cents. County Auditor.

For services in examining, adjusting, and settling, the accounts of the County Treasurer, Sheriff, Assessor, Tax Collector, or

any other revenue officer, upon the days required by law, for each day, five dollars.

For filing and indorsing each paper, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

THE CLERK OF THE BOARD OF SUPERVISORS.

SEC. 8. Section eight of said Act is amended to read as follows :

Clerk of
Board of
Supervisors

Section 8. The Clerk of the Board of Supervisors, the Clerk of the Board of Equalization, and the Clerk of the Board of Canvassers, shall receive, for each day's attendance on said Board, five dollars; *provided*, that if, after the adjournment of the Board of Equalization, or Board of Canvassers, it may be necessary, in order to complete the minutes of said Boards, required by law, that they may allow him five dollars per day additional compensation for such necessary services rendered, which allowance shall not exceed the sum of one hundred dollars per annum.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

FEES OF SHERIFF.

SEC. 9. Section nine of said bill is hereby amended so as to read as follows :

Sheriff.

Section 9. For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on every defendant, one dollar.

For travelling in making such service, per mile, in going, only—to be computed, in all cases, from the Court House of the county—forty cents; *provided*, that if any two or more papers are required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged.

For taking bonds or undertakings in any case in which he is authorized to take the same, seventy-five cents.

For copy of any writ, process, or other paper, when demanded, or required by law, for each folio, thirty cents.

For serving every notice, rule, or order, fifty cents.

For serving a subpoena, for each witness summoned, fifty cents.

For travelling, per mile, in serving each subpoena, or venire, in going, only, forty cents; but when two or more witnesses, or jurors, live in the same direction, travelling fees shall be charged only for the most distant.

For serving any attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and fifty cents, with travelling fees, as on a summons; but no travelling fees shall be allowed on such attachment, 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, except for the distance actually and necessarily travelled, beyond that required to serve the summons.

For serving an attachment upon any ship, boat, or vessel, in

proceedings to enforce any lien, created thereon by law, five Sheriff dollars.

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 commission 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 per cent., and on all sums above that amount, one per cent.

The fees herein allowed for the levy of an execution, and for advertising, and for making and collecting the money on an execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing 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 travel in the service of any process, not herein before mentioned, for each mile necessarily travelled, in going, only, forty cents.

For attending, when required, on any Court, in person or by Deputy, for each day, five dollars, to be paid out of the County Treasury.

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 travelling 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 in preserving the same, as the Court, from which the writ or order may issue, shall certify to be just and reasonable.

For holding each inquest, or trial of right of property, when required, to include all services in the matter, except mileage, five dollars.

For attending on the Supreme Court, either in person or by deputy, for each day, five dollars, to be paid out of the State Treasury, as other claims.

For making every arrest in a criminal proceeding, two dollars.

For serving each subpoena in criminal proceedings, fifty cents.

For executing every sentence of death, twenty dollars.

For summoning a grand jury, ten dollars.

For summoning each trial jury, of twelve persons, four dollars.

For each additional juror, twenty-five cents.

For service of any process in criminal cases, for each mile necessarily travelled, twenty cents.

Sheriff.

And the same mileage for taking prisoners before a magistrate, or to prison.

In serving subpoenas 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 services in Justices' Courts, the same fees as are allowed to Constables in like cases.

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

CHAP. CCLIX.—*An Act to amend an Act entitled an Act authorizing Charles H. Brinley, and Andres Pico, and James R. Vineyard, to build and construct a Turnpike Road, from the e.e-Mission of San Fernando, across the Mountain of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County, approved May seventh, eighteen hundred and sixty-one.*

[Approved April 18, 1862.]

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

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

Completion
of road.

Section 2. If the said Charles H. Brinley, Andres Pico, and James R. Vineyard, or their assigns, shall, within the period of ten months from and after the first of May, eighteen hundred and sixty-two, cause to be built, and thereafter kept in good repair and condition, a substantial turnpike road, across the San Fernando Mountain, and shall cut down the San Fernando Mountain, where said road shall pass or cross over the same, at least fifty feet from its summit, they, and their successors or assigns, shall be and are hereby authorized and empowered, for the term of twenty years, to levy and collect such rates of toll as shall be fixed from time to time by the Board of Supervisors of said county; *provided*, however, that the same shall not at any time be fixed by said Board at any rate which shall be less in the aggregate than sufficient to enable the said Brinley, Pico, and Vineyard, or their assigns, to realize from their investment in said road the sum of twelve per cent. per annum upon the amount of the capital stock actually paid in; and, *provided*, also, that no other person or persons shall, within the period of this franchise, build any other toll road across said mountain, within two miles on each side of said road.

Tolls.

Proviso.

CHAP. CCLX.—*An Act to grant the Right of Way to construct a Toll Bridge across Bear River, to certain parties herein named.*

[Approved April 18, 1862.]

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

SECTION 1. William N. Leot, together with such associates Franchise. as he may admit, shall take, have, possess, and enjoy, all the rights, privileges, right 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 incorporation of bridge companies, and shall adopt the name of the Name of company. "Bear River Bridge Company." and shall abide by and fulfil the further conditions hereinafter mentioned.

SEC. 2. Said company, when incorporated, as aforesaid, shall Rights of company. have full power to build, erect, construct, and maintain, a public toll bridge, across Bear River, at or near the point where the township lines between Township Thirteen and Fourteen, north, of Mount Diablo base meridian, crosses said river, in Range Number Eight, east; Proviso. *provided*, that said bridge shall not be built within one mile of English bridge, across Bear River; 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 Conditions. twenty years; *provided*, that within one year from the date of the passage of this Act, the said company shall commence the construction of said bridge, and within two years shall have fully completed 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 all damages arising to persons or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition.

SEC. 3. Said bridge shall be constructed in a good and substantial manner, and of the best and most durable materials. Same.

SEC. 4. Said company, upon the erection and completion of Tolls. said bridge, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Nevada County may fix.

SEC. 5. Said company may regulate the speed of travel, riding or driving, on said bridge, and may require the speed not to be May regulate speed of travel. faster than a walk; and for each violation may recover a judgment, before any competent Court, for any damages by said company sustained by such travel, riding or driving, exceeding the speed authorized by the company; and for each violation of the rules of said company in regard to speed, the fact being proven, said company shall recover nominal damages and costs, and such further special damage as may be proven.

SEC. 6. Said company shall keep in some conspicuous place,

Scale of
prices.

at each end of said bridge, a bulletin, which shall contain the scale of prices and the rate of speed allowed on said bridge.

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

CHAP. CCLXI.—*An Act to provide for the Construction of a Wagon Road, commencing at Antelope Springs, in the County of Amador, and running thence, by the Safford Survey, to Hope Valley, on the eastern slope of the Sierra Nevada Mountains.*

[Approved April 18, 1862.]

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

Franchise.

SECTION 1. The right is hereby granted to C. D. Burleson, James Tulloche, E. B. Woolley, George Johnson, R. M. Briggs, David Coblentz, M. Tynnan, Leroy Worden, and their associates, and to them and their, or any of their assigns, to make, construct, and maintain, a wagon road, commencing at Antelope Springs, in the County of Amador, and running from thence along the route surveyed by J. V. H. Safford, in the summer of eighteen hundred and sixty-one, or as near thereto as shall be found expedient and practicable, to the Big Tree and Carson Valley road, in Hope Valley, on the eastern slope of the Sierra Nevada Mountains; and to locate, use, and occupy, any lands, not otherwise claimed, necessary for the construction of said road, to the extent of one hundred feet in width along the entire line of the said road, and to enter upon any public and vacant lands along the line of said road, and to take therefrom any and all timber, earth, gravel, and other material, necessary to be used in the construction, or repair, of the said road, for the term of twenty years from and after the passage of this Act.

Route of
road.

Conditions.

SEC. 2. The said parties shall complete the said road by or before the first day of October, A. D. eighteen hundred and sixty-two, and construct the same of the width of sixteen feet, and on a grade not exceeding eighteen feet rise to the one hundred feet of horizontal distance; *provided*, that if the County of Amador shall fail to donate the sum of twenty-five thousand dollars towards the construction of the said road, as is hereinafter provided, then the said parties shall have until the first day of October, A. D. eighteen hundred and sixty-three, to complete the same.

Proviso.

Tolls.

SEC. 3. The said parties are hereby authorized to fix a tariff of tolls on and for said road, to erect and maintain toll gates thereon, and to ask, demand, and receive, for the use and travel on the same, such sums of money as they shall see fit, not exceeding the following rates, viz: For each animal attached to any loaded wagon or vehicle, twenty-five cents; for each loaded wagon, one dollar; for each loaded pack animal, twenty-five cents; for man and horse, fifty cents; for empty freight teams and unloaded pack animals, half of the above rates; for pleasure

carriages and buggies, for each vehicle, one dollar—and twenty-five cents for each horse or animal attached thereto; for loose cattle, horses, and mules, twelve and a half cents each; for sheep, goats, and swine, five cents each, for each twenty miles on said road. The foregoing rates of toll may be continued for the term of five years from the passage of this Act, after which time there shall be a reduction of twenty per cent. from the above rates, for the next succeeding five years; and at the end of each period of five years the tolls shall be reduced twenty per cent., for the rates of the next succeeding five years.

SEC. 4. The Board of Supervisors of the County of Amador, at the first meeting of said Board after the passage of this Act, whether such meeting be a regular, adjourned, or a special, meeting, of said Board, shall submit to the qualified electors of said county, a proposition to appropriate and donate the sum of twenty-five thousand dollars, in the bonds of the County of Amador, for the purpose of assisting and encouraging the construction of the said wagon road, and shall, at the same time, cause a proclamation to be published in each of the newspapers published in Amador County, setting forth that the said proposition, above mentioned, will be submitted to a vote of the qualified electors of said county, at a special election, to be held on a certain day, which shall be designated in said proclamation, not less than ten nor more than twenty days after said meeting, which proclamation shall be so published at least ten days; and the said Board shall, in the same proclamation, give notice that, at the said election, one Road Commissioner will be voted for in each Supervisor District in said county.

Issuance of
bonds of
County of
Amador.

Election.

SEC. 5. The Board of Supervisors of said county shall appoint Judges and Inspectors of such election, and the same shall be conducted, in all respects, according to the provisions of the general election law, and in the same manner that general elections are conducted; *provided*, that the officers of such election shall not receive pay from the county for their services. On the tenth day after said election, the Board of Supervisors shall canvass the votes, and declare the result.

Same.

SEC. 6. Those voting at said election shall have written or printed, on their respective ballots, the name of the person voted for for Road Commissioner, and the words "For the Wagon Road Bonds," or the words "Against the Wagon Road Bonds." If, upon canvassing the votes polled at said election, it shall appear that a majority of the same were in favor of issuing the wagon road bonds, then it shall be the duty of the Board of Supervisors of the said County of Amador to issue, and they are hereby authorized and empowered to issue, bonds of the said County of Amador, not exceeding the aggregate sum of twenty-five thousand dollars, for the purpose set forth in the fourth section of this Act, and in accordance with succeeding sections. And if a majority of the votes polled at said election shall be in favor of issuing the wagon road bonds aforesaid, then the persons, one in each Supervisor District of Amador County, who shall have received the highest number of votes polled for Road Commissioner in their respective Districts, shall be declared duly elected, and shall be, and are hereby, constituted a Board of Road Commissioners, who, together with

Ballots.

Result.

Issuance
of bonds.

the County Surveyor of Amador County, shall superintend the prosecution of the work on, and the construction of, the said wagon road, in all matters and things connected with the payment of any part of the cost thereof by the said County of Amador.

Issuance
of bonds
to road
company.

SEC. 7. If, after the said wagon road bonds shall have been declared to have been voted for by a majority of the votes polled at the said election, the parties named in the first section of this Act, or their assigns, shall proceed to construct the aforesaid wagon road, according to the conditions herein before contained, then the said Board of Supervisors of the County of Amador shall issue and give to the said parties, or their assigns, the sum of twenty-five thousand dollars, in bonds of the County of Amador, in the manner following, viz: Upon the completion of said wagon road from Antelope Springs to Tragedy Springs, the sum of five thousand dollars; on the completion thereof from Tragedy Springs to the outlet of Silver Lake, five thousand dollars; on the completion thereof from the outlet of Silver Lake to Carson Spur Pass, five thousand dollars; on completion of the same from Carson Spur Pass to the head of Summit Lake, five thousand dollars; and upon completion of the same from the head of Summit Lake to the Big Tree and Carson Valley road, in Hope Valley, the sum of five thousand dollars.

Duties of
Road Com-
missioners.

SEC. 8. Whenever the Road Commissioners shall be notified, by the President or managing Agent of the company constructing the said wagon road, that they have completed a section thereof, or any section thereof, as mentioned in the last preceding section, they, the said Road Commissioners, shall, together with the Engineer by them selected, go upon the work and examine the same, and if they find the section constructed in a satisfactory manner, according to the requirements of this Act, then they shall forthwith certify the same to the Board of Supervisors of Amador County, who shall thereupon immediately issue and deliver the proportionate amount of the aforesaid bonds of Amador County, to the said company; but if, on inspection, it shall at any time appear that a section of said road has not been well and properly constructed, the Road Commissioners and Surveyor shall notify the said company of the deficiency, and no bonds shall be issued for the construction of such section until after the same shall have been put in proper condition; and upon the completion and acceptance of each section of said wagon road, as above specified, the said Board of Supervisors of the County of Amador shall issue and deliver to the said company, so constructing the said road, the sum of five thousand dollars, in the said bonds, until they shall have issued and delivered to the said company the full sum of twenty-five thousand dollars; and if the said company shall fully construct and complete the whole of said road by the first day of October, A. D. eighteen hundred and sixty-two, then the aforesaid sum of twenty-five thousand dollars shall be deemed and considered as a free gift from the County of Amador to the said company; but if the said company shall fail to complete the said road by the said first day of October, the bonds having been ready to issue, then the franchise hereby granted, or intended to be granted, by this Act, shall cease and determine;

Issuer of
bonds to
company.

and any portion of such roads as may have been constructed shall become the property of the county in which the same shall lie.

SEC. 9. The said bonds shall be issued in sums of five thousand dollars each, and shall be signed by the Chairman of the Board of Supervisors of Amador County, and countersigned by the County Clerk, ex officio Auditor of said county, who shall affix the seal of the County Court of Amador County thereto, and be indorsed by the Treasurer of Amador County. They shall bear interest, at the rate of twelve per cent. per annum; and coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilating the bond. The interest on the bonds shall be paid at the office of the Treasurer of Amador County, semi-annually, on the first day of January and on the first day of July, in each year, on and after the first day of January, eighteen hundred and sixty-three. The principal sums in said bonds shall be made payable and redeemable as follows, to wit: Five thousand dollars on the first Monday in November, eighteen hundred and sixty-three; five thousand dollars on the first Monday in November, eighteen hundred and sixty-four; five thousand dollars on the first Monday in November, eighteen hundred and sixty-five; five thousand dollars on the first Monday in November, eighteen hundred and sixty-six; and five thousand dollars on the first Monday in November, eighteen hundred and sixty-seven.

SEC. 10. For the purpose of paying the semi-annual interest on said bonds, and for their liquidation, the Board of Supervisors of Amador County shall levy a special tax as follows, to wit: For the year eighteen hundred and sixty-two, twenty-five cents on each one hundred dollars of taxable property in Amador County; for the year eighteen hundred and sixty-three, fifty cents on each one hundred dollars; for the year eighteen hundred and sixty-four, forty-five cents on each one hundred dollars; for the year eighteen hundred and sixty-five, forty cents on each one hundred dollars; for the year eighteen hundred and sixty-six, thirty-five cents on each one hundred dollars; and for the year eighteen hundred and sixty-seven, thirty cents on each one hundred dollars, of all the taxable property of Amador County. The said tax shall be collected and paid into the County Treasury in the same manner that other taxes, State and county, are collected and so paid; and the Treasurer shall keep the same separate and apart from all other moneys in the Treasury, and shall designate the same as "The Sierra Nevada Wagon Road Fund;" *provided*, that if there shall be a surplus of said fund, after the interest and principal of said bonds shall have been fully paid, such surplus shall be transferred to the General Fund of the County of Amador, without any further authority.

SEC. 11. The Road Commissioners, and the Engineer to be selected by said Commissioners, shall receive a compensation of eight dollars per day, for each day's service rendered by them under this Act, to be paid out of the General Fund of Amador County; *provided*, that no claim shall be allowed for more than thirty days service to any one of them.

SEC. 12. At the expiration of the franchise granted by this

Signatures
to bonds.

Interest and
payment of.

Bonds, when
payable.

Tax for
payment of
principal.

Collection.

Pay of
officers.

To revert to
Amador
County.

Act, the wagon road, constructed by virtue of the same, together with all of the improvements and appurtenances belonging thereto, shall vest in and become the property of, the county or counties in which the same shall then be situated.

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

CHAP. CCLXII.—*An Act for the Regulation of the Telegraph, and to secure Secrecy and Fidelity in the Transmission of Telegraphic Messages.*

[Approved April 18, 1862.]

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

Penalty for
divulging
contents of
message.

SECTION 1. If any officer, agent, operator, clerk, or employé, of any telegraph company, or any other person, shall wilfully divulge, to any other person than the party from whom the same was received, or to whom the same is addressed, or his agent or attorney, any message, received or sent, or intended to be sent, over any telegraph line, or the contents, substance, purport, effect, or meaning, of such message, or any part thereof, or shall wilfully alter any such message, by adding thereto, or omitting therefrom, any word or words, figure or figures, so as to materially change the sense, purport, or meaning, of such message, to the injury of the person sending, or desiring to send, the same, or to whom the same was directed, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court; *provided*, that when numerals or words of number occur in any message, the operator or clerk, sending or receiving, may express the same in words, or figures, or in both words and figures, and such fact shall not be deemed an alteration of the message, nor in any manner affect its genuineness, force, or validity.

Forged
message.

SEC. 2. If any agent, operator, or employé, in any telegraph office, or any other person, shall, knowingly and wilfully, send by telegraph, to any person or persons, any false or forged message, purporting to be from such telegraph office, or from any other person, or shall wilfully deliver, or cause to be delivered, to any person, any such message, falsely purporting to have been received by telegraph, or if any person or persons shall furnish, or conspire to furnish, or cause to be furnished, to any such agent, operator, or employé, to be so sent by telegraph, or to be so delivered, any such message, knowing the same to be false or forged, with the intent to deceive, injure, or defraud, any individual, partnership, or corporation, or the public, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court.

Penalty.

SEC. 3. If any agent, operator, or employé, in any telegraph office, shall, in any way, use or appropriate any information derived by him from any private message or messages, passing through his hands, and addressed to any other person or persons, or in any other manner acquired by him by reason of his trust as such agent, operator, or employé, or shall trade or speculate upon any such information, so obtained, or, in any manner, turn, or attempt to turn, the same to his own account, profit, or advantage, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court, and shall also be liable, in treble damages, to the party aggrieved, for all loss or injury sustained by reason of such wrongful act.

Agent, operator, or employé, using information from messages.

Penalty.

SEC. 4. If any agent, operator, or employé, in any telegraph office, shall, unreasonably and wilfully, refuse or neglect to send any message, received at such office for transmission, or shall, unreasonably and wilfully, postpone the same out of its order, or shall, unreasonably and wilfully, refuse or neglect to deliver any message received by telegraph, the person so offending shall be deemed guilty of a misdemeanor, and may be punished by a fine, not to exceed five hundred dollars, or imprisonment, not to exceed six months, or by both such fine and imprisonment, in the discretion of the Court; *provided*, that nothing herein contained shall be construed to require any message to be received, transmitted, or delivered, unless the charges thereon shall have been paid or tendered, nor to require the sending, receiving, or delivery, of any message, counselling, aiding, abetting, or encouraging, treason against the Government of the United States, or of this State, or other resistance to the lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

Neglect or postponement out of regular order.

Proviso.

SEC. 5. If any person, not connected with any telegraph office, shall, without the authority or consent of the person or persons to whom the same may be directed, wilfully or unlawfully open any sealed envelop, enclosing a telegraphic message, and addressed to any other person or persons, with the purpose of learning the contents of such message, or shall fraudulently represent any other person or persons, and thereby procure to be delivered to himself any telegraphic message addressed to such other person or persons, with the intent to use, destroy, or detain, the same, from the person or persons entitled to receive such message, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court, and shall, moreover, be liable, in treble damages, to the party injured, for all loss and damage sustained by reason of such wrongful act.

Opening sealed envelops, etc.

Penalty.

SEC. 6. If any person, not connected with any telegraph company, shall, by means of any machine, instrument, or contriv-

Clan-destinely learning the contents of message. ance, or in any other manner, wilfully and fraudulently read, or attempt to read, any message, or to learn the contents thereof, whilst the same is being sent over any telegraph line, or shall wilfully and fraudulently, or clandestinely, learn, or attempt to learn, the contents or meaning of any message, while the same is in any telegraph office, or is being received thereat, or sent therefrom, or shall use, or attempt to use, or communicate to others, any information so obtained by any person, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court.

Penalty.

Bribery. **Sec. 7.** If any person shall, by the payment or promise of any bribe, inducement, or reward, procure, or attempt to procure, any telegraph agent, operator, or employé, to disclose any private message, or the contents, purport, substance, or meaning thereof, or shall offer to any such agent, operator, or employé, any bribe, compensation, or reward, for the disclosure of any private information received by him, by reason of his trust as such agent, operator, or employé, or shall use, or attempt to use, any such information so obtained, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the Court.

Penalty.

Malicious injury to telegraph. **Sec. 8.** If any person shall wilfully and maliciously cut, break, or throw down, any telegraph pole, or any tree, or other object, used in any line of telegraph, or shall wilfully and maliciously break, displace, or injure, any insulator in use in any telegraph line, or shall wilfully and maliciously cut, break, or remove from its insulators, any wire used as a telegraph line, or shall, by the attachment of a ground wire, or by any other contrivance, wilfully and maliciously destroy the insulation of such telegraph line, or interrupt the transmission of the electric current through the same, or shall in any other manner wilfully and maliciously injure, molest, or destroy, any property, or materials, appertaining to any telegraph line, or belonging to any telegraph company, or shall wilfully and maliciously interfere with the use of any telegraph line, or obstruct or postpone the transmission of any message over the same, or procure, or advise, any such injury, interference, or obstruction, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed five hundred dollars, or imprisonment, not to exceed six months, or by both such fine and imprisonment, in the discretion of the Court; and shall, moreover, be liable to the telegraph company whose property is injured or line obstructed, in a sum equal to one hundred times the amount of actual damages sustained thereby.

Penalties.

Damages. **Sec. 9.** Any person offending against the provisions of section one, two, six, or seven, of this Act, shall, in addition to the penalties therein prescribed, be liable in a civil suit for all damages occasioned thereby.

Operators, etc., exempt from certain duties. **Sec. 10.** All operators, clerks, and persons, in the employ of any telegraph company, whilst employed in the offices of said company, or along the route of its telegraph lines, shall be ex-

empt from militia duty, and from serving on juries, and from any fine or penalty for the neglect thereof.

SEC. 11. Contracts made by telegraph shall be deemed to be contracts in writing; and all communications sent by telegraph, and signed by the person or persons sending the same, or by his or their authority, shall be held and deemed to be communications in writing. Contracts.

SEC. 12. Whenever any notice, information, or intelligence, written or otherwise, is required to be given, the same may be given by telegraph; *provided*, that the dispatch containing the same be delivered to the person entitled thereto, or to his agent or attorney. Notice by telegraph, shall be deemed actual notice. Actual notice.

SEC. 13. Any power of attorney, or other instrument in writing, duly proved or acknowledged, and certified, so as to be entitled to record, may, together with the certificate of proof or acknowledgment, be sent by telegraph, and the telegraphic copy or duplicate thereof, shall, *prima facie*, have the same force and effect, in all respects, and may be admitted to record and recorded in the same manner and with like effect as the original. Instruments that may be sent by telegraph.

SEC. 14. Checks, due bills, promissory notes, bills of exchange, and all orders or agreements for the payment or delivery of money, or other thing of value, may be made or drawn, by telegraph, and when so made or drawn, shall have the same force and effect to charge the maker, drawer, indorser, or acceptor, thereof, and shall create the same rights and equities in favor of the payee, drawee, indorsee, acceptor, holder, or bearer, thereof, and shall be entitled to the same days of grace as if duly made or drawn, and delivered in writing, but it shall not be lawful for any person, other than the maker or drawer thereof, to cause any such instrument to be sent by telegraph, so as to charge any person thereby. Except as hereinafter, in the next section, otherwise provided, whenever the genuineness or execution of any such instrument, received by telegraph, shall be denied, on oath, by the person sought to be charged thereby, it shall be incumbent upon the party claiming under, or alleging, the same, to prove the existence and execution of the original writing from which the telegraphic copy or duplicate was transmitted. The original message shall, in all cases, be preserved in the telegraph office from which the same is sent. Same.

SEC. 15. Except as herein before otherwise provided, any instrument in writing, duly certified, under his hand and official seal, by a Notary Public, Commissioner of Deeds, or Clerk of a Court of record, to be genuine, within the personal knowledge of such officer, may, together with such certificate, be sent by telegraph, and the telegraphic copy thereof shall, *prima facie* only, have the same force, effect, and validity, in all respects whatsoever, as the original, and the burden of proof shall vest with the party denying the genuineness or due execution of the original. Same.

SEC. 16. Whenever any person or persons shall have been indicted or accused, on oath, of any public offence, or thereof convicted, and a warrant of arrest shall have been issued, the Magistrate issuing such warrant, or any Justice of the Supreme Arrest.

Court, or Judge of a District or County Court, may indorse thereon an order, signed by him, and authorizing the service thereof, by telegraph, and thereupon such warrant and order may be sent by telegraph to any Marshal, Sheriff, Constable, or Policeman, and, on the receipt of the telegraphic copy thereof by any such officer, he shall have the same authority, and be under the same obligation to arrest, take into custody, and detain, the said person or persons, as if the said original warrant of arrest, with the proper direction for its service duly indorsed thereon, had been placed in his hands; and the said telegraphic copy shall be entitled to full faith and credit, and have the same force and effect, in all Courts and places, as the original. But, prior to indictment or conviction, no such order shall be made by any officer, unless, in his judgment, there is probable cause to believe the said accused person or persons guilty of the offence charged; *provided*, the making of such order by any officer, as aforesaid, shall be prima facie evidence of the regularity thereof, and of all proceedings prior thereto. The original warrant and order, or a copy thereof, certified by the officer making the order, shall be preserved in the telegraph office from which the same is sent, and, in telegraphing the same, the original, or the said certified copy, may be used.

Proviso.

Writ, order, etc., may be sent by telegraph.

SEC. 17. Any writ or order, in any civil suit or proceeding, and all other papers requiring service, may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ, or order, or paper, so transmitted, may be served or executed by the officer or person to whom it is sent for that purpose, and returned by him, if any return be requisite, in the same manner, and with the same force and effect, in all respects, as the original thereof might be if delivered to him, and the officer or person serving or executing the same, shall have the same authority, and be subject to the same liabilities, as if the said copy were the original. The original, when a writ or order, shall also be filed in the Court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or the certified copy may be used by the operator for that purpose.

Seal.

SEC. 18. Whenever any document, to be sent by telegraph, bears a seal, either private or official, it shall not be necessary for the operator, in sending the same, to telegraph a description of the seal, or any words, or device, thereon, but the same may be expressed in the telegraphic copy by the letters "L. S.," or by the word "Seal."

Officer of company may file device with County Clerk.

SEC. 19. The President or Secretary of any telegraphic company in this State may file, in the office of the Clerk of the County Court of the county in which the principal office of said county is situated, a copy of any printed blank or envelop, picture or device, used, or intended to be, by said company, with his certificate that the same is commonly used, or is intended so to be, in the business of said company, as a distinguishing mark, notice, or index, of said business, and thereupon such blank, envelop, picture, or device, shall become the property of said company, and it shall not be lawful for any person, unless by the employment or permission of said company, to print, publish, distribute, or use, or cause to be printed, publish-

ed, distributed, or used, either of them, or any copy, counterfeit, or imitation thereof. Any person wilfully offending against the provisions of this section, may be punished by a fine, not to exceed five hundred dollars, or imprisonment, not to exceed six months. Penalty for use of.

SEC. 20. It shall be the duty of any telegraph company doing business in this State, 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 out of its order; *provided*, that communications to and from public officers, on official business, may have precedence over all other communications; and, *provided*, also, that intelligence of general and public interest may be transmitted, for publication, out of its order. Order of dispatches. Provision.

SEC. 21. The term "telegraphic copy," or "telegraphic duplicate," wherever used in this Act, shall be construed to mean any copy of a message, made or prepared for delivery, at the office to which said message may have been sent by telegraph. Terms construed.

SEC. 22. Nothing herein contained shall be construed in any manner to take away, lessen, or limit, the liabilities of any telegraph companies doing business in this State. Liabilities.

SEC. 23. An Act concerning Telegraphic Messages, and to secure Secrecy and Fidelity in the transmission thereof, approved May fourteenth, one thousand eight hundred and sixty-one, is hereby repealed. Act repealed.

SEC. 24. This Act shall take effect immediately.

CHAP. CCLXIII.—*An Act granting the Right to construct and maintain a Bridge across the South Fork of the American River, at, or near, Salmon Falls, in the County of El Dorado.*

[Approved April 18, 1862.]

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

SECTION 1. The right to erect and construct, and to have, enjoy, and maintain, for twenty years, a public toll bridge, across the South Fork of the American River, at, or near, Salmon Falls, in the County of El Dorado, is hereby granted to A. H. Richards, together with such associates as he may admit, and their assigns, upon the terms and conditions hereinafter mentioned. Franchise.

SEC. 2. Said bridge shall be erected and constructed in a good and substantial manner, and of the best and most durable materials, and shall be completed within eighteen months from and after the passage of this Act. Conditions.

SEC. 3. The said A. H. Richards, and his associates, are hereby authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of said county may determine upon annually. Tolls.

SEC. 4. The said A. H. Richards, and his associates, 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. Notice of such regulation shall be kept posted upon some conspicuous part of each end of said bridge, and for each violation of said regulation the party offending may be fined, in any Court of competent jurisdiction, in any sum not less than ten nor more than fifty dollars; *provided*, also, that parties violating such regulation shall be liable for any actual damage sustained by reason of such violation.

May regulate speed of travel.

Violation of regulations.

SEC. 5. No toll bridge, or ferry, shall be established within one mile immediately above or below said bridge, unless it be required by public convenience.

License.

SEC. 6. The Board of Supervisors of the County of El Dorado shall fix and regulate the amount of license to be paid on said toll bridge, each year.

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

CHAP. CCLXIV.—*An Act to authorize Mrs. Mary Comstock, and her Minor Children, Bertha Comstock, John Felt Osgood Comstock, and George Comstock, to sell their Homestead.*

[Approved April 18, 1862.]

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

Power to sell

SECTION 1. Mrs. Mary Comstock, of San Francisco, California, is hereby authorized and empowered to sell her family homestead, situate on Pine street, in the City and County of San Francisco, at public or private sale, as she shall deem most advantageous for the interest of herself and children, to wit: Bertha Comstock, John Felt Osgood Comstock, and George Comstock, minors, under the age of fourteen years, to such person or persons, and at such time or times, and on such terms, as she shall deem most expedient, and for the best interest of herself and children.

Same.

SEC. 2. The said Bertha Comstock, John Felt Osgood Comstock, and George Comstock, are hereby authorized and empowered to unite with their mother, Mrs. Mary Comstock, in the conveyance of the said homestead, by deed or deeds, either in one parcel, or in subdivisions, and each to execute, acknowledge, and deliver, the same, to the purchaser or purchasers thereof; which said deed or deeds, so executed and delivered, shall be a valid conveyance of said homestead, and vest the title in the purchaser or purchasers thereof, with the same legal rights as if the said minor children were of full age, and the parties had lawful right to sell and convey the same.

CHAP. CCLXV.—*An Act to authorize the Sale of Real Estate belonging to Estate of Henry P. Haun, deceased, at public or private sale.*

[Approved April 18, 1862.]

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

SECTION 1. Catherine M. Haun, relict of Henry P. Haun, ^{Reid.} deceased, and Administratrix of the estate of said deceased, is hereby authorized to sell, at public or private sale, at her discretion, and without having first obtained an order of the Probate Court therefor, the real estate of said deceased, on such terms, and in such manner, and at such time or times, as may, in her opinion, be most advantageous to said estate.

SEC. 2. The Administratrix shall make a full report of any ^{Report.} sale or sales that she may make by virtue of the powers herein granted, to the Probate Court of the County of Yuba, and the Judge of said Court shall, either in term time or vacation, in open Court or in chambers, examine the same, and confirm or set aside said sale or sales, as he may deem just and proper, and for the interest of said estate.

SEC. 3. After the approval of the sale or sales, by the Probate Court, the Administratrix shall convey to the purchaser ^{Conveyance} or purchasers, the property so sold, and receive the purchase money therefor, and the titles so conveyed shall be as valid as if made under the order of the Probate Court, or as if made by the deceased, in his lifetime, in proper person.

SEC. 4. In case of the death, resignation, or removal, of the said Administratrix, her successor, duly appointed and qualified, shall have the same authority and power to sell and convey such real estate, as is by this Act granted to said Administratrix.

SEC. 5. This Act to take effect immediately after its passage.

CHAP. CCLXVI.—*An Act to grant H. J. May, Charles M. Baxter, William Kohl, and others whom they may associate with them, and their assigns, the Right to lay a Railroad Trunk along certain streets in the City of Petaluma, and through a public road in the County of Sonoma.*

[Approved April 18, 1862.]

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

SECTION 1. It shall be lawful for H. J. May, Charles M. Baxter, ^{Franchise.} William Kohl, and others whom they may associate with them, and their assigns, to construct a single track iron railroad, commencing at a point on Petaluma creek, at or near a place commonly known as the Italian Garden, in the County of Sonoma, and State of California; thence to the southerly bound-

dary of said City of Petaluma, using the public or county road when necessary; thence along the streets of said City of Petaluma, to such point as they may choose, within said city, but not to extend north of Washington street; and they shall have the right to run cars on said track or road, and to levy and collect passage and freight on said cars, for the period of twenty years from the passage of this Act.

Conditions.

SEC. 2. Said road and track shall be laid in the centre of said streets and public roads, except in entering and leaving the same, and shall be a single iron track, and shall not occupy more than ten feet from outside rail to outside rail, and shall in no way interfere with the public highway, so as to obstruct or interfere with the travel thereon.

SEC. 3. Only horses and mules shall be used on said track or road; they shall not be driven at a greater speed, in the limits of the said City of Petaluma, than six miles per hour, under a penalty of one hundred dollars for each offence against this provision, which shall be collected, upon conviction, in any Court of competent jurisdiction in said City of Petaluma, for the use and benefit of said city.

SEC. 4. Said parties shall have running, at certain stated hours, sufficient and comfortable cars, for the conveyance of all passengers who may desire to travel, and for the conveyance of freight, and shall stop their cars at any intermediate points, for the accommodation of the public.

Rates of fare

SEC. 5. The said parties mentioned in the first section of this Act, shall have the right and power to levy and collect, for the transportation of passengers and freight, such rates of fare and freight upon said road as may be yearly prescribed by the Board of Trustees of the City of Petaluma; *provided*, the same shall not, without the consent of the parties mentioned in the first section of this Act, be so reduced as to produce less than twenty-four per cent. per annum net receipts on the amount of capital invested; *provided*, that one half of the length of said road shall be completed within eight months after the passage of this Act, and that the remainder of the said road shall be completed within twenty-two months after the passage of this Act.

Proviso.

Duty of grantors.

SEC. 6. It shall be the duty of the parties named in section one of this Act, to keep a correct account of the cost of constructing and keeping said road in good order; and at the request of the Trustees of the City of Petaluma, it shall be the duty of said parties to submit the account to the said Board of City Trustees of the City of Petaluma, on the first Monday of January of each year.

SEC. 7. Nothing in this Act shall be so construed as to prevent the improvements of said Petaluma creek, or straightening the channel thereof.

SEC. 8. This Act shall be in force from and after its passage.

CHAP. CCLXVII.—*An Act to authorize Joseph M. Wood, his associates, and their assigns, to build a Wharf, in the City and County of San Francisco.*

[Approved April 18, 1862.]

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

SECTION 1. Joseph M. Wood, and such persons as he may associate with himself, and their assigns, are hereby authorized to construct a wharf at the foot of Fillmore street, in the City and County of San Francisco, and thence outwardly into the Bay of San Francisco, to the depth of twelve feet of water, at low tide; *provided*, that said wharf shall be commenced within one year, and completed within two years, from and after the passage of this Act. Franchise.

SEC. 2. All the right of the State of California to the overflowed lands, for the distance of two hundred feet on each side of said wharf, is hereby released to said Joseph M. Wood, his associates, and their assigns, for the period of twelve years from and after the passage of this Act, for the purposes of said wharf. Rights ceded by the State.

SEC. 3. The said Joseph M. Wood, his associates, and their assigns, or either of them, shall, within one year after the passage of this Act, construct a wharf of sufficient dimensions to accommodate the commerce and trade of the neighborhood, and shall, from time to time, as the business may require, enlarge the same, and keep the same in good repair. They may collect only such wharfage and toll as may be directed by the Board of Supervisors of San Francisco County. Conditions.

SEC. 4. Nothing in this Act shall be construed to authorize any obstruction of the navigation of the Bay of San Francisco, or the use of the franchise hereby granted, for any other purposes than those herein named. Obstruction to navigation

SEC. 5. From and after the expiration of the twelve years herein named, said rights, herein mentioned, are granted to and shall vest in the City and County of San Francisco. Duration of franchise.

SEC. 6. No rights granted by this Act shall interfere with any general wharf system, or city front improvement system, that may hereafter be adopted by said city and county.

SEC. 7. If, at any time, the Board of Supervisors of the City and County of San Francisco, or the government, or other agents, of any general wharf system, or city front improvement system, shall desire to purchase said wharf, they shall have power to do so by giving the owners of said wharf sixty days notice, and paying for said wharf such sum as may be fixed by three Commissioners, one to be appointed by said Board, one by the owner of said wharf, and one to be chosen by the two Commissioners thus selected, with ten per cent. to be added to the value thus fixed. City of San Francisco, etc., may purchase.

SEC. 8. This Act shall take effect immediately, and any failure to fulfil its requirements shall subject the grantees herein named to forfeiture of the franchise.

CHAP. CCLXVIII.—*An Act to find the Indebtedness of the County of Mariposa, now existing in the form of County Auditor's Warrants, drawn on the Indigent Sick Fund, and that may be outstanding on the first day of September, A. D. one thousand eight hundred and sixty-two, and to provide for the Payment of the same.*

[Approved April 18, 1862.]

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

- Bonds.** SECTION 1. For the purpose of liquidating, funding, and paying, all uncanceled Auditor's warrants, legally drawn, prior to the first day of September, eighteen hundred and sixty-two, on the Indigent Sick Fund of Mariposa County, the Board of Supervisors of said county are hereby authorized to cause to be prepared suitable bonds of said county, not exceeding the estimated amount of county indebtedness upon the first day of September, A. D. one thousand eight hundred sixty-two, of the denomination of fifty dollars, one hundred dollars, two hundred and fifty dollars, and five hundred dollars, bearing interest at the rate of ten per cent. per annum from the date of issue, said interest payable at the office of the County Treasurer of Mariposa County, on the second day of January and July, A. D. eighteen hundred and sixty-three, and on the second day of January and July every year thereafter, until such bonds shall be paid and liquidated; and the principal sum thereof, payable at said County Treasurer's office, upon the second day of January, A. D. eighteen hundred and sixty-eight; said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the County Treasurer and County Auditor, and shall have the seal of the County Auditor of said county stamped thereon, and shall have coupons, the first for the interest ending January second, eighteen hundred and sixty-three, and the remainder for six months interest each, thereafter, consecutively numbered and attached thereto, so as to be removed without injury or mutilation to the bond, which coupons shall be signed by the County Treasurer, County Auditor, and Chairman of the Board of Supervisors.
- When payable.** SEC. 2. It shall be the duty of the Chairman of the Board of Supervisors to keep an account of the number, denomination, and amount, of all bonds, signed by him in accordance with the provisions of this Act, which bonds shall remain with the County Treasurer.
- Appropriation.** SEC. 3. The Board of Supervisors shall be authorized to appropriate a sum, not exceeding two hundred dollars, to be drawn from the County General Fund of said county, to pay the expenses incurred in preparing said bonds.
- Duty of Auditor and Treasurer.** SEC. 4. It shall be the duty of the County Auditor to furnish the County Treasurer of Mariposa County a certified copy of the record of warrants drawn on the Indigent Sick Fund of said county, remaining unpaid. It shall be the duty of the said County Treasurer to examine all warrants presented for funding, and ascertain if they are the true and correct ones issued, according to the Treasurer's and Auditor's books, corresponding with the

entries, and no other than those shall be considered true and lawful warrants to be funded; and it shall be the duty of the Treasurer and Auditor aforesaid, each, to keep a separate record of all such bonds as may be issued and delivered, and, in addition thereto, the record of the County Treasurer shall exhibit upon what warrants, describing it and its amount, each bond was issued.

SEC. 5. All persons having any claims against the County of Mariposa, entitled to be funded, as hereinafter provided, shall, upon the presentation of the County Treasurer, of the same, in a sum equal to the denomination of any of the bonds provided for in section first, be entitled to receive, in exchange therefor, a bond or bonds, signed as aforesaid. Upon the Treasurer delivering any bond or bonds, signed by him and the Chairman of the Board of Supervisors, the bondholder shall then present the same to the County Auditor of said county, who shall sign the same, and stamp his seal of office thereon, and redeliver the same to the party presenting it, or to his order, taking due receipt therefor; whereupon said bond or bonds shall become legal and subsisting indebtedness of the County of Mariposa, for the payment of which, the faith of said county is hereby pledged.

Manner of funding.

SEC. 6. It shall be the duty of the Chairman of the Board of Supervisors, from time to time, to examine the record and vouchers of the Treasurer and Auditor, and, for that purpose, he shall at all times have access to the same, and if he finds anything wrong thereabout, it shall be his duty to report the same to the District Attorney.

Vouchers of Treasurer and Auditor to be examined.

SEC. 7. Whenever the County Auditor shall have signed and delivered ten thousand dollars of bonds, as herein before provided, it shall be his duty to notify the Chairman of the Board of Supervisors; whereupon they both shall examine the records kept by the County Treasurer, and his vouchers, and if the same be found correct and legal, and correspond with the record of the County Auditor, they shall then cancel and deface the said vouchers, so as to prevent their again being put in circulation, and shall certify, on the record of the said Treasurer, that they have found his record and vouchers correspond.

SEC. 8. Claims against the County of Mariposa, and entitled to be funded by this Act, shall be paid in no other manner than hereinafter provided; and all claims entitled to be funded shall have interest allowed, to the first day of September, eighteen hundred and sixty-two, on the same, at the rate of ten per cent. per annum, from the date of the protest of the same by the County Treasurer—which interest shall be paid in the same manner as the principal; and all claims shall be presented to be funded by the first day of September, eighteen hundred and sixty-two, or the same shall, from and after that date, cease to draw interest, and the claim or claims shall not be paid until after the entire liquidation of the debt herein funded.

Claims.

Interest.

SEC. 9. For the payment of the principal and interest of the bonds issued in pursuance of this Act, there shall, until the same are paid and discharged, be annually levied and collected, in the same manner as is or may be provided by law for the collection of State taxes, a tax of forty-five cents upon each one hundred

To levy and collect a tax

dollars of the assessed value of real and personal property of said county; and the fund derived from this tax shall be set aside, and applied exclusively to the payment of the interest and final redemption of the bonds issued in pursuance of this Act, and shall be known by the name of "The Interest and Sinking Fund of eighteen hundred and sixty-two;" *provided*, the Board of Supervisors, for the purpose of paying the interest due under the provisions of this Act, upon January second, and July second, A. D. eighteen hundred and sixty-three, or upon either of said days, may order the County Treasurer to set apart, from the County General Fund, sufficient moneys; and upon such order being made, it shall be the duty of the County Treasurer to pay the said interest.

Proviso.

Interest and Sinking Fund surplus to be used for redemption of bonds

SEC. 10. Whenever, on the second day of January and July, in any year, after the payment of the interest, as herein provided for, there remains in the said Interest and Sinking Fund a surplus exceeding one thousand dollars, it shall be the duty of the County Treasurer to advertise for one month, in a newspaper published in the County of Mariposa, for sealed proposals, to be opened, one week after the expiration of the said publication, by the said Treasurer, at his office, in the presence of the Chairman of the Board of Supervisors and the County Auditor, for the surrender of the bonds issued under this Act, which advertisement shall state the amount of money he has on hand for the purpose of redemption, and shall require said proposals to be accompanied with good and sufficient security that the same shall be carried out within fifteen days after acceptance, the class and form of which security may be prescribed by the County Treasurer. When said proposals are opened, they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the cash in hand for redemption is exhausted; and, *provided*, that should there be no proposals for less than par value, then the payment shall be made pro rata on all bonds offered at par; and, *provided*, that whenever there shall be sufficient moneys in the Interest and Sinking Fund, for extinguishing all the outstanding bonds, and interest due thereon, of the said county, it shall be the duty of the County Treasurer to advertise, in some newspaper published in that county, for the space of four weeks, for the redemption of the outstanding bonds, after which time said bonds shall cease to bear interest.

Proviso.

Extra compensation.

SEC. 11. The Board of Supervisors are duly authorized to allow such sum, not exceeding three hundred dollars, as the extra compensation to the officers, who, in their discretion, shall merit the same, by reason of additional labor imposed upon them by this Act.

Cancellation of bonds.

SEC. 12. Immediately after any bonds shall have been redeemed, as herein provided, it shall be the duty of the County Auditor to take the number of said bonds so redeemed, to whom issued, and when redeemed, and to make a record of the same, in his office; and for that purpose the County Treasurer shall, upon demand, exhibit said bonds to him, and shall furthermore permit him, and the County Auditor is hereby required, to deface the same in such a manner that neither they nor their coupons can again be put in circulation.

SEC. 13. Any county officer or official of said county of Mariposa, wilfully neglecting or refusing to comply with the requisition or provisions of this Act, shall be deemed guilty of a misdemeanor in office, and fined in a sum not less than two hundred, or more than one thousand, dollars, to be recoverable in any Court of competent jurisdiction, or dismissed from office, or both such fine and dismissal, in the discretion of the Court; and it is hereby made the duty of the District Attorney to prosecute all delinquents under this Act.

Officers neglecting to comply with Act.
Penalty.

SEC. 14. All fines and penalties collected under the provisions of this Act, shall be paid into the County General Fund, for county purposes.

SEC. 15. This Act shall take effect from and after its passage.

CHAP. CCLXIX.—*An Act in relation to the office of Superintendent of Common Schools, in the County of San Diego.*

[Approved April 19, 1862.]

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 County Clerk, in and for the County of San Diego, shall be ex officio Superintendent of Common Schools in and for said county.

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

CHAP. CCLXX.—*An Act to provide for Funding the Indebtedness of the County of Mendocino.*

[Approved April 19, 1862.]

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

SECTION 1. In order to fund the indebtedness of the County of Mendocino, the County Treasurer, Auditor, and District Attorney, of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled "The Funding Commissioners of the County of Mendocino," and shall have and exercise the powers and perform the duties hereinafter provided.

Commissioners.

SEC. 2. It shall be the duty of the said Funding Commissioners to cause to be prepared, bonds, equal to the amount of the present indebtedness of the county, together with all the indebtedness that shall have accrued on or before the first day of November, in the year eighteen hundred and sixty-two. Said

Bonds.

- bonds shall be of the denomination of from one hundred to five hundred dollars each; and each and every bond shall purport, in substance, that the County of Mendocino owes the holder thereof a sum to be expressed therein, bearing interest at the rate of ten per cent. per annum from the date of their issue. the interest to be paid on presentation at the office of the County Treasurer, on the first day of January, in the year eighteen hundred and sixty-three, and the first day of July of that year, and on the same dates every year thereafter until said bonds are paid; and said bonds shall be due and payable at the office of the County Treasurer of said county, on or before the first day of January, in the year eighteen hundred and seventy-five, and they shall be signed by the Chairman of the Board of Supervisors, countersigned by the Auditor, and indorsed by the County Treasurer, and shall be impressed with the seal of the county.
- Interest.**
- Payment.**
- Duty of Commissioners.**
- SEC. 3. It shall be the duty of the said Board of Commissioners to examine carefully all warrants presented for funding, and ascertain if they are true and correct ones, issued according to the Auditor's and Treasurer's books, and corresponding with the entries therein, and no other than those thus found to be true and lawful ones shall be funded.
- Of county officers.**
- SEC. 4. It shall be the duty of the Treasurer and Auditor, aforesaid, each, to keep a separate record of all the bonds issued in accordance with this Act, showing the number, date, and amount, of the different bonds, and to whom issued.
- Manner of funding.**
- SEC. 5. It shall be the duty of the Chairman of the Board of Supervisors to keep an account of the number, denomination, and amount, of all bonds signed by him, in accordance with the provisions of this Act. It shall also be the duty of the County Auditor of said county, to furnish the County Treasurer and the District Attorney certified copies of the record of all warrants, or orders, issued from his office since the organization of the county, for all indebtedness of said county accruing prior to the first day of November, in the year eighteen hundred and sixty-two.
- Duty of County Treasurer.**
- SEC. 6. Any person holding true and lawful warrants against the County of Mendocino, as provided in the third section of this Act, shall have the privilege of receiving, in exchange therefor, ten per centum bonds, as provided for in section second 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 said warrants on the first day of November, eighteen hundred and sixty-two; *provided*, that said warrants be presented within ninety days after the first day of November, eighteen hundred and sixty-two, to the Treasurer of said county.
- Of Chairman of Board of Supervisors**
- SEC. 7. The Treasurer shall indorse, on the back of each warrant received by him in exchange for bonds as aforesaid, the date on which he redeemed the same, and from whom received, and shall file the same in his office, so indorsed, and keep a record of the same, with the date and amount of the warrants.
- SEC. 8. It shall be the duty of the Chairman of the Board of Supervisors, and the said Board of Commissioners, to attend once in every two weeks at the office of the County Treasurer,

until the expiration of the time within which warrants can be funded in accordance with this Act, to examine all warrants redeemed by the Treasurer, and cause the same to be registered and cancelled in such a manner as to prevent their being re-issued, or in any manner again put in circulation. At the meeting aforesaid, the said officers shall compare their respective records, of the date, number, and amount, of the bonds, respectively signed, countersigned, and indorsed by them, and ascertain whether or not any bonds have been wrongfully issued, or warrants wrongfully redeemed, by the County Treasurer.

SEC. 9. The County Treasurer shall keep a correct account of the expenses necessarily incurred by him in the purchase of the necessary records, books, and other articles, required by the said Board of Commissioners, and the same shall be audited by the Board of Supervisors, and paid out of any money in the County Treasury not otherwise appropriated, and the officers performing the duties prescribed by this Act shall receive for their services such compensation as the Board of Supervisors of said county may direct, to be audited and paid out of the County Treasury, as other parties against the county are paid.

SEC. 10. Coupons for the interest shall be annexed to each bond; said coupons shall express the amount of interest due at the respective periods herein named, and shall be signed by the Chairman of the Board of Supervisors and County Treasurer. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

SEC. 11. If, in the exchange of warrants for bonds, in accordance with this Act, it shall happen that any person shall have a fractional sum less than one hundred dollars, the County Treasurer shall issue to the holder thereof a certificate of such fractional sum, and, upon presentation of the same to the County Auditor, he shall draw a warrant on the County Treasurer for the amount so certified.

SEC. 12. In addition to the ordinary taxes for general county purposes, there shall, this year, and annually thereafter—until the principal and interest of the said bonds to be issued shall be fully provided for, by payment or otherwise, as hereinafter provided—be levied and collected, in the same manner with the ordinary revenues of the said county, and by the same officers, a special tax, to be called the "Interest Tax," of not less than twenty nor more than thirty-five cents on each one hundred dollars of taxable property, which tax shall be collected and paid over into the county in the legal currency of the State of California. The fund derived from this tax shall be applied only to the payment of the interest to accrue upon the bonds herein provided for; *provided*, however, that should said fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for.

SEC. 13. It shall be the duty of said Treasurer to set apart a fund, to be called the "Sinking Fund of the County of Mendocino." Into this fund shall be paid:

Surplus in
County
Treasury.

First—Any and all surplus of the Interest Fund, as aforesaid.

Second—Whatever surplus may remain in the Treasury of the said County of Mendocino, on the first day of January, one thousand eight hundred and sixty-three, and on the first day of January every year thereafter, after paying the ordinary yearly expenses of the county, each of such payments to be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid, and the same shall be paid and liquidated, the payment shall cease, and all surplus remaining in said Sinking Fund shall be paid into the common Treasury of the county. Whenever, at any time, there shall be in the Sinking Fund a sum of money amounting to five hundred dollars, or upwards, the County Treasurer shall advertise, in a public newspaper published in said county, for the space of two weeks, for sealed proposals for the redemption of said bonds. After the expiration of the time of publication, the Treasurer shall open the sealed proposals in presence of the County Auditor, and shall pay and liquidate said bonds presented, at the lowest value at which they may be proposed to be liquidated; *provided*, the same shall not be more than their par value; and, *provided*, whenever there may be sufficient in the Sinking Fund for the extinguishment of the debt of said county, it shall be the duty of the said Treasurer to advertise, in some newspaper published in the county, for the space of four weeks, for the redemption of the outstanding bonds of said county, as herein before provided, after which time the said bonds shall cease to bear interest.

Redemption

Cancellation

SEC. 14. The County Treasurer shall indorse, on each bond redeemed, the date of redemption, and from whom redeemed, and the amount it required to redeem the same, and also make a like entry in his account with the Sinking Fund; and it shall be the duty of the Chairman of the Board of Supervisors, and the County Auditor, whenever such bonds are so redeemed, to attend at the office of the Treasurer, and see that said bonds are properly cancelled, so that they cannot again be put in circulation.

Duty of
County
Treasurer.

SEC. 15. Full and particular accounts of the Interest and Sinking Funds, in this Act provided for, shall be kept by the County Treasurer, and shall, at all office hours, be open to the inspection of the County Judge, Board of Supervisors, County Auditor, grand jury of said county, and all other persons, tax payers of the county, who choose to examine the same; and the Treasurer of said county shall, once in each year, make out a report, in writing, containing a concise statement of all his transactions under the provisions of this Act, which shall be directed to the Board of Supervisors, and filed in the office of the County Clerk, and open to inspection.

Funding.

SEC. 16. On the first day of November, eighteen hundred and sixty-two, the Treasurer of the County of Mendocino shall advertise, by posting written notices at the Court House door, and three other of the most conspicuous places in said county, and also by advertisement in the Mendocino Herald, that, from and after that date, the funding of the then outstanding indebtedness of Mendocino County will commence; from which time it shall not be lawful for the Treasurer of said

county to pay and liquidate any of the then outstanding indebtedness of said county, in any other way than by funding it, in accordance with the provisions of this Act. Nor shall the said Treasurer, under any pretence whatever, liquidate, or pay, any portion thereof, only in accordance with said provisions. The expenses for publishing, in accordance with this Act, shall be paid out of the County General Fund.

SEC. 17. After the first day of November, eighteen hundred and sixty-two, the Board of Supervisors of Mendocino County shall contract no debts, and incur no liabilities, that shall, singly, or in the aggregate, with any other previous debt or liabilities contracted or incurred after the said first day of November, eighteen hundred and sixty-two, to exceed five hundred dollars more than the amount of money in the County Treasury subject to the payment of the same.

Supervisors
restricted
in creating
debts.

SEC. 18. Any county officer or officers of the County of Mendocino, wilfully neglecting or refusing to comply with the requisitions or provisions of this Act, shall be deemed guilty of a misdemeanor in office, and fined in any sum not exceeding one thousand dollars, to be recoverable before any Court of competent jurisdiction, or, dismissal from office, or both such fine and dismissal, in the discretion of the Court; and it is hereby made the duty of the District Attorney to prosecute all delinquents under this Act.

Officers not
complying
with Act.

Penalty.

SEC. 19. All fines and penalties collected under the provisions of this Act, shall be paid into the General County Fund, for county purposes.

SEC. 20. The interest to become due on bonds during the year eighteen hundred and sixty-three, may, by order of the Board of Supervisors, be paid out of the Current Expense Fund of the county.

Interest.

CHAP. CCLXXI.—*An Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth.*

[Approved April 19, 1862.]

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

SECTION 1. The Eleventh Judicial District of this State is hereby divided, and the Counties of El Dorado and Placer shall remain, and hereafter constitute, the Eleventh Judicial District, of which the present Judge shall be and remain the Judge.

SEC. 2. The Counties of Sacramento and Yolo shall hereafter constitute the Sixth Judicial District, of which the present Judge shall be and remain the Judge.

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

CHAP. CCLXXII.—*An Act concerning certain Salaries and Fees of Office, in the County of Monterey.*

[Approved April 19, 1862.]

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

County Clerk.

SECTION 1. The County Clerk of the County of Monterey shall receive, for all services required of him by law, for which such county is chargeable, as such Clerk, or as Auditor, Recorder, Clerk of the Board of Supervisors, Clerk of the Board of Equalization, Clerk of the Board of Canvassers, Superintendent of Schools, or in any other way, by virtue of his office, or in any of his ex officio offices, the sum of eight hundred dollars per annum, to be paid, quarterly, out of the County Treasury; and in no case whatever shall he be allowed any other fee or compensation, for any service rendered for, or in behalf of, the county, by virtue of his said office or offices and the requirements of law, except the aforesaid sum of eight hundred dollars per annum.

Sheriff and Constables.

SEC. 2. The fees of the Sheriff and Constables in said county, for services in criminal cases, properly chargeable to said county, shall be as follows: For making every arrest, one dollar. For serving each subpoena, twenty-five cents. For executing sentence of death, twenty dollars. For summoning a grand jury, six dollars. For summoning a trial jury, of twelve persons, three dollars; for each additional juror, twenty-five cents. For mileage, in serving process or other papers, twenty cents for each mile necessarily travelled, one way only, and one mileage only to be allowed where several persons, living in the same direction, are served with process at the same time; and no constructive mileage whatever shall be allowed. There shall be allowed to the Sheriff the sum of five hundred per annum for the payment of Jailor's services.

SEC. 3. The Sheriff of said county, as Tax Collector, shall be allowed for all his services, including mileage, required by law in collecting and paying over the State and county taxes, three per cent. on all moneys collected and paid over.

District Attorney.

SEC. 4. The District Attorney of said county shall receive a salary of six hundred dollars a year, payable monthly, and such fees as are allowed by law.

Treasurer.

SEC. 5. The Treasurer of said county shall be allowed for his services, in safe keeping and disbursing county moneys, two and one half per cent. on all such moneys disbursed, and shall receive no other per centage or compensation whatever from the county.

Assessor.

SEC. 6. The Assessor of said county shall receive, for all services rendered by him, or his Deputies, under any of the revenue laws of this State, the sum of eight hundred dollars per annum, payable at the time, and in the same manner, as the Assessor's fees are now payable by law.

SEC. 7. No fees shall be allowed witnesses in criminal cases.

Interpreters

SEC. 8. Interpreters shall receive, for their services, in the trial of any criminal cause, the sum of four dollars per day.

SEC. 9. And the Board of Supervisors, or any other authority, are hereby expressly inhibited from auditing any account, or allowing any fee or compensation, to the above mentioned officers, for any official service, payable out of the County Treasury, further than the sums above specified; and the allowance made by the State in behalf of the County Clerk as Auditor, and in behalf of the Assessor, for its proportion of the expense of assessing and collecting the revenue, shall be paid into the County Treasury of said county, for the use of said county.

Supervisors inhibited from auditing certain accounts.

SEC. 10. All laws, and parts of laws, conflicting with the provisions of this Act, are hereby repealed, as far as the County of Monterey is concerned.

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

CHAP. CCLXXIII.—*An Act for the Protection of Growing Timber on all Possessory Claims, and other Private Property, in certain counties in this State, and on or along Public Streets or Highways, and on Public Grounds.*

[Approved April 19, 1862.]

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

SECTION 1. Any person or persons, who shall wilfully commit any trespass, by cutting down, or carrying off, any wood, or underwood, tree, or timber, or by girdling, or otherwise injuring, any tree, or timber, on the land or possessory claim of another person, or on or along any public street or highway, or on the commons or public grounds of any city or town, without lawful authority, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than ten dollars nor more than two hundred dollars, or shall be subject to imprisonment in the county jail for a period of not more than three months nor less than ten days, or by both fine and imprisonment, at the discretion of the Court; *provided*, that the provisions of this Act shall not apply to the Counties of Tuolumne, Mono, San Bernardino, Calaveras, El Dorado, Nevada, Placer, Plumas, Sierra, Shasta, Trinity, Butte, Tulare, Fresno, Siskiyou, Tehama, Del Norte, Klamath, Humboldt, Sutter, and Amador.

Trespass.

Penalty.

Counties excepted.

CHAP. CCLXXIV.—*An Act for the repeal of an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act entitled an Act to provide for the Collection of Delinquent Taxes in the County of San Bernardino, approved March twenty-seventh, A. D. eighteen hundred and sixty-one.*

[Approved April 19, 1862.]

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

SECTION 1. The Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act entitled an Act to provide for the Collection of Delinquent Taxes in the County of San Bernardino, approved March twenty-seventh, eighteen hundred and sixty-one, is hereby repealed.

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

CHAP. CCLXXV.—*An Act to authorize Henry Owens to construct a Marine Railway in the City and County of San Francisco.*

[Approved April 19, 1862.]

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

SECTION 1. Henry Owens is hereby authorized to construct and maintain, for a period of twenty-five years, a marine railway on the following described tract or parcel of land, (a part of which is upland,) the owner thereof being the said Henry Owens, and the balance, submerged or tidal lands, being the property of the State, to wit: Commencing on the northerly line of Shasta street, at a point thirty-three feet westerly from the southeasterly corner of lot number four hundred and twenty-seven, as said lot is laid down on a map or plan made by William J. Lewis, in June, eighteen hundred and fifty-six; thence, running northeasterly, to a point where the water in the Bay of San Francisco shall be twelve feet deep at low tide; thence, at right angles, southeasterly, four hundred and fifty feet four inches and a quarter; thence, at right angles, southwesterly, in a line parallel with the first named line, to said northerly line of Shasta street; thence, westerly, along said street line, four hundred and fifty feet four and a quarter inches, to the point of beginning; *provided*, that the rights and franchise herein granted shall cease and determine, and shall revert to the State, whenever the State, through the Legislature, shall see fit to provide or adopt any general system of improvement for the water front of the City of San Francisco; but the grantees shall be entitled to receive the value of such improvements as they shall have made, which value shall be ascertained and determined as provided in the railroad law of this State.

SEC. 2. Said Henry Owens, his associates and assigns, shall

have the right to reclaim the tidal lands comprising the lots four hundred and forty-six and four hundred and sixty-one, and use the same, in common with said railway, during the time specified in section one of this Act. Right.

SEC. 3. Said Henry Owens, his associates and assigns, shall commence the construction of said railway within one year, and complete the same within three years, from and after the passage of this Act, otherwise the same shall be void and of no effect. Conditions.

CHAP. CCLXXVI.—*An Act in relation to the Construction of the State Capitol Building, and to annul Contracts heretofore entered into.*

[Approved April 19, 1862.]

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

SECTION 1. The Board of Commissioners appointed under the provisions of an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty, are hereby authorized and required to cancel and annul a certain contract entered into on the twenty-ninth day of July, eighteen hundred and sixty-one, between the said Board of Commissioners, party of the first part, and George W. Blake and P. Edward Conner, parties of the second part, and to release the parties of the second part, and other sureties, from all liability upon said contract, upon the terms and conditions in this Act; Capital Commissioners to cancel and annul a certain contract.
provided, that within ten days after the passage of this Act, the said Blake and Conner shall file with the said Board of Commissioners—

First—Their written consent to the cancellation of said contract.

Second—A bill of sale of all materials and buildings furnished, delivered, or erected, upon the Capitol grounds, for the prosecution of the said work, free from all liens and encumbrances. And—

Third—Their written release of all claims for damages against the State, of every nature and kind whatsoever, growing out of, or in any way connected with, the said contract, which said papers shall be filed by the Board of Commissioners in the office of the Secretary of State.

SEC. 2. Upon compliance, by the said Blake and Conner, with all the requirements contained in section one of this Act, the said Commissioners are authorized and required to certify to the Controller of State, and the said Controller is required to deliver to said Blake and Conner his warrants, drawn upon the State Treasurer, payable to the order of the said Blake and Conner, in the sum of forty-five thousand five hundred and seventy dollars and twenty-six cents, less the amount of the warrants drawn in favor of, or for the benefit of, said Blake and Amount allowed to contractors.

Conner, and the amount of the outstanding audited accounts delivered said Blake and Conner on said contract.

SEC. 3. The Controller of State is hereby directed to draw his warrants in favor of said Blake and Conner, and deliver the same to said Blake and Conner, as aforesaid, in the further sum of ten thousand dollars, for materials furnished and work done by them on the Capitol building, since the first day of January, one thousand eight hundred and sixty-two, and for the damages sustained by them by reason of the flood, and all other claims growing out of the said contract and the annulling thereof.

Duty of State
Treasurer.

SEC. 4. The Treasurer of State is hereby directed to pay all the warrants drawn in pursuance of this Act, and the Act to provide for the Construction of the State Capitol in the City of Sacramento, passed March the twenty-ninth, eighteen hundred and sixty, and of the Acts amendatory thereof and supplementary thereto, out of the appropriations made by said Acts.

Modification
of plans.

SEC. 5. Within thirty days after the passage of this Act, the Superintendent and Architect shall so modify the plans, estimates, and specifications, for the construction of the State Capitol building, that the total cost for the construction of said building shall not, when added to the amount already expended, and that to be expended in payment of the amount awarded Blake and Conner, as provided in this Act, exceed the amount of five hundred thousand dollars. Said plans, specifications, and estimates, shall be made under oath, by the Superintendent and Architect, and shall be subject to approval by the Board of State Capitol Commissioners.

Purchase
and sale of
materials.

SEC. 6. Said Board of Capitol Commissioners are hereby authorized, after examination and report from the Superintendent and Architect, to advertise, and sell at public auction, all damaged material, and all materials now on hand not applicable to the construction of the building under the plans and specifications hereafter to be adopted, and the money to be received from said sale shall be paid into the State Treasury, and be added to the appropriation heretofore made.

To advertise
for bids.

SEC. 7. For all material to be used under the plans and specifications hereafter to be adopted, the Board of Capitol Commissioners, having regard to the total amount of the present unexpended appropriation, so as to apportion material to labor, shall advertise for all supplies of material, and they shall accept the lowest bid; *provided*, they may reject any and all bids, unless the material to be furnished shall be approved by the Superintendent and Architect.

Acceptance.

To hire
laborers by
the day.

SEC. 8. The Superintendent and Architect are hereby authorized, under the direction of the Board of Capitol Commissioners, to employ mechanics and laborers, by the day, for the construction of the work, and the placing of the material now on hand, and herein authorized to be contracted for, into the building, in accordance with the modified plans herein required; *provided*, always, that the Superintendent and Architect and Board of Commissioners shall have no power, until further appropriations are made, to contract for, or expend, any amount toward the construction of the building, under the modified plans herein required, which shall exceed the amount of the present unexpended appropriation.

Proviso.

SEC. 9. From and after the passage of this Act, the State Capitol Commissioners and their Secretary shall receive no compensation for their services. No salaries allowed.

SEC. 10. All such parts of Acts as may conflict with the provisions of this Act, are hereby repealed.

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

CHAP. CCLXXVII.—*An Act to appropriate certain Funds.*

[Approved April 19, 1862.]

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

SECTION 1. Two fifths of the Contingent Fund to be collected in the County of Butte, for the year eighteen hundred and sixty-two, shall be ordered by the Board of Supervisors to be paid into the Salary Fund of the said county, to be appropriated as other moneys in said fund.

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

CHAP. CCLXXVIII.—*An Act fixing the Compensation of the County Auditor of Tulare County.*

[Approved April 19, 1862.]

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

SECTION 1. The County Auditor of Tulare County shall receive for his services such compensation as may be fixed by the Board of Supervisors, which shall not be less than fifty nor more than seventy-five dollars per month. Compensation.

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

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

CHAP. CCLXXIX.—*An Act to authorize and empower José Lorenzo de Jesus Maria Piña, a Minor, to dispose of his Interest in certain Real Estate, in the City of San Francisco.*

[Approved April 19, 1862.]

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

Sale
authorized.

SECTION 1. JOSÉ LORENZO DE JESUS MARIA PIÑA, of Sonoma County, being in his twentieth year, is hereby authorized and empowered to sell, convey, and dispose of, all and any interest he has, or may claim, in and to any real estate in the City of San Francisco, inherited by him from his father, Lazaro Piña, deceased, and all deeds and conveyances, made and executed by him, shall have the same force and effect as if he were of full age; *provided*, however, that said sale shall, on the petition of said Piña to the Probate Judge of the County of San Francisco, showing the property and the interest therein sold, and the amount for which the same was sold, be approved by the Probate Judge of said County of San Francisco.

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

CHAP. CCLXXX.—*An Act to authorize Almira Ingram, the Parent and Guardian of Jonetta M. Ingram, a Minor, to sell the Real Estate of said Minor, at private sale.*

[Approved April 19, 1862.]

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

Sale
authorized.

SECTION 1. Almira Ingram, the parent and guardian of Jonetta M. Ingram, a minor, is hereby authorized and empowered to sell, at private sale, and to convey, by good and sufficient deeds of conveyance, the real estate of said minor, situated in the City and County of San Francisco; *provided*, said guardian shall, before making such sale, enter into such bonds as may be required of her by the Probate Court of said City and County of San Francisco; and, *provided*, also, that such sale shall be duly approved by the Judge of the Probate Court of said City and County.

SEC. 2. This Act shall take effect immediately.

CHAP. CCLXXXI.—*An Act to appropriate Money for the Relief of Destitute Females in the State of California.*

[Approved April 19, 1862.]

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

SECTION 1. The sum of five thousand dollars is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, for the Magdalen Asylum, to be used for the support of unfortunate and destitute females. Appropriation.

SEC. 2. The Controller of State is hereby directed to draw his warrant, in favor of Mary B. Russell, for the above sum, and the Treasurer of State is hereby directed to pay the same, out of any moneys not otherwise appropriated. Warrant.

SEC. 3. The said five thousand dollars shall be paid by the said Treasurer to the said Mary B. Russell, for the uses and purposes aforesaid, upon her executing a bond, to The People of the State of California, according to law, in the sum of five thousand dollars, with two or more sufficient sureties, to be approved by the Governor, conditioned for the faithful expenditure of said money to the uses and purposes aforesaid, which said bond shall be filed in the office of the said Treasurer. Payment.

SEC. 4. The said Mary B. Russell shall, on or before the first day of January, A. D. eighteen hundred and sixty-three, make report, under oath, to the Governor of this State, of the manner in which the said money has been expended. Report of Superintendent.

CHAP. CCLXXXII.—*An Act appropriating Moneys for the Benefit of certain Orphan Asylums in this State.*

[Approved April 19, 1862.]

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

SECTION 1. The Controller of State is hereby directed to draw his warrant on the Treasurer of State, payable out of the General Fund, for the sum of thirteen thousand dollars: five thousand five hundred dollars of which shall be paid to the order of the Trustees of the San Francisco Protestant Orphan Asylum; five thousand five hundred dollars to the San Francisco Female Catholic Orphan Asylum; one thousand dollars to the Male Orphan Asylum, in Marin County; and one thousand dollars to the Roman Catholic Orphan Asylum, of Los Angeles; and the sum of thirteen thousand dollars is hereby appropriated, out of any moneys which may be in the Treasury on or after the first day of June next, not otherwise appropriated, for the purpose of carrying out the provisions of this Act. Appropriations.

SEC. 2. The Trustees of said orphan asylums are hereby re-

Report of
Trustees.

quired to report to each branch of the Legislature, on or before the twentieth day of January next, a detailed statement of the expenditure of these respective appropriations, with the number of orphans who have been inmates of said asylums, severally, during the year ending at the date of their reports.

CHAP. CCLXXXIII.—*An Act to reincorporate the City of Stockton.*

[Approved April 21, 1862.]

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

ARTICLE ONE.

Corporation,
and general
powers.

SEC. 1. The district of country in the County of San Joaquin which is contained within the boundaries hereinafter described, shall be a city, by the name of Stockton, and the inhabitants therein shall be a body corporate, under the name and style of The City of Stockton, and by that name they and their successors shall be known in law, have perpetual succession, may sue, and be sued, complain and defend in all Courts and in all actions and proceedings, acquire, by purchase or otherwise, property, real and personal, receive and hold the same for the benefit of the body corporate, and may lease, rent, sell, and dispose of, the same, for the benefit of said body corporate; *provided*, that the said body corporate shall not purchase any real estate other than such lands or lots, within the said city, as shall be necessary for the erection thereon of public buildings, or for laying out of streets or alleys, or public grounds, or as may be required for burial purposes. The said body corporate may have a common seal, and alter the same at pleasure; may make by-laws not repugnant to the Constitution and laws of this State; and may exercise such other powers as are hereinafter conferred upon said body corporate, its officers, or its Common Council.

Boundaries.

SEC. 2. The boundaries of the City of Stockton shall be as follows: On the north, by Flora street; on the east, by Anrora street; on the south, by Anderson street; and on the west, by Bragg and Tule streets. The Common Council may divide the said city into wards, at their discretion, and apportion the number of Aldermen to which each ward shall be entitled.

ARTICLE TWO.

Officers.

SEC. 1. The officers of the City of Stockton shall consist of one Mayor, ten Aldermen, one Collector, (who shall be ex officio Street Commissioner,) one Assessor, one Treasurer, one Clerk, one Police Judge, and one Chief of Police, with such assistants as the Common Council may appoint, to be known as Police-men.

Term of
office.

SEC. 2. The Mayor, Aldermen, Collector and ex officio Street Commissioner, Assessor, and Chief of Police, shall be elected by

the qualified electors of the city. They shall be elected for one year, and until their successors are elected and qualified.

SEC. 3. No person shall be eligible to any office, under this charter, who is not a qualified elector of said city.

SEC. 4. The election for Mayor, Aldermen, Collector and ex officio Street Commissioner, Assessor, and Chief of Police, shall be held on the first Monday in May of each year. The Common Council shall appoint one Inspector and two Judges of election, and designate the place of opening the polls. Election.

SEC. 5. The election, held under this charter, shall be regulated and conducted in the same manner as the general election for State officers is regulated and conducted, and the Inspector and Judges shall transmit to the City Clerk the returns of said election, within three days after the same is held, which result shall be, within seven days after the election, counted by the Mayor of the city and the Clerk, and they shall issue certificates of election to the persons elected. A plurality of the votes cast shall be necessary to a choice, and said election shall take place by wards, as is now provided by the city ordinances.

SEC. 6. Every inhabitant of the City of Stockton, who is a qualified elector under the Constitution of this State, and has been a resident of the City of Stockton thirty days next preceding the election, shall be entitled to vote at every election held under this charter. Electors.

SEC. 7. The Mayor, Aldermen, Collector and ex officio Street Commissioner, Assessor, and Chief of Police, shall enter upon their duties on the first Monday subsequent to their election.

SEC. 8. The Common Council, at their first meeting after the annual election, and at any other meeting, when, from any cause, it may become necessary, shall elect a President from their own body, who shall preside at all their meetings, when the Mayor is not present; and whenever there is a vacancy in the office of Mayor, or whenever the Mayor is absent from the city, or is unable, from sickness or other cause, to discharge the duties of his office, the President shall act as Mayor, and possess all the powers and perform all the duties of the Mayor, during such vacancy, absence, or disability. The President of the Common Council shall countersign all warrants and licenses issued under the orders or ordinances of the Common Council. President of Council.

SEC. 9. When a vacancy shall occur in the office of Assessor, Collector and ex officio Street Commissioner, or Chief of Police, by death, resignation, or otherwise, the Common Council shall order a special election to fill such vacancy; and when any vacancy shall occur in any other office, except Mayor, Assessor, Collector and ex officio Street Commissioner, and Chief of Police, the Common Council shall elect some person to fill such vacancy, and, at such election, a majority of all the members elected of the Common Council shall be necessary for a choice. Any person elected to fill a vacancy, shall hold the office for the residue only of the term of his immediate predecessor. Vacancies.

SEC. 10. The Common Council shall, each year, within one month after the annual election, elect a Clerk, Treasurer, and a Police Judge, who shall hold office for one year, and until their successors are elected and qualified, unless previously removed Clerk, Treasurer, and Police Judge.

by a two third vote of all the members elected of the Common Council.

May declare
certain
offices
vacant.

SEC. 11. The Common Council shall have power, by a two third vote of all the members elected of the Common Council, for good cause, to be entered on the journal of their proceedings, and after having given the officer an opportunity to be heard thereon, to declare the office of Collector and ex officio Street Commissioner, Chief of Police, and the office of Assessor, vacant.

ARTICLE THREE.—OF THE COMMON COUNCIL, THEIR DUTIES AND POWERS.

Common
Council.

SEC. 1. The Mayor and Aldermen of the City shall constitute the Common Council, who shall meet on the first Monday subsequent to the annual election, and at such other times as they shall by resolution direct. The Mayor may call special meetings at any time, by written notice to each member, served personally, or left at his place of business, or residence. At all meetings of the Common Council, the Mayor, when present, shall preside.

Quorum.

SEC. 2. A majority of the Common Council shall constitute a quorum for the transaction of business, but a smaller number may compel the attendance of absent members, and, when there is a quorum present, a majority may pass any by-law, ordinance, or resolution, except as hereinafter otherwise directed.

SEC. 3. In the proceedings of the Common Council, each member present shall have a vote, except the Mayor, who shall have a casting vote when the votes of the other members are tied.

Rules, etc.

SEC. 4. The Common Council shall determine the rules of proceedings, and the qualifications and election of their members.

Sessions.

SEC. 5. The sittings of the Common Council shall be open to the public, except when the interest of the city shall require secrecy. A journal of their proceedings shall be kept by the Clerk, under their direction, and the ayes and noes on any question shall be taken, and entered upon the journal, at the request of any two members.

Powers.

SEC. 6. The Common Council shall have power, within the city, to pass all by-laws, ordinances, and resolutions, not repugnant to the Constitution of this State, necessary to be passed, for the municipal government and management of the affairs of the City of Stockton, and for the execution of the powers vested in the said body corporate, or in any office thereof.

Fine.

SEC. 7. The Common Council shall have power within the city, by ordinance:

First—To assess and levy taxes on all property, real and personal, in the city, made taxable by law for State purposes, not exceeding one per centum per annum, upon the assessed value of such property, except as hereinafter especially provided, and to provide for the collection of and the enforcement of the payment of taxes, by seizure and sale of the property. The terms "real and personal property," herein, shall have the same signification as in the general Revenue Law of the State. The assessment of taxes shall be a lien on the property assessed, from the date

of the assessment, and have the force and effect of a judgment and execution. Powers of
Common
Council.

Second—To provide for the draining, grading, improvement, and lighting, of the streets, and the construction of the sidewalks, and bridges, drains, sewers, and wharves, and their repairs, and the prevention and removal of obstructions on the sidewalks.

Third—To assess, and provide for collecting, a revenue tax, for wharfage, and to authorize the City Collector and ex officio Street Commissioner to regulate the landing and stationing of steamers, vessels, and boats.

Fourth—To provide for the removal of obstructions to the navigation of any channel or water course within the limits of the city.

Fifth—To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Sixth—To regulate or prohibit the storage of gunpowder, tar, pitch, rosin, and other extremely combustible materials, in the city.

Seventh—To establish and regulate a city police, and to keep in repair all streets, avenues, and levees.

Eighth—To prevent, remove, and abate, nuisances, and at the expense of the parties causing or committing the same; to prevent and regulate the running at large of all hogs, pigs, goats, sheep, horses, mules, jackasses, or horned cattle.

Ninth—To remove from the immediate vicinity of the inhabited parts of the city all slaughter houses, haystacks, forges, blacksmith shops, and tanneries.

Tenth—To license and regulate auctioneers, taverns, hotels, billiard tables, bowling alleys, theatricals, and other exhibitions, shows, and amusements.

Eleventh—To license, prohibit, regulate, or suppress, bar rooms, for the retail, by sale or otherwise, of spirituous or malt liquors, drinking houses, tipping houses, dram shops, hawkers and pedlars, and pawnbrokers; and they shall have power, further, to suppress gaming and gambling houses, and disorderly houses, and houses of ill fame, and dance and fandango houses.

Twelfth—To provide for the erection of public buildings for the use of the city.

Thirteenth—To open, alter, and widen, streets and alleys, first paying for private property taken for public use.

Fourteenth—To license, tax, and regulate, drays, market wagons, teams, and other vehicles.

Fifteenth—To borrow money and contract debts on the faith and credit of the city; but no loan shall be made, or debt contracted, for any sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, without the consent of the electors of the city, previously obtained. And when the Common Council desire to effect a loan, or create a debt, for a sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, they shall submit a proposition for such loan, or creation of such debt, to the electors of the city, and shall cause such proposition to be published in one or more newspapers in the city, for at least one week, before taking a vote on the same; and if a majority of

Powers of
Common
Council.

the persons voting, vote in favor of such proposition, the Common Council shall have authority to effect such loan, or create such debt, but not otherwise. The Common Council shall in no case issue any scrip, or other evidence of debt, or orders on the Treasury, for larger amounts than there may be on hand to meet the demand.

Sixteenth—To prevent and restrain any riot, or assemblage, in any place, house, or street, of the city.

Seventeenth—To impose and appropriate fines, forfeitures, and penalties, for the breach of any ordinance. But no fine shall be imposed for more than two hundred dollars, and no offender shall be imprisoned for a longer term than thirty days.

SEC. 8. To compel the attendance of absent members, to punish its members for disorderly conduct, and expel members, with the concurrence of two thirds of the members elected.

Duties.

SEC. 9. It shall be the duty of the Common Council to provide for the accountability of the City Assessor, Treasurer, Clerk, Police Judge, Collector and ex officio Street Commissioner, by requiring from them sufficient security for the faithful performance of their duties or trusts, which security shall be given by them before entering on their respective duties; in case such security should become insufficient, additional security may be required, and if not given within ten days, the Common Council, by a vote of two thirds of the members, shall declare the office vacant, and order a new election to fill such vacancy.

SEC. 10. The Common Council shall have power to provide for and regulate the use of the commons belonging to the city.

Same.

SEC. 11. It shall be the duty of the Common Council to make up, on the first day of May of each year, on which day the fiscal year shall commence, for the general information of the inhabitants of the City of Stockton, a full and detailed statement of the receipts and expenditures of the city during the year ending on the last day of the month previous, and file it in the office of the Clerk of said city, subject to the inspection of any of the inhabitants of the city. And in every such statement the different sources of the city revenue and the amount received from each, the several appropriations made by the Common Council, the objects for which the same were made, and the amount of moneys expended under each, the moneys borrowed, and the debts contracted on the faith and credit of the city, the authority under which such loan was made, and the terms on which it was obtained, shall be clearly and particularly specified, a summary of which statement shall be published in one of the newspapers published in said city, immediately after the making up of the same.

Improve-
ments.

SEC. 12. The improvement of the streets, avenues, and levees, as provided for in subdivision two of section seven, shall be:

First—By the Common Council, on its own motion.

Second—Upon the petition of the citizens whose property is to be immediately affected.

Whenever the Common Council deem it expedient to improve any streets, avenues, or levees, as aforesaid, notice shall be given, for two weeks previously, in some newspaper printed in the city, of the intention so to do. Should the owners of two

thirds of the lands fronting said improvements, within the period of notice required, make a protest, in writing, against the proposed improvement, it shall not be made. If no such protest be made, the Common Council shall enter the fact on their journal, and then provide, by ordinance, for making the same, all the expenses of which shall be borne by the land adjacent. If such protest be made, then the Common Council shall have no power to make the proposed improvement.

SEC. 13. Whenever the owners of a majority of the land adjacent, petition the Common Council for any such improvement on any street, avenue, or levee, the same shall be made at the expense of the adjacent land, and of said petitioners, and on such conditions as the Common Council, by ordinance, shall direct. The petitioners shall be liable, personally, for their several proportions of the assessments therefor, and there shall be a lien for the same, on their lands, as hereinafter provided; but there shall be no personal charges against those who do not petition; but the security and remedy against the non-petitioners shall be only the lien and sale hereinafter provided on and against the land.

SEC. 14. The assessments for any such improvements, whether ordered by the Common Council, or upon petition as aforesaid, shall be made by a Board of Commissioners of Assessment, to consist of any three members of the Common Council, whose assessment shall be entered on the journal. In making such assessment, if it appear, by the ordinance, to the Board, that the same is for a block or square of ground, or more, in length, as such blocks are known on the map or plan of said city, the Board shall make a separate apportionment of the aggregate expenses of each block, computing for the block, on the line of improvement, lying between the middle of one cross street and the middle of the next cross street, and then apportion the said aggregate to the several owners thereon, in proportion to the number of front feet on the line of improvement which they respectively own.

SEC. 15. Should any person be dissatisfied with the assessment made by the Board of Commissioners, he may appeal, by petition in writing, setting forth the grounds of his objection, to the Common Council, whose decision shall be final. Such appeal shall be taken within ten days after such assessment is made and entered on the journal.

SEC. 16. Every assessment made for the improvement of streets, avenues, and levees, according to the provisions hereof, on the adjacent lands, shall, from and after the making of such assessment, operate as a lien upon the land 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 delinquent property until at least twenty days shall have elapsed from the presentation of the bill of assessment to the owner, or agent, of the property, as hereafter provided, if such owner, or agent, be known, and if they be not known, or are non-residents, until the bill of assessment, with a description of the property and notice of the sale, in case of default, shall be published in some newspaper, printed in the City of Stockton, once a week for three successive weeks;

Improvements.

provided, also, that notice of the sale be given in some newspaper published in said city, thirty days previous to the sale, specifying the time and place thereof; and in no case shall more of the land be sold than will bring an amount sufficient to cover the assessment and expenses of making and collecting the same. Proof of all notices shall be a copy of the same, with the affidavit of the party, or officer, making them, that they have been made, or published, as the case may be, and entered on the journal, which entry shall always be full proof of the fact.

SEC. 17. The owner of any land sold for an assessment, as aforesaid, and in pursuance of any ordinance, may redeem the same within six months from the day of sale, by depositing in the City Treasury, 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 hereof, all right and title therein and thereto, of the owner or owners, in fee simple, or the person or persons claiming to be such, at the date of the making the same, shall remain absolute in the purchaser or purchasers.

SEC. 18. Whenever any such improvement 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 owners, liable for the same, certifying such bill 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 on 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 contractor or contractors for making any such improvement, further 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 herein before provided. Such deed shall be made in the name of the owner, if known, and if not known, 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 ordinance, the officer who shall make the sales, under the provisions of the Act.

Contracts.

SEC. 19. All contracts for work or supplies shall be let to the lowest responsible bidder, when the amount shall exceed the sum of five hundred dollars, notice having been previously given through the public newspapers. And no officer shall be interested in any contract connected with his department, and any contract contrary to this section shall be void. But the Common Council may reject all bids, when deemed too high.

SEC. 20. Whenever any of the streets, avenues, or levees, of the city, shall be improved by the holders of the property adjacent thereto, under the supervision of the Street Commissioner, at their own expense, before such streets, avenues, or levees, shall have been graded and gravelled by the Common Council,

such property holders shall be allowed the value of their improvements, when such streets shall be permanently improved by the Common Council, in part payment for said permanent improvements made by the order of the Common Council, said value to be assessed by the Street Committee, whose decision shall be final.

SEC. 21. The Common Council shall have power and shall provide for the payment of the interest and principal secured by the bonds issued under the Act entitled an Act to amend an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and fifty-two, approved April second, eighteen hundred and fifty-three, and it is hereby made their duty in each and every year after the passage of this Act. to levy, collect, and assess, at the same time and in the same manner as the city taxes for the annual current expenses of the said city are by law levied, assessed, and collected, an additional tax upon real and personal property of said city, made taxable by law for State purposes, which additional tax shall be known as the City Interest Tax, and shall not exceed one and a half per cent. per annum, payable in current coin only; and the fund derived from such additional tax shall not be loaned to any other fund, or used for any other purpose than the payment of the interest on said bonds, except as provided in the next section. Powers.

SEC. 22. Any surplus money raised for the City Interest Tax, over the sum necessary to pay the annual interest accruing on the bonds, shall, when amounting to the sum of one thousand dollars and upwards, be expended under the direction of the Common Council, in the purchasing of the greatest amount of the debt due upon the bonds for the moneys in hand, having reference to the time when the same shall be payable. Surplus money.

SEC. 23. The Common Council shall have power to raise, by tax, any amount of money they may deem expedient, whenever the ordinance for that purpose shall have been approved by the people. But the conferring of this power shall not be so construed as to impair, or in any way affect, the power given by the provisions of this Act, to assess and collect the taxes provided for in sections twenty, twenty-two and twenty-five. Powers.

SEC. 24. The Common Council shall have power to raise, annually, by tax upon the real and personal property within the city, taxable by law for State purposes, whatever amount of money may be requisite for the support of free common schools therein, and providing and furnishing suitable houses therefor; but the tax provided for in this section shall not exceed the one fourth of one per cent. per annum upon the assessed value of all taxable property, and the said tax shall be assessed and collected in the manner and at the time provided by the laws and ordinances for other city taxes. The City Treasurer shall have the custody of the moneys raised by the school tax aforesaid, and shall disburse the same, subject to the control of the Common Council, under the direction of the Board of Education elected by the Common Council. Same.

SEC. 25. The annual expenses of the city shall not exceed the sum of twenty thousand dollars; *provided*, the interest on the

Annual
expenses.

present debt of the city, and the School Fund aforesaid, shall not be considered a portion of the annual expenses under this election, unless, after the exhaustion of the said sum of twenty thousand dollars, the people of said city shall consent to a further and greater expenditure, by vote, in the manner and under the conditions in relation to a loan, or the creation of a debt, as provided for in section seven of this Article; and if the Common Council shall expend the sum of more than twenty thousand dollars annually, unless by the consent of the people as aforesaid, they shall be guilty of a misdemeanor in office, and shall be fined a sum not less than one hundred dollars nor more than one thousand dollars, and be imprisoned, in the discretion of the Court, not less than one month nor more than one year; and the excess so overpaid or created, shall be void as against the city, and shall be recoverable from the party or parties to whom the same is paid, if knowingly taken or received by such parties. And the members of the Common Council who vote for the same, shall be individually, jointly, and severally, liable, for such excess, and it may be recovered in any Court of competent jurisdiction, against them or either of them, by the parties with whom they have contracted, or by the City of Stockton, if payment has actually been made.

ARTICLE FOUR.—OF THE POWERS AND DUTIES OF CITY OFFICERS.

Powers and
duties of
officers.

SEC. 1. It shall be the duty of the Mayor, in addition to the other duties required of him by this chapter:

First—To communicate to the Common Council, quarterly, a general statement of the situation and condition of the city, in relation to its government, finances, and improvements.

Second—To recommend to the Common Council the adoption of all such measures as he shall deem expedient, relating to the police, security, health, cleanliness, and ornament, of the city, and the improvement of its government.

Third—To preside over the Common Council, when present at their meetings.

Fourth—It shall be the duty of the Mayor to sign all ordinances passed by the City Council, if he approves the same; but if he shall not approve any ordinance submitted to him, he shall return it, with his objections, in writing, to the Council, who shall cause the same to be entered on the journal, and proceed to reconsider the ordinance. If, after such reconsideration, two thirds of the members elect shall agree to pass the ordinance, it shall become a law. If any ordinance shall not be returned by the Mayor within seven days after it shall have been presented to him, it shall become effective, as if he had signed it.

SEC. 2. It shall be the duty of every Alderman of the city to attend the regular and special meetings of the Common Council, and act upon committees, when appointed thereto.

SEC. 3. It shall be the duty of the City Assessor to prepare, within such time as the Common Council shall direct, and present to them, with his certificate of its correctness, a list of all the taxable property, real and personal, within the city, with a valuation thereof; to act as a member of the Board of Equalization, and to perform such other services, in relation to the as-

assessment of property in the city, and otherwise appertaining to his office, as may be required by the Common Council.

Powers and duties of officers.

SEC. 4. It shall be the duty of the Clerk of the city to keep the corporate seal and all papers and documents belonging to the city, to file them in his office, under appropriate heads, to attend the sittings of the Common Council, and keep a journal of their proceedings, and record of all their by-laws and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the Common Council, and to affix the corporate seal to such licenses; to keep an accurate account, in a suitable book, under the appropriate heads, of expenditures, of all orders drawn on the City Treasurer, and all warrants issued in pursuance thereof; also, to keep an account, in an appropriate book, of all licenses issued, with the names of the persons to whom issued, the date of the issue, the time for which the same were granted, and the sums paid therefor; and perform any other duty which the Common Council may require.

SEC. 5. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to the City of Stockton, from whatever source derived; to place the same to the credit of the different funds to which they properly belong, in a book kept for that purpose; to disburse said moneys by the direction of the Common Council, and in accordance with provisions made by them; and to make a report, monthly, of the condition of the Treasury.

SEC. 6. It shall be the duty of the City Collector and ex officio Street Commissioner to collect all taxes, assessments, licenses, wharfage, rents, fines, and all other moneys and dues belonging to, or which the city may be entitled to in any manner whatever, and pay over the same, as required by the Common Council. He shall regulate the landing and stationing of all steamers, vessels, and boats.

SEC. 7. The City Collector and ex officio Street Commissioner shall, when required by the Street Committee, report to them the condition of all streets, sidewalks, crosswalks, bridges, public buildings; and shall, under the direction of the Street Committee, superintend all building or repairs on such streets, public buildings, bridges, sidewalks, crosswalks. The further duties of Street Commissioner may be defined by an ordinance adopted by the Common Council.

ARTICLE FIVE.—POLICE DEPARTMENT.

SEC. 1. The Common Council shall, each year, within one month after the annual election, elect a Police Judge from among the number of Justices of the Peace elected by the people at large, who shall hold his office for one year, and until his successor is elected and qualified, unless previously removed by a vote of two thirds of all the members of the Common Council. A Police Court is hereby declared created, which shall be presided over by a Police Judge. Said Police Court shall have exclusive jurisdiction of all violations of any city ordinance; and may hold to bail, fine, or commit to prison, any offender, in accordance with the provisions of such ordinance; as well as in all cases of crimes, misdemeanors, and wilful injury to property,

Police Department

Police
Department

committed within the city limits, punishable by fine, not exceeding two hundred dollars, or by imprisonment, not exceeding thirty days, or both such fine and imprisonment; also, in all cases of assault and battery, committed within the city limits. The Police Judge shall exercise all the powers and jurisdiction of a Justice of the Peace, in regard to offences committed within the city limits, and may administer oaths or affirmations known to the law.

Sec. 2. The said Court shall have such further powers and jurisdiction as is by general statute conferred upon Recorders' Courts, and the proceedings therein shall be such as are provided by law for proceedings in Justices', Recorders', and Mayors' Courts.

Sec. 3. Whenever sentence of imprisonment is passed upon any offender, the Police Judge may include in such sentence that such offender shall be subject to labor, under the charge and in the custody of the Chief of Police.

Sec. 4. The Police Judge shall keep a record of his proceedings, receive and pay monthly into the Treasury of the city all moneys collected by him, shall render monthly to the Common Council an exact and detailed account of all fines imposed and moneys collected.

Sec. 5. In case of the absence of the Police Judge, or his inability to act, the duties of his office shall be discharged by a Justice of the Peace, appointed by the Common Council, while such absence or inability continues.

Sec. 6. A Chief of Police shall be elected annually, by the qualified electors of the city, and shall hold his office for the term of one year, and until his successor is duly elected and qualified.

Sec. 7. The Chief of Police shall execute, within the city, and return, all process issued and directed to him by the Police Judge, and arrest all persons guilty of a breach of the peace or violation of any ordinance of the Common Council, and take them before the Police Judge, and he shall perform all such other and further duties as may be required of him by the Common Council, appertaining to the municipal government and management of the affairs of the city, not specifically devolved upon some other officer or person by this charter. He shall also supervise and direct the police force.

ARTICLE SIX.—SALARIES.

Salaries.

Sec. 1. The Mayor and Aldermen shall not receive any salary or compensation for their services.

Sec. 2. The Collector and ex officio Street Commissioner shall receive a salary, in the discretion of the Common Council, not to exceed the sum of fifteen hundred dollars per annum.

Sec. 3. The Assessor shall receive not exceeding the sum of four hundred dollars, for all services performed by him under the direction of the Council.

Sec. 4. The Clerk shall receive a salary, in the discretion of the Common Council, not to exceed the sum of six hundred dollars per annum.

Sec. 5. The Treasurer shall receive a salary, in the discre-

tion of the Common Council. not to exceed the sum of two hundred dollars per annum. Salaries.

SEC. 6. The Police Judge shall receive a salary, in the discretion of the Common Council, not to exceed the sum of three hundred dollars per annum, and all fees received by him shall be paid into the City Treasury.

SEC. 7. The Chief of Police shall receive a salary, in the discretion of the Common Council, not to exceed the sum of twelve hundred dollars per annum.

SEC. 8. The Common Council shall have no power to allow any extra or additional compensation to that in this chapter expressly authorized, to any officer for the rendition of services that the Common Council have power to require the officer to perform, by virtue of his office. The Collector and ex officio Street Commissioner, and Clerk, as well as the Police Judge, and Chief of Police, as heretofore provided, shall each have power, subject to the control of the Common Council, to appoint Deputies, by writing, to be filed with the Clerk. Such Deputies, in the name of their principals, may discharge all the duties incumbent upon their principals; and it shall be their duty to appoint such Deputies to supply their places, in case of their disability from sickness, or absence from the city. Said Deputies shall not be entitled to demand any compensation from the City of Stockton, for their services as such.

ARTICLE SEVEN.—MISCELLANEOUS PROVISIONS.

SEC. 1. Upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and noes shall be entered upon the journal. Ayes and noes.

SEC. 2. A majority of all the members elected shall be necessary to pass any ordinance appropriating, for any purpose, the sum of five hundred dollars, or upwards, or any ordinance imposing any assessment, tax, or license, or in anywise increasing or diminishing the city revenue. Appropriation.

SEC. 3. The style of the city ordinances shall be as follows: "The Mayor and Common Council of the City of Stockton do ordain as follows." And all ordinances shall be published in one or more of the newspapers printed in the city. Style of ordinances.

SEC. 4. The interest which an inhabitant of the City of Stockton may have in a penalty for a breach of a by-law or ordinance of said city, shall not disqualify said inhabitant to act as Judge, juror, or witness, in any prosecution to recover the penalty. Judge, juror, witness, etc.

SEC. 5. The corporation must contract by its corporate name. Contracts.

SEC. 6. By-laws and ordinances shall be passed by the Common Council, and approved by the Mayor; but before any by-law or ordinance shall have any binding validity, it shall be published five times in one or more newspapers, published in the City of Stockton, and recorded in the Record Book, required to be kept by the Clerk. The Clerk shall certify on the record the fact of publication, and so certified, the record shall be prima facie evidence of the legal passage thereof, and may By-laws and ordinances.

be read as evidence of the by-law or ordinance, and its publication.

Act
repealed.

SEC. 7. An Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and fifty-two, and an Act entitled an Act to amend an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and fifty-two, approved April second, eighteen hundred and fifty-three, and an Act entitled an Act to reincorporate the City of Stockton, approved March thirty-first, eighteen hundred and fifty-seven, are hereby repealed.

SEC. 8. This Act shall take effect upon the first day of May, A. D. eighteen hundred and sixty-two.

CHAP. CCCLXXXIV.—*An Act to amend an Act entitled an Act Abolishing the Office of County Assessor, and Establishing the Office of Township Assessors, in the County of Calaveras, approved April twenty-eighth, eighteen hundred and sixty, and to define their Duties, and the Duties of the other Officers connected with the Collection and Disbursement of the Revenue of said county, more clearly.*

[Approved April 24, 1862.]

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

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

Assessment
roll.

Section 6. On or before the third Monday in July, in the year one thousand eight hundred and sixty-two, and every year thereafter, each Township Assessor shall complete his assessment roll, attach his certificate thereto, and deliver it, and all of the original lists of property given to him by the tax payers of his township, together with those which the revenue laws of this State require him to file with the Clerk of the Board of Equalization, who shall then proceed, in conformity with the revenue laws aforesaid.

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

Board of
Equalization

Section 7. The Board of Equalization, in and for said County of Calaveras, are hereby required to meet, on the first Monday in August, in the year one thousand eight hundred and sixty-two, and in each year thereafter, and continue their sessions until the first Monday in September, but all subsequent proceedings of said Board shall be in conformity with the revenue laws of this State; *provided*, the said Board of Equalization may, at any time other than at their regular sittings, make such orders, with regard to the equalization of the taxes in said county, as may be necessary.

Jury of
Assessors.

SEC. 3. It is hereby further made the duty of the Assessors, in the County of Calaveras, to countersign the tax receipts issued by the Tax Collectors, accompanying them, while in the discharge of their duties, between the first day of April and the

first Monday in November, in each year, and, also, certify to the correctness of the statements of the Tax Collectors, required by sections thirty-one and thirty-five of an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, to be filed by him with the Auditor of his county, and the said Assessor shall, also, mark the word "paid," together with the date of payment, upon the original list furnished him by the tax payer so paying, and, also, opposite the name of such person on the original assessment rolls, which they are required, by this Act, to file with the Clerk of the Board of Equalization.

SEC. 4. The District Attorney of said Calaveras County is hereby required to furnish and file with the Auditor of his county, on the first Monday in each and every month, or at the same time he files his receipt for money paid into the Treasury, arising from the collection of the delinquent taxes of said county, a statement of the name of each person from whom he collects any money, stating the amount received, and the date of its receipt.

Of District
Attorney.

SEC. 5. The Clerk of the Board of Supervisors of said county is hereby directed, and it is made his duty, to furnish to the Auditor of his county a certified statement of all allowances made by the Board of Supervisors, with the names of the persons to whom allowed, the amount and date of allowance, for what allowed, and a copy of the order directing the Auditor to draw his warrants therefor; and the said Auditor shall, on the first Monday of every month thereafter, appear at the office of said Clerk, with said list of allowances, and they two shall carefully note and compare the same with the record of said Board of Supervisors, and the said Clerk shall write, opposite the name of each person in said record to whom the Auditor may have issued a warrant, the word "issued," together with the number and date of said warrant; and at the regular quarterly session of the Board of Supervisors, the said Clerk shall be present with said record, and, at the time of cancelling warrants drawn upon the Treasurer, shall mark the word "paid" opposite the names of all persons therein, whose warrants appear at that time to have been paid.

Clerk of
Board of
Supervisors

SEC. 6. The Auditor of said county is hereby required to keep a registry of all warrants drawn by him upon the Treasurer, and to countersign and enter in his register, aforesaid, all warrants drawn by the order of the Board of Supervisors of said county upon the Special Hospital and Road Funds, also all orders drawn upon the School Fund by the County School Superintendent, and all orders issued by order of the District, County, or Probate, Judges, in favor of indigent witnesses, upon the Treasurer aforesaid, which orders from the Judges shall be certified to by the Clerk of the Court from which said order was issued; and the Treasurer of said county is hereby prohibited from paying any warrants or orders on the General Fund, the Special Hospital Fund, Road Fund, or School Fund, of said county, that are not issued and countersigned as in this section provided; and the Auditor of said county is hereby further required, and it is made his duty, to be present, with his register of warrants and orders aforesaid, drawn upon the Treasurer, at

Auditor.

the regular quarterly sessions of the Board of Supervisors, and at the time of cancelling warrants drawn upon the Treasurer, shall write in said register the word "paid" opposite the name of the person to whom such warrant was issued, as may appear at that time to have been paid.

Treasurer. SEC. 7. The Treasurer of Calaveras County is hereby required, and it is made his duty, to file with the Auditor of his county a true and correct statement of any and all moneys received by him from the Treasurer of the State of California, for the use of the public schools or the indigent sick of said county.

SEC. 8. This Act shall take effect from and after its passage.

CHAP. CCLXXXV.—*An Act to make County Warrants Receivable in Payment of Taxes in Tulare County.*

[Approved April 24, 1862.]

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

SECTION 1. Warrants, drawn on, and payable out of the General Fund of the County of Tulare, are hereby made receivable in payment of county taxes in all cases, except for special taxes levied for special purposes; and the Sheriff, or Tax Collector, of said county, shall, on his settlement with said county, be credited with the amount of warrants received by him, as aforesaid, the same as cash; *provided*, that at the time of such settlement, he shall make oath that such warrants are the identical warrants received by him in payment of county taxes, and from no other source.

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

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

CHAP. CCLXXXVI.—*An Act to authorize the Board of Supervisors of the County of Contra Costa to audit and allow the Claim of M. R. Barber, and to levy a Special Tax.*

[Approved April 24, 1862.]

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

To audit and allow claim. SECTION 1. The Board of Supervisors of the County of Contra Costa are hereby authorized to audit and allow the claim of M. R. Barber, for such amount as may be found due, for the construction of two bridges in the said county, in the year eighteen hundred and fifty-three.

SEC. 2. When making the levy of State and county taxes for

the next fiscal year, eighteen hundred and sixty-three, the Board of Supervisors shall levy such a special tax, on all the taxable property of the said County of Contra Costa, as shall be sufficient to pay the amount which may have been awarded to the said Barber on the above claim. Special tax.

SEC. 3. The special tax herein authorized shall be assessed and collected in the same manner, and by the same officers, as other State and county taxes, and, in the Treasury of the county, shall be placed in a separate fund, to be designated the Barber Fund; and, after the amount awarded to the said Barber has been paid, any surplus remaining in the said fund shall, by the Treasurer, be transferred to the County School Fund. Assessment and collection.

CHAP. COLXXXVII.—*An Act to authorize the Executrix and Executor of the Estate of John Frye, deceased, to sell the Real Estate of deceased, at private sale.*

[Approved April 24, 1862.]

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

SECTION 1. That Eliza Frye, and Charles D. Burleson, Executrix and Executor of the last will and testament of John Frye, late of the Town of Volcano, Amador County, deceased, are authorized to sell the real estate, or any portion thereof, of which the said John Frye died seized and possessed, or any right, title, or interest, of the said John Frye, deceased, in and to any gold mines, or mining claims, flumes, ditches, aqueducts, and everything appertaining thereto, as may be sufficient to pay the debts outstanding against the estate of said testator, the allowances to his family, and the expenses of administration, and the final distribution of the estate, at such time or times, on such terms, and in such manner, whether at public or private sale, as shall, in their opinion, be most advantageous to said estate. Sale authorized.

SEC. 2. The said Executrix and Executor shall make a full report of any and all such sales as shall be made by them, to the Probate Court, or Probate Judge, of the County of Amador, within a reasonable time thereafter, who, after a proper examination thereof, shall confirm or reject such sale or sales, as in other cases of sales of real estate by Executors and Administrators, and no such sale or sales shall be definitely valid and binding unless so confirmed or approved by said Court or Judge, by order duly made and entered of record in said Court. Report.

SEC. 3. The said Executrix and Executor are hereby authorized and empowered, upon such confirmation of any sale or sales of real estate, or interest in real estate, as herein before provided, and the compliance on the part of the purchaser or purchasers with the terms of such sale or sales, to execute, Conveyance.

acknowledge, and deliver, to said purchaser or purchasers, all necessary and proper conveyances of the property sold.

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

CHAP. CCLXXXVIII.—*An Act to amend an Act entitled an Act to extend the provisions of an Act entitled an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine, approved March thirteenth, one thousand eight hundred and sixty-two.*

[Approved April 24, 1862.]

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

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

Provisions
of Act ex-
tended to
Amador
County.

Section 1. The provisions of an Act entitled an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine, are hereby extended, and made applicable to Townships Numbers One, Two, and Five, in the County of Amador; *provided*, that the provisions of this Act shall not apply to any hogs owned by any inhabitant of the County of Amador living outside of said Townships Numbers One, Two, and Five, and within one mile of the boundary dividing said Townships Numbers One, Two, and Five, from other townships in Amador County, unless such hogs are found trespassing upon grounds, in said Townships Numbers One, Two, and Five, enclosed by lawful fence.

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

CHAP. CCLXXXIX.—*An Act to establish Pounds in the County of Santa Clara.*

[Approved April 24, 1862.]

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

Pounds.

SECTION 1. The Board of Supervisors of the County of Santa Clara may, from time to time, establish one or more Pounds in each township of said county, and they may change or abolish the same.

SEC. 2. Said Board of Supervisors shall appoint a Pound Keeper. Keeper. for each Pound established by them, and he shall hold his office for the term of one year, and until his successor is appointed and qualified. If the Pound Keeper shall fail or refuse to qualify, or to act, or if a vacancy shall at any time occur, from any cause, said Board of Supervisors shall make a new appointment.

SEC. 3. Said Board of Supervisors shall, from time to time, Fees, etc. establish the rate of fees and charges to be paid to the Pound Keeper, for receiving, keeping, and feeding, the several kinds of beasts authorized by this Act to be impounded, and such rate of fees and charges shall be kept posted up, by the Pound Keeper, at some conspicuous place at his Pound, but neither such fees or charges, nor the costs or charges of establishing, furnishing, or maintaining, the Pound, shall be paid out of the County Treasury.

SEC. 4. When any person is injured in his land, or the crops, Damages. or any property thereon, by any horses, neat cattle, mules, sheep, goats, or swine, or any one of them, by or after their breaking or passing over a lawful fence, enclosing in whole or in part such land, either by itself or in common with other lands, he may recover his damages in a civil action against the owner or keeper of the beasts, or by distraining the beasts doing damage, and proceeding therewith as hereinafter directed.

SEC. 5. The beasts so distrained for doing damage, shall, Animals to be impounded. within twenty-four hours after being distrained, be driven to the nearest Pound in said county, but not more than five miles from the place where the same have been distrained, and shall be placed in the custody of the Pound Keeper of said Pound, who shall furnish them with suitable food and water while they remain impounded.

SEC. 6. The distrainer of such beasts shall leave with the Pound Keeper a memorandum, in writing, under his hand, Memorandum of damages. stating the cause of the impounding, the sum that he demands from the owner or keeper of the beasts, for the damages done by the beasts, and the name of the owner or keeper of said beasts, if known to him, and the kind and number of such beasts, and their marks and brands, if they have any; and the Pound Keeper shall enter the same, or an abstract thereof, in a book kept by him for that purpose, and keep a list of such beasts, while they remain in his custody, posted up at his Pound.

SEC. 7. The Pound Keeper, when the beasts are in his custody, shall not deliver them to the owner or keeper until the owner or keeper pays him his fees and charges, the sum demanded by the distrainer for his damages, the expenses of advertising the beasts, if they have been advertised, and all other legal costs and expenses. Payment of fees, charges, and damages.

SEC. 8. When beasts are impounded, the distrainer shall, Notice to owner. within twenty-four hours thereafter, give notice of such impounding, in writing, to the owner or keeper thereof, if known to him, and living within ten miles from the place of distraining, which notice shall be delivered to the party, or left at his place of abode, and shall contain a description of the beasts, with

their marks and brands, if any, and a statement of the time, place, and cause, of impounding, and the claim for damages.

Notices.

SEC. 9. If there is no person entitled to the notice, according to the preceding section, and the proper person does not appear, to claim the beasts impounded, the distrainer shall, within forty-eight hours after their being impounded, post notices in public places in the township where they were distrained, stating therein the description of the beasts, the time and place of, and the cause of, their being distrained, by whom distrained, the damages claimed by him, and the place where impounded, and in such case, if their value exceed fifty dollars, he shall, within ten days after their being impounded, cause a like notice to be published weekly, for three successive weeks, in a newspaper published in said county. The posting and publication of the notices may be proved by the affidavit of any person knowing the same to have been done, and the costs for posting and publication shall be the same as in case of sales of property by Constables, and shall be paid as other costs and charges are herein required to be paid.

Referees.

SEC. 10. If the owner or keeper of the beasts is dissatisfied with the claim for damages of the distrainer, he may, within five days after the notice to him, or after the advertisement, as above provided for, have the amount for which he is liable, ascertained and determined by Referees, one to be selected by the distrainer, one by the owner, and the third by the two so selected, and if they cannot agree upon the third Referee, or if either of the parties fail or refuse to select a Referee, as above provided for, he or they shall be appointed by the Justice of the Peace nearest to the place where the beasts were distrained. Said parties may agree upon a less number of Referees. Said Referees shall be sworn, if required by either of said parties, and they shall, within two days after their appointment, ascertain and determine the amount of such claim for damages, and forthwith return the same, in writing, to the Pound Keeper. The Referees shall be entitled to the same fees as jurors in civil cases before a Justice of the Peace. If the Referees reduce the amount of said distrainer's claim more than ten per cent., he shall pay said fees, and if not so reduced, such owner or keeper shall pay such fees.

Damages.

SEC. 11. If the sum for which the beasts were impounded, with the fees, charges, and expenses, above provided for, be not paid within two days after notice of impounding has been given, as above directed, or after the last publication in a newspaper, as above directed, if Referees have not been appointed, as above provided for, the distrainer shall apply to the said Justice of the Peace, and obtain the appointment of three Referees, who shall ascertain and determine the amount of damages for which the beasts have been impounded, and return the same, in writing, to said Justice of the Peace and said Pound Keeper.

Sale.

SEC. 12. If the amount, found due by the Referee, for damages, and the fees, costs, and expenses, above provided for, be not forthwith paid, the Pound Keeper shall sell the said beasts, or so many thereof as may be necessary to pay said damages, fees, costs, and expenses, and accruing costs, at public auction, after advertising the time and place of sale, not less than five

days, in the same manner as in case of sales of personal property under execution by Constables.

SEC. 13. The Pound Keeper shall, within five days after such sale, pay the proceeds of such sale, after deducting said damages, fees, costs, and expenses, to the County Treasurer of said county, and file his receipt therefor with the County Auditor of said county. If any person shall, within two years thereafter, show to the Board of Supervisors of said county that he is entitled to the said sum of money, or any part thereof, they shall order the same to him; and if the same shall not be so ordered to be paid within said two years, then it shall be paid by said Treasurer into the Common School Fund of said county.

SEC. 14. In all actions and prosecutions, wherein the legality or sufficiency of proceedings under this Act are in issue, or brought in question, this Act shall be liberally construed, and only a substantial compliance with the provisions thereof shall be required to be proved.

CHAP. CCXC.—*An Act making an Appropriation for the Payment of the Per Diem and Mileage of Presidential Elector.*

[Approved April 24, 1862.]

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

SECTION 1. The sum of sixty-six dollars is hereby appropriated to P. Della Torre, or his assigns, in payment of the per diem and mileage as Presidential Elector for the State of California, in the year eighteen hundred and fifty-six; and the State Controller is hereby authorized and directed to draw his warrant on the State Treasurer for the said sum.

SEC. 2. The sum of sixty-six dollars is hereby set apart, from the moneys in the General Fund, for the payment of the above described warrant.

CHAP. CCXCI.—*An Act supplemental to an Act entitled an Act amendatory of and supplemental to an Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved March twenty-eighth, eighteen hundred and fifty-seven.*

[Approved April 24, 1862.]

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

SECTION 1. So much of an Act entitled an Act amendatory of and supplemental to an Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the

same, approved March twenty-eighth, one thousand eight hundred and fifty-seven, so far as the same prohibits the Superintendents of Common Schools of the respective counties of this State from being employed as a teacher in any School District of his county, is hereby repealed.

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

CHAP. CCXCII.—*An Act to authorize Charles C. Bowman, and his associates, to construct a Wharf at the western end of the Encinal of San Antonio, Alameda County.*

[Approved April 24, 1862.]

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

- Franchise. SECTION 1. C. C. Bowman, and those he may associate with him, their heirs and assigns, are hereby authorized to build and maintain a wharf, at the western end of the Encinal of San Antonio, Alameda County, at some point adjacent to the lands of said Bowman, and extend the same into the Bay of San Francisco, such distance as will give ten feet of water, at the termination of said wharf, at low tide.
- Grant of use of lands. SEC. 2. And there is hereby granted to the before mentioned parties, the use and occupation of a strip of tide lands, or mud flats, one hundred yards in width, for the purposes before mentioned.
- Tolls. SEC. 3. And, should the parties to whom this franchise is granted, ever wish to collect toll or wharfage on said wharf, the Board of Supervisors of Alameda County shall, from time to time, fix the rates of tolls and wharfage, and the rates so fixed shall be collected by the grantees herein named, their heirs and assigns.
- Term. SEC. 4. The time for which this franchise is granted shall continue for the term of twenty years.
- Forfeiture. SEC. 5. If the said wharf shall not be commenced within one, and finished within two years after the passage of this Act, then all the rights herein granted shall be deemed forfeited.
- SEC. 6. This Act shall be in force from and after its passage.

CHAP. CCXCIII.—An Act to create and organize a Fire Department for the Town of Mokelumne Hill.

[Approved April 24, 1862.]

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

SECTION 1. The Fire Department of the Town of Mokelumne Hill 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 power to increase their number to four, in such manner as hereinafter provided; *provided*, that said Department shall not exceed two hundred and twenty men, in the aggregate. Fire Department

SEC. 2. There shall be an election, annually, on the first Monday in May, 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 twenty days notice in one newspaper, published in said Mokelumne Hill; 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 ten days notice in such newspaper, as above described. The polls shall be held at such place as the Board of Delegates may designate, and shall be kept open from four o'clock, p. m., until seven 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 First Assistant Engineer, shall be first Assistant Engineer; and the person receiving the highest number of votes for Second Assistant Engineer, 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 Engineer shall be decided by a vote of the Board of Delegates. The election term for each Engineer shall be for one year, or until his successor is elected and qualified. Election.

SEC. 3. Each and every company, at its stated meeting in the month of April in every year, shall elect two of its members as delegates to the Board of Delegates of the Fire Department of Mokelumne Hill, 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, Secre- Vacancy.
Election of Board of Delegates.

tary, 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 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 Engineer, 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 every 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 returns, and declare the result, of all Engineer's elections, and give them their certificates of office; and said Chief and Assistant Engineers shall be ex officio Fire Wardens of the town, and the Secretary shall be ex officio Clerk of the Board of Trustees of the Charitable Fund of the Department.

SEC. 4. 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.

SEC. 5. 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, not under 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 President of the Board of Delegates, which officer shall thereupon lay the same before the Board, for their action, and 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 receive such company, so making application for admission, into the Fire Department, it shall be the duty of the Secretary of the Board to enroll the names of the members of such company, and to notify them, in a written notice, addressed to the Foreman of the same, of their admission into the Fire Department; whereupon such company shall be entitled to all the privileges of other companies of the Department.

SEC. 6. 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 such 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.

SEC. 7. The Chief Engineer shall report to the Board of Delegates, quarterly, in the months of September, December, March, and June, the number, location, and condition, of cisterns, hydrants, fire engines, and other fire apparatus, and the state of the fire company houses, and all property in the town, in the keeping of the said Department, together with any other information and such recommendation as he may deem proper.

Chief
Engineer
to report.

SEC. 8. The Chief Engineer, the President and Secretary of the Board of Delegates, of the Fire Department of the Town of Mokolumne Hill, 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.

Exempt
certificates.

SEC. 9. All laws, and parts of laws, in conflict with this Act, are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after the first day of May, A. D. one thousand eight hundred and sixty-two.

CHAP. CCXCIV.—*An Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city.*

[Approved April 24, 1862.]

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

SECTION 1. The corporation, or body corporate, now existing and known as the Town of Oakland, shall remain and continue to be a body politic and corporate, by the name of The City of Oakland, and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all actions; and shall have and use a common seal, and alter the same at pleasure; and may purchase, receive, hold, and enjoy, real and personal property, and sell and dispose of the same for the common benefit; *provided*, that it shall purchase without the city no property except such as shall be deemed necessary for establishing hospitals, prisons, cemeteries, industrial schools, and water works.

Corporation.

SEC. 2. The boundaries of said city shall be the same as the boundaries of the late Town of Oakland, which are more particularly defined and described, as follows, to wit: Northernly, by a straight line drawn at right angles with Broadway, formerly Main street, in said city, crossing the extended line of Broadway at a point three hundred and sixty rods northerly from where stood the "Oakland House," on the northwest corner of Broadway and First streets, and running from the Bay of San

Boundaries.

Boundaries. Francisco, on the west, to the easterly or southeasterly line of that branch of the San Antonio slough, or estuary, over which crosses the bridge from Oakland to Clinton; thence among the eastern and southern highest tide line of said slough, and of the estuary of San Antonio, following all the meanderings thereof to the mouth of said estuary, in the Bay of San Francisco; thence southwesterly to ship channel; thence northerly, along the line of ship channel to a point where the same intersects the said northern boundary line, extending westwardly; *provided*, that nothing in this section contained shall be so construed as to prohibit or abridge the right of the Trustees of the Town of Clinton and San Antonio, whenever the citizens thereof may elect, to become a body corporate, under the provisions of an Act for the Incorporation of Towns, or under the provisions of any Act which may hereafter be passed, to provide for the construction of wharves and other improvements for the accommodation and convenience of the trade, travel, and commerce, of the said towns or villages, at their respective sites.

MUNICIPAL OFFICERS.

Officers. SEC. 3. The municipal election shall be held on the first Monday of March, of each year, and such elections shall be subject to all the provisions of the law regulating elections for State officers, except as in this Act provided otherwise. There shall be elected and appointed, for the government of the City of Oakland, seven Councilmen, who shall constitute a Board, known as the City Council; a Mayor, an Assessor, a Treasurer, who shall be *ex officio* Clerk of the City Council, and a Marshal, who shall be *ex officio* Tax Collector of said city. The Mayor shall be elected for one year, and until his successor is elected and qualified. The Assessor shall be elected for two years, and until his successor is elected and qualified. The Marshal shall be elected for two years, and until his successor is elected and qualified, except at the first election, when he shall be elected and hold his office for one year. The Treasurer shall hold his office for two years, and until his successor is elected and qualified. The Councilmen shall be elected and hold their office for two years, and until their successors are elected and qualified; *provided*, that, at the first election, the three Councilmen, of the seven elected, having received the least number of votes at the election, shall be elected and hold their office one year, and until their successors are elected and qualified.

POWERS AND DUTIES OF THE CITY COUNCIL.

Powers and duties of City Council. SEC. 4. The City Council shall meet on the first Monday after their election, and at such other times as they may, by ordinance, appoint. A majority of the Common Council shall constitute a quorum for the transaction of business; they shall determine the rules of their proceedings, and judge of the qualification and election of all officers elected under the provisions of this Act; and shall provide, by ordinance, the method of calling special meetings of the Council; their sittings shall be public. A journal of their proceedings shall be kept by the Clerk, under

their direction, and the ayes and noes shall be taken, and entered on the journal, at the request of any member; they shall prescribe, by ordinance, the duties of all officers whose duties are not defined in this Act; they shall have the power to raise, by tax, not exceeding one and one fourth per cent. for all purposes, (except for the redemption of bonds,) on the assessed value of the real and personal property within the limits of said city, moneys for the establishment and support of free common schools, and to provide suitable grounds and buildings therefor; and for the defraying the ordinary expenses of the city, as well as for paving, planking, or otherwise improving, the streets of the city; they shall also have power to pass all proper and necessary ordinances for the regulation and sale of city property, and to give deeds therefor; they shall have power to open, alter, establish, grade, or otherwise improve and regulate, streets, alleys, and lanes, and the sidewalks upon the same; to construct and keep in repair, bridges, fences, public places, wharves, docks, forries, piers, slips, sewers, and wells, and to make the assessments therefor; to regulate and collect tolls, wharfage, dockage, and craneage, upon all water crafts, and all goods landed; to make regulations for securing the health, cleanliness, ornament, peace, and good order, of the city; for preventing and extinguishing fires, and regulating firemen, policemen, and such other officers as may be necessary to appoint for the care and regulation of prisons and markets; for licensing, taxing, and regulating all such vehicles, business, and employments, as the public good may require, and as may not be prohibited by law; to levy a tax license upon all dogs, or otherwise prevent the same from running at large in the streets and public grounds of the city; to regulate and suppress all occupations, houses, places, amusements, and exhibitions, which are against good morals, or contrary to public order and decency; for the regulating and location of slaughter houses, markets, stables, and gas works, and houses for the storage of gunpowder and other combustible materials; and to pass all such other ordinances, and provide suitable buildings for the management, good government, and general welfare, of said city, as may not be inconsistent with this charter, or with the Constitution or laws of this State, or the United States. They shall also have power to pass such ordinance, or ordinances, as may be necessary to prevent animals from running at large within the limits of the city; to establish a Pound, and appoint a Pound Keeper, and prescribe his duties, and to provide for the public sale, by the Pound Keeper, of such animals as may be impounded, in the same way, and upon like notice, that personal property is sold by execution, under the laws of the State; *provided*, said City Council shall allow, by ordinance, the owner or owners of such property so impounded, to reclaim the same at any time before sale, upon payment of costs and charges of taking up and impounding, and within thirty days after the sale, shall allow him or them, upon proof of the ownership of the property sold, duly made before the Mayor, and upon payment of the costs and expenses of impounding and selling, and upon the payment of the sum of one dollar to the Mayor, as a fee for the investigation of the question of ownership, and for his certificate to that

powers and
duties of
City
Council.

Powers and
Duties of
City
Council.

effect, the purchase money arising from such sale or sales; they shall also have power to affix penalties to the violation of any and all ordinances; such penalties shall be by fine, not exceeding one hundred dollars, and in case the fine be not paid, then they may direct that the person or persons may be imprisoned, at the rate of one day for every two dollars of the fine imposed, or, in lieu of the imprisonment, or any part of it, they may direct that the person or persons so fined, shall labor, under the direction of the city authorities, either upon the streets, public grounds, or buildings, or in such other places as may be deemed advisable for the benefit or revenue of said city; they shall have power to appoint suitable persons to fill vacancies in the office of Mayor, Councilmen, or any other elective office, until the next regular charter election, when, if the term be unexpired, an election shall be held, to fill such vacancy for the unexpired term of said officers. They shall also have power to determine the compensation to be paid to the Assessor, Treasurer, and Clerk, Marshal, and all other officers to whom the receipt or expenditures of the moneys or funds of the city shall be entrusted; *provided*, that the members of the City Council shall receive no salary for their services. The City Council shall have no power to borrow money, unless they shall by ordinance direct the same, in anticipation of the revenue for the coming year, and shall provide in said ordinance for repaying the same out of such revenue; nor in such case shall they borrow a sum to exceed ten thousand dollars; they shall have power to provide for all city elections, to designate the place or places of holding the same, giving at least ten days notice thereof; to appoint Inspectors and Judges of election, examine the returns, and declare the result, and to determine contested elections. The Board shall elect a member from their own body to preside at the meetings, and to discharge the duties of Mayor whenever there shall be a vacancy in the office of Mayor, or the Mayor shall be absent from the city, or be unable, from sickness, or other cause, to attend to the duties of his office; and in absence of the Clerk, to appoint one of their members to act as Clerk; they shall have power, whenever they may deem it necessary to exercise the same, to establish and fix, by ordinance, a salary for Mayor, in addition to the fees received by him as Justice of the Peace; but such ordinance shall not take effect unless ratified by a vote of the citizens of said city, at the next succeeding election; they shall also have power, and may set aside any amount of money belonging to the city which may at any time be in the hands of the Treasurer, after deducting the current expenses of the city, and the interest due upon the funded debts of said city, as a sinking fund, whereby the bonds issued by said city may be redeemed, or they may, at any time before said bonds shall become due, with any surplus money which may belong to the city, after paying said expenses and interest, redeem, or purchase for the city, and in its name, in the manner most advantageous to the city, any outstanding bonds, which bonds, or claims, when so purchased, shall be immediately cancelled; *provided*, this right shall not affect the rights of the holders of said bonds, or in any way prevent them from holding the same

until said bonds become due and payable; they shall also have the power to determine the width of sidewalks, and the material and manner of their construction, as well as the grade of the same; and shall also have the power and right to require and compel the owner, or occupant, of any lot or lots, situate upon any street of said city, to erect, construct, and keep in repair, the sidewalks fronting his or her lot or lots; and in case the owner, or occupant, of any lot or lots, after due notice, refuse to build, repair, or keep in repair, said sidewalks, in accordance with the general regulations, then the Council may cause the same to be built or repaired, and the costs and charges shall be a lien on said lot or lots, and may be enforced by suit at law; and said lien shall not be discharged until said costs and charges have been paid; they shall also have the power to establish fire districts, and within said districts to prevent the erection of wooden buildings, or any buildings composed of combustible materials, and also to prevent the further repairing of wooden buildings within the fire limits established.

Powers and
duties of
City
Council.

Sec. 5. They shall also have the exclusive right, in the manner described by ordinance, of issuing and granting of licenses, and of collecting the tax licenses, for the benefit of the city, upon the following business and property, to wit: Upon each and every person, within the limits of said city, who shall vend any goods, wares, or merchandise, wines, or distilled and fermented liquors, drugs, or medicines, jewelry, or wares of precious metals, and persons who keep horses or carriages for rent or hire, (except mules, horses, or animals, used in the transportation of goods,) that is to say, all persons dealing in the aforesaid business in said city, and whose average monthly sales, rents, or receipts, are estimated at one thousand dollars, and less than five thousand dollars; and those, also, whose average monthly sales, rents, or receipts, are one thousand dollars, and less than one thousand dollars; also, upon all taverns, innkeepers, and upon all persons who may sell and dispose of any malt, spirituous, or fermented, liquors, or wines, in less quantities than one quart, and the said licenses shall be issued quarterly or yearly; also, upon every person, within the limits of said city, who shall keep a stallion, jack, bull, or ram, and who shall permit the same to be used for the purpose of propagation, for hire or profit, which license shall be a yearly license; all of which licenses, when granted by said city, and duly obtained by the person or persons desiring the same, shall entitle them to carry on said business, trade, or profession, in said city; but this section shall not be so construed as to require those having licenses for carrying on said business, to obtain one from the city until the expiration of the licenses now held by them.

TIME AND METHOD OF LEVYING TAXES.

Sec. 6. The City Council shall, between the first Monday in January and the first Monday of March, in each year, by ordinance, levy a tax sufficient to pay the interest on the funded debt of said city, and in addition thereto, any amount that they may deem necessary for any and all purposes for which they are authorized to levy a tax, the whole amount of which, not

Taxes.

Taxes.

exceeding one and one fourth per cent. on all real and personal property. Such ordinance shall designate the number of cents which shall, on each one hundred dollars of taxable property, real and personal, and improvements, be levied. The City Council shall, prior to the first Monday of March, of each year, furnish, or cause to be prepared, suitable and well bound books for the use of the Assessor, in which he shall enter his tax list or assessment roll, as hereinafter set forth.

SEC. 7. Every tax levied under the provisions or authority of any ordinance passed in pursuance of this Act, is hereby made a lien upon the property assessed, which lien shall attach on the first Monday of March in each year, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser, under a sale of taxes.

SEC. 8. Every ordinance passed by the City Council shall be presented to the Mayor, for his approval; if he approve, he shall sign it; if not, he shall return it within five days thereafter. or if the City Council be not then in session, at its next meeting, when said City Council shall reconsider said ordinance; and if approved by two-thirds of all the members elected to such Board, it shall take effect and stand as an ordinance of the city.

DUTIES OF THE ASSESSOR.

Assessor.

SEC. 9. It shall be the duty of the Assessor, before entering upon the duties of his office, and within ten days from the time he has received his certificate of election, to qualify, and also to file his official bond, payable to the city, with two or more sufficient securities, in such sum as the City Council shall determine, for the faithful discharge of his official duties. If the Assessor shall neglect to assess any property liable to be taxed, or shall fail to perform his duties in the manner, time, and form, prescribed in this charter, he shall be liable on his official bond for all the damages and losses the city or any person may sustain, by reason of said neglect.

SEC. 10. The Assessor shall have power to administer oaths or affirmations, contemplated by law, in the discharge of his official duties.

SEC. 11. Between the first Monday in March and the first Monday in August, in each year, he shall ascertain, by diligent inquiry and examination, all property within the corporate limits of said city, real or personal, subject to taxation, and also the names of all persons, corporations, associations, companies, or firms, owning, claiming, or having the possession or control thereof; and he shall determine the cash value of all such property, and shall list and assess the same to the person, firm, corporation, association, or company, owning, or having the possession, charge, or control thereof; *provided*, that real property shall be assessed to the person, firm, corporation, association, or company, owning or having possession, charge, or control thereof, and to all owners and claimants, known and unknown; and, *provided*, further, that where the owner is unknown to the Assessor, it shall be assessed to unknown owners. For the purpose of enabling the Assessor to make such assessment, he shall demand from each person and firm, and from the President,

Cashier, Treasurer, or Managing Agent, of each corporation, association, or company, within the city; a statement, under oath or affirmation, of all the real estate and personal property, within the city limits, owned or claimed by, or in the possession or control of, such person, firm, or corporation, association, or company. If any person, officer, or agent, shall neglect or refuse, on the demand of the Assessor, to give, under oath or affirmation, the statement required by this section, the Assessor shall make an estimate of the value of the taxable property which such person, officer, or agent, neglected or refused to render, under oath or affirmation, and the value so fixed by the Assessor shall not be reduced by the Board of Equalization.

Sec. 12. At the same time and in the same manner as the other lists of property herein required are given, each and every person shall deliver, under oath or affirmation, to the Assessor, a similar list of all the real estate, with the improvements thereon, if any, and other personal property, which he, and the firm of which he is a member, and the corporation, association, or company, of which he is President, Cashier, Treasurer, Secretary, Trustee, or Managing Agent, owns, claims, or has charge, possession, or control of, within the limits of the city, which list shall particularly describe each block, or plot, or, of less than a block, each lot, so that each may be found and known by reference to the official map of said city; also, all vessels, steamers, and other water crafts; also, oyster beds, and extent and location thereof; and shall also specify each and all deposits, and with whom such deposits are made, and the place or places in which the same may be found; also, all bonds, notes, mortgages, due bills, and other evidences of debt, together with all money and gold dust; and shall also specify the kind and nature of all other personal property belonging to, or under the control, charge, or in the possession of, him, or them.

Sec. 13. If any person shall wilfully make, or give, under oath or affirmation, a false list of his, her, or their, taxable property, under his or her control, such person shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished therefor as is by law provided for the punishment of perjury.

Sec. 14. If any person shall give the Assessor a false name, or shall refuse to give his or her name, or shall refuse to give a list of property theretofore provided, or shall refuse to swear, or affirm, to such list, he or she shall be deemed guilty of a misdemeanor, and shall be arrested upon complaint of the Assessor, and, upon conviction before the Mayor, or a Justice of the Peace, he or she shall be punished by a fine, of not less than ten dollars nor more than five hundred dollars, or by imprisonment, not less than two days nor more than two months, or by both such fine and imprisonment.

Sec. 15. It shall be the duty of the Assessor to prepare a tax list or assessment roll, alphabetically arranged, in the book furnished for that purpose, in which shall be listed or assessed all the real estate, and improvements on real estate and on public lands, and all personal property, within the limits of the city. And he shall set down in separate columns:

First—The names of the taxable inhabitants, firms, incorporated companies, or associations, in alphabetical order, if known;

Assessment
roll.

if unknown, the property shall be assessed to unknown owners; and if any person shall refuse to make a statement of his property, under oath, as required, that fact shall be noted under his name.

Second—All real estate and improvements, taxable to each inhabitant, firms, incorporated companies, or associations, described by "plots," "blocks," "lots," or fractions of lots, where it can be done; and where it is by plots, give, as near as may be, the number of acres; and if any lands or improvements have not been plotted, then describe the same by metes and bounds, and the number of acres, and location; *provided*, that when two or more parties claim, or give a description of, the same land, it shall be assessed to each party making such claim, or giving such description, according to the estimated value of the claims of each.

Third—The cash value of real estate, and the improvements thereon.

Fourth—The cash value of all the improvements on real estate, where the same is assessed to a person other than the owner of said real estate.

Fifth—The cash value of all personal property, except improvements on real estate or public lands, taxable to each.

Sixth—The total value of all property taxable to each.

And no further description of personal property than that required by the foregoing provisions of this section shall be needed, or be requisite, to render the assessment binding and effective.

SEC. 16. On or before the first Monday in August, in each year, the Assessor shall complete his list or assessment roll, and shall attach his certificate thereto, and deliver it and the books, and any map he may have accompanying the same, and all the original lists of property given to him, to the Clerk of the city; and the Clerk shall thereupon notify the Board of Equalization, and the tax payers, of the facts, by posting three notices, specifying the time of the meeting of said Board for the purpose of equalizing the taxes. Said roll shall be kept open in his office, for public inspection.

Subsequent
assessment.

SEC. 17. It shall be lawful for the Assessor, at any time subsequent to the first Monday in August, and prior to the last Saturday in October, of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments." and shall deliver the original assessment, or a true copy thereof, to the Clerk of said city, to be by him compared with the entries on the assessment roll, which subsequent shall be certified to by the Assessor.

BOARD OF EQUALIZATION.

Board of
Equalization.

SEC. 18. The Mayor of said city, the President of the City Council, the City Marshal, and the Clerk of the city, shall constitute a Board of Equalization, and said Clerk shall be the Clerk of said Board. The Board shall meet on the second Monday of August, and shall continue in session, from time to time, until the business of equalization, presented to them, is

disposed of; *provided*, however, they shall not sit after the first Monday of September, except as hereinafter provided. The Board of Equalization shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto, or deducting therefrom, if they deem the sum fixed in the assessment roll too small or too great, whether said sum was fixed by the owner or the Assessor; except, that in cases where the person complaining of the assessment has refused to give the Assessor his list, under oath, as required under this Act, no reduction shall be made by the Board of Equalization, in the assessment made by the Assessor; and if the Board of Equalization shall find it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct the Clerk to make a list of the names of all persons whose assessments have been so added to, and opposite the name of each person on said list they shall state the amount so added on the assessment roll, a copy of which list, certified to by said Clerk, shall be posted at some public or conspicuous place in said city, which list shall be posted prior to the first Monday in September; and it shall also contain a notice that the Board of Equalization will again meet, on the second Monday of September, to hear and determine any and all complaints in relation to said increased assessment. And the Board shall meet on the second Monday of September, for said purpose, and may, if necessary, continue in session, from time to time, during said week; but no person shall be entitled to be heard in the matter unless he shall make affidavit that he did not appear before said Board in August, or if he did so appear, that he had no knowledge of such increased assessment or valuation while said Board were in session in September; and any and all changes, which said Board shall then make, shall at once be entered on the assessment roll or list, and the same shall also be noted on the original increased assessment list.

SEC. 19. During the session of the Board of Equalization, the Clerk shall enter upon the assessment roll all the changes and corrections made by the Board, and he shall also add up the columns of valuation of each description of property on the roll; and on or before the third Monday in September, as to the original assessment roll, and on or before the second Monday in November, as to the subsequent assessment roll, he shall deliver a corrected roll, duly certified by him, or a certified copy thereof, to the Tax Collector.

SEC. 20. Upon the first Monday in November, the Board of Equalization shall again meet, to equalize the subsequent assessment made by the Assessor, and to hear complaints, as provided in the foregoing sections. A quorum of said Board shall consist of three of any of the persons composing said Board, and a quorum of said Board shall be sufficient to constitute the Board of Equalization, and for the transaction of business; and, should the Clerk be absent at any of the meetings of said Board, said Board may appoint one of their number to perform his duties herein described, during his absence.

DUTIES OF TAX COLLECTOR.

Tax
Collector.

SEC. 21. The City Marshal, who shall be ex officio Tax Collector, before entering upon the duties of his office, shall execute to the City of Oakland an official bond, with two or more sufficient sureties, in such sum as the City Council may direct, and to be approved by the Mayor, conditioned for the faithful performance of all the duties of City Marshal and all the duties of Tax Collector, as required by law, or as may be required by virtue of any ordinance of the city, and shall take the oath of office, which shall be indorsed upon his certificate of election or appointment.

SEC. 22. The Tax Collector is hereby authorized and empowered, and it shall be his duty, upon the entry of any assessment of movable property, to any firm, person, corporation, association, or company, who does not own real estate within the city, to demand forthwith the payment of the taxes; and if any such person, firm, corporation, association, or company, shall neglect or refuse to pay such taxes, the Tax Collector shall seize sufficient of the personal property of the party so neglecting or refusing to pay, to satisfy the taxes and costs, and shall post a notice of such seizure, with a description of the property, and the time and place where it will be sold, in three public places in the city, and shall, at the expiration of five days, proceed to sell, at public auction, at the time and place mentioned, to the highest bidder, for cash, a sufficient quantity of said property to pay the taxes and expenses incurred; and for this service the Tax Collector shall be allowed from the delinquent party a fee of three dollars, and the same mileage that a Sheriff would be entitled to receive for travelling to the place to make a levy; and upon payment of the purchase money, he shall deliver to the purchaser the property sold, together with a certificate of sale, and the amount of taxes or assessments and expenses thereon, for which the property was sold, whereupon the title to the property so sold shall vest absolutely in the purchaser.

SEC. 23. The Tax Collector shall, on the first Monday in each month, return to the Clerk a list of all collections made under the preceding section, and it shall be the duty of the Clerk to mark the word "paid" on the original, or subsequent assessment roll, opposite the name of each party whose taxes are so paid, as soon as the same shall have been delivered to him.

SEC. 24. The Tax Collector, upon receiving the assessment roll, or the duplicate thereof, shall proceed to collect the taxes, and shall forthwith give notice, by publication in a newspaper, if there be one published in the city, and if not, by posting three notices in three public and conspicuous places in the city, that the city taxes are due and payable, and that the law in regard to their collection will be strictly enforced. The Tax Collector shall be chargeable for all the taxes on the roll assessed.

SEC. 25. Whenever any tax is paid to the Tax Collector, he shall mark the word "paid," and the date of the payment, opposite the name of the person, or the description of the property, liable for such tax, and shall give a receipt therefor, specifying the amount of the assessment, the amount of the tax, and a de-

scription of the property assessed; but the Tax Collector shall not receive any taxes on the real estate for any portion less than the least subdivision entered on the assessment roll; *provided*, always, that an owner of an undivided real estate may pay the proportion of taxes due on his interest therein.

SEC. 26. On the third Monday in November, of each year, the Tax Collector, at the close of his official duties on that day, shall enter upon the assessment roll, or duplicate, as the case may be, a statement, that he has made the levy upon all the property therein assessed, the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes then delinquent, and he shall immediately enter in a book, to be styled "The Delinquent Tax List," a list of all persons and property then owing taxes, in the manner entered in the assessment roll, to which the Tax Collector shall append his certificate, and in said certificate he shall set forth that the persons and property set forth in said delinquent list have not paid the taxes therein assessed, and that all those having paid taxes have been duly marked on the assessment roll "paid," and he shall certify the same, by his oath, before the Clerk of the city, who, for all purposes connected with city offices and business, is hereby authorized to administer oaths; which delinquent tax list, certificate and oath, shall be completed, and the same delivered, together with the assessment roll, or duplicate, as the case may be, by the first Monday in December, to the City Clerk, and, after the third Monday in November, the Tax Collector shall receive no taxes.

SEC. 27. The Tax Collector shall, on the first Monday of each month, and oftener, if required by the City Council, pay over to the City Treasurer, all the moneys collected by him for taxes, and shall take the City Treasurer's receipt for the same, and he shall, at the same time, deliver to the Clerk of the city, a true, full, and correct account of all his transactions and receipts since his last settlement, as Tax Collector, made with the Treasurer, but he may retain duplicates of his receipts, in which statement he may set forth that all the money collected by him as Tax Collector has been paid to the Treasurer, and the Clerk shall file the same. On the first Monday of December, in each year, the Tax Collector shall attend at the office of the City Clerk, and they shall carefully examine the assessment roll, and, if there be a duplicate, compare it with the original, and they shall foot up the taxes which are not marked "paid," and deduct said amount from the whole amount of taxes, and the Clerk shall credit the Tax Collector with the amount of the delinquent taxes, and charge him with the balance. The Clerk shall also credit the Tax Collector with the sum specified in the Treasurer's receipts, giving the amount and date of each receipt, and shall thereupon strike the balance, and make full and final settlement.

SEC. 28. If the Tax Collector shall refuse, or wilfully neglect, for a period of five days, to make full payment to the Treasurer, of all the taxes collected by him, and to present the receipt or receipts thereof to the Clerk, and make a full and final settlement, as in this Act provided, he and his sureties shall be held liable to pay the full amount of taxes charged upon the assessment roll, and the City Attorney shall immediately cause suit

to be brought against him and his sureties, for the full amount due on the assessment roll, and if such suit is brought, no credit or allowance whatever shall be made for the delinquent taxes outstanding.

City officers. SEC. 29. It shall be the duties of the City Marshal, the Tax Collector, the Treasurer, the Clerk, and the Assessor, whenever required by the City Council, to make their reports to the said Council, and in the manner required of them, and in their reports to embody all the matters and information required pertaining to the duties of their respective offices.

Name. SEC. 30. If the Assessor, or the Clerk, or Treasurer, or Marshal, or the Tax Collector, shall wilfully neglect, or refuse, to perform any of the duties enjoined on him by the provisions of this charter, or the duties properly imposed upon them by virtue of any ordinance passed by the City Council, he shall be guilty of a misdemeanor in office, and, upon conviction thereof, before any Justice of the Peace, he shall be punished by a fine, of not more than five hundred dollars; or by imprisonment, not more than six months, or by both such fine and imprisonment, and his office shall forthwith become vacant.

SEC. 31. The City Clerk shall, within ten days after receiving the delinquent tax list, deliver the same, duly certified by him to be correct, as the same appears by the assessment roll, to the City Attorney.

METHOD OF COLLECTING DELINQUENT TAXES.

Delinquent taxes. SEC. 32. The City Attorney, upon the receipt of said delinquent tax list, shall cause three notices to be posted, in the most public places in the city, setting forth that the said delinquent list has been delivered to him, and that unless the taxes are paid within five days, he will commence suits for the recovery of the same.

Same. SEC. 33. The City Attorney is hereby authorized and required, immediately after the expiration of the five days notice in the previous mentioned sections, to commence actions, in the name of "The City of Oakland," against the persons so delinquent, and against the real estate and improvements assessed to delinquents, and against all owners or claimants to the same, known or unknown; said actions shall commence before the Mayor, acting ex officio as Justice of the Peace, or in any Justice's Court in said city, or in the District Court of Alameda County, where the amount claimed is over two hundred dollars; *provided*, that if the property be assessed to an unknown owner, then any fictitious name may be inserted, to represent such true owner or owners, as defendant in said cause.

Actions. SEC. 34. Upon filing the complaint in the District Court, or before the Mayor, or any Justice of the Peace of the city, a summons shall be issued, as provided in civil cases.

Summons. SEC. 35. The summons issued upon cases in the District Court, arising under this Act, shall be served personally upon the defendant; *provided*, that where the defendant does not reside in the County of Alameda, or if he is not found in the county by the Sheriff, or his deputies, it shall be served by depositing a copy of the summons in the post office, directed to the

defendant, and by posting a copy of the summons in a conspicuous place at the Court House door, for the period of twenty days; and it shall be the duty of the Sheriff, without order of Court, to post said summons in cases coming within this provision, where the defendant does not reside, or is not found, within the county, and the service of the summons shall be deemed complete at the expiration of twenty days from the time of being thus posted.

SEC. 36. The summons issued from a Justice's or Mayor's Same. Court, under the provisions of this Act, shall be made returnable on the tenth day from the date of its issuance, and shall, on the day of its issuance be delivered to the Marshal, or Constable, for service, and shall be served personally, at least two days before the return day, and it shall be the duty of the officer in whose hands the summons is placed for service, on the second day after he has received the same, if he has been unable to find the defendant in the city, to deposit a copy of the summons in the post office of said city, directed to the defendant; and, also, to post a copy in a conspicuous place at the Council room door, for six days, at the end of which time the service shall be deemed complete, and, for all purposes, shall be as effectual as if the summons had been served personally.

SEC. 37. The defendant may answer, which answer shall be Defendant's answer. verified:

First—That the taxes have been paid before suit.

Second—That the taxes and costs have been paid since suit, or that the property is exempt from taxation, under the provisions of an Act of the Legislature.

Third—Denying all claim, title, or interest, in the property assessed, at the time of the assessment.

Fourth—Fraud in the assessment, or fraud in failing or neglecting to comply with the provisions of this Act, by which fraud, the party, or property assessed, has suffered injury.

Provided, however, that the acts herein required, after the assessment, shall be deemed directory merely, and no other answer shall be permitted.

SEC. 38. The delinquent list, or a copy thereof, duly certified Trial. as before provided, showing unpaid taxes against any person, or property, shall be prima facie evidence in any Court, to prove the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law, in relation to the assessment and levy, have been complied with.

SEC. 39. In case judgment is rendered for the defendant, it Judgments. shall be general, without costs, and may be entered in favor of some one or more of them, and against others, as in other civil cases; and in case judgment is for the plaintiff, it may be entered against such defendants as is found liable for the tax, and for such amount, or portion thereof, as he or they shall be adjudged liable; *provided*, no personal judgment shall be rendered, unless the person against whom it is rendered shall have been served with a summons, as in this Act provided, or unless he shall have appeared in the action. Judgment may be entered against the real estate and improvements, severally, for taxes, severally assessed and levied thereon, and when it shall appear upon the assessment roll, and not be disproved on the trial, that

Judgments. the real estate and improvements belong to the same person or persons, then judgment may be rendered against said real estate and improvements, jointly, for the taxes thereon, or such part thereof as may be adjudged. Such judgments, docketed in the District Court, shall become liens against all property against which judgment is rendered, from the date of such assessment, and against all other real estate of the person assessed, subject to execution for the amount of any judgment against him from the time of such docketing, as in other civil cases, and the City Attorney may file transcripts of judgments rendered in Justice's Court, under this Act, with the County Clerk, and they shall become liens from and after such docketing; *provided*, however, that when the lien attaches against the property owing the taxes, such liens shall not be released until the delinquent taxes are paid thereon, and the County Clerk may issue executions thereon. Judgments may be rendered for want of an answer, as in other civil cases. In case any person shall be sued on land and improvements, of which he was the owner, or in which he had a claim, or interest, at the institution of the suit, and shall be discharged from personal liability, under an answer in conformity with the third subject matter of defence, as above referred to, and such lands, or improvements, shall be sold under a judgment obtained against it, and shall thereafter be redeemed by such discharged defendant, or if he shall pay the taxes and cost, to prevent sale, then such personally discharged defendant shall have, and is hereby given, the right of recovery over against the owner at the time of the assessment, for the full sum of taxes and costs, or redemption money paid; and in every case of such recovery the judgment shall, in addition to the taxes and costs, or, in addition to the redemption money paid, include twenty-five per cent. of the amount of taxes and costs, or redemption money, as liquidated damages, and the receipt of the City Attorney, Sheriff, or Marshal, shall be sufficient evidence of the debt and amount.

Acts made applicable.

SEC. 40. An Act to regulate Civil Cases in Courts of Justice of this State, and the several Acts amendatory thereto, so far as the same are not inconsistent with this charter, are hereby made applicable to proceedings under this Act, but, so far as they conflict with the charter in their application to cases arising under this Act, are hereby repealed; also, that part of the Revenue Law of this State, so far as the same is not in conflict with the provisions of this charter, is also made applicable, but in every particular in which it is in conflict with this charter, as to the manner of levying and collecting of taxes in said city for city purposes, and so far as it conflicts with the manner of issuing and collecting of license in said city, is hereby repealed; and any deed derived from a sale of real property under this Act shall be conclusive evidence of title, except as against actual fraud, or payment of taxes by one not a party to the action or judgment in or upon which sale was made, and shall entitle the holder thereof to a writ of assistance, from the District Court, to obtain possession of such property; *provided*, that the Sheriff or Marshal, in selling said property, shall sell the smallest quantity that any purchaser will take and pay the judgment and all costs; and, *provided*, that the

Proviso.

said real estate may be redeemed as in the other cases of sale under execution. All sales of real estate for delinquent taxes, as in this charter provided, by virtue of any execution issued by the Mayor or Justice of the Peace, shall be made by the City Marshal, and in front of the Council chamber, and upon such notice as is required by law; and he shall execute and deliver a certificate of sale to the purchaser; and when the time of redemption has expired, if the property be unredeemed, he shall execute and deliver a deed, for the premises so sold, to the purchaser or his assigns.

SEC. 41. The City Attorney shall receive, as fees, ten per cent. on the amount of the taxes due, if paid after delinquency, and before such suit is brought, and fifteen per cent. if paid after suit is brought, which shall be added to the amount of taxes due; and in all cases after delinquency, five per cent. shall be added to the amount of taxes due, for the benefit of the city, and said fees shall be taxed up as costs. All officers shall perform such service as may be required of them under this Act, without payment of fees in advance; and all costs shall be taxed and entered in the judgment against the person or property, where the judgment is in favor of the plaintiff; *provided*, no costs shall be paid to any officer, unless the same be collected of the defendant or from the property. City Attorney's fees. Proviso.

SEC. 42. It shall be the duty of the City Attorney, as soon as any delinquent tax has been paid, to enter the same on the delinquent tax list, and the time of payment opposite the name of the person or property so paying, and he shall, within one month, pay over the same to the City Treasurer, and take his receipt therefor; and on the last Saturday before the first Monday of March, he shall make a final settlement, or sooner, if required by the City Council, and he shall then make affidavit that he has paid to the City Treasurer all the moneys collected by him, and that all that have paid to him taxes, as well as those from whom taxes have been collected subsequent to the time the delinquent list has been given to him, are marked "paid," on the delinquent assessment roll. City Attorney.

SEC. 43. If the City Attorney shall fail to make a final settlement, as above provided, for the space of ten days, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined, in any sum not more than five hundred dollars, or by imprisonment, not more than six months, or by both such fine and imprisonment, and his office shall thereupon become vacant. Same.

SEC. 44. The City Council may require of the City Attorney, as well as of all the officers of trust, a good and sufficient bond, for the faithful discharge of all the duties imposed by law or ordinance, and each and all officers who fail or neglect to perform all the duties imposed upon them, shall be liable upon their official bond, to the city, or to any party aggrieved. Bond.

SEC. 45. The Mayor elected under this charter shall, before entering upon the duties of his office, execute an official bond, payable to the city, in such sum as the Council may direct, for the faithful discharge of his official duties, which bond shall be subject to the approval of the Council, and be deposited with the Clerk. He shall communicate to the Council, semi-annu- Mayor. Bond.

- Duties.** ally, or oftener, if necessary, a general statement of the situation and condition of the city, together with such recommendations relative thereto as he may deem expedient; he shall be vigilant and active in causing the ordinances of the city to be executed and enforced, and he shall be the head of the Police, and shall exercise a supervision and control over the conduct of all subordinate officers, and receive and examine into all such complaints as may be preferred against any of them, for violation or neglect of duty, and certify the same to the Council. He shall sign all ordinances and contracts made in behalf of the city, and countersign all licenses and warrants on the Treasury, and have jurisdiction of all violations of the city ordinances, and shall have, within the limits of the city, like jurisdiction as is conferred on Justices of the Peace. He shall have power to administer oaths and affirmations, and shall act as City Attorney until the next election—after which he may be appointed City Attorney, by the Council.
- Powers and Jurisdiction.**
- Treasurer.** SEC. 46. The Treasurer shall receive, and pay out, all moneys belonging to the city, and keep an account of all receipts and expenditures, under such regulations as may be prescribed by ordinance; he shall make a monthly statement to the Council, of the receipts and expenditures of the preceding month, and keep all the papers and documents belonging to the city, attend the meetings of the Council, and keep a journal of their proceedings, and a record of all their ordinances, and shall do all other things required of him by ordinances.
- Marshal.** SEC. 47. The Marshal shall execute, within the city, and return, all processes issued and directed to him by the Justice or Mayor, arrest all persons guilty of a breach of the peace, or of a violation of any ordinance of the Council, and take them before the Mayor, or any other legal authority within the city; he shall pay over all moneys into the City Treasury, received in pursuance of the ordinances of the Council; and shall attend the meetings of the Council; he shall also perform the duties of Street Commissioner, and do and perform such other duties as may be prescribed by ordinance.
- Bonds of officers.** SEC. 48. The officers or persons to whom the receipts or expenditure of the moneys or funds of the city shall be entrusted, shall give security in such amount as the Council may require, payable to the city, and subject to the approval of the Mayor; such bond or bonds shall be subject to the provisions of the law concerning the official bonds of officers. In case such security becomes insufficient, additional security may be required, and if not given, the Council, by a vote of two thirds of the members, may declare the office vacant, and order a new election.
- Fines, etc.** SEC. 49. All fines and other moneys received by any officer or person, under this charter, or collected under ordinance of the Council, shall be paid over, every month, by such officer or person, unto the City Treasurer, under oath; and no officer shall be entitled to receive compensation for any services rendered, until he file his affidavit with the Mayor, that he has faithfully accounted for, and paid over, all moneys received by him, and for which he is bound to account.
- SEC. 50. The corporation created by this Act shall succeed to all the legal and equitable rights, claims, and privileges, and

shall be subject to all the equal or equitable liabilities and obligations, made bona fide, of the Town and City of Oakland. Rights of corporation
 And the City Council shall have full power to maintain suits in proper Courts to recover any right or interest to property which may have accrued to the Town and City of Oakland.

SEC. 51. All sales or leases of property, belonging to the City of Oakland, shall be by public auction, to the highest bidder, and upon such terms and conditions as the Council may, by ordinance, direct; and all contracts for work, or supplies of any kind, for more than fifty dollars, shall be let to the lowest responsible bidder, after ten days notice given, by posting the same in three of the most public places in the city, or by publishing the same in any newspaper that may be established in said city or county. Sales or leases of property.

SEC. 52. Licenses shall be discriminating, and proportionate to the amount of business.

SEC. 53. The style of the city ordinance shall be as follows: Style of ordinances.
 "The Council of the City of Oakland do ordain as follows."
 All ordinances shall be published, by written advertisements posted up at the Mayor's office, and at three other public places in the city, or in a newspaper published in the city.

SEC. 54. No executive officer, nor member of the City Council, nor any officer of the corporation, shall be directly, or indirectly, interested, nor shall he be security for any person who may be so interested, in any contract, work, or business, or the sale of any thing whatever, the expense, price, or consideration of which is payable from the City Treasury, or by assessment levied under an ordinance of the City Council. Officers not to be interested in contracts.

SEC. 55. For all services rendered by the Mayor, he shall not receive any salary for the first year, but he shall be entitled to the same fees and emoluments for his acts as Justice of the Peace as are by law allowed to Justices of the Peace for similar services; and the City Marshal shall be entitled to the same fees as are by law allowed to Constables for similar services, and for all duties required of him except as herein otherwise provided for. Mayor. Marshal.

SEC. 56. If any officer, under this Act, or member of the City Council, shall remove from the city, or absent himself therefrom, for more than thirty days, or shall fail to qualify by taking the oath of office, as prescribed by law, or to file his official bond, whenever such bond is required, within ten days from the time his election is duly ascertained and declared, his office shall be thereby absolutely vacated, and the City Council shall thereupon fill the vacancy. Vacancies.

SEC. 57. The City Council shall, when they may deem the same necessary, establish, by ordinance, a general plan of streets, for any or all portions of the city not laid out into streets, and after such general plan shall have been so established, any improvements which may have been made, or erected, within the lines of any street contemplated by said plan, shall not be included in any assessment of damages which may be made when the city proceeds to open said streets. Applications for opening any street or streets, embraced in the plan adopted by the city, shall be made to the Council, by petition, in writing, Powers of Council.

Powers of
Council.

designating the street, or part thereof, so to be opened. and the Council shall, if they deem the public convenience requires the same to be opened, direct the Marshal to give written notice to the owners and occupants of the land embraced in the street so to be opened, stating the substance of said petition, and requiring them to appear before said Council at a time mentioned in said notice, not less than twenty days from the serving thereof, and make their objections, if they have any, to the opening of said street. At the time appointed for said hearing, if no objections have been made by the parties who have been served with said notices, and no damages are claimed, the Council may direct the Marshal to open said street, in accordance with the prayer of said petition, or so much thereof as the Council may deem expedient. If said owners appear at the time appointed, and object to the opening of said street, or claim damages therefor, the Council shall hear said objections, and if, after hearing the same, it shall decide to open said street, it shall thereupon appoint three disinterested persons, real estate owners, in said city, as Commissioners, who shall proceed, after having taken an oath to discharge their duties faithfully, to ascertain, as near as they can, the amount of said damages, and report the same to the Council; *provided*, that persons petitioning for the opening of any street shall not be entitled to any damages; said damages shall be estimated both with reference to the value of the land to be taken, and also to any advantage resulting to the owner thereof, from the opening of said street, whereupon the Council, upon payment of said damages, may direct the Marshal to open said street, in accordance with the prayer of said petition. Parties aggrieved by the action of the Council respecting the amount of damages allowed them, shall have the right to appeal to the County Court, where the question of damages shall be heard anew, and determined, and any cause so removed into the County Court, shall be subject to the same rules of procedure as if the same had been originally commenced by summons at the suit of the city therein, and with the same right of appeal to either party. All streets that have been laid out by the authorities of the Town or City of Oakland, and declared to be public thoroughfares, or streets, and that have been used as such, shall be, and are hereby declared, public streets, in the extent to which the same may have been used; *provided*, that private rights of property shall not be affected thereby.

Acts
repealed.

Sec. 58. An Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and also an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, approved May fifteenth, eighteen hundred and sixty-one, and also an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, approved May fourteenth, eighteen hundred and sixty-one, and also all other Acts in conflict with the provisions of this charter, are hereby repealed; *provided*, that the validity of the ordinances or proceedings of the Trustees of the Town of Oakland, and of

the authorities of the City of Oakland, shall in no wise be affected thereby.

SEC. 59. This Act shall take effect from and after its passage; but no part thereof shall be so construed as to alter the terms of office to which the present officers of the city were elected at the last charter election, March third, eighteen hundred and sixty-two.

CHAP. CCXCV.—*An Act concerning Roads and Highways in the County of Placer.*

[Approved April 24, 1862.]

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 December, A. D. Road taxes. eighteen hundred and sixty, the Tax Collector, or Collectors, of the County of Placer, shall collect the road tax in said county. The Road Tax Collector, or Collectors, in said county, shall have Collection of and exercise the same powers in enforcing the collection of said taxes, as are by law conferred in the collection of the foreign miners' tax, and shall receive the same per centage therefor.

SEC. 2. Said Collectors shall pay over such moneys as they Collectors. may receive, under the provisions of this Act, less the per centage allowed them for collection, to the County Treasurer of said county, at the same time and in the same manner as is provided by law for the payment of moneys collected by them for poll, license, and other taxes, in said county.

SEC. 3. All moneys collected under the provisions of this Act, shall be a separate Road Fund for each Collection District Road Dis- in which moneys have been collected, and shall be applied for the purpose of constructing, and keeping in repair, all public roads, trails, and bridges, in said District; *provided*, that such moneys as may not be expended for the construction and necessary repairs of public highways and bridges in said Districts, shall be reserved as a fund for the purchase of toll roads, toll trails, and toll bridges, in said Districts, or two or more of said Districts, which may be joined together for the purpose of purchasing such roads, trails, or bridges. trict Funds.

SEC. 4. There shall be elected, in each Road or Collection District within said county, at the same time and in the same manner as Justices of the Peace are now elected, one Road Commissioner, who shall hold his office for the term of one year, from the first day of December, A. D. eighteen hundred and sixty-two, and shall be elected annually thereafter. Said Commissioner shall, within twenty days after being duly notified of his election by the County Clerk of said county, qualify in the same manner as other township officers, and shall file a bond in the Clerk's office of said county, in such sum, not to exceed five thousand dollars, as may be required by the County Judge, with two or more good and sufficient sureties, to be approved by the County Judge. Commis-

Duties. SEC. 5. It shall be the duty of said Road Commissioner to construct, and keep in repair, all public roads, trails, and bridges, in the District for which he has been elected; *provided*, that the expense of such repairs and construction shall, in no year, exceed the amount of money in the Road Fund of his District, collected for said year, unless a surplus fund remain on hand from the year previous.

Declaration of public roads, etc.

SEC. 6. All public roads and highways in the County of Placer, which have been declared such by the Court of Sessions, or the Board of Supervisors, and all roads and trails, which may hereafter be laid out under the provisions of this Act, are hereby declared public highways.

Commissioner.

SEC. 7. The Commissioner elected under the provisions of this Act, shall have the general care of all the public highways and bridges in his District, and it shall be his duty to cause to be kept open, and in good repair, all public highways and bridges in his District; for this purpose he shall have authority to employ laborers, and purchase such materials as may be necessary, the cost to be paid from the Road Fund of his District. Said Commissioner shall also have power to contract conjointly with the Commissioner or Commissioners of other Road Districts, that may join with him for the purpose of purchasing toll roads, toll trails, or toll bridges, in said county, and to regulate the highways already laid out, to alter such of them as shall be deemed inconvenient, and to lay out new roads and trails, as hereinafter provided in this Act.

Duties and powers.

SEC. 8. No public or private road shall be laid out through any buildings, or fixture of any kind, or through any enclosures or cultivated land, without the consent of the owner or owners thereof, except due compensation shall be made such owner or owners, as hereinafter provided.

Laying out roads.

Petition.

SEC. 9. Every person, liable to be assessed for a road tax in said county, may petition the Commissioner of the District of which he is a resident, to alter, discontinue, or lay out, any new road or trail in said District. Every such application shall be made in writing, addressed to the Commissioner, and signed by at least five persons who are residents and tax payers of said District, and shall state the point of beginning, the course, and terminus, of the proposed road or trail, with particularity, also the character and condition of the land, with the names of owners, when known to them, over which the road or trail will pass, and whether the land be improved or not.

Viewers.

SEC. 10. On receiving such application, the Commissioner may appoint three Viewers, who shall be tax payers of the county, and disinterested in the proposed road or trail, and who shall, upon a day to be named by the Commissioner, at least ten days after their appointment, assemble, to view out and mark the line of the proposed road or trail, and to hear all reasons that may be offered for or against the laying out of the same; they shall, within ten days thereafter, report to the Board of Commissioners, in writing, signed by at least two of them:

First—The feasibility of the proposed road or trail.

Second—The necessity of such road or trail.

Third—The probable cost of construction.

Fourth—The amount of damages that will be sustained by any

person or persons, severally, by reason of laying out and opening the same, with a recommendation that the same be, or be not, laid out and opened.

Provided, that if the Viewers shall fail to comply with the law, in any essential particular, the Commissioner may set aside the report, and order another view to be had; *provided*, further, that when a road or trail is proposed to be laid out, through two or more Road Districts, the Commissioners in the Districts shall act conjointly in appointing said Viewers, and in laying out said road or trail.

SEC. 11. The Commissioner shall cause three or more notices to be posted in the most public places in the vicinity of the proposed road or trail, at least ten days prior to the time appointed for the meeting of the Viewers, stating the point of beginning, course, and terminus, of the proposed road or trail, also the names of the owners, when known, over whose land the same will pass, and the day on which the Viewers will assemble to view and mark out the line of the same. Commissioner's duties.

SEC. 12. The Commissioner shall notify the owners of the land, when known, over which is proposed to construct the proposed road or trail, of the time and place of meeting of such Viewers, either personally or by having such notice served on them, or left at their usual place of abode, or by letter placed in some post office in the county, directed to such person or persons, respectively, at the nearest post office to his or their residence or residences.

SEC. 13. In case the Viewers report against the laying out the proposed road or trail, the Commissioner may refuse to lay out the same; but if they shall report in favor of the road or trail, and the same does not pass through any enclosed, improved, or occupied, lands, he may, by an order, to be filed with the County Clerk of said county, lay out the same, if he shall deem proper to do so. Viewers.

SEC. 14. In case the Viewers report in favor of paying damages to any person or persons, in consequence of laying out any road or trail, and the Commissioner, on the part of the District or Districts in which such road or trail is laid out, are satisfied that such damages are just and reasonable, and the party or parties claiming damages are willing to accept the same in full satisfaction of such damages, the Commissioner shall order the amount to be paid out of the Road Fund belonging to the said District or Districts, in proportion to the amount of damages assessed in each District respectively, taking of the party or parties a receipt in full for such damages, and proceed to declare the said road or trail a public highway, as provided in section thirteen of this Act. Damages.

SEC. 15. In case the Commissioner, on the part of the county, or the person or persons claiming damages, shall be dissatisfied with the amount of damages allowed by the Viewers, the Commissioner shall appoint an arbitration, to consist of three persons, tax payers of the county, and disinterested in the proposed road or trail, who shall, on a day to be named by the Commissioner, go upon the ground and personally examine the line of the proposed road or trail, and hear any witnesses that may be offered respecting the value of the land through which the road

Damages. or trail will pass, and the damages that will be sustained by any party or parties in consequence of laying out the same, and shall, within ten days thereafter, report to the Commissioner, in writing, the amount of damages that will be sustained from any party or parties, severally, which report shall be signed by at least two of said arbitrators, and the damages so allowed shall be ordered paid by the Commissioner; *provided*, that in case any person or persons, claiming damages, shall be dissatisfied with the amount allowed him or them by the arbitrators, he may, within ten days after the award is made by the arbitrators, give notice to the Commissioner that he is dissatisfied therewith, and the Commissioner, if dissatisfied, may, within the same time, give such notice to the claimant. Upon such notice, the Commissioner shall certify their proceedings, and the award, to any Court of competent jurisdiction, and the filing of the papers shall give the Court jurisdiction of the cause as fully as the commencement of suit by original process, and shall authorize the Court to empanel a jury, who shall assess the damages to be paid the claimant. The cause shall be entered upon the records of the Court, the party giving notice, being plaintiff, the other party, defendant, and the proceedings thereon shall thereafter be the same as in other civil actions prosecuted in said Court. If notice of dissatisfaction be not given within the time above required, then it shall be deemed that the parties have agreed and consented to the award, and the Commissioner, upon payment of the same, or upon payment of damages assessed by the Court, is authorized and empowered to enter upon the premises and declare the same a public highway.

Sec. 16. In case any person or persons, claiming damages in consequence of the laying out of any highway through his, her, or their, lands, shall fail to present such claim to the Commissioner within thirty days after the time appointed for the meeting of the Viewers, they shall be forever barred from collecting such claim for damages, unless damages were reported by the Viewers, in favor of such person or persons, or their predecessors, in interest, or unless it shall appear that such person or persons failed to receive notice of the action of the Commissioner in the premises, or were under some legal disability to present such claim for damages, and no claim for damages shall be allowed in any case unless presented within six months from the time of the meeting of the Viewers. In case any proposed road shall pass through any improved, occupied, or cultivated, land, and the party or parties owning the same shall fail to present a claim for damages, or give the right of way through such land to the county, the Commissioner shall not declare such road a public highway until the expiration of the thirty days aforesaid.

Powers of Viewers, etc.

Sec. 17. Viewers of highways, and arbitrators, appointed by the Commissioner under the provisions of this Act, for determining damages, shall have power to administer oaths to witnesses that may come before them, in their capacity as Viewers and arbitrators.

Damages.

Sec. 18. In case the arbitrators shall report in favor of a greater amount of damages than allowed by the Viewers, the expenses of the arbitrators, not exceeding three dollars each, shall be paid out of the Road Fund of said District or Districts;

but in all other cases, they shall be paid by the party claiming damages.

SEC. 19. Viewers and arbitrators shall be paid out of the Road Fund belonging to the District or Districts in which such roads or trails are laid out, not exceeding three dollars per day each, for each day's service actually rendered. Pay of Viewers, etc.

SEC. 20. In assessing damages, Viewers and arbitrators shall always take into consideration the advantage the proposed road will be to the party or parties claiming damages. Assessment of damages.

SEC. 21. The petition for the discontinuance of a public or a private road, and the proceedings under it, shall be the same as in cases of laying out new roads. Up to the finding of the report of the Viewers, which shall be in favor or against the discontinuance of such road, the Commissioner shall refuse to discontinue the same; but if the report be in favor of discontinuing the road, the Commissioner may, by an order to be filed with the County Clerk, discontinue such road.

SEC. 22. All public highways in the County of Placer, hereafter laid out, shall be at least sixty-five feet in width; *provided*, that the Commissioner may establish a less width for all public trails, and also for all public highways which are less than one mile in length, and within his District. Highways. Width of.

SEC. 23. The compensation of the Road Commissioners of each District shall be ascertained and paid as follows: At each regular meeting of the Board of Supervisors of said county, the Commissioner shall make out, and present to said Board, a sworn statement, showing the number of days he has actually devoted to the labor of repairing roads and bridges, in his District, and in the discharge of other duties imposed upon him by this Act; the number of persons employed by him in making such repairs, if any, and the number of days each has worked, with the price necessary to be paid to each, to procure his services; and the actual cost of any material used in such repairs, and its character. The statement shall be verified, by the affidavit of the Commissioner, that it is true and correct in every particular; that he has actually devoted the number of days stated, to the repairing of roads, and in discharge of his duties as Commissioner; that the persons employed did, during the time stated, perform the usual and customary amount of labor each day, of an able-bodied man; and that the price charged for each laborer, per day, is not more than such laborer could have obtained from other persons, for similar work, at the time and place where it was done. Commissioners' compensation.

SEC. 24. Such statement, when duly verified and presented to the Board of Supervisors, shall be prima facie evidence that the contents are true, and the charges just and proper; and it shall be the duty of the said Board to audit and allow, to the Road Commissioner, the sum of four dollars per day, for each day's service of himself, and the amount paid, or to be paid, by him for labor hired, and material purchased, as shown by his statement. It shall be the duty of the Auditor of said county to draw his warrant on the District Road Fund, of the Commissioner's District, for the amount so allowed, in favor of the Commissioner; and the County Treasurer of said county shall pay the same from the proper District Road Fund, on presentation.

STATUTES OF CALIFORNIA,

Private roads, width of.

SEC. 25. Private roads may be laid out in the same manner as public roads, except the expenses of laying out the same, and the damage to be paid in consequence thereof, if any, shall be borne and paid by the parties petitioning for the same. The width of private roads shall not exceed forty feet. All private roads shall be opened and kept in repair by the parties for whose benefit the same were laid out; and such parties shall cause good and substantial gates to be erected, and kept in repair, across said road, where it shall pass through any fence that may surround any enclosure through which such road may pass.

Commissioners' duties.

SEC. 26. The Commissioners shall cause all public highways, within their respective Districts, to be kept in good repair, causing banks to be graded, obstructions to be moved, causeways to be made, where the same may be necessary, bridges to be constructed, and to be kept in good repair, and to renew them when destroyed. Any person contracting, or employed, to keep such roads and bridges in repair, shall have the right to make use of any gravel or dirt, for improving the roads, which may be absolutely necessary, from any adjacent unimproved lands, and if damages be claimed, they may be ascertained and awarded in the same manner as is provided in this Act for ascertaining and awarding damages in laying out new roads.

Road tax.

SEC. 27. The Board of Supervisors of the County of Placer are hereby empowered to levy an annual road tax on all able-bodied men, between the ages of twenty-one and fifty years, not to exceed the sum of two dollars to each male inhabitant between the ages aforesaid; and it is hereby especially *provided*, that the tax required to be paid in this section shall be paid exclusively in money.

Receipts.

SEC. 28. The Board of Supervisors shall cause blank road tax receipts to be issued, numbered, and signed, by the President of the Board, and countersigned by the Clerk thereof. Said receipts, when so prepared, shall be delivered to the Treasurer of said county, and his receipt taken therefor, and filed by the Clerk of the Board of Supervisors, in his office. The Treasurer shall deliver such numbers of said tax receipts to the Collector, or Collectors, from time to time, as may be required, and the Treasurer and Collector, or Collectors, shall account for the same as for so much cash.

Collector.

SEC. 29. If any Collector shall sell any road tax receipts without being signed, dated, and filled up, with ink, or which shall not have been issued by the Board of Supervisors, or shall neglect, or refuse, to perform any of the duties imposed upon him by this Act, he shall, in addition to his liability therefor on his official bond, be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine, not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment.

Obstructing highways.

SEC. 30. If any person shall obstruct any public highway in the County of Placer, by felling any tree across the same, or by placing any other obstruction thereon, or damaging, deepening, or digging a creek, or river, or its banks, so as to destroy a ford, or crossing, or shall wilfully destroy any bridge, or causeway, or remove, or cause to be removed, any of the plank or timber therefrom, or cut down, or injure, any tree, planted or

growing as a shade tree, in any public highway, such person or persons shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined, in any sum not less than twenty dollars and not exceeding five hundred dollars, in the discretion of the Court. Penalty.

Sec. 31. All fines collected under the provisions of this Act shall be paid into the County Treasury, for the use of the Road District in which the same was collected, and shall be subject to the order and control of the Board of Commissioners of such District. Fines.

Sec. 32. The Board of Supervisors of Placer County shall have power to levy a property tax, for road purposes, which shall not exceed five cents on each one hundred dollars, to be levied and collected at the same time, and in the same manner, as other property taxes are collected; *provided*, that all moneys collected under the provisions of this section shall be paid into the County Treasury, and subject to the order of the Board of Commissioners, for the sole use of the particular District in which such moneys have been collected. Road property tax.

Sec. 33. The terms of office of the Commissioners elected under this Act, shall commence on the first day of December, A. D. eighteen hundred and sixty-two; *provided*, that when contracts have been entered into by the present Board of Commissioners, under existing laws, the Road Commissioner for any such District shall not enter upon the discharge of his duties under this Act, until the term of such contract is ended. Commissioners' terms of office.

Sec. 34. In case a vacancy shall occur in the office of Road Commissioner in any District, the Board of Supervisors shall appoint some competent person to fill such vacancy for the balance of the unexpired term, and until his successor is elected and qualified; and such person shall in all cases comply with the provisions of this Act. Vacancy.

Sec. 35. The provisions of this Act shall not apply to the Town of Auburn, except so far as they do not conflict with the provisions of an Act passed at the thirteenth session of the Legislature, entitled an Act concerning Roads and Streets in the Town of Auburn, nor shall anything in this Act be construed so as to alter, amend, or repeal, any portions of said Act. Act not to apply to Auburn.

Sec. 36. Each Road Commissioner shall keep a book, in which he shall record a full and complete account of all his doings as Commissioner, including a statement of the number of days, or parts of days, he himself has been engaged in his official duties, the character and kind of work done, the portion of the road or roads repaired, the number of persons employed, the length of time each has labored in making repairs, and the nature of such repairs, the quantity, cost, and place of using material, and generally a complete journal of all his official acts, from day to day; said book shall contain a full and minute account of all moneys drawn from the District Fund, and how by him expended; said book shall be kept at the residence or office of the Commissioner, and shall be open to the inspection of tax payers, residents within the District, at all reasonable times. At each regular session of the Board of Supervisors Road Commissioners to keep record.

the Commissioner shall, at the same time he presents his account, as required by this Act, also present, for the inspection of the Board, his said book.

SEC. 37. Any citizens and tax payers of a Road District may present a petition to the Board of Supervisors, showing that the Road Commissioner in their District has or does not discharge his duties impartially, and thereupon the Board shall take action thereon, and may make such order, or direction, to the Road Commissioner, as is necessary to insure impartiality in the performance of his official duties.

SEC. 38. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed, so far as the same relate to Placer County.

CHAP. 'CCXCVI.—*An Act in relation to the Militia of the State.*

[Approved April 24, 1862.]

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

COMMANDER-IN-CHIEF.

To issue
commissions

SECTION 1. The Governor, as Commander-in-Chief of the militia of the State, shall issue commissions to all officers appointed, or elected, under the provisions of this Act. The military staff of the Commander-in-Chief shall consist of one Adjutant-General, with the rank of Brigadier-General; six Aides-de-Camp, with the rank of Lieutenant-Colonel; one Chief Engineer; one Paymaster-General; one Judge-Advocate-General, and one Surgeon-General, each with the rank of Colonel.

ADJUTANT-GENERAL.

Salary.

SEC. 2. The Adjutant-General shall be appointed by the Commander-in-Chief, by and with the advice and consent of the Senate, and shall hold his office for the term of two years. He shall be, ex officio, Chief of Staff, Quartermaster-General, Commissary-General, Inspector-General, and Chief of Ordnance. He shall receive a salary of three thousand dollars annually, to be paid out of moneys appropriated for that purpose. He shall reside at the seat of government, and shall keep his office open, for the transaction of business, every day, (Sundays excepted,) from ten o'clock, A. M., to three o'clock, P. M.

OTHER OFFICERS OF GENERAL STAFF.

Appoint-
ments.

SEC. 3. Other officers of the general staff, and all other officers of the staff of the Commander-in-Chief, shall be appointed by the Governor, and shall continue in office for the same term as the Governor, or at his pleasure, except as hereinafter provided for officers called into active service.

SEC. 4. There shall also be appointed by the Commander-in-Chief, by and with the advice and consent of the Senate, one Major-General of Division, and one Brigadier-General to each brigade, who shall be citizens of the United States, and severally residents of the division or brigade for which they shall be appointed. They shall hold their offices for the term of four years, and until their successors are appointed and qualified.

STAFF OF DIVISION, BRIGADES, REGIMENTS, AND BATTALIONS.

SEC. 5. The staff of the Major-General of Division shall consist of one Assistant Adjutant-General, with the rank of Lieutenant-Colonel; two Aides-de-Camp, with the rank of Major; one Engineer Officer; one Ordnance Officer; one Quartermaster; one Commissary; one Paymaster; one Division Inspector; one Judge-Advocate, and one Surgeon, with the rank of Lieutenant-Colonel; and four Staff Orderlies, with the rank of Sergeant-Major. The staff of the Adjutant-General shall consist of one Aide-de-Camp, with the rank of Captain. The staff of each General of Brigade shall consist of one Assistant Adjutant-General, with the rank of Major; one Aide-de-Camp, with the rank of Captain; one Engineer Officer; one Ordnance Officer; one Quartermaster; one Commissary; one Paymaster; one Brigade Inspector; one Judge-Advocate, and one Surgeon, with the rank of Major; and two Staff Orderlies, with the rank of Sergeant-Major. The staff of a Colonel of a regiment, and of a Lieutenant-Colonel, or a Major, commanding a battalion, as hereinafter provided, shall consist of one Adjutant and one Assistant Surgeon, each with the rank of First Lieutenant; and one Sergeant-Major, to be appointed by such commanding officer; the Adjutant being selected from the line, as in the United States Army.

HOW APPOINTED.

SEC. 6. The General of Division, the Generals of Brigade, and the Adjutant-General, shall appoint the officers of their respective staffs, who must be residents of their respective division and brigades. Any officer of a regiment, battalion, or company, receiving and accepting any staff appointment, except that of Adjutant, shall be considered as ipso facto resigning his commission in such regiment, battalion, or company. All such staff officers will continue to hold their office until their successors shall have been appointed and commissioned, except as is herein otherwise provided for troops called into active service.

COMMISSIONS.

SEC. 7. All military officers appointed or elected under the laws of this State, shall be commissioned by the Governor, and each commission shall be countersigned by the Secretary of State, and attested by the Adjutant-General, or officer acting in his place, and the officer so commissioned shall take the oath of office prescribed by the Constitution, before some officer authorized by law to administer oaths, a copy of which oath shall be indorsed on, or attached to, each commission, and a

certified copy of the same shall be made out by the officer administering it, and delivered to the officer taking it, and by him transmitted to the Adjutant-General, and the commission shall be deemed as taking effect on the day of the indorsement and transmission of the certificate of the oath, as herein provided. In case of promotion, the commission shall take effect from its date. Commissions shall run at the pleasure of the Commander-in-Chief, except as is herein otherwise provided.

DUTIES OF ADJUTANT-GENERAL.

SEC. 8. It shall be the duty of the Adjutant-General to take charge of, and to carefully guard and preserve, and to account for, all arms, accoutrements, ammunition, ordnance stores, and other military property belonging to this State, or granted to it by the Congress of the United States. He shall keep and file, in his office, all returns, reports, and military correspondence, made by him, in accordance with the provisions of this Act. He shall also keep an account of all moneys received and expended by him. The manner of keeping these accounts and papers, where not otherwise provided by law, shall be directed by the Commander-in-Chief, and they shall be always subject to his inspection. He shall, on or before the second Monday in December, of each year, make to the Governor, to be by him laid before the Legislature, a report of all the transactions of his department since his last annual report, containing—

To report to Governor.

Form of report.

First—An account of all moneys received and expended.

Second—An account of all arms, accoutrements, ammunition, ordnance stores, and military property of every description, belonging to the State, from what source received, to whom issued, or how expended, and by whose order.

Third—A statement of the present condition of all such property under his charge, and if any such property shall not be under his charge, he shall state in whose possession the same may be.

Fourth—The number, strength, and condition, of the organized militia, and the strength of the enrolled militia of the State. He shall also make and transmit an annual return of the militia of this State, pursuant to the requirements of the Act of Congress, of March second, eighteen hundred and three, to the President of the United States, a copy of which, duly certified, he shall lay before the Commander-in-Chief of this State. He shall also perform all other duties appertaining to his office, or which may be enjoined on him by law. He shall be the medium of military correspondence with the Commander-in-Chief.

BONDS.

SEC. 9. Before entering upon the duties of his office he shall give bonds, to The People of the State of California, with good and sufficient sureties, to be approved by the Governor, in the sum of twenty-five thousand dollars, conditioned that he shall faithfully perform all the duties enjoined on him by law. If at any time the Governor shall deem the sureties so given to be insufficient, he shall require the Adjutant-General to give new

Bond of Adjutant-General.

sureties, to be approved by him; and if the Adjutant-General shall refuse or neglect to do so, the Governor shall suspend him from office, and immediately report his proceedings to the Senate, if the Legislature be in session, and if not, then at the beginning of the next session; and if the Senate approve such suspension, it shall be regarded as a removal from office. but if ^{Suspension.} the Senate disapprove of the suspension, the Adjutant-General shall resume the duties of his office. During the time of his suspension from office he shall receive no portion of his salary; but if such suspension be disapproved, he shall receive his back pay.

ADJUTANT-GENERAL AD INTERIM.

SEC. 10. During the suspension of the Adjutant-General from office, or his absence, or inability, from any cause, to perform his duties, the Governor may appoint some competent person to perform the duties of Adjutant-General ad interim. ^{Governor to appoint.}

TO TURN OVER PROPERTY.

SEC. 11. On the expiration of his term of office, the Adjutant-General, or the person performing his duties ad interim, shall turn over to his successor, in good order, all arms, ordnance, ordnance stores, and other property, belonging to the State, and all the books, papers, bonds, and money, in his charge, and pertaining to his office. ^{State property.}

WHO SUBJECT TO MILITARY DUTY.

SEC. 12. Every able-bodied, white male inhabitant, of this State, between the ages of eighteen and forty-five years, not exempt by law, shall be subject to military duty, and shall be organized and enrolled as hereinafter directed. ^{Military duty.}

SEC. 13. The following persons are exempted from military duty and enrolment: All ministers of religion, having a license, or written evidence, according to the rules of their particular persuasion, or organization, that they are such ministers; all civil and military officers of the United States; all officers of foreign governments; all civil officers (including members of the Legislature,) of the State of California; all persons who have been wounded in the service of the State, or of the United States, and all persons exempted from military duty by the laws of the United States. ^{Exempt.}

ENROLMENTS AND ASSESSMENTS.

SEC. 14. The District, or County, Assessor, of each and every revenue district, or county, in this State, shall, at the same time in each year, when he prepares a roll containing the taxable inhabitants of his district, or county, enroll all the inhabitants of his district, or county, subject to military duty, which list, or roll, shall be sworn to by him, and delivered to the Clerk of the Board of Supervisors, in the same manner, and at the same time, as is provided by law for the civil tax list, or assessment roll, and ^{Duty of Assessor.}

the Clerk of the Board of Supervisors shall keep the same open for inspection, as is provided by law for the civil assessment roll.

Duties of
Board of
Equaliza-
tion.

SEC. 15. The Board of Equalization shall correct the said military assessment roll at the same time and in the same manner as is prescribed by law for the correction of the civil tax list; and it shall be the duty of the said Clerk to deliver to the Brigadier-General of the brigade to which his county belongs, a triplicate of said list, certified by him, within ten days after the Board of Equalization shall have completed their corrections; and the compensation allowed for making out said military list shall be the same, or be determined and fixed in the same manner as for making out the assessment list.

NEGLECT OF ASSESSOR AND CLERK OF BOARD OF EQUALIZATION.

Penalty
for neglect
of duty.

SEC. 16. If any Assessor shall neglect, or refuse, to perform any of the duties required of him by this Act, he shall be subject to the same penalties, liabilities, and punishments, as is provided by law for a neglect, or refusal, to perform any of the duties required of him for the assessment of the civil taxes; and, moreover, he shall forfeit and pay the sum of not less than three hundred and not more than one thousand dollars, to be sued for in the name of The People of the State, by the District Attorney of the respective county, and recovered in the name of The People of the State, and paid into the General Fund of the State; and if the Clerk of the Board of Equalization shall neglect, or refuse, to make and deliver to the Brigadier-General of the brigade to which his county belongs, the triplicate of the military assessment roll, as directed in this Act, he shall forfeit and pay the sum of not less than two hundred and not more than five hundred dollars, to be sued for and recovered in the same manner as is provided in this section with respect to the Assessor.

ORGANIZATION OF VOLUNTEER COMPANIES.

Volunteer
companies.

SEC. 17. Whenever a sufficient number of persons, by the provisions of this Act, residents of any county of this State, subject to military duty, shall subscribe to a call for the organization of a volunteer company, the County Judge of said county, upon due application of the persons who have subscribed, as above, shall appoint some suitable person, resident of the county, to open a book, in which he shall enter the names of the persons so volunteering, and shall fix a time and place of meeting for the purpose of organization, by giving ten days notice thereof, by publication in some newspaper, or by posting notices in at least three public places in the county.

Presiding
officer.

SEC. 18. The person so appointed shall preside at such meeting, and organize the same; he shall superintend the election of the officers of said company, which election shall be by ballot; he shall make out, after said election shall have been determined, a list of persons so volunteering, a certificate of each officer so elected, and transmit them to the Brigadier-General commanding the brigade in which such company shall be organized; who shall, if found correct, transmit the same, with his approval, to the Adjutant-General of the State, together with a copy of the

proceedings of said meeting, and a copy of his appointments, and of the notice of said meeting, duly certified by him. And if it shall be found that such company has been organized, and such officers elected, in conformity with the provisions of this Act, such company shall be listed in the office of the Adjutant-General as a company of the organized militia of this State, and the officers so elected shall be commissioned by the Commander-in-Chief.

Sec. 19. The volunteer or independent companies shall be armed and equipped in the same manner as similar corps in the United States Army, and shall consist of the following officers, non-commissioned officers, and privates, viz: to each company of cavalry, one Captain, one First Lieutenant, one Senior Second, one Junior Second, Lieutenant, five Sergeants, four Corporals, one Trumpeter, one Farrier, and not less than forty nor more than eighty Privates. To other companies there shall be one Captain, one First Lieutenant, one Senior and one Junior Second Lieutenant, five Sergeants, four Corporals, one Drummer, one Fifer, and not less than forty nor more than eighty Privates; excepting light batteries, which shall be allowed one hundred active members each, and such officers as are allowed in the United States service.

Sec. 20. Volunteer companies and battalions may adopt a constitution and form by-laws, rules, and regulations, not inconsistent with the Constitution of the United States, or of this State, for the government of their members, and for their improvement in military science. It shall be the duty of the Acting Orderly Sergeant of the company and Sergeant-Major of the battalion to keep a perfect and complete record of the constitution, by-laws, rules, and regulations, of his company, or battalion, which shall be signed by the Captain, or Commander, and countersigned by the Orderly Sergeant, or Sergeant-Major; and said record shall at all times be subject to the inspection of any member of the company, or battalion, and all military officers, or persons interested therein; and if any member of such volunteer company, or battalion, shall fail to comply with the provisions of such constitution, by-laws, rules, and regulations, he may be expelled from such company, or battalion, and his name erased from its roll.

Sec. 21. When any volunteer company shall be organized according to law, the commanding officer thereof may apply to the Commander-in-Chief, through the proper military authorities, for such arms and accoutrements, or stores, as may be required, such application being first submitted to the County Judge, and receiving his approval, which shall be indorsed thereon. If the Commander-in-Chief shall approve such application, or any part thereof, he shall give an order, upon the back thereof, directing the issue by the Adjutant-General, who shall immediately notify the officer making such application, and the County Judge who approved it, that the arms and accoutrements, or stores, mentioned in such application, or any portion thereof, are ready for issue; and thereupon it shall be the duty of such officer to give such bonds and security as may be deemed requisite by the County Judge, to secure the county

What number to compose a company.

By-laws.

Application for arms.

Bonds.

from loss on account of use or misapplication of such arms or equipments, or other stores. And on due notification from such County Judge, that such bonds have been given, to his satisfaction, and on receiving triplicate receipts from such officer, the Adjutant-General shall make the issue. He shall file one copy of such receipts in his office, and transmit the other two, one to the Controller of State, and the other to the County Clerk of the county to which such volunteer company belongs.

Armories.

SEC. 22. It shall be the duty of the Board of Supervisors of each county in which there shall be one or more organized volunteer companies, upon application of the Captain or commanding officer of the same, to provide for each company in said county, an armory, safe and suitable for the drill of squads in the School of the Soldier, and an Armorer, to take charge of the same, and said Board shall also, at each of its sessions, audit and allow, and cause to be paid, the necessary incidental expenses of said company previously incurred; *provided*, that the total amount for all the purposes above mentioned shall not exceed fifty dollars in money, per month, for each company.

Arms to be returned.

SEC. 23. The Commander-in-Chief shall have authority to demand and receive back from any county, or from any portion of the military force of this State, any arms, equipments, military stores, or other property, belonging to the State, which may be in possession of any such counties, or military force. And when such arms, equipments, military stores, or other property, shall again come into the possession of the Adjutant-General, or other officer designated by the Governor to receive them from such counties, or military forces, to which they have been issued, as above provided, it shall be the duty of the Adjutant-General, or officer so appointed, to receipt for the same, which receipt shall be in triplicate, one copy to be filed in the office of the County Clerk, one in the office of the Adjutant-General, and the third in the office of the Controller of State.

Arms, etc., subject to inspection.

SEC. 24. All arms, equipments, and military stores, issued as herein before provided, shall at all times be subject to examination by the Inspector and Ordnance officers of the State, and of any other officer designated by the Commander-in-Chief for that purpose; and if such officer shall find any of such public property out of repair, injured, or defective, he shall immediately notify the facts to the Board of Supervisors of the county, and report the same, through the proper channels, to the Commander-in-Chief, who, if the damage shall not be repaired, and the defects or losses supplied, within a reasonable time, shall order the same to be done under the direction of some officer, and the vouchers for the expense thereof shall be duly examined and audited by the State Board of Military Auditors, and paid, on the draft of the Controller of State, out of the General Fund.

Duties of Controller.

SEC. 25. It shall be the duty of the Controller of State to charge the value of all arms, equipments, and military stores, issued as above provided, to the counties in which such public property shall be issued, and all expenses of repairs, of damage and defects, as provided in the foregoing section, and double the

value of any arms, accoutrements, and military property, which such counties, or such military companies, shall have failed to return to the State on the demand of the Governor. At the close of each fiscal year he shall settle the account of each county, with reference to such issues and military charges, and the amount so found due shall, on the requisition of the Controller of State, be assessed, at the time of the next annual assessment, as a part of the county taxes, and be collected in such county in the same manner as the ordinary taxes, and shall be paid into the State Treasury, as a part of the General Fund of the State.

SEC. 26. The transportation of all arms, equipments, and military stores, issued to troops, or received by the State, under the provisions of this Act, shall be contracted for, under the direction of the Commander-in-Chief, by the Adjutant-General, and the vouchers for such transportation, when audited by the State Board of Military Auditors, shall be paid from the General Fund, on the warrant of the Controller.

Transportation of arms.

SEC. 27. No public arms, equipments, or military stores, of any kind, shall hereafter be issued to any person not a member of the organized volunteer militia, or of the enrolled militia, called into active service, except in time of war, insurrection, or public danger, so imminent that the Commander-in-Chief shall consider that the public safety requires him to make such issue, in which case an accurate account shall be taken, of such issues, and to whom they are made.

When arms to be issued.

SEC. 28. Within ninety days from the passage of this Act, each and every officer of volunteer companies now organized, having in his possession any arms, equipments, or military stores, belonging to the State, shall give to the county in which he resides, good and sufficient bonds, to be approved by the County Judge, to secure the county from loss, on account of the use or misapplication of the same; and the officer so giving bonds to the county, shall, together with his sureties, be released from his and their liabilities for the same property, on any bond heretofore given by him and them to the State, and the same shall be charged to the said county; and after the expiration of the said ninety days, no person shall retain, or have in his possession at any time, any arms, equipments, or military stores, of any kind, belonging to the State, unless they have been properly issued to such person in pursuance of law, and he shall be permitted, by proper authority, to retain the same in the discharge of a public duty; and no person shall use any public arms, equipments, or military stores, belonging to the State, for his private use, under penalty, in either of the above cases, of not less than five nor over fifty dollars, for each offense, to be recovered, in case of a member of the organized militia, or the enrolled militia, in active service, by sentence of a Court-martial, or in case of any other person, by suit, in the name of The People of the State, by the District Attorney of the county, before any Court of competent jurisdiction, and the money so recovered shall be paid into the Treasury, as a part of the General Fund of the State. The Commanding General of Brigade shall have authority to take possession of such arms.

Bonds of officers.

Penalty for using State arms.

and equipments so used, without process of law, and he shall account to the Adjutant-General for the same.

ORGANIZATION OF BATTALIONS AND REGIMENTS.

To publish
notice.

SEC. 29. Any number of organized volunteer companies, not less than three, nor more than eight, may form themselves into a volunteer battalion, by giving notice of such intention through their commanding officer to the General of their brigade, who will appoint some suitable officer to hold an election of the officers of such battalion; and the officer so appointed shall fix a time and place for such election by giving ten days notice thereof, by publication in some newspaper, or by posting notices in at least three public places in the county. Such election shall be by ballot, by the commissioned officers of the volunteer companies calling for the organization of the battalion. The officer so appointed to hold the election shall preside over and superintend such election, and as soon as it shall have been determined, he shall make out certificates of election of the officers so elected, and a certified account of the proceedings of said meeting, with a certified copy of the notice of said meeting, all of which he shall transmit to the Brigadier-General of the brigade, who shall transmit them, with a certified copy of the appointment of such officer to hold the election, to the Adjutant-General of the State, through the ordinary channels of military correspondence.

Regiment
and its
officers.

SEC. 30. A battalion of eight companies shall be deemed a regiment, and shall elect one Colonel, one Lieutenant-Colonel, and one Major; a battalion of more than four, and less than eight companies, shall elect one Lieutenant-Colonel, who shall be the commanding officer, and one Major; and a battalion of three, or four, companies, shall elect one Major, who shall be the commanding officer. Each regiment shall be allowed, in addition, a detachment of Engineers, consisting of ten, including a Junior Second Lieutenant and one Sergeant.

MUSTER ROLLS.

Duties of
Captains.

SEC. 31. It shall be the duty of each and every commanding officer of any volunteer company in this State, on or before the last Mondays of March and September of each year, to muster his company, and to make out, in triplicate, muster rolls, setting forth the names and number of the members of his company, the officers, in the order of their rank, and the privates, in alphabetical order, and stating at the foot of such muster roll a list of all arms, accoutrements, ordnance and ordnance stores, and other property belonging to the State, in his possession; one of which muster rolls, duly certified, he shall transmit, through his commanding officer, to the Adjutant-General of the State; he shall file one in the office of the County Clerk of his county, and he shall keep the other as a voucher for himself. If such company shall form a part of any organized battalion or regiment, the commanding officer thereof shall transmit the same, with a muster roll of the field and staff officers of his regiment, or battalion, to the Adjutant-General of the State, through the proper channels of military correspondence.

Sec. 32. All commissioned officers of the organized volunteer regiments, battalions, and companies, shall take rank according to the date assigned them by their commissions; and when two of the same grade be of the same date, their rank shall be determined by length of service in the militia; and if of equal service, then by lot. Officers of organized volunteer regiments, battalions, and companies, shall in all cases be deemed of superior rank to officers of the enrolled militia of the same grade, irrespective of the date of their commissions.

To take rank according to date of commission.

Sec. 33. It shall be the duty of each and every Brigadier-General, to make, from the assessment rolls received by him from the Clerks of the Boards of Supervisors, and from the muster rolls received by him from the officers of companies, battalions, and regiments, as prescribed in this Act, on or before the first Monday in October of each year, two brigade muster rolls, one to be entitled "Muster roll of the organized militia of the _____ brigade," and the other to be entitled "Muster roll of the enrolled militia of the _____ brigade," in the first of which he shall include the names of all the officers of his staff, and all the officers, non-commissioned officers, musicians, artificers, and privates, of the organized volunteer regiments, battalions, and companies, in his brigade, in the order of their organization; and in the second, he shall include, in alphabetical order, the names of all other persons subject to military duty. The originals of these muster rolls, signed by the General of Brigade, shall be filed in his office, and duly certified copies thereof shall be furnished by him to the General of Division, and to the Adjutant-General of the State.

Duties of Brigadier-Generals.

Sec. 34. And it shall be the duty of the Major-General of Division, on or before the fourth Monday of October of each year, to make, from the rolls received by him from the Brigadier-Generals of his division, two muster rolls, one to be entitled "Muster roll of the organized militia of the division," and the other to be entitled "Muster roll of the enrolled militia of the division;" the first to be made up of the names of the officers of the division, staff, and the muster rolls of the organized militia of the brigades of the division, according to their organization; and the other to be made up of the muster rolls of the enrolled militia of these brigades, as provided in the foregoing section. The originals of these muster rolls, signed by the Major-General, shall be filed in his office, and duly certified copies thereof shall be transmitted to the Adjutant-General of the State.

Duties of Major-Generals.

CLASSIFICATION OF THE MILITIA.

Sec. 35. All commissioned officers of the staff of the Commander-in-Chief, the Adjutant-General, and the officers of his staff, the Major-General and Brigadier-Generals, and all officers of their respective staffs, and all commissioned officers, non-commissioned officers, musicians, artificers, and privates, of volunteer regiments, battalions, and companies, whose names are borne upon the muster rolls of their respective regiments, battalions, and companies, shall be denominated the Organized Militia of California, and shall at all times be subject to be called into active service by the Commander-in-Chief; and when so

What constitutes the organized militia.

called into active service, each person shall be called and mustered according to his commission, enrolment, and organization. All other militia in this State shall be denominated the Enrolled Militia of California.

HOW CALLED INTO ACTIVE SERVICE.

May be
called into
active
service.

SEC. 36. In case of war, insurrection, or rebellion, or of resistance to the execution of the laws of this State, or upon the call or requisition of the President of the United States, or upon the call of any officer of the United States Army, commanding a division, department, or district, in California, or upon the call of any United States Marshal in California, or of any Mayor of a city, or President of the Board of Supervisors of the Cities and Counties of Sacramento and San Francisco, or of any Sheriff, the Commander-in-Chief is authorized to call into active service any portion of the organized or enrolled militia of this State. In case of the absence of the Commander-in-Chief from the Capital, or if it be impossible to immediately communicate with him, the civil or military officer making the requisition for troops may, if he deem the danger imminent and not admitting of delay, serve a copy of such requisition, together with a statement of the Governor's absence, or the impossibility of immediately communicating with him, upon the Major-General, or, in his absence, upon the General of the brigade, who is hereby authorized to exercise, with respect to calling out the troops of his division or brigade, the powers conferred in this section upon the Governor; but if the call shall be disapproved by the Governor, the troops so called into service will be immediately disbanded. Such call for any portion of the organized militia shall be made by an order issued and directed to the commanding officer of the company, battalion, regiment, brigade, or division, which is so called into service, designating in such order the particular troops called, the time and place of rendezvous, and the officer to whom they shall report. If such order be directed to the Major-General of Division, it will be immediately communicated to the Brigadier-Generals, and by them to all the officers of their respective brigades; and any officer receiving such order will rendezvous and report for duty, as herein directed; and any officer commanding an organized volunteer company, or battalion, on receiving such order, will immediately proceed to notify the same to each individual of his command, by personal notice, or by publication in some newspaper, or by the usual posting in public places of the county or counties from which the call is made, and such officer shall attend in person, or by deputing an officer of the organized militia in his place, at the place of rendezvous, and take the names of all volunteers for service under such call; and if the number of such volunteers shall be sufficient to form one or more companies or battalions, according to the provisions of this Act, he shall immediately call and superintend the election of the officers of such companies, or battalions, which elections shall be conducted in the manner prescribed in this Act for the election of officers of volunteer companies and battalions, except as to the publication of notice of such election; a procla-

Who may
call out
troops.

mation of the call of such election, made by the officer calling it at the place of rendezvous, being deemed a sufficient notice. But the Commander-in-Chief shall have authority, if he shall deem it expedient, to direct that a portion of the volunteers so presenting themselves shall be assigned to organized volunteer companies, or battalions, already in active service, whose numbers are less than the full complement prescribed in this Act, after which, those volunteering shall organize and elect as herein described; *provided*, nothing herein contained shall be construed to give any officer authority to call out troops for service against Indians in this State, until the senior officer of the United States Government, in service at the headquarters of the United States troops in this State, shall be officially notified by the Governor, Major-General, or some Brigadier-General, of the necessity for the service of troops against Indians, and shall have refused or declined to order out the United States troops for said service. Proviso.

Sec. 37. If the number of volunteers so presenting themselves at the place of rendezvous shall not be sufficient to satisfy the call of the Commander-in-Chief, the Brigadier-General of the brigade in which such call is made shall promptly proceed to draft from the enrolled militia of his brigade a sufficient number of men to satisfy said call, and this draft shall be made by putting the names of all the enrolled militia of the county, or counties, from which the order directs the forces to be raised, into a box, and drawing therefrom a sufficient number of names to satisfy the call. The persons whose names are so drawn will be summoned by some officer, or officers, appointed for that purpose by the Brigadier-General, in the manner prescribed by law for the summoning of witnesses in civil cases, the time and place of rendezvous, as ordered by the Brigadier-General, being stated in the summons. It shall be the duty of the Major-General to be present, and to superintend the drafting of the enrolled militia under any call by the Commander-in-Chief, but his presence shall not be necessary to give validity to the proceedings. In case of the absence or inability of the Brigadier-General, the officer next in rank of the brigade, or, in default of any officer of that brigade for duty, the Major-General, or, in his default, the Commander-in-Chief, shall designate some officer to perform the duties prescribed to such Brigadier-General with respect to making such drafts; and as soon as a sufficient number of such drafted men shall have appeared at the rendezvous to form a company, or companies, they shall proceed to the election of their company officers, in the manner prescribed in section thirty-nine of this Act. Calling out troops.

Sec. 38. Any company, or companies, of the enrolled militia so drafted and organized, may, by direction of the Commander-in-Chief, be enrolled and mustered into any battalion of the organized militia having less than eight companies; and any drafted men of the enrolled militia, not organized into companies, may, at the discretion of the Commander-in-Chief, be enrolled and mustered into any existing company of organized or enrolled militia not having the full number authorized by law, and which has already been called into active service. If the enrolled militia, when drafted into service, shall fail to elect to May fill vacancies.

any office designated in such call for an election, in the manner and at the time appointed, as provided in this Act. such vacancy or vacancies shall be filled by appointments made by the Commander-in-Chief; and any company, or companies, of drafted militia, not assigned to, and mustered in, any incomplete battalion of the organized volunteer militia, shall be organized into battalions, or regiments, the field officers of which shall be appointed by the Commander-in-Chief, such appointments being made in all cases where, in the opinion of the Commander-in-Chief, suitable persons can be obtained from the officers of the organized volunteer militia of this State.

Who shall command.

Sec. 39. Where troops are called into active service from different brigades, and the number so called into active service shall not be more than sufficient to constitute one complete brigade, the Commander-in-Chief shall so organize them, and shall designate the particular Brigadier-General for the command of the brigade so organized.

OF OFFICERS IN ACTIVE SERVICE.

Duration of commissions

Sec. 40. The commission of any officer called into active service shall continue until he shall be disbanded by the order of the Commander-in-Chief; *provided*, that such commission shall not be vacated by resignation, dismissal, or revocation, as provided in this Act. All vacancies of officers and non-commissioned officers, in active service, shall be filled by appointment, or promotion; the first by the Commander-in-Chief, and the second by the commanding officer of the battalion, or of the company, in case such company forms no part of any battalion. In filling such vacancies of commissioned officers, the Commander-in-Chief shall, as a general rule, promote by seniority, or appoint, on the recommendation of their superior officers, those in active service, and in any case of departure from this rule, the Commander-in-Chief shall report his reasons for such departure, to the Senate. The commanding officer of troops in active service may nominate to any vacancy, for personal bravery, or service in siege, or battle, and if the Governor shall commission some other person than the one so nominated, he shall report his reasons to the Senate; and if the Senate, in either of the foregoing cases, shall disapprove of the reasons given, the commission so given shall be regarded as vacated, and the Governor shall immediately proceed, with the advice and consent of the Senate, to fill such vacancy.

NEGLECT OR REFUSAL TO RENDEZVOUS.

Penalty for refusal to rendezvous.

Sec. 41. Any officer, non-commissioned officer, musician, artificer, or private, of the organized militia of this State, who shall neglect, or refuse, to rendezvous and organize, when ordered out by the Commander-in-Chief, shall be deemed guilty of disobedience of orders, and shall be tried and punished by a Court-martial; and any person of the enrolled militia who shall refuse, or neglect, to rendezvous and organize, when drafted as provided in this Act, shall be subject to a fine of not less than fifty nor more than five hundred dollars, to be

recovered by an action to be brought by the District Attorney, in the name of The People of the State, upon the certificate of the officer appointed to make the draft, before any Court of competent jurisdiction in the county from which such person was drafted, and the fine so recovered shall be paid into the Treasury, as belonging to the General Fund of the State.

SUBSTITUTES AND ALIENS.

SEC. 42. Any private of the organized militia, and any person of the enrolled militia, called, or drafted, into service, under the provisions of this Act, may furnish, as a substitute, any person fit for military duty, who has not been called, or drafted, into service. No alien drafted into service shall be obliged to serve and bear arms against any foreign enemy to whom he owes allegiance. Substitutes.

SEC. 43. The Commander-in-Chief shall order a public parade of all the organized militia of the State on at least two days of each year; such parades to be held within the limits of the brigade to which such troops respectively belong; and such public parades shall be reviewed by the Commander-in-Chief, or, in his absence, by the Major-General, or by the officer of the brigade of the highest rank present. Immediately after such troops have been reviewed, they shall be inspected by the Inspector-General, or, in his absence, by the Division or Brigade Inspector, and such inspecting officer, after a minute inspection of dress and military bearing of the field officers and commissioned staff, and the officers of companies, and arms, accoutrements and dress of each soldier, will report the result of such inspection to his commanding officer; *provided*, that in the City and County of San Francisco the organized militia shall parade at least six times during the year; two parades as herein before provided, two by regiments or battalions, and two parades by company, one of which company parades shall be for target practice, the result of which target practice shall be reported to the commanding officer of the brigade; and, *provided*, further, that upon occasions of reception, or upon the celebration of any event of public importance, the commanding officer of the brigade shall have authority to order out the organized militia, to join such parade, and the parade so ordered is hereby constituted a legal parade; and, *provided*, further, that each and every company of the organized militia of the City and County of San Francisco shall assemble at least once in each week for military instruction. In other parts of the State, such companies shall assemble at least once a month for such instruction, and all members who absent themselves from such meetings for instruction, during four consecutive meetings, unless properly excused by the commanding officer of such company, or through absence from the county, or bodily disability, shall be debarred from the exemption of jury duty and poll and road tax, and subject to expulsion from their company. Duties of
Commander-
in-Chief.

SEC. 44. All members of the organized militia of this State, commissioned or mustered as such under the provisions of this Act, shall be exempt from jury duty, and from the payment of poll tax of every description, and from serving on any posse Exemption
from Jury
duty, etc.

comitatus, except when called to do so in their military capacity by the Commander-in-Chief. Whenever a member of the organized militia of this State shall be summoned as a juror, or called upon for any poll tax, in order to entitle him to the exemption provided in this section, he shall be required to produce, to the County Clerk, Sheriff, or Constable, and to the Collector of any poll tax, a certificate of the commanding officer of his company, countersigned by the First Sergeant, that he is a member in good standing, fit for active service, and not in arrears for fines or dues, and that he has attended all the regular drill meetings of his company unless excused on account of sickness, or absence from the place of company rendezvous, for good cause, for three months next preceding the issuance of said certificate, and such certificate shall bear date within thirty days of its presentation.

RULES OF DISCIPLINE.

The rules of discipline.

SEC. 45. The rules of discipline and regulations of the Army of the United States shall, so far as the same may be applicable, constitute the rules of discipline and regulations of the organized militia of this State; and the rules and articles of war established by Congress for the Army of the United States, shall be adopted, so far as they may be applicable, for the government of the militia of California in active service.

COURTS-MARTIAL.

Courts-martial.

SEC. 46. The Commander-in-Chief will appoint Courts-martial for the trial of general officers, and all officers of the staff of the Commander-in-Chief; the Major-General will appoint Courts-martial for the trial of all staff officers of the division and brigades, and for the field and staff officers of battalions and regiments; and Brigadier-Generals will appoint Courts-martial for the trial of all Captains and commissioned officers under their rank in their respective brigades; the commanding officers of regiments and battalions will appoint Courts-martial for the trial of all non-commissioned officers, musicians, artificers, and privates, of their respective regiments and battalions. The commanding officer of a single company not forming a part of any battalion or regiment, shall have power to appoint Courts-martial, the same as the commanding officer of a regiment or battalion. The officer appointing a Court-martial will revise the proceedings, and approve, or disapprove, the sentences of such Court-martial, and will direct the execution of such sentences, or mitigate the punishment, or pardon the person or persons convicted; but the person or persons so sentenced, may apply to the Commander-in-Chief to revise the proceedings, and to disapprove them, or pardon the offence; in which case, the officer approving the sentence will transmit the proceedings in such case to the Commander-in-Chief, and the execution of the sentence shall be suspended until the proceedings shall be returned with the decision thereon. Courts-martial, appointed under the provisions of this Act, shall be organized in like manner, and be subject to the rules and regulations governing Courts-martial in the United States Army; they shall

have the same power to compel the attendance of witnesses, when duly summoned by the Judge-Advocate, to preserve order in and about the Court-room during their session, and to punish contempt, as the Judges of the District Courts have, under the laws of this State.

REMOVALS AND ABSENCE FROM THE STATE.

SEC. 47. Any commissioned officer of a brigade, or division, who shall remove his residence from the limits of his brigade, or division, will be deemed to have resigned his commission; and the Major-General, or any Brigadier-General, who shall absent himself from the State for more than three months, without the permission of the Commander-in-Chief, shall be deemed to have resigned his office. Removal or absence.

PAY AND ALLOWANCES OF MILITIA IN ACTIVE SERVICE.

SEC. 48. Whenever any of the militia of this State shall be called into active service for the space of more than one week, they shall receive the same pay and allowances as United States troops serving in California. Any general or field officer being called into active service, such call shall be deemed to include all the officers of their respective staff. In case a division, or part of a division, is called into active service, the Commander-in-Chief shall be authorized to put upon active service one of his Aides-de-Camp. Pay of militia.

RETURN OF ARMS, ETC.

SEC. 49. When the Commander-in-Chief shall order the return to the State of any arms, equipments, military stores, or other military property, belonging to the State, such arms and military property shall be immediately delivered to the officers authorized in such order to receive it, he receipting for the same, and describing their condition in such receipts; and if the property mentioned in such order shall not be promptly delivered, as directed, the officer named in such order is hereby authorized to take immediate possession of the same, in the name of The People of the State; and any person resisting such officer in the performance of this duty, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not more than six months in the county jail, and shall be subject to a fine not exceeding five hundred dollars, to be recovered by an action brought by the District Attorney, in the name of The People of the State, and be paid into the Treasury as a part of the General Fund. Return of arms.

SEC. 50. The Commander-in-Chief, Adjutant-General, and the Controller of State, shall constitute a State Board of Military Auditors. The Commander-in-Chief shall be President, and the Adjutant-General shall be Secretary, of said Board. Military Auditors.

SEC. 51. The Board of Military Auditors shall have a seal, an impression of which shall be deposited by the Secretary of Seal.

the Board in the office of the State Treasurer, and be attached to all accounts audited by said Board.

To audit
and allow.

SEC. 52. It shall be the duty of said Board of Military Auditors to audit all reasonable expenses incurred by volunteer companies in the service of this State, and officers attached to the same, and all other claims required under the provisions of this Act. It shall be the duty of the Controller of State to draw his warrants for the amount thus audited, and the Treasurer of State is hereby required to pay the same out of any moneys in the General Fund not otherwise appropriated.

To keep
blank com-
missions.

SEC. 53. The Adjutant-General shall, under the direction of the Governor, prepare and keep in his charge all blank military commissions, and such other blanks as may be required for the service.

OFFICERS AND TROOPS ALREADY COMMISSIONED AND ORGANIZED.

To comply
with Act.

SEC. 54. All volunteer companies, battalions, and regiments, organized prior to the passage of this Act, shall be deemed to have been organized in compliance with its provisions, and to be entitled to its benefits; but such companies, battalions, and regiments, shall be required to comply with all the remaining provisions of this Act.

Counties
comprising
the brigades

SEC. 55. The organized and enrolled militia of this State shall be organized into one division and six brigades. The brigades shall be as follows: First Brigade—San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, and Monterey Counties; Second Brigade—Santa Cruz, Santa Clara, San Mateo, San Francisco, Alameda, Contra Costa, Marin, Sonoma, Solano, Napa, and Lake Counties; Third Brigade—San Joaquin, Mariposa, Tuolumne, Fresno, Stanislaus, Calaveras, Merced, Mono, Buena Vista, and Tulare Counties; Fourth Brigade—Sacramento, Yolo, Sutter, El Dorado, Amador, Placer, Nevada, Yuba, and Sierra Counties; Fifth Brigade—Butte, Plumas, Colusa, Tehama, Shasta, and Siskiyou Counties; Sixth Brigade—Mendocino, Humboldt, Trinity, Del Norte, and Klamath Counties.

To attach
new counties

SEC. 56. Any and all new counties, which may hereafter be organized in this State, shall be attached to the respective brigade in which the larger portion of said new county is now located.

Civil officers
in certain
cases may
control
troops.

SEC. 57. Whenever any portion of the organized or enrolled militia shall have been called into active service, to suppress an insurrection or rebellion, to disperse a mob, or to enforce the execution of the laws of this State, or of the United States, it shall be competent for the Commander-in-Chief, or the General acting in his place, as provided in section thirty-nine, to place such troops under the temporary direction of the Mayor of any city, or the President of the Board of Supervisors of the Cities and Counties of Sacramento and San Francisco, or person acting in that capacity, of the Sheriff of any county, or of any Marshal of the United States. And if, in the opinion of such civil officer, it shall become necessary that the troops so called out shall fire or charge upon any mob or body of persons, assembled to break or resist the laws, such civil officer shall give a written order to that effect, to the superior officer present in

the command, who will at once proceed to carry out the order, Same. and shall direct the firing and attack to cease only when such mob or unlawful assembly shall have been dispersed, or when ordered to do so by the proper civil authority. No officer, who has been called out to sustain the civil authorities, shall, under any pretence, or in compliance with any order, fire blank cartridge upon any mob or unlawful assemblage, under penalty of being cashiered by sentence of a Court-martial; *provided*, that nothing in this section shall be construed as prohibiting any such troops from firing or charging upon such mob or assembly, without the orders of such civil officers, in case they shall first be attacked or fired upon, or forcibly resisted in discharge of their duty. When the Commander-in-Chief, or General acting in his place, shall call troops into active service for the purposes mentioned in this section, and shall not place them under the temporary direction of any civil officer, the commanding officer shall use his own discretion with respect to the propriety of attacking or firing upon any mob or unlawful assembly.

SEC. 58. All fines, legally imposed by a Court-martial lawfully constituted, after the proceedings and findings of said Court in the premises have been approved, as prescribed by this Act, shall be and the same are hereby made collectable by law. Collection of fines. And any person failing to pay the same, shall be proceeded against by the District Attorney, in the name of The People of the State, as for ordinary debts, in any Court of competent jurisdiction of the county. And a copy of so much of the finding and approval as relates to imposition and approval of such fine, certified by the officer authorized by law to approve the same, shall be received as evidence in the case. And if judgment be obtained, it shall be collected as in ordinary cases, and shall be paid into the County Treasury, as belonging to the General Fund of the State, and to be accounted for as such.

SEC. 59. The Commander-in-Chief may, from time to time, make and publish rules, regulations, and orders, for the government of the militia of this State, in accordance with the provisions and spirit of this Act. To publish rules.

SEC. 60. Any volunteer company may, on its organization, or thereafter, adopt a distinctive name, but shall be known by a particular letter, or number, in the battalion or regiment to which it belongs. To adopt a name.

SEC. 61. No person shall be a member of two companies at the same time, and any member of a company who removes beyond the limits of the county, shall be considered as having been discharged from such company. Must belong to but one company.

SEC. 62. In the cases of military taxes and fines assessed and charged against a minor, the parent or guardian shall be held to pay. In case of minors who are orphans, the Commander-in-Chief shall have power to remit any military taxes or fines. Minors.

SEC. 63. In the absence of any appropriate commander, the next in rank in the command of troops, where not otherwise provided in this Act, shall succeed to his authority. Absence of officer.

SEC. 64. Every senior, in his appropriate command, shall have authority to control the actions of his junior, in accordance with the principles of military subordination, under the laws and usages that govern the United States Army. Authority of senior.

Cashiered officers. SEC. 65. Any officer cashiered by sentence of a Court-martial, shall be precluded thereby from holding any commission in the military service of the State, except the sentence be remitted by the Commander-in-Chief.

Dismissal from service. SEC. 66. No non-commissioned officer, artificer, musician, or private, expelled from his company, or dismissed from service, for any disgraceful cause, shall be permitted to again enter any volunteer company, except the offence be pardoned by the Commander-in-Chief.

Granting of discharges. SEC. 67. No officer, inferior in grade to a regimental or battalion Commander, shall have power to grant discharges to non-commissioned officers, artificers, musicians, or privates, in active service; but Commanders of companies of the organized militia, when not in active service, may issue certificates of service and discharges. All discharges shall be in writing, and shall set forth fully the cause of the discharge, and shall be signed by the officer granting the same.

Resignations. SEC. 68. Any officer resigning his commission shall do so in writing, and transmit the same, through his immediate commanding officer, who will make his indorsements thereon, and the resignation shall go into effect when accepted by the Commander-in-Chief, and not before. Vacancies of commissioned officers of organized companies and battalions, (not in active service,) caused by resignation, death, dismissal, or removals, or by the expiration of the term fixed by the rules and regulations of such company, or battalion, or by any other cause, shall be filled by election. Such elections of company and field officers shall be presided over by an officer appointed for that purpose by the Brigadier-General; and such presiding officer shall report the result of such election to the officer appointing him, which report shall be transmitted to the Commander-in-Chief, who shall issue commissions in accordance therewith; *provided*, however, that when the same officer shall be re-elected, no new commission shall be issued, but the officer so re-elected shall continue to hold under his original commission.

Election of officers.

Commission vacated. SEC. 69. The commission of any staff officer, whose term of office depends upon the pleasure of the officer by whom he is appointed, shall, when such officer is not on active service, be considered as vacated, upon the qualification of his successor, and shall be so noted upon the proper books, or rolls, kept in the office of the Adjutant-General of the State.

May disband any portion of the militia. SEC. 70. The Commander-in-Chief is authorized, at any time, by issuing his orders to that effect, to disband any portion of the organized volunteer forces, or of the enrolled militia, mustered into service, which may evince a mutinous, disorderly or disobedient spirit, and to deprive them of arms; a copy of which order shall be transmitted to the Clerk of the County Court or Courts of the county or counties in which such force was raised; after which, it shall be a misdemeanor in any person so disbanded to appear with State arms in his possession, or as any portion of the organized volunteer militia, or of the enrolled militia, in active service, until again drafted or regularly mustered into service, under the penalty of not less than ten nor more than one hundred dollars for each offence; and such person shall be proceeded against by the District Attorney, in the name of The

People of the State, before any competent Court of the county where such person may happen to be; and all fines so recovered and collected shall be paid into the Treasury, as a part of the General Fund.

SEC. 71. Every company, battalion, or regiment, of organized militia of this State, may adopt a uniform for itself, which shall be subject, however, to the approval of the Commander-in-Chief, on report of the inspection officers, made through the proper channels of communication; and no uniform which is not thus approved shall be worn when on duty. Uniforms.

SEC. 72. The uniform of all general officers, and members of their staff, and all other officers not required to wear the distinctive uniform of their regiment or corps, shall be similar to that of the corresponding grades and corps in the United States Army, with such modifications as may be directed by the Commander-in-Chief for adapting it to State troops. Same.

SEC. 73. The systems of instruction in tactics, prescribed for the different arms and corps in the United States Army, shall be followed in the military instruction and practice of the militia of this State, and the use of any other system is forbidden. Tactics.

SEC. 74. The commanding officer of every organized company shall, during the months of June and December of each year, furnish the County Clerk of his county with a list of the names of the bona fide members of his company who attend regularly to appropriate duty. He shall also, at the end of each year's service of any member of his company who has performed duty, in accordance with the regulations and by-laws of such company, during the year, issue to such member a certificate to that effect. And if such commander of a company shall make a false list of the members of his company who have done duty as aforesaid, or a false certificate of service, he shall, on conviction by a Court-martial, be cashiered from service, and shall, moreover, be subject to a fine of not less than fifty nor over five hundred dollars, to be sued for and recovered, in the name of The People of the State, by the District Attorney of the county of his residence, in any Court of competent jurisdiction, and be paid into the Treasury, as a part of the General Fund of the State. To furnish County Clerk with list of members.

SEC. 75. The President of any general Court-martial, assembled in pursuance of the provisions of this Act, may make a requisition upon the Sheriff of the county in which the session is held, for a Deputy Sheriff to attend upon such Court as Provost-Marshal, and such Deputy Sheriff shall receive for his attendance the same pay and fees, and be subject to the same responsibility, as when attending upon the sessions of the District Court. And the President of any regimental, battalion, or company Court-martial, may make a requisition upon any Constable of the county, to act as Provost-Marshal of such Court; and such Constable shall receive the same pay and fees as in a Justice's Court; and the pay and fees of such Deputy Sheriff, or Constable, shall be paid, on the certificate of the Judge-Advocate and warrant of the Controller of State, by the State Treasurer, from the General Fund, such account being first audited by the Board of Military Auditors. Relative to Courts-martial.

Bands of music. SEC. 76. When bands of music shall not have been organized for any regiment, battalion, or isolated company, in the manner provided in the regulations of the Army of the United States, it shall be lawful for such regiment, battalion, or isolated company, through its commanding officer, to hire the services of any band of musicians, at their own expense, and the persons so employed shall, during the term of their engagement, be subject to the same laws and regulations that govern the military body with which they may serve.

Drafting for service. SEC. 77. When any person, drafted for service, shall offer, at or after the time of rendezvous, a suitable substitute, of the age of twenty-one years, and such substitute shall consent, in writing, to subject himself to all the duties, fines, forfeitures, and punishments, to which his principal would have been subject had he personally served, he shall be accepted by the officer making such draft. And the same rule shall apply to substitutes offered by members of organized volunteer companies called into active service, the commanding officer of such company being the judge of the suitability of the substitute offered. And the person whose substitute shall be so accepted, shall be exempted from draft during the term of service of his substitute.

Members of Courts-martial exempt. SEC. 78. No action shall be maintained against any member of a Court-martial, or officer, or agent, acting under his authority, on account of the imposition of a fine, or the execution of a sentence, on a person not liable to military duty, if such person shall have been duly summoned, and shall have neglected to appear and show his exemption before the Court.

Courts of Inquiry. SEC. 79. Courts of Inquiry may be ordered by the Commander-in-Chief, Major-General, or any Brigadier-General. Such Courts of Inquiry shall be governed by the same rules as similar Courts in the United States Army, and they shall have the same power to preserve order, punish contempts, and compel the attendance of witnesses, as Courts-martial have.

Fees. SEC. 80. For all services under this Act, Sheriffs, Constables, and Jailers, shall receive like fees as for similar services in other cases, and shall be subject to the same penalties for any neglect of duty.

Seal. SEC. 81. The Adjutant-General shall have a seal of office, to be approved by the Commander-in-Chief, and all copies of records, or papers, in his office, duly certified and authenticated under the said seal, shall be evidence in all cases in like manner as if the originals were produced.

Hours of military duty. SEC. 82. On the days of military parade appointed by the Commander-in-Chief, the militia so called out and doing military duty, shall be considered to be under military discipline from the rising to the setting of the sun; and no officer, non-commissioned officer, musician, artificer, or private, belonging to the same, during the time aforesaid, shall be subject to be arrested on any civil process.

Not to obstruct highway. SEC. 83. The commanding officer of any parade, review, or drill, and the officer in charge of any rendezvous, may cause the ground selected for that purpose to be marked, or designated, in such a manner as not to obstruct the passage of travellers on any public highway; and if any person, during the occupation

of such ground for such military purpose, shall encroach upon such bounds, or enter upon such ground, without the permission of such officer commanding, or in charge, he may be put and kept under guard, by the order of such Commander, until the setting of the sun of the same day, and, moreover, shall be subject to arrest and punishment, by any Court of competent jurisdiction, for a breach of the peace.

SEC. 84. If any person shall intercept, molest, or insult, by abusive words, or behavior, any officer, non-commissioned officer, or soldier, while in the performance of his military duty, he shall be immediately put under guard, and kept, at the discretion of the commanding officer of the forces engaged in the performance of such military duty, until the setting of the sun of the same day on which the offence shall have been committed; and moreover, shall be subject to arrest and punishment, by any Court of competent jurisdiction, for a breach of the peace.

Insulting
officers or
soldiers.

SEC. 85. Any officer, non-commissioned officer, or soldier, on military duty, who shall disobey the legal orders of his superior, use any reproachful or abusive language to his superior, or misbehave, or demean himself in an unofficer, or unsoldierlike, manner, shall be immediately arrested, if an officer; and if a non-commissioned officer, or soldier, shall be disarmed and put under guard, and shall be tried and punished by a Court-martial, according to law and military usage.

Disobeying
orders.

SEC. 86. In case of parades, reviews, inspections, or musters, of the troops of any brigade, any companies, not organized into battalions, shall be temporarily organized into a battalion, for the duties of the day, and the battalion so temporarily organized shall be commanded by the officer senior in rank of the companies composing it. It shall be optional with any such unattached companies to attach themselves for the day to any organized battalion, or battalions, or to organize a temporary battalion; but no such temporary battalion shall be organized of less than three companies, if there be any organized battalion, or battalions, present on duty, to which they may attach themselves without exceeding the complement fixed by this Act. If such unattached companies shall not attach, or organize, themselves, in accordance with the provisions of this section, the officer commanding the brigade for the day shall order such assignment or organization.

To organize
temporarily.

SEC. 87. Horses, arms, equipments, and uniforms, of all officers, non-commissioned officers, and privates, used for military purposes in the organized or enrolled militia of the State, shall be exempt from execution.

Exempt
from
execution.

SEC. 88. The Act, approved May ninth, eighteen hundred and sixty-one, entitled an Act in relation to the Militia of the State, and all other Acts, or parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

Act
repealed.

SEC. 89. This Act shall take effect and be in force from and after its passage.

CHAP. CCXCVII.—*An Act in relation to Liens of Mechanics and others.*

[Approved April 26, 1862.]

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

Parties
entitled to
liens.

SECTION 1. All original contractors, artisans, machinists, builders, mechanics, lumber merchants, and other persons making original contracts for the construction, or part of the construction, repair, or furnishing materials for the construction or repair, of any building, wharf, superstructure, or any bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, to create hydraulic power, or for mining purposes, shall have a lien upon said materials, and upon the building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, aforesaid, for the work and labor done, or materials furnished by each, respectively, upon the terms, for the uses and benefits, and upon the trusts, hereinafter mentioned, to the extent of the original contract price; and such contract shall operate as a lien in favor of all sub-contractors, laborers, and material men, who shall perform labor, or furnish material for the construction or repair of such building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, to the extent of the original contract price.

Contracts.

SEC. 2. All such contracts shall be in writing when the amount agreed to be paid thereunder exceeds two hundred dollars, and shall be subscribed by the parties to be charged thereby, otherwise they shall be wholly void, and no recovery shall be had thereon, by either party thereto.

Lien to inure
to benefit of
certain
parties.

SEC. 3. The lien created by such contract, shall be and inure primarily to the benefit of all persons, who, as employes of the original contractor, or his assigns, shall perform work and labor, or furnish material for the construction or repair of any such building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, pro rata, according to their respective rights and interests. After the payment of such material men, workmen, and laborers, such lien shall inure to the benefit of the original contractor, or his assigns.

Property
subject
to lien.

SEC. 4. The land upon which any building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, aforesaid, shall be erected or constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof, shall also be subject to the lien created by this Act, if, at the time the contract was made, and the work upon such building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, was commenced, or the materials for the same had been commenced to be furnished, the said land belonged to the person who caused the said building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, to be constructed or repaired. But if such person owned less than a fee simple estate in such 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 encumbrance which shall have attached upon said property subsequent to the time at which the work was commenced, or the materials furnished. But nothing herein contained shall be construed as affecting any valid encumbrance upon the said land, duly made and recorded, before said work was commenced, or materials furnished, unless the original contract shall have been acknowledged or proved, and recorded, in the same manner as conveyances are required to be acknowledged, proved, and recorded, prior to the recording of such valid encumbrance, in which case, the lien of such original contract shall take precedence from the time of its record.

SEC. 5. Whenever, by the provisions of the original contract, the payments to an original contractor are to be made by instalments, at specified times, or the completion of specified portions of the work, or on the completion of the whole work, it shall be the duty of every laborer, workman, or material man, or their assigns, prior to the time when such payment shall become due, to give written notice to the employer of the original contractor, of the nature and extent of his claim against the original contractor or his assigns, over and above all payments and offsets for work and labor done, or agreed to be done, or materials furnished, or agreed to be furnished, for such construction or repair. If the original contractor shall admit the validity of all such claims, and they shall have been presented in good faith, the employer shall pay the same when such payment or instalment shall fall due, if the amount thereof shall be sufficient so to do; if not sufficient, he shall distribute the same, pro rata, among them. If the original contractor shall admit a portion of such claims to be due, but shall dispute others, then if the amount of money or instalment due, under the original contract, is sufficient to pay all of said claims, as well those disputed as those admitted, said employer shall pay the admitted claims, and deposit in the office of the Clerk of the county an amount sufficient to pay those which are disputed, subject to the determination hereinafter mentioned. But if the amount of the money or instalment due is insufficient to pay all of said claims, then he shall pay so much of the admitted claims as would constitute their pro rata proportion of the whole amount of all said claims, as well those disputed as those admitted, and shall deposit the balance in the office of the Clerk of the county, subject to the determination hereinafter mentioned. The making of such payments or deposit shall discharge the lien to the extent of such payments or deposit; and any payments made by the employer to workmen or material men, under the provisions of this Act, shall operate as a payment to the original contractor.

SEC. 6. If the original contractor, or his assigns, shall fail or refuse to make such payment or deposit, or if he shall make such deposit to meet disputed claims, then any person or persons, and any number of claimants, having or claiming a lien, or the benefit of a lien, under the provisions of this Act, may, if the amount of the money so unpaid, or not deposited, or the amount of money deposited, for which suit is brought, exceed

- Actions.** in the aggregate two hundred dollars, with interest, commence and join in an equitable action for the enforcement of their lien, either against the fund, or against the property on which the lien exists; and for a determination of the rights of the several persons claiming liens thereon, the summons in said action shall be served on the original contractor, or his assigns, and the original employer, or his assigns, in the manner proscribed by law in civil actions; and in addition thereto, a notice shall be published in some newspaper published in the county, and if none be published in the county, then in a newspaper published in an adjoining county, at least once a week, for three weeks, stating the Court in which the action is brought, the names of the parties, the nature and the extent of the relief prayed for, and calling upon all parties interested in the enforcement of the lien, or claiming any benefit thereof, to present their claims within ten days after the complete publication of said notice, and that, in case of a failure so to do, within that time, or so much further time as may be allowed by the Court or Judge, the party so failing shall forfeit his lien under this Act. Any person who shall file a written notice with said Clerk, within the time aforesaid, specifying the nature, extent, and particulars, of his claim, shall, if not already made a party to the suit, be deemed a plaintiff therein from the time of filing such notice. The Court shall proceed to hear and determine such suit, and decide upon the merits thereof, and the rights and liens of the respective parties, as in other equity cases, and may direct the sale of the property on which the lien exists, and the distribution of the fund among the parties entitled to the same.
- Summons.** **SEC. 7.** If the original employer shall fail to make such payment or deposit, or if he shall make such deposit, then any person or persons, and any number of claimants, having or claiming liens, or the benefit of liens, under the provisions of this Act, may, if the amount claimed to be due the original plaintiff in the action does not exceed, in the aggregate, two hundred dollars, with interest thereon, commence and join in an equitable action, before a Justice of the Peace of the township or city in which the property is located, for the foreclosure and settlement of his or their lien. The summons in such action shall be returnable in not less than twenty, nor more than thirty, days, and shall be served on the original employer and original contractor, or their assigns, at least ten days before the return day thereof; and if they, or either of them, shall not be found, after due diligence, or, for any reason, cannot be served personally, or by leaving a copy of the summons at their last place of residence, the same may be served by posting a copy thereof on some conspicuous place upon the building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, where it will be most likely to attract the attention of parties interested. In addition thereto, a notice shall be published, in some newspaper published in the county, if there be one, (if not, in an adjoining county,) not less than two times, as may be ordered by the Court, similar, in all respects, to the notice in the last section mentioned, except as to the time when parties interested in the enforcement of the lien shall be called on to present their claims before the Justice, which time shall be the time
- Notice.**

mentioned in the summons, when the original parties are thereby required to appear. If, on the return day of the summons, it shall appear that the aggregate of claims made exceeds two hundred dollars, exclusive of interest, it shall be the duty of the Justice to certify the case to the District Court of the county, and said District Court shall, thereupon, have full and complete jurisdiction to proceed in the suit as if the same had been originally commenced therein; *provided*, however, that whenever such transfer shall be made, all lien holders shall have twenty days after the time of such transfer to present their claims to the District Court, and become parties to the suit therein. If said claims shall not exceed two hundred dollars, exclusive of interest, said Justice shall proceed to hear and determine the suit in the manner above provided for in the District Court.

Cases to be certified to the District Court.

Proviso.

SEC. 8. No laborer, workman, or material man, doing work or labor, or furnishing materials to any original contractor, or his assigns, shall have the benefit of a lien, under the provisions of this Act, unless he shall give the notice required by the fifth section of this Act.

Notice.

SEC. 9. The lien created under this Act shall operate and inure for the benefit of the original contractor, or his assigns, subject to the rights and claims of all material men, workmen, and laborers; and whenever their liens are discharged, as above specified, such original contractor, or his assigns, may proceed for the enforcement of his lien in the same manner as in other cases; and where any suit has been commenced by material men or laborers, for the purpose of enforcing their liens, the rights and liens of such contractor may be settled and adjudicated in such suit.

Liens to inure to benefit of.

SEC. 10. No payment by any original employer to any original contractor, or his assigns, made prior to the time when the same shall fall due under the terms of the original contract, shall be valid for the purpose of defeating or discharging any lien created in favor of any workman, laborer, or material man, but shall be deemed fraudulent and void, as against them.

Prior payment.

SEC. 11. If any material man, workman, or laborer, shall wilfully present a false claim under any of the provisions of this Act, or shall wilfully omit, in presenting his claim, to allow all credits which may be justly allowable, he shall forfeit his lien.

False claim.

SEC. 12. Whenever, through the absence of the original employer, it shall be out of the power of any material man, workman, or laborer, to give timely notice to such employer, personally, or by leaving the same at his usual place of business or residence, of his claim, before the falling due of any instalment or payment, he may, in lieu thereof, post such notice in a conspicuous place upon the building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct.

Notice.

SEC. 13. All persons to whom any portion of the original contract between the employer and original contractor may be assigned, shall occupy the same position with reference to the material men, workmen, and laborers, as such original contractor, in regard to priority of liens; but should there remain a surplus, after the payment of such liens, then such assignee of the original contractor shall be entitled to a priority over him in the

Assignees.

distribution of any money which would otherwise go to the original contractor; such assignment, in order to be valid, must be attached or annexed to, or noted on, the original contract.

SEC. 14. Nothing herein contained shall be construed to affect or take away any action at law, which any contractor, sub-contractor, or material man, would otherwise have against his employer.

Entry of satisfaction.

SEC. 15. The holder of any lien created by this Act, on payment thereof, shall enter satisfaction of the same of record, at the request of any one interested in the property charged by such lien, within ten days after such request, on payment of the costs of such entry, and on failure to enter such satisfaction, shall pay to the party aggrieved the sum of fifty dollars per day until such satisfaction shall be entered, to be recovered in the same manner as other debts.

Materials not subject to attachment in certain cases.

SEC. 16. Whenever any materials shall have been furnished and delivered by any material man, to be used in the construction or repair of any building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, aforesaid, such materials shall not be subject to attachment, execution, or other legal process, to enforce any debt due by the purchaser of such materials, so long as, in good faith, the same are about to be applied to the construction or repair of such building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct.

Who may have liens.

SEC. 17. Whenever any person shall proceed to erect, or construct, or repair, or cause to be constructed, erected, or repaired, any building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, aforesaid, without making a contract, in writing, for such construction or repairs, every person who shall perform labor, or furnish materials for such building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, shall have a lien to the full extent of all labor performed upon, or materials furnished by him for the use of, such building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, upon the interest of the person causing the same to be constructed or repaired, on the thing so caused to be constructed or repaired, and on the land for a convenient space around the same, or so much as may be required for the convenient use and occupation thereof, which lien shall relate to the time of the commencement of the work. It may be enforced in the same manner as other liens herein above provided for.

Fraud.

SEC. 18. Any person or persons who shall fraudulently and wilfully induce or persuade any lumber dealer, or other material man, to sell to him or them, upon credit, any lumber or other building materials, to be used in the erection, construction, or repair, of any building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, aforesaid, not intending, at the time of said sale, so to use the same, but meaning to apply the same to other uses and purposes, shall be guilty of a misdemeanor, and, on conviction, shall be punished, by imprisonment in the county jail, for a term not exceeding one year, or by fine, not exceeding five hundred dollars, or by both such fine and imprisonment.

Penalty.

SEC. 19. No lien provided for in this Act shall bind any building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, aforesaid, for a longer period than six months after the completion or repair thereof, unless suit be brought in a proper Court, within that time, to enforce the same; or, if a credit be given, then six months after the expiration of such credit. But no lien shall be continued in force for a longer time than two years from the time the work is completed or the materials furnished, by any agreement to give credit.

Continuance
of lien.

SEC. 20. Any mechanic, artisan, or machinist, who shall make, alter, or repair, any article of personal property, at the request of the owner or legal possessor of such property, shall have a lien on such property, so made, altered, or repaired, for his just and reasonable charges for his work done and materials furnished, and may hold and retain possession of the same until such just and reasonable charges shall be paid; and if not paid for within the space of two months after the work shall be done, such mechanic, artisan, or machinist, may proceed to sell the property by him so made, altered or repaired, at public auction, by giving three weeks public notice of such sale, by advertisement in some newspaper published in the county in which the work may be done; or, if there is no such newspaper, then by posting up notices of such sale in three of the most public places in the town where such work was done; and the proceeds of said sale shall be applied, first, to the discharge of such lien, and the costs and expenses of keeping and selling such property, and the remainder, if any, shall be paid over to the owner thereof.

Lien on
personal
property.

SEC. 21. When any person shall make an express contract, in writing, with the owner of any lot or lots, in any incorporated city or town, to grade, or improve the same, or the street in front of, or adjoining the same, and shall go on and complete the said grading, or improving of said lot or street adjoining the same, it shall be considered an improvement upon said lot or lots, and the same provisions of this Act shall apply thereto, as would apply if it were a building erected on the said lot or lots.

Grading
streets, etc.

SEC. 22. When any person shall make an express contract, in writing, with the owner or owners of any lot or lots in any incorporated city or town, or with the person who was, at the time of such contract, and had been for more than one year, the next preceding, in the actual possession of such lot or lots, by himself, or themselves, or tenants, under bona fide claim of ownership, to grade, fill in, build upon, or otherwise improve, the same, and shall go on and complete such grading, filling, building, or other useful improvement, he shall have a lien upon the right, title, and interest, of such owner, or occupant, in such lot or lots, for the amount contracted to be paid; and all the provisions of this Act, respecting the securing and enforcing mechanics' liens, shall apply thereto.

SEC. 23. Whenever any of the claims, presented to an original employer, or to a Court, under the provisions of this Act, shall not be due at the time of such presentation, but shall have been fairly incurred, such employer, or Court, shall, out of the

Claims
presented
not due.

money in their hands, or under their control, retain a sufficient sum to meet such claims when the same shall mature, or a proper pro rata portion thereof, and in case of distribution of the funds, may pay the proper proportion of such claims by anticipation, deducting legal interest.

Sec. 24. Nothing contained in this Act shall be deemed to apply to or affect any lien heretofore acquired.

Liens to
be filed.

Sec. 25. Every sub-contractor, or other person other than the original contractor, who shall acquire any lien under the provisions of this Act, shall, within thirty days after the completion or repair of any such building, wharf, or superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, file in the office of the County Recorder a just and true account of the demand due to him, after deducting all proper credits and offsets, and shall verify the same by his own oath, or the oath of some other person, and shall also file at the same time a description of the property to be charged by said lien, and in default thereof shall lose his lien. The original contractor having a lien, shall file the such verified account and description within sixty days after the completion or repair of such building, wharf, superstructure, bridge, ditch, flume, tunnel, fence, machinery, or aqueduct, otherwise the benefit of such lien, so far as he is concerned, shall be lost, but the same shall continue and remain in force, for the benefit of all other parties, in the same manner and to the same extent as if the original contractor had filed such verified account and description within the time aforesaid.

Acts
repealed.

Sec. 26. An Act entitled an Act for securing Liens of Mechanics and others, approved April twenty-seventh, eighteen hundred and fifty-five—an Act entitled an Act for securing Liens of Mechanics and others, approved April nineteenth, eighteen hundred and fifty-six—an Act entitled an Act in addition to and explanatory of an Act for securing Liens to Mechanics and others, approved April nineteenth, eighteen hundred and fifty-six, approved March fourth, eighteen hundred and fifty-seven—an Act entitled an Act supplementary to an Act for securing Liens to Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six, approved March eighteenth, eighteen hundred and fifty-seven—an Act entitled an Act to amend an Act for securing Liens to Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six, approved April twenty-second, eighteen hundred and fifty-eight—an Act entitled an Act to amend an Act entitled an Act for the securing Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six, approved May seventeenth, eighteen hundred and sixty-one—are hereby repealed.

CHAP. CCXCVIII.—An Act amendatory of Article Fourth of an 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 the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article Four.

[Approved April 25, 1862.]

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

ARTICLE FOUR.

SECTION 1. All the original streets, as laid down upon the map now in the office of the City and County Surveyor of the City and County of San Francisco, signed by C. H. Gough, Michael Hayes, and Horace Hawes, Commissioners, and by John J. Hoff, Surveyor, and generally known as the "Van Ness Map," and all other streets, lanes, alleys, places, or courts, now dedicated to public use, or which shall be hereafter dedicated to public use, lying between the Bay of San Francisco and Johnson and Larkin streets, including the two last named streets, are hereby declared to be open, public streets, lanes, alleys, places, or courts, for the purposes of this law; and the Board of Supervisors of said city and county are hereby authorized to employ the City and County Surveyor to ascertain and establish the lines and width of all or any of said streets, lanes, and alleys, and the sizes of said places or courts, when they shall deem it necessary so to do.

Declaration
of streets,
etc.

SEC. 2. The Board of Supervisors shall have power to lay out and open new streets within the corporate limits of the City and County of San Francisco, and west of Larkin, and south-west of Johnson streets, in accordance with the condition of the ordinance of the Common Council of said city, approved June twentieth, eighteen hundred and fifty-five, entitled an Ordinance for the Settlement and Quieting of Land Titles, but shall have no power to subject the city and county to any expense therefor, exceeding the sum of one thousand dollars, and, when so laid out and opened, the provisions of this Act shall be applicable thereto.

New streets.

SEC. 3. The Board of Supervisors are hereby authorized and empowered to order the whole, or any portion, of the said streets, lanes, alleys, places, or courts, graded, or regraded, to the official grade, planked, or replanked, paved, or repaved, or macadamized, or repiled, capped, or recapped, and to order sidewalks, sewers, cesspools, manholes, culverts, curbing, and crosswalks, to be constructed therein, and to order any other work to be done which shall be necessary to make and complete the whole, or any portion, of said streets, lanes, alleys, places, or courts, and they may order any of the said work to be improved. The work provided for in this Act shall not be deemed to be "specific improvements," within the meaning of section sixty-

Grading, etc

eight, Article five, of Chapter One Hundred and Twenty-Five, of 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, eighteen hundred and fifty-six. Nor shall the ordinances or resolutions passed by said Board of Supervisors, under the provisions of this Act, be deemed to be such ordinances or resolutions as are mentioned in said section sixty-eight.

Notice. SEC. 4. The Board of Supervisors may order any work, authorized by section three of this Act, to be done, after notice of their intention so to do, in the form of a resolution, describing the work, and signed by the Clerk of said Board, has been published for a period of ten days. At the expiration of any notice of intention, as herein before provided, the Board of Supervisors shall be deemed to have acquired jurisdiction to order any of the work to be done, or to be afterwards improved, which is authorized by section three of this Act; and all owners of lands or lots, or portion of lots, who may feel aggrieved, or who may have objections to any of the subsequent proceedings of the said Board in relation to the work mentioned in such notices of intentions, shall file with the said Clerk a petition or remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; said petition or remonstrance shall be passed upon by the said Board of Supervisors, and their decision thereon shall be final and conclusive. The owners of more than one half in frontage of the lots and lands fronting on the work proposed to be done, and designated in said resolution, may make written objections to grading and to piling, capping, and planking, within ten days after the first publication of said resolution. Said objections shall be delivered to the Clerk of said Board of Supervisors, who shall indorse thereon the date of the reception by him; and such objections, so indorsed, shall be a bar to any further proceedings in relation to said grading, for a period of six months, unless the owners, as aforesaid, shall sooner petition for said grading to be done; *provided*, that when one half, or more, in width, or in length, of any street, lying and being between two main street crossings, have been already graded, said Board of Supervisors may order the remainder graded, notwithstanding the objections of property owners fronting thereon. Before passing any order for the construction of sewers—plans, specifications, and careful estimates, shall be furnished the said Board of Supervisors by the Superintendent of the Public Streets and Highways of the City and County of San Francisco, if required by them.

Objections.

Proviso.

Owners may petition. SEC. 5. The owners of more than one half in frontage of lots and lands fronting on any street, lane, alley, place, or court, mentioned in sections one and two of this Act, or their duly authorized agents, may petition the said Board of Supervisors to order any of the work mentioned in section three of this Act, to be done, and the said Board of Supervisors may order the work mentioned in said petition, to be done, after notice of their intention so to do has been published, as provided in section four of this Act. No order or permission shall be given to

grade or pile and cap any street, lane, alley, place, or court, in the first instance, or any portion thereof, without extending and completing the same throughout the whole width of such street, lane, alley, place or court; when any such work has heretofore been done, or when any such work shall hereafter be done, in violation of this section, neither the lots, or portions of lots, in front of which such work has been or may be done hereafter, nor the owners thereof, shall be exempt from assessments made for the payment of the work afterwards done to complete said street, lane, alley, place, or court, to its full width, as provided in section eight of this Act. Conditions.

SEC. 6. Before giving out any contracts, by the Board of Supervisors, for doing any work authorized by section three of this Act, the Board of Supervisors shall cause notice to be conspicuously posted in the office of the Superintendent of Public Streets and Highways, and also published for five days, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the Clerk of the Board of Supervisors, and said Board shall, in open session, open, examine, and publicly declare the same, and award said work to the lowest responsible bidder; *provided*, said Board may reject any and all bids, should they deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with said city and county. All proposals shall be accompanied with a bond, in the sum of two hundred dollars, signed by the bidder, and by two sureties, who shall justify, in the manner hereinafter provided, conditioned to pay to the Street Department Fund the full sum of two hundred dollars, as liquidated damages, if the bidder to whom the contract is awarded shall fail or neglect to enter into a contract, as hereinafter provided. It shall be the duty of the City and County Attorney to sue on said bonds, in the name of said city and county, and to pay the amount recovered over to said fund. The Board of Supervisors shall have power to relieve the contractor from the performance of the conditions of said bond, when good cause is shown therefor. All persons, (owners included,) who shall fail to enter into contracts, as herein provided, are hereby prohibited from bidding a second time for the same work. Notice of such awards shall be published for five days. The owners of the major part of the frontage of lots and lands liable to be assessed for said work, shall not be required to present sealed proposals, but may, within said five days after the first publication of notice of such award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same may have been awarded. Should said owners fail to commence the work within ten days after the first publication of the notice of said award, and prosecute the same with due diligence, to completion, it shall be the duty of the Superintendent of Public Streets and Highways to enter into a contract with the original bidder to whom the contract was awarded, and at the price the same may have been awarded him; but if said bidder neglect, for fifteen days after the first publication of the notice of said award, to enter into the contract, then the Board of Supervi-

Bonds.

Notice of awards.

Owners failing to commence work.

Second
notice for
proposals.

sors shall again publish for said five days, and pursue the steps required by this section, the same as in the first instance. If the owners who may have taken said contract, do not complete the same within the time limited in the contract, or within such further time as the said Board of Supervisors may give them, said Superintendent shall report such delinquency to the Board of Supervisors, who may relet the unfinished portion of said work, after having pursued the formalities of this section, as stated aforesaid. All such contractors shall, at the time of the execution of the contract, also execute a bond, to the satisfaction of said Superintendent, with two or more sureties, payable to the City and County of San Francisco, in such sums as the said Superintendent shall deem adequate, conditioned for the faithful performance of the contract, and the sureties shall justify, before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions. Any person suffering damages, by reason of the breach of said contract, may sue on such bond in his own name. It shall be the duty of the Superintendent to collect from the contractors, before the contract is signed by him, the cost of publication of the notices required under the proceedings prescribed in this Act.

Contractors'
bonds.

Breach of
contract.

Damages.

Contracts.

SEC. 7. The Superintendent of Public Streets and Highways is hereby authorized, in his official capacity, to enter into all written contracts, and receipt all bonds authorized by this Act, and to do any other acts, either expressed or implied, that pertain to the street department, under this Act; and said Superintendent shall fix the time for the commencement of the work under all contracts entered into by him, which work shall be prosecuted with due diligence, from day to day thereafter, to completion; and may extend the time so fixed, from time to time, under the direction of the Board of Supervisors; and whenever, in any contract heretofore made, the said Superintendent has fixed the time for doing the work, or has extended the same, such Acts shall be deemed and held to have been legally done, and it shall so be held in all the Courts of this State; but this provision shall not apply to any contracts, the work under which has not been commenced. The work provided for in section three of this Act, must, in all cases, be done under the direction, and to the satisfaction, of the Superintendent, and the materials used shall be such as are required by the said Superintendent, and all contracts made therefor must contain this condition, and also express notice that in no case (except where it is otherwise provided in this Act,) will the city and county be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The assessment and apportionment of the expenses of all such work, in the mode herein provided, shall be made by the said Superintendent of Public Streets and Highways.

Superin-
tendent.

Assessments
of expenses.

SEC. 8. *Subdivision One.*—The expense incurred for any work authorized by section three of this Act, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot, or portion of a lot, being separately assessed in proportion to its frontage, at a rate per front foot sufficient to cover the total expenses of the work.

Subdivision Two.—The expense of all improvements, (except ^{Assessments} such as are done by contractors under the provision of section ^{of EXPENSES.} fourteen of this Act,) until the street crossings, lanes, alleys, places, or courts, are finally accepted, as provided in section twenty-one of this Act, shall be assessed upon the lots and lands, as provided in this section, according to the nature and character of the work; and, after such acceptance, the expense of all work thereafter done thereon shall be paid by said city and county, out of the Street Department Fund.

Subdivision Three.—The expense of work done on main street crossings, excepting such as are provided for in subdivision eight of this section, shall be assessed upon the four quarter blocks adjoining and cornering on the crossing; and each lot, or part of a lot, in such quarter blocks, fronting on such main streets, shall be separately assessed, according to its proportion of frontage on the said main streets.

Subdivision Four.—Where a main street terminates at right angles in another main street, the expense of work done on one half of the width of the street opposite the termination, shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets; and the expense of the other half of the width of said street upon the lots fronting on the latter half of the street opposite such termination.

Subdivision Five.—Where any small or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all the lots, or portions of lots, half way on said small streets, to the next crossing, or intersection, or to the end of such small or subdivision street, if it does not meet another.

Subdivision Six.—The expense of work done on the small or subdivision street crossings, shall be assessed upon the lots fronting upon such small streets, on each side thereof, in all directions, half way to the next street, place, or court, on either side respectively, or to the end of such street, if it does not meet another.

Subdivision Seven.—Where a small street, lane, alley, place, or court, terminates in another street, lane, alley, place, or court, the expense of the work done on one half of the width of the street, lane, alley, place, or court, opposite the termination, shall be assessed upon the lots fronting on such small street, lane, alley, place, or court, so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, lane, alley, place, or court, or to the end of such street, lane, alley, place, or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Subdivision Eight.—The map, now in the office of the said Superintendent of Public Streets and Highways, showing the street crossings, or spaces, formed or made by the junction or intersection of other streets with Market street, and also showing other street crossings adjoining fractional or irregular blocks, (all of which said crossings or spaces are colored on said map, and numbered from one to seventy, inclusive,) and heretofore certified by said Superintendent, and adopted by a Resolution of the Board of Supervisors, Number Fifteen Hundred and Seventy- Official map.

Eight, approved on the sixteenth day of December, eighteen hundred and sixty-one, which resolution is copied on the face of said map, shall be deemed and held to be an official map for the purposes of this Act, and the same is hereby approved; and the expense incurred for work done on the said crossings or spaces formed by the junction and intersection of other streets with Market street, on the northerly side of the same, and not squarely in front of, and not properly assessable to, lots fronting on such streets, and for work done on said other streets, crossings, or spaces, all of which are colored on said map, shall be assessed upon the contiguous, adjacent, and neighboring, irregular or quarter blocks or lots of land which are of the same color as the said crossings and spaces, and which have a number thereon corresponding with the number of the crossing or space on which the work has been done.

Water lots,
etc.

Subdivision Nine.—In all the streets constituting the water front of the City and County of San Francisco, or bounded on one side by the property of said city and county, or crossings, cornering thereon, or on the water front, the expense of work done on that portion of said street, from the centre line thereof to the said water front, or to such property of the city and county bounded thereon, and of one fourth of the crossings, shall be provided for by the said city and county; but no contract for any such work shall be given out, except to the lowest responsible bidder, after an observance of all the formalities required by this Act.

Assessments

Subdivision Ten.—Where any work, mentioned in section three of this Act, (sewers, manholes, cesspools, culverts, crosswalks, crossings, curbing, grading, piling, and capping, excepted.) is done on one side of the centre line of said streets, lanes, alleys, places, or courts, only the lots, or portions of lots, fronting on that side only, shall be assessed to cover the expenses of said work, according to the provisions of this section.

Costs.

Subdivision Eleven.—The assessment made to cover the expenses of the grading mentioned in the proviso in section four of this Act, shall be assessed upon all the lands, lots, and portions of lots, fronting on either side of said streets, lying and being between the said main street crossing, in the manner provided in subdivision one of this section, and from the respective amounts assessed, the person or persons liable to pay the same may have deducted from the amount assessed the cost of any grading which he or they may have done in front of his or their property, which cost shall be determined by the said Superintendent, and approved by the City and County Surveyor; and, in case of their disagreement, then the two shall call to their aid some third person, who shall act as umpire, and the decision of a majority of said three persons shall be final. The costs to be estimated at the rate the work previously done could be contracted for at the date of the proposals offered for completing the remainder of said streets. In case of work done where the manner of making the assessments is not provided for in this section, the Superintendent shall make such assessment in such manner as to him shall be deemed equitable and just, subject to be appealed from as in other cases.

Subdivision Twelve.—Section one of Chapter Three Hundred

and Twenty-Five of the Laws of this State, entitled an Act amendatory of and supplementary to an Act to provide Revenue for the Support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section, but the property therein mentioned shall be subject to the provisions of this Act, and to be assessed for work done under the provisions of this section. Section of an Act not applicable.

SEC. 9. After the contractor of any street work has fulfilled his contract to the satisfaction of the Superintendent, or Board of Supervisors, on appeal, the Superintendent shall make an assessment to cover the sum due for the work performed and specified in such contracts, (including incidental expenses, if any,) in conformity with the provisions of the preceding section, according to the character of the work done, or, if any directions and decision shall be given by said Board, on appeal, then in conformity with such direction and decision; which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with the incidental expenses, if any; the rate per front foot assessed; the amount of each assessment; the name of the owner of each lot, or portion of a lot, (if known to the Superintendent;) if unknown, the word "unknown" shall be written opposite the number of the lot, and the amount assessed thereon; the number of each lot, or portion of a lot, assessed; and shall have attached thereto a diagram, exhibiting each street, or street crossing, lane, alley, place, or court, on which any work has been done, and showing the relative location of each distinct lot, or portion of a lot, to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting assessed for said work contracted for and performed. Assessment

SEC. 10. To said assessment shall be attached a warrant, which shall be signed by the Superintendent, and countersigned by the Auditor of said city and county, who, before countersigning it, shall examine the contract, the steps taken previous thereto, and the record of assessments, and must be satisfied that the proceedings have been legal and fair. The said warrant shall be substantially in the following form: Warrant.

FORM OF THE WARRANT.

"By virtue hereof, I, (name of Superintendent.) Superintendent of Public Streets and Highways of the City and County of San Francisco, and State of California, by virtue of the authority vested in me, as said Superintendent, do authorize and empower (name of contractor.) (his or their) agents, or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same. San Francisco, (date,) 186—. (Name of Superintendent,) Superintendent of Public Streets and Highways. Countersigned by (name of Auditor.) Auditor." Form of warrant.

Said warrant, assessment, and diagram, shall be recorded. When so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portion of lots, assessed, respectively, for the period of two years from the date of said recording, un- Warrant, assessment, etc., to be recorded.

less sooner discharged; and from and after the date of said recording of any warrant, assessments, and diagrams, all persons mentioned in section twelve of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, and diagram, are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the said Superintendent of the incidental expenses not previously paid by the contractor, or his assigns. And by virtue of said warrants, said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessment.

Collection of assessments.

SEC. 11. The contractor, or his agent or assigns, shall call upon the persons so assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, or his agent, shall receipt the same upon the assessment, in presence of the person making such payment, and shall also give a separate receipt, if demanded. Whenever the persons so assessed, or their agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor, or his agent or assigns, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Superintendent within thirty days after its date, with a return indorsed thereon, signed by the contractor, or his agent or assigns, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof; thereupon the Superintendent shall record the return so made, in the margin of the record, of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded, at full length, in a book to be kept for that purpose in his office, and shall sign the record.

Parties aggrieved may appeal.

SEC. 12. The owner, contractor, or his assigns, and all persons, whether named in the assessment or not, and all persons directly interested in any work provided for in this Act, or in the said assessment, feeling aggrieved by any of the acts or determinations aforesaid, of the said Superintendent in relation thereto, or having or making any objection to the correctness or legality of the assessments, shall, within thirty-five days after the date of the warrant, appeal to the Board of Supervisors, as provided in this section, by briefly stating their objections, in writing, and filing the same with the Clerk of said Board. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts or determinations objected to, or complained of, shall be published for five days. The said Board may correct, alter, or modify, said assessment, in such manner as to them shall seem just, and may instruct and direct the Superintendent to correct said warrant, assessment, or diagram, in any particular, or to make and issue a new warrant, assessment, or diagram, to conform to the decisions of said Board in relation thereto, at their option. All the decisions and determinations of said Board, upon notice and hearing as aforesaid,

Hearing.

Supervisors may correct assessments.

shall be final and conclusive upon all persons entitled to an appeal, under the provisions of this section, as to all errors and irregularities which said Board could have remedied and avoided. The said warrant, assessment, and diagram, shall be held prima facie evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of said Superintendent, and of the regularity of all the acts and proceedings of the Board of Supervisors, upon which said warrant, assessment, and diagram, are based.

SEC. 13. At any time after the period of thirty-five days from the day of the date of the warrant, as herein before provided, or, if an appeal is taken to the Board of Supervisors, as is provided in section twelve of this Act, any time after five days from the decision of said Board, or after the return of the warrant and assessment after the same may have been corrected, altered, or modified, as provided in section twelve of this Act, (but not less than thirty-five days from the date of the warrant,) the contractor, or his assigns, may sue, in his own name, the owner of the land, lots, or portions of lots, assessed, on the day of the date of the recording of the warrant, assessment, and diagrams, or on any day thereafter, during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid. Such suit may be brought in any Court, in said city and county, having jurisdiction of the amount to recover which suit is brought; said Courts are hereby clothed with jurisdiction to hear and determine such actions. The said warrant, assessment, and diagram, with the affidavit of demand and non-payment, shall be prima facie evidence of such indebtedness, and of the right of the plaintiff to recover in the action. The Court in which suit shall be commenced, shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of sale of real estate, by process of said Courts; and on appeal, the appellate Court shall be vested with the same power to adjudge and decree a lien, and to order to be sold such premises on execution or decree, as is conferred on the Court from which an appeal is taken; such premises, if sold, may be redeemed, as in other cases. In all suits now pending, or hereafter to be brought, to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Civil Practice Act of this State. This Act shall be liberally construed, to effect the ends of justice.

SEC. 14. The Superintendent of Public Streets and Highways may require, at his option, by notice in writing, to be delivered to them personally, or left on the premises; the owners, tenants, or occupants, of lots or portions of lots, liable to be assessed for work done under the provisions of this Act, to improve forthwith any of the work mentioned in section three of this Act, in front of the property of which he is the owner, tenant, or occupant, to the centre of the street, or otherwise, as the case may require, specifying in said notice what improvement is required. After the expiration of three days, the said Superintendent shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required

Contractors
may sue.

Notice of
assessments.

Powers of
Superintendent.

by said notice. If such improvement be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said Superintendent may enter into a contract with any suitable person applying to make said improvements, at the expense of the owner, tenant, or occupant, at a reasonable price, to be determined by said Superintendent; and such owner, tenant, or occupant, shall be liable to pay the same. After the certificate referred to in section fifteen shall have been recorded, the sum contracted to be paid shall be a lien, the same as provided in section ten of this Act, and may be enforced in the same manner.

Suits by
contractors.

SEC. 15. If the expenses of the work and material for such improvements, after the completion thereof, be not paid to the contractor so employed, or his agent, or assignee, on demand, the said contractor, or his assigns, shall have the right to sue the owner, tenant, or occupant, under the provisions of this Act, for the amount contracted to be paid, and the certificate of the Superintendent that the work has been properly done, and that the charges for the same are reasonable and just, shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action.

Powers of
Board of
Supervisors

SEC. 16. In addition, and as cumulative to the remedies above given, the Board of Supervisors shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable, or neglecting, or refusing, to make improvements when required, as provided in section fourteen of this Act, which fines and penalties shall be recovered for the use of the city and county, by prosecution in the name of The People of the State of California, as in other cases provided for in subdivision eleven of section fifteen, Chapter Four Hundred and Ninety-Three, on page five hundred and forty-four, of the Statutes of said State, approved May eighteenth, eighteen hundred and sixty-one, and may be applied, if deemed expedient by the said Board, in payment of the expenses of any such improvements, when not otherwise provided for.

Who
deemed
the owner
of lots.

SEC. 17. The person owning the fee, or the person in possession, of lands, lots, or portion of lots, or buildings, under claim, or exercising acts of ownership over the same, shall be regarded, treated and deemed to be the "owner;" (for the purpose of this law,) according to the intent and meaning of that word as used in this Act; and in case of property leased, the possession of the tenant or lessee, holding and occupying under such person, shall be deemed to be the possession of such owner, and the person so defined to be the owner shall be personally liable for the payment of any charge or assessment lawfully made or assessed upon said lands, lots, or portions of lots, by said Superintendent, or contracted to be paid to the contractor for improvements to cover the expense of any work done under and authorized by the provisions of this Act.

SEC. 18. Any tenant or lessee of the lands or lots liable, may pay the amount assessed against the property of which he is the tenant or lessee, under the provisions of this Act, or he may pay the price agreed to be paid, under the provisions of section

fourteen of this Act, either before or after suit brought, together with costs, to the contractor, or his agent or assigns; or he may redeem the property, if sold on execution or decree, for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due, and to become due, from him; and for any sum so paid beyond the rents due from him, he shall have a lien upon, and may retain possession of, the said lands and lots, until the amount so paid and advanced be satisfied, with legal interest, from accruing rents or by payment by the owner.

Redemption
by lessee
or tenant.

SEC. 19. The records, kept by the Superintendent of Public Streets and Highways, in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence, with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

Records.

SEC. 20. Notices, in writing, which are required to be given by the Superintendent, under the provisions of this Act, may be served by any Police Officer, with the permission of the Chief of Police, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent, (who is hereby authorized to administer oaths,) Police Judge, or any Judge, or Justice of the Peace; or such notices, whether verbal or written, may be delivered by the Superintendent himself. The Superintendent shall keep a record of the fact of giving such notices, when delivered by himself, personally, and also of the notices and proof of service, when delivered by any other person.

Service of
notices.

SEC. 21. When any street, or portion of a street, has been, or shall hereafter be, constructed, to the satisfaction of the Committee on Streets, Wharves, and Public Buildings, of the Board of Supervisors, and the Superintendent of Public Streets and Highways, under such regulations as said Board shall adopt, the same shall be accepted by the Board of Supervisors, and, thereafter, shall be kept open and improved by the said city and county, the expense thereof to be paid out of the Street Department Fund; *provided*, that the Board of Supervisors shall not accept of any portion of a street less than the full width thereof, and one block in length, or one entire crossing. The Superintendent of Public Streets and Highways shall keep in his office a register of all accepted streets, the same to be indexed, so that reference may be easily had thereto.

Acceptance
of work by
Supervisors

Proviso.

SEC. 22. The said Superintendent shall keep a public office in some convenient place, to be designated by the Board of Supervisors, and his office shall be kept open as in this Act required. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his office. He shall be allowed, at the discretion of the Board of Supervisors, not less than three nor more than five Deputies, to be by him appointed from time to time. Said Deputies shall be each paid a salary not exceeding one hundred and fifty dollars per month. It shall be lawful for the said Deputies to perform all or any of

Superintendent,
office of.

Duties.

Deputies.

the duties conferred by this Act upon the Superintendent of Public Streets and Highways, under the direction of the said Superintendent, except the acceptance or approval of work done. The Superintendent of Public Streets and Highways, or his Deputies, shall superintend and direct the cleaning of all sewers in the public streets, and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided for the improvements of streets that have been finally accepted, as in this Act provided.

Duties of Superintendent.

SEC. 23. It shall be the duty of the said Superintendent to see that the laws, orders, and regulations, relating to the public streets and highways, are carried into execution, and that the penalties therefor are rigidly enforced. It is required that he shall keep himself informed of the condition of all public streets and highways, and also of all public buildings, parks, lots, and ground, of the said city and county, as may be prescribed by the Board of Supervisors. He shall, before entering upon the duties of his office, give bonds to the city and county, in such sum as may be fixed by the Board of Supervisors, conditioned for the faithful discharge of the duties of his office; and should said Superintendent fail to see that the laws, orders, and regulations, relating to the public streets and highways, are carried into execution, after notice from any citizen of a violation thereof, the said Superintendent and his sureties shall be liable upon his official bond, to any person injured in his person or property in consequence of said official neglect.

Bond.

Damages to persons, animals, etc.

SEC. 24. If, in consequence of any graded street or public highway being out of repair, and in a condition to endanger persons, horses, or other animals, passing therein, any person, while carefully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damage to his person; or, if any horses, animals, or other property, being lawfully ridden, driven, or conveyed, through such street or public highway, be injured, lost, or destroyed, through any such defect therein, no recourse for damages thus suffered shall be had against the City and County of San Francisco; but, if such defect in the street or public highway have existed for the period of twenty-four hours, or more, after notice to the Superintendent, then the person or persons on whom the law may have imposed the obligation to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remained unrepaired, shall be jointly and severally liable to the party injured for the damage sustained.

City Surveyor.

SEC. 25. *First*—The City Surveyor shall be the proper officer to do the surveying and other work which may be necessary to be done under sections one and two of this Act, and to survey, measure, and estimate, the work done under contracts for grading streets, and every certificate of work done by him, signed in his official character, shall be prima facie evidence, in all the Courts in this State, of the truth of its contents. He shall also keep a record of all surveys made under the provisions of section one of this Act, as in other cases. The Superintendent shall measure and determine any other work which may be done under the provisions of this Act.

Second—The words “improve,” “improved,” and “improvement,” as used in this Act, shall include all necessary repairs of all work mentioned in section three of this Act, and also the reconstruction of all, or any portion, of said work. Meaning of words used.

Third—The term “main street,” as used in this Act, means such street or streets as bound a block. The term “street” shall include crossings.

Fourth—The word “block” shall mean the blocks which are known and designated as such on the map and books of the Assessor of said city and county.

Fifth—The term “incidental expenses” shall mean the expense for work done by the City Surveyor, under the provisions of this Act; also, the expense of printing, advertising, and measuring, the work done under contracts for grading, and the expense of superintendence of sewers, and of piling and capping.

Sixth—The publication of notices, required by the provisions of this Act, shall be published, daily, (Sundays excepted,) in the newspaper doing the printing by contract for said city and county. Notices, publication of.

SEC. 26. *First*—All assessments hereafter to be made, to cover the expense of work provided for by contracts awarded prior to the first day of June, eighteen hundred and sixty-one, and after George T. Bohon became the acting Superintendent, shall be assessed as provided by the law in relation thereto, and in force at the time said work was awarded; and all assessments heretofore made by George T. Bohon, as Superintendent, under said laws, to cover the expense of such work, shall be deemed and held to have been assessed under the proper law. Assessments for work prior to June 1, 1861.

Second—All assessments hereafter to be made, to cover the expense of work provided for by contracts awarded on and after the first of June, eighteen hundred and sixty-one, shall be assessed according to the provisions of this Act. After said date.

SEC. 27. The Superintendent shall appoint a person or persons, suitable to take charge of and superintend the construction or improvement of each and every sewer, and of piling and capping, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom, to report the same to said Superintendent. He shall be allowed, for his time actually employed in the discharge of his duties, such compensation as shall be just, but not to exceed five dollars per day. The sum to which the party so employed shall be entitled, shall be deemed to be “incidental expenses,” within the meaning of those words, as defined in this Act; *provided*, that the owners of more than one half in frontage of the lots and lands fronting on the work proposed to be done under this section, may, within forty-eight hours after the work has been commenced, appoint their own Superintendent of the work, and provide for his compensation by private agreement. Assistant of Superintendent.

SEC. 28. All notices, orders, resolutions, advertisements, or other matters, required or authorized by any law of this State to be published, the publication of which was, by order of any Court of this State, or by contract with the said city and county, commenced in either the Daily or Weekly Mirror, or Weekly Publication of notices.

Publication
of notices.

San Francisco Herald, newspapers published in said city and county, and subsequently continued and ended in the Daily or Weekly Herald and Mirror, also published in said city and county, as the case may be, shall be taken, deemed, and held, by all the Courts in this State, to have been legally published, the same as if the publication had been completed in the paper in which it was originally commenced; and when any such publication shall hereafter be completed and ended in said Daily or Weekly Herald and Mirror, the same shall be taken, deemed, and held, by said Courts, to have been legally published, as aforesaid, and all notices, orders, resolutions, advertisements, or other matters, required or authorized by any law of this State to be published, and which H. Wheelock, the proprietor of the Daily and Weekly Mirror, (a newspaper lately published in the City and County of San Francisco,) agreed to publish, by virtue of a contract made with said city and county, may be published in the Daily or Weekly Herald and Mirror, as the case may require, a newspaper now published in said city and county, during the existence of said contract; and all such notices, orders, resolutions, or other matters, which have been heretofore published, or which are now being published, or which shall hereafter be published, in said Herald and Mirror, during the existence of said contract, shall be taken, deemed, and held, to be legal and valid in all the Courts of this State, to all intents and purposes, the same as if they had been published in the Daily or Weekly Mirror, and the said Daily Mirror and the San Francisco Herald had not been consolidated, under the name of Herald and Mirror.

Acts and
parts of Acts
repealed.

SEC. 29. Article four, embracing sections from thirty-six to sixty-four, inclusive, of an 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, eighteen hundred and fifty-six, and sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, and fourteen, of an Act entitled an Act amendatory to an 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, A. D. eighteen hundred and fifty-six, approved March twenty-eighth, eighteen hundred and fifty-nine, and sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, sixteen, and seventeen, of an Act entitled an Act amendatory of an 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 the nineteenth day of April, eighteen hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved the eighteenth day of April, eighteen hundred and fifty-seven, and of an Act amendatory thereof, approved the twenty-eighth day of March, eighteen hundred and fifty-nine, and supplementary to said Acts, approved May eighteenth, eighteen hundred and sixty-one—all and singular, and all Acts, or parts of Acts, in conflict with this Act, are hereby repealed; and this Act shall be

deemed to be substituted in place of the sections under the head of said Article four, and as amendatory of the Act first above recited in this section, and held as a part thereof, and shall be taken and deemed a public Act, to take effect from and after its passage. All proceedings which may have been taken under the law for which this law is a substitute, and which are pending at the time this law shall take effect, may be continued and completed under this law; and all advertisements being published at the date of the passage of this Act, shall be published for the respective periods provided by the law in force at the time the publication may have been commenced.

CHAP. CCXCIX.—*An Act to provide for an equitable Adjustment of Claims, arising from Indebtedness of the County of Contra Costa, outstanding at the date of the organization of the County of Alameda, and for Apportioning any Award made thereon.*

[Approved April 20, 1862.]

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

WHEREAS, The Legislature of eighteen hundred and sixty, by ^{Preamble.} compulsory Act, imposed on the County of Contra Costa the payment of the claim of one T. C. Gilman, amounting to upwards of thirty-one thousand dollars, some twenty-four thousand dollars of the amount being for interest, part of it at the rate of five per cent. per month, on an obligation contracted before the organization of the County of Alameda, mainly from territory and population at the time belonging to the County of Contra Costa; and whereas, the County of Contra Costa claims that no such adjustment of the then existing indebtedness, as equity demands, or as the Legislature intended in the Act providing for the organization of the County of Alameda, and in subsequent Acts, has ever been made; and it is therefore provided, for a full settlement in equity, as was originally intended and due, that a Commission be organized and empowered, as follows:

SECTION 1. B. C. Whitman, of Solano County, Charles Fish, ^{Board of Commissioners.} of Contra Costa County, and J. W. Dougherty, of Alameda County, are hereby appointed and constituted a Board of Commissioners, to ascertain and award the amount of indebtedness, if any be found equitably due from the County of Alameda to the County of Contra Costa, on account of obligations existing at the time of the organization of the said County of Alameda, and the said Commissioners shall, before entering upon the discharge of the duties, be sworn.

SEC. 2. The said Commissioners shall meet at the office of the ^{Meeting.} County Clerk of the County of Contra Costa, at a time within sixty days after the passage of this Act, which time shall be determined by the above named B. C. Whitman, of Solano County,

who shall notify each of the other Commissioners of the time appointed, by letter, which shall be deposited in the post office at least fourteen days prior to the day appointed for meeting, and he shall also, by mail, in the same manner, notify the Clerks of the Counties of Contra Costa and Alameda of the time appointed for the first meeting of the Commission, or, in lieu of such notice by mail, he shall cause the notice to be served upon each of the other Commissioners and the Clerks, above named, five days, at least, prior to the time appointed; and, after meeting, a majority of the Commissioners may adjourn, from time to time, until they have completed the work herein assigned to them.

Duties of Clerks of counties.

SEC. 3. The County Clerks of the Counties of Alameda and Contra Costa shall furnish, on the written order of the Commission, copies of any papers in their respective offices, and the expenses thereof shall be charged against the county where such papers may be deposited, and the said Clerks, or either of them, shall attend, before the said Commissioners, with any required papers or records in their respective offices, upon the order of the Commissioners, or a majority of them.

Powers of Commissioners.

SEC. 4. The said Commissioners are authorized to examine witnesses, and they shall examine, ascertain, and award, the amount of indebtedness, if any be found, equitably due from the County of Alameda to the County of Contra Costa, arising out of obligations existing against the County of Contra Costa at the time of the organization of the said County of Alameda.

SEC. 5. Said Commissioners shall, if an award be found due, declare and certify the same to the Boards of Supervisors of the Counties of Alameda and Contra Costa; and the Board of Supervisors of the County of Alameda shall, at a special, or other meeting, within four weeks after the certification of the award, cause to be levied, upon all the taxable property of the county, such a special tax as they may deem adequate to meet the amount of the award; and such tax shall be assessed, collected, and paid into the Treasury, by the proper officers, and shall, by the Treasurer of the said County of Alameda, be set apart in a separate fund, to be designated the "Contra Costa Fund," subject to the order of the Board of Supervisors of Contra Costa County, and payable, from time to time, to the Treasurer of the same.

SEC. 6. Should either of the Commissioners named in this Act neglect or refuse to meet and act, as herein provided for, then a majority shall proceed to ascertain and award the indebtedness which may be found equitably due, and the award shall have all the force and effect as if all the Commissioners had been present, and had assented thereto.

Payment of.

SEC. 7. The Commissioners shall be entitled to a compensation of eight dollars per day, each, while engaged in the duties enjoined by this Act, one half of the amount to be paid by the County of Contra Costa, and one half by the County of Alameda.

Failure to meet.

SEC. 8. In case the Commissioners, or a majority of them, shall fail to meet, and make the adjustment and award, as intended and provided in this Act, within the time named, then the Judge of the District Court, in and for the County of Contra

Costa, shall, upon application of any tax payer of either county named, appoint another time when they shall meet and make such adjustment and award, and the said Judge of the Fourth Judicial District may, upon requisition of any tax payer, issue writ of mandamus to compel the Commissioners to meet and discharge the duties herein imposed.

SEC. 9. The amount of any award which may be found against the County of Alameda, together with interest thereon, at the rate of ten per cent. per annum, shall be fully paid within two years from the date of the passage of this Act, till paid; and the Board of Supervisors of the County of Alameda shall levy such special tax, on all the taxable property of said county, as shall be sufficient for the purpose, which tax shall be assessed and collected as other State and county taxes, and, by the Treasurer, set apart in the special "Contra Costa Fund." Payment of award.

SEC. 10. The Treasurer of the County of Alameda shall, at the close of each quarter, when there is any money in the Special Fund above named, notify the Clerk of the County of Contra Costa, by mail, of the amount of such money. Duty of Treasurer of Alameda County.

SEC. 11. All moneys derived from the County of Alameda, upon any award made by the Commission created by this Act, shall be apportioned in the Treasury of the County of Contra Costa, as follows: Fifty per cent. in a fund to be designated the "Alameda Road Fund," for the construction of a road from a point near the Walnut Creek House, in Contra Costa, to the Alameda line; thirty per cent. to a fund to be designated the "San Pablo Road Fund," for the construction of a road from San Pablo to Martinez, or such other point in the county as may be determined upon; and the remaining twenty per cent. in the County School Fund. Apportionment of moneys.

SEC. 12. This Act shall take effect immediately.

CHAP. CCC.—*An Act to establish the Lines and Grades of Streets in the City and County of San Francisco.*

[Approved April 26, 1862.]

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

SECTION 1. The City and County of San Francisco is authorized, as in this Act provided, to establish the lines and grades of the streets in said city and county, lying within the corporate limits of the City of San Francisco, as defined in an Act entitled an Act to reincorporate the City of San Francisco, passed April fifteenth, eighteen hundred and fifty-one; and for that purpose a Board of Civil Engineers is hereby constituted, composed of the City and County Surveyor, Milo Hoadley, and Thaddeus R. Brooks, who shall be known as the Board of City Engineers, who shall proceed, as soon as practicable, to survey all the streets, and fix the lines thereof, within the limits above mentioned, and to make a map or maps thereof, showing thereon Board of Engineers. Duties of.

Duties of
Board of
Engineers.

the width of every street, and to fix monuments for the preservation of the street lines so established, which lines, as far as possible, shall conform to the original base lines of the city survey.

SEC. 2. Said Board shall, after making a careful survey thereof, make profiles of all the streets within said limits, west and south of Larkin street and Johnson or Ninth street, and legibly designate on said profiles such lines of elevation or grade as they shall deem suitable to establish a permanent grade for said streets.

SEC. 3. The Board having completed their survey, maps, and profiles, or either, shall deliver the same, with a written report, to the Board of Supervisors of said city and county, who shall thereupon publish a notice for three weeks, stating that such report has been made, and that the same, with the maps or profiles, are open for public inspection in the office of the Clerk of the Board of Supervisors, where the same shall be kept during the publication of said notice. Any property owner dissatisfied with such maps or profiles, may, at any time within three weeks after the first publication of said notice, file, with the Clerk of the Board of Supervisors, objections thereto, in writing, stating specifically the grounds and reasons of such objections, and the Clerk shall indorse thereon the date of such filing. After the expiration of said notice, in case such objections are so filed, the said Clerk shall cause said maps or profiles, together with the written objections thereto, to be returned to said Board of City Engineers, who may, after duly considering such objections, modify their report, maps and profiles, if they deem proper. In case no written objections are so filed, or being filed, and the same being thus considered by said Board of City Engineers, the said maps or profiles, or both, shall be finally submitted to the Board of Supervisors, and when the same shall be finally adopted by an order of the said Board of Supervisors, such maps and profiles shall stand as the legal and valid official plan of said city, to determine the lines of the streets, and the grades thereof.

SEC. 4. In making the survey of that part of the city to the west and south of Larkin and Johnson or Ninth streets, said Board shall make the same conform, as far as possible, to the official plan or map of the Western Addition, made by the Commissioners appointed by Ordinance Number Eight Hundred and Forty-Five, of the City of San Francisco, conforming also to the lines and grade of the streets to the east and northeast of the streets last named, observing the original base lines of the city survey, so far as they can be ascertained. The Board of Supervisors of said city and county shall, by order, prescribe the limits of the districts within which the grades may be changed, and also the limits within which grades may be established, and no grades shall be changed or established except within said limits.

Petitions for
change of
grade.

SEC. 5. All petitions for the change of grade of any street, the grade of which has been fixed by ordinance of the Common Council of said city, shall be presented to the Board of Supervisors, who shall, on receipt thereof, refer the same to the Board of City Engineers, for their consideration.

SEC. 6. The maps and profiles, when approved by the Board of Supervisors, shall also be certified by said Board of City Engineers, by their certificate indorsed thereon, and by them subscribed. All their surveys, field notes, and records, on the completion of their duties, as herein prescribed, shall be deposited with and kept by the City and County Surveyor, as a part of the records of his office. Maps, profiles, etc.

SEC. 7. The Board of Supervisors shall determine the amount of compensation to be paid to said Engineers, and also allow them the necessary assistants, and provide suitable rooms for their use while engaged in the work authorized by this Act, and furnish the necessary books, stationery, and office furniture, and also furnish suitable monuments, of iron, stone, or wood, for the purposes mentioned in section one of this Act; all of which shall be obtained by said Board of Engineers by their requisition upon the Board of Supervisors, in the mode prescribed in section nine of the Act entitled an Act to fix and regulate the Salaries of Officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one. Every item of expense authorized by this Act, before it becomes a claim or debt against said city and county, shall first be allowed and ordered paid by the Board of Supervisors, and audited by the Auditor, when the same shall be paid by the Treasurer, out of the General Fund of the City and County of San Francisco. Pay of Engineers.

SEC. 8. In case of vacancy in said Board of City Engineers, the Mayor shall fill such vacancy by the appointment of some competent Civil Engineer, which appointment shall be subject to the approval of the Board of Supervisors. Vacancies.

SEC. 9. The change of any official grade shall be finally approved by the Board of Supervisors of said city and county, only upon the payment of all damages incurred thereby, upon an adjustment of the benefits and damages, and the proceedings shall be as follows: *provided*, that the owners, or the lawfully authorized agents, of more than one half of the property within the designated limits upon which benefits and damages are to be assessed, may, within thirty days after the first publication of the notice of intention, object to the proposed change, their objections being in writing, signed by them, and filed with the Clerk of the Board of Supervisors. In that case, all further proceedings thereon shall be stayed. Approval of change of grades.

First—The Board of Supervisors shall publish a notice of their intention to make such change and adjustment, for ninety days, in three daily newspapers, printed in the English language, in said city and county, which notice shall describe the change contemplated, and designate the limits within which the lots of land to be benefited shall be assessed, to pay the damages sustained by reason of the change. Notice of change.

Second—Within ninety days after the first publication of said notice, property owners claiming damage by reason of the contemplated change, shall file their petition or petitions, in writing, with the County Clerk, addressed to the County Judge, setting forth the fact of their ownership, the description and situation of their property, and the amount of damage, over and Damages. Petition.

above all benefits, it will sustain by reason of the work, or change, when the same shall be completed, asking the appointment of Commissioners to assess such damages, which petition shall be verified by the oath of the petitioner, or his agent.

Duty of Clerk.

Third—On filing such petition, the Clerk shall immediately give notice thereof to the President of the Board of Supervisors.

Appraisers.

Fourth—After the expiration of the time of publication of said notice, the County Judge shall appoint two citizens, who are freeholders in said city and county, and competent judges of the value of real estate therein, together with the City and County Assessor, as Commissioners, to assess the benefits and damages to each separate lot of land within the limits designated in the notice.

Duties.

Fifth—The Commissioners, as appointed, shall be sworn by the County Judge, to make the assessment of benefits and damages to the best of their judgment and ability, without fear or favor, and that they have no interest in the controversy, nor in the premises, which oath shall be indorsed on the certificate of appointment, subscribed by said three Commissioners, certified by the County Judge, and filed with the County Clerk; a copy thereof, certified by the Clerk, may be delivered to said Commissioners, as their authority.

Sixth—Said Commissioners shall go to the premises to be assessed, with a committee for that purpose, to be appointed by the Board of Supervisors. Should the Assessor, in any case, appear to be interested, the County Judge shall appoint some other person in his stead, with the like qualifications of the other Commissioners.

Powers of.

Seventh—Said Commissioners shall have power, and it is hereby made their duty, to examine, under oath, which any one of them is hereby authorized to administer, any witnesses produced before them by any party, and all other witnesses which they may deem necessary to fully acquaint them with the true amount of benefits and damages which result to any of the parties interested by the completion of the proposed work.

Assessments

Eighth—Said Commissioners having determined, by their award, the amount of damages which will be sustained by each of the petitioners, over and above all benefits, by the completion of the proposed change, they shall proceed to assess the whole amount thereof upon the lots and lands benefited within the limits designated in said notice, so that the same shall be distributed according to the benefits produced by such change to each lot respectively, as nearly as possible.

Report.

Ninth—Said Commissioners shall make their report in writing, and subscribe the same, and file it with the County Clerk, describing the petitioners' property, and naming the amount of damages which will be sustained by each of them respectively, over and above all benefits, by the execution of the work, with a brief description of each lot benefited within the designated limits, the name of the owner, if known, and the amount of benefits assessed against the same; and in case the three Commissioners do not agree, the award agreed upon by any two shall be sufficient. On filing said award, the Clerk shall deliver notice thereof, in writing, to the Clerk of the Board of Super-

visors, who shall file the same, and publish a copy thereof for five days.

Tenth—The County Court shall have ample and general control of all the proceedings, as fully as in cases of reference. Any party interested, or the Board of Supervisors, in behalf of the city and county, being dissatisfied with the award of the Commissioners, may, within ten days after the first publication of notice of the filing thereof, by petition, in writing, to that effect, filed in the County Court, demand that the question of benefits, or damages, be passed upon by a jury, in which case said Court shall have full power to submit the same matter to a jury, under the rules and regulations governing jury trials in other cases, and appeals may be taken to the Supreme Court, as in other civil cases. Any final awards of damages by said Commissioners, or final judgment for damages entered upon the verdict of the jury, shall be entered as a judgment against said City and County of San Francisco, without the right to issue execution thereon; and for the amount of benefits finally assessed and awarded against any such lot, a judgment shall be entered, either jointly or severally, in favor of said City and County of San Francisco, and against each of such owners, respectively, describing the lot with convenient certainty, against which the assessment stands, upon which judgments an order of sale may issue, by order of the Court, briefly reciting the judgment, and commanding the Sheriff to collect the amount therein mentioned, by sale of the lots assessed, respectively, in the mode prescribed by law for the sale of real estate in execution, the proceeds to be paid by the Sheriff to the City and County Treasurer, who shall place the same to the credit of the Street Department Fund; *provided*, that any party may, at any time after filing the award by the Commissioners, pay the amount of his assessment into the City and County Treasury, which shall be placed to the credit of the Street Department Fund, and the Treasurer's receipt therefor, countersigned by the Auditor, may be filed in the cause in the County Court, and the same shall be a full satisfaction of such assessment. Before ordering such work, the Board of Supervisors shall order the damages finally assessed to be paid, and no change of grade shall be made under the provisions of this Act, until all such assessments have been paid into the Treasury; and the same shall be paid to the parties entitled thereto, out of the Street Department Fund; so also, shall be allowed and ordered paid out of said fund, a reasonable compensation to each of said Commissioners, and any other incidental or necessary expenses attending the proceedings.

Jurisdiction
of County
Court.

Award of
damages.

Proviso.

SEC. 10. The Board of Supervisors of said city and county shall have power to fix the time at which the duties of said Board of Civil Engineers shall cease and determine, which shall be on or before the first day of October, one thousand eight hundred and sixty-three; but after the termination of the duties of said Board of Civil Engineers, the Board of Supervisors shall continue to have power to act on the reports of said Board of Civil Engineers. The change of the grade and of the lines of the streets, in any district established by the Board of Supervisors, under the provisions of this Act, may be approved by

Powers of
Supervisors

said Board of Supervisors before the final completion of the whole survey provided for in this Act.

SEC. 11. All Acts, and parts of Acts, in conflict with this Act, are hereby repealed.

SEC. 12. This Act shall take effect from and after the date of its passage.

CHAP. CCCI.—*An Act to provide for a Railroad within the City and County of San Francisco.*

[Approved April 25, 1862.]

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

Franchise. SECTION 1. The right is hereby granted to A. J. Pope, John Middleton, A. J. Gunnison, John P. Zano, and their associates and assigns, to lay down and maintain an iron railroad within the City and County of San Francisco, along and upon the following streets, viz.: Commencing at the intersection of

Line of road. Davis and Vallejo streets, in the City of San Francisco; thence, along and upon said Davis street, to Washington street; thence, along and upon Washington street, to either Battery or Sansome street, as the grantees in this Act may determine; thence, along and upon either Battery or Sansome street, at the option of said grantees, to Bush street; thence, along and upon Bush street, to Dupont street; thence, along and upon Dupont street, to Sutter street; thence, along and upon Sutter street, to Stockton street; thence, along and upon Stockton street, to Geary street; thence, along and upon Geary street, to Taylor street; thence, along and upon Taylor street, to Market street; thence, along and across Market street, to Sixth street. (formerly Simmons street;) thence, along and upon Sixth street, to Brannan street; thence, along and upon Brannan street, to the Brannan street bridge, with a branch from Taylor street, through either Geary or Turk street, at the option of said grantees, to either Steiner or Scott street; thence, along and upon either Steiner or Scott street, at the option of said grantees, to Geary street; thence, along and upon Geary street, to the Lone Mountain Cemetery. And, in case the owners of said railroad shall not be able to arrange with the owners of the franchises granted for railroads through Sansome or Battery street, for the use of one or both of said railroads from Washington to Bush street, they shall have the right to lay down and maintain a railroad along and upon Davis street, from its intersection with Washington street, to Market street; thence, along and upon Market street, to its intersection with Bush street; thence, along and upon Bush street, to its intersection with Sansome street. Said road to have a single or double track, at the option of the said grantees, their associates and assigns; the rails to be of the most improved pattern used in the Eastern States; with the proper and necessary switches and turnouts along the entire route; and to run cars thereon,

not exceeding twenty-four feet in length, at convenient hours of every day and night, for the transportation of passengers; *provided*, that the grantees named in this Act, their associates or assigns, shall not have or hold any franchise or right to construct and lay down such railroad along the route herein before described, until they shall first have obtained the consent, in writing, of the owners of two thirds of the property along those parts of said streets on which said route runs, within one year from the passage of this Act. That portion of the road running through Washington and Dupont streets shall be by single track.

SEC. 2. The owners of said railroads shall pave, plank, or macadamize, (as the proper authorities of said City and County of San Francisco shall direct,) the streets through which the said railroad shall run, along the whole length thereof, for a width extending two feet on each side of said road, and shall keep the same constantly in repair; *provided*, that beyond Mason street, the grantees shall not be compelled to pave and plank, as aforesaid, until said street shall be graded. Conditions.

SEC. 3. The track of said railroad shall not be more than five feet wide, within the rails, with a space between the double tracks sufficient for the passage of the cars. It shall be laid as nearly as possible in the centre of each street, and flush with the level of the street, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other road, the rail of each shall be so altered, or cut, as to permit the cars to cross without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company, hereafter formed, from crossing the road herein mentioned, at any point, in like manner, in the City and County of San Francisco. Track.

SEC. 4. The rates of fare for each passenger upon said railroad shall not exceed five cents, each way, from any point on said road to the intersection of the Lone Mountain branch with Taylor street; and ten cents, or twelve tickets for one dollar, from any point on said road to a point beyond said intersection. Rates of fare

SEC. 5. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means of stopping the same when required. They shall be moved by horses or mules, and not otherwise, and at a speed not exceeding eight miles an hour; and in case of a violation of this provision, the owner or owners of said railroad shall be subject to a fine, not exceeding one hundred dollars for each offence. Cars.

SEC. 6. It shall be lawful for the owners of said franchise hereby granted, at any time to extend the said railroad, from the intersection of Sixth street with Brannan street, along said Brannan street, to its intersection with Third street; *provided*, they shall first give notice of such extension, by an advertisement, published in two daily newspapers in said city and county, for at least three months; and, *provided*, further, that a majority of the owners of property fronting on said extension shall not object, in writing, within the said three months. Said objection or protest to be estimated by the front foot. Extension.

Obstructions SEC. 7. Any person wilfully obstructing said railroad, shall be deemed guilty of a misdemeanor, and punished accordingly.

Duration of franchise. SEC. 8. The franchises and privileges hereby granted, shall continue for the period of twenty-five years, to date from and

Conditions. after the passage of this Act; *provided*, that the line of said railroad, from the intersection of Davis and Vallejo streets to the Branuan street bridge, and the branch of the same, from Taylor street to the Lone Mountain Cemetery, shall be completed, at least upon a single track, and passenger cars running thereon, within two years after May first, A. D. eighteen hundred and sixty-two, and the grantees shall, within one year after the passage of this Act, commence the construction of said road; but no time, during which they shall be prevented therefrom by legal process, shall be counted as a part of said time, and the said grantees, their associates or assigns, shall, within three months after the passage of this Act, execute, to the City and County of San Francisco, a bond, with good and sufficient sureties, to be approved by the County Judge of said city and county, conditioned in the sum of thirty thousand dollars, for the completion of the said railroad, according to the requirements and privileges of this Act, and file the same with the Treasurer of the city and county, for the benefit thereof; and upon a failure to comply with the provisions of this section, the franchise and privileges hereby granted shall utterly cease and determine, and the amount of the said bond may be recovered from the obligors therein named, in an action brought in the name of The City and County of San Francisco.

City and county may purchase.

SEC. 9. The owners of said railroad are required to sell, transfer, and convey, the same, together with the cars that may be employed thereon, to the City and County of San Francisco, at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to said parties, by said city and county, of the appraised value of the same; said appraisal to be made by five Commissioners, in the manner following: The Board of Supervisors of the City and County of San Francisco shall appoint two Commissioners, and notify the grantees, or their assigns, of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify the Board thereof; the four Commissioners, so appointed, shall elect a fifth—but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said city and county. In case of the failure of the grantees, or their assigns, to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisal, and present their report, within thirty days after the completion of the Commission, and file the same in the office of the Clerk of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding upon the parties. The amount of the award shall be paid, by the Treasurer of the city and county, to the grantees or their assigns, within

Manner of appraisal.

sixty days after the filing of said award, and thereupon the title to said railroad and cars shall vest in the said city and county.

Sec. 10. Nothing in this Act shall be so construed as in any-^{Proviso.} wise to prevent the proper authorities of the said City and County of San Francisco from sewerage, grading, paving, planking, repairing, or altering, any of the streets herein before specified, but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails, or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.

Sec. 11. The owners of said railroad shall pay to the City^{License.} and County of San Francisco the sum of fifty dollars per annum, as a license upon each car used by them upon said railroad, which payment shall be made quarterly to the said city and county.

Sec. 12. The Board of Supervisors of the City and County of San Francisco, or their legal successors, are hereby authorized and empowered to grant to the said parties named in the first section of this Act, their associates or assigns, such additional^{Additional rights may be granted.} rights, privileges, and grants, as said parties, their associates and assigns, may desire, or deem necessary for the full and complete enjoyment of the franchise and privileges created and granted by this Act.

CHAP. CCCII.—*An Act for the Encouragement of Agriculture and Manufactures in California.*

[Approved April 25, 1862.]

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

SECTION 1. There shall be paid, from any money in the Treasury not otherwise appropriated, to the producer claiming a premium by virtue of the provisions of this Act, the following sums, for each of the articles herein enumerated, grown and manufactured in California:^{Premiums.}

For the first one hundred bags of sugar, containing one hundred pounds each, produced from sorghum, five hundred dollars.^{Sugar.} For the same quantity, produced the next succeeding year, two hundred and fifty dollars. For the same quantity, produced the second succeeding year, one hundred and fifty dollars. For the same quantity, produced the third succeeding year, one hundred dollars. For the same quantity of sugar, produced from sugar cane, the same premiums, and upon the same conditions, shall be paid; and also, for the same quantity, produced from beet root, the same premium, upon the same conditions.

For the first two hundred barrels molasses, manufactured from^{Molasses.} sorghum, two hundred dollars. For the first two hundred bar-

rels molasses, manufactured from sugar cane, five hundred dollars.

- Flax.** For the first two hundred bales of flax, of two hundred pounds each, one thousand dollars. For the same quantity, produced in the first, second, and third, succeeding years, three hundred dollars, two hundred dollars, and one hundred dollars, respectively. For the first one thousand bales of flax, of two hundred pounds each, two thousand dollars.
- Hemp.** For the production of hemp, the same premiums as are awarded on flax.
- Cotton.** For the first one hundred bales of cotton, of three hundred pounds each, three hundred dollars. For the same quantity, produced in the first, second, and third, succeeding years, two thousand, one thousand dollars, and five hundred dollars, respectively.
- Tobacco.** For the first two hundred bales of tobacco, one hundred pounds each, three hundred dollars. For the same quantity, produced the first, second, and third, succeeding years, two hundred and fifty dollars, two hundred dollars, and one hundred and fifty dollars, respectively. For the first one thousand bales, of one hundred pounds each, one thousand dollars. For the first one hundred cases, of fifty pounds each, of manufactured tobacco, two hundred and fifty dollars. For the same quantity, in the first, second, and third, succeeding years, two hundred dollars, one hundred and fifty dollars, and one hundred dollars, respectively. For the first one thousand cases of manufactured tobacco, of fifty pounds each, one thousand dollars.
- Hops.** For the first one thousand bales of hops, of two hundred pounds each, one thousand dollars. For the same quantity, produced in the first, second, and third, succeeding years, six hundred dollars, four hundred dollars, and two hundred dollars, respectively.
- Raw silk.** For the first ten bales of raw silk, of one hundred pounds each, two thousand dollars. For the first one hundred bales of raw silk, of one hundred pounds each, five thousand dollars.
- Cotton drilling.** For the first one thousand pieces of cotton drilling, of forty yards each, two thousand dollars. For the first one thousand bales of cotton drilling, of sixteen hundred yards each, four thousand dollars.
- Burlaps.** For the first one thousand pieces of burlap, of forty yards each, suitable for grain sacks, two thousand dollars. For the first one thousand bales, of same quality and description, of sixteen hundred yards each, three thousand dollars. For the first one thousand pieces of burlap, of forty yards each, suitable for wool sacks, two thousand dollars. For the first one thousand bales, of sixteen hundred yards each, of same quality and description, two thousand dollars.
- Hemp carpeting.** For the first one hundred pieces of hemp carpeting, colored, of forty yards each, two hundred dollars. For the first thousand pieces, of forty yards each, one thousand dollars.
- Linen.** For the first one hundred pieces of linen, of forty yards each, suitable for shirts or miners' frocks, one thousand dollars. For the first one thousand pieces, of same description, one thousand dollars.
- Calico.** For the first one hundred pieces of calico, of thirty yards

each, five hundred dollars. For first one thousand pieces of calico, of thirty yards each, one thousand dollars.

For the first one hundred pieces of cotton shirting, of forty yards each, one thousand dollars. For the first one thousand pieces of cotton shirting, of forty yards each, one thousand dollars.

For the first one hundred pieces of cotton sheeting, of forty yards each, one thousand dollars. For the first one thousand pieces of cotton sheeting, of forty yards each, one thousand dollars.

For the first one thousand pieces, of forty yards each, of pilot cloths, broad cloths, tweeds, or cassimeres, exported from the State, on each specification, two thousand dollars. On the first, second, and third, succeeding shipment, of the same quantity, fifteen hundred dollars, one thousand dollars, and five hundred dollars, respectively, on each specification.

For the first one hundred bales of blankets, of forty pairs each, exported from the State, one thousand dollars. For the first one thousand bales of blankets, of forty pairs each, exported from the State, two thousand dollars.

For the first one hundred pieces of ingrain carpet, of sixty yards each, two hundred dollars. For the first thousand pieces of ingrain carpet, of sixty yards each, one thousand dollars. For the first one hundred pieces of Brussels carpet, of sixty yards each, two hundred dollars. For the first one thousand pieces of Brussels carpet, of sixty yards each, one thousand dollars.

For the first one thousand pairs of wool socks, two hundred and fifty dollars. For the first one thousand dozen wool socks, five hundred dollars.

For the first one thousand pairs woollen drawers, three hundred dollars. For the first one thousand dozen pairs of woollen drawers, five hundred dollars.

For the first one thousand woollen undershirts, three hundred dollars. For the first one thousand dozen woollen undershirts, five hundred dollars.

For the first twenty-five bales of cottonized flax, of one hundred pounds each, one thousand dollars. For the first one thousand bales cottonized flax, of one hundred pounds each, one thousand dollars.

For the first one hundred cases of men's boots, of twelve pairs each, five hundred dollars. For the first one thousand cases of men's boots, of twelve pairs each, one thousand dollars.

For the first one hundred cases men's shoes, of twenty-four pairs each, five hundred dollars. For the first one thousand cases men's shoes, of twenty-four pairs each, one thousand dollars.

For the first one hundred cases women's shoes, of thirty-six pairs each, five hundred dollars. For the first one thousand cases of women's shoes, of thirty-six pairs each, one thousand dollars.

For the first one hundred cases children's shoes, of forty-eight pairs each, two hundred and fifty dollars. For the first three

hundred cases of children's shoes, of forty-eight pairs each, five hundred dollars.

Tea. For the first ten chests of tea, of twenty-five pounds each, one thousand dollars. For the first one hundred chests of tea, of fifty pounds each, two thousand dollars. And for the same quantity of the same article, produced the first, second, and third, succeeding years, fifteen hundred dollars, one thousand dollars, and five hundred dollars, respectively.

Coffee. For the production of coffee, the same premium shall be awarded as on the production of tea.

Cordage. For the first one hundred coils of assorted cordage, of sizes of not less than one inch, and length not less than sixty fathoms, two hundred and fifty dollars. For the same, tarred, five hundred dollars.

Tar. For the first ten barrels of tar, two hundred dollars. For the first one hundred barrels of tar, five hundred dollars.

Rosin. For the first ten barrels of rosin, one hundred and fifty dollars. For the first one hundred barrels of rosin, three hundred dollars.

Pitch. For the first ten barrels of pitch, one hundred and fifty dollars. For the first one hundred barrels of pitch, three hundred dollars.

Turpentine. For the first one hundred gallons of spirits of turpentine, two hundred and fifty dollars. For the first one thousand gallons of spirits of turpentine, five hundred dollars.

Paper. For the first one hundred reams of printing paper, manufactured from cotton, five hundred dollars. Manufactured from any other fibre or material, the same premium. And for the first one thousand reams of each, manufactured, one thousand dollars.

Books. For the first book, of not less than three hundred pages, on the mining and industrial resources of California, printed on California paper, stitched with California thread, and bound in California skins and boards, five hundred dollars. For the second, of same character and description, two hundred and fifty dollars. For the third, one hundred and fifty dollars.

Bottles. For the first one thousand dozen of glass wine-bottles, fifteen hundred dollars.

Beer. For the first one thousand cases of bottled beer, of two dozen each, exported, and proved to withstand sea voyages and changes of climate, fifteen hundred dollars. And for the first, second, and third, succeeding shipment, one thousand dollars, seven hundred dollars, and five hundred dollars, respectively.

Oil. For the first one hundred packages of linseed oil, of twenty gallons each, one thousand dollars.

For the first one hundred packages of cotton seed oil, of twenty gallons each, one thousand dollars.

Cotton plantation. For the first plantation of cotton, of not less than ten acres, in bearing of good staple, one thousand dollars. For the first fifty acres of cotton, in bearing of good staple, two thousand dollars. For the first one hundred acres of cotton, in bearing of good staple, three thousand dollars. For the first plantation of tree cotton, of not less than ten acres, in bearing of good staple, three thousand dollars.

For the first ten cases of indigo, of one hundred pounds each, Indigo.
one thousand dollars.

For the first one thousand pounds of rice, two hundred and Rice.
fifty dollars. For the first five thousand pounds of rice, five
hundred dollars. For the first ten thousand pounds of rice, one
thousand dollars. And for the same quantity produced the first,
second, and third, succeeding years, the same premium shall be
paid.

SEC. 2. The President of the State Agricultural Society, the Board of
President of the Agricultural, Horticultural, and Mechanical Judges.
Society of the Northern District, the President of the San
Joaquin Valley Agricultural Society, the President of the Me-
chanical Institute, in San Francisco, and the Governor of the
State, who shall be President of the Board, shall constitute a
Board of Judges, a majority of whom shall constitute a quorum
for the transaction of all business, whose duty it shall be to
examine and judge of the products herein mentioned, and
award the premiums named to the parties entitled to them.
according to the provisions of this Act.

SEC. 3. No person, exhibiting any article or articles named Articles
in this Act, shall be entitled to a premium therefor, unless the to be
articles so exhibited be good and merchantable, and the best of exhibited.
the kind so exhibited. And no article, produced or manufac-
tured within any one year, shall be exhibited for premium
herein offered more than once; and such exhibition shall be
accompanied by a statement, in detail, of the culture or manu-
facture, and cost, together with satisfactory proof that the
article or articles exhibited have not been before exhibited for
any such premium, and that the same was produced or raised,
and manufactured, within the State of California.

SEC. 4. The Judges shall fix upon the time and place of Time and
such exhibition of articles for premiums, but samples of all place of
articles exhibited, or intended to be exhibited, within any given exhibition.
year, shall be exhibited by sample at the annual fair of each of
the societies named in this Act, within such year, or within the
next succeeding year, and may receive such premiums from such
societies as they may deem proper to offer, in accordance with
the rules of such society.

SEC. 5. Upon the award of a premium to any person, the Duty of
Judges shall certify the same to the Controller of State; and, Controller
upon the presentation of such certificate to the Controller, he of State.
shall draw his warrant for the amount named therein, upon the
State Treasurer, according to law.

CHAP. CCCIII.—*An Act to amend an Act entitled an Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty, and an Act amendatory of and supplementary to said Act, approved May twentieth, eighteen hundred and sixty-one.*

[Approved April 25, 1862.]

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

SECTION 1. Section three of said amendatory and supplementary Act is hereby amended so as to read as follows:

Section 3. Section thirteen of said Act, passed April twenty-second, eighteen hundred and fifty, is hereby amended so as to read as follows:

Holding over
after rent
is due.

When any person or persons shall hold over any lands, tenements, or other possessions, after the termination of the time for which they are demised or let to him, her, or them, or to the person under whom he, she, or they, hold, or after any rent shall become due, according to the terms of such lease or agreement, and shall remain unpaid for the space of three days after demand for payment thereof, in all such cases, if the lessor, his heirs, executors, assigns, agent, or attorney, shall make demand, in writing, of such tenant or tenants, that he, she, or they, shall deliver the possession of the premises held as aforesaid, and if such tenant or tenants shall refuse or neglect, for the space of three days after such demands, to quit the possession of such lands and tenements, or to pay the rent thereof, due and unpaid as aforesaid, upon complaint therefor to any Justice of the Peace of the proper county, the Justice shall proceed to hear, try, and determine, the same, in the same manner as in other cases herein before provided for, but shall impose no fine in any such case mentioned in this section. It shall not

Demand for
rent.

be necessary, in order to work a forfeiture for non-payment of rent, to make demand for rent on the day on which the same becomes due, or at any particular time of the day; but demand may be made of the tenant, in person, at any time within a year after such rent shall become due according to the terms of any lease or agreement, and may be made for the whole amount due and unpaid at the time of such demand; and the failure on the part of the lessee or his assigns, to pay such rent upon such demand being made, shall have the same force and effect as if demand had been made on the premises, towards sunset on the day when the rent became due. No person, other than actual occupants of the premises, shall be necessary parties defendant to proceedings provided for in this section; and, in case a married woman be a tenant or occupant, and her husband is not a resident of the county in which the premises are situated, her marriage shall not be a defence in such proceedings; but, in case her husband be not joined, or unless she be doing business as a sole trader, a judgment against her shall only be valid against property on the premises at the time of the trial.

Parties
defendant.
Married
women.

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

Section 4. In all leases of lands and tenements, or any interest therein, from month to month, the landlord is hereby authorized, upon giving notice, in writing, at least fifteen days before the expiration of the month, to change the terms of the lease, to take effect at the expiration of said month. Said notice, when served upon the tenant, shall of itself operate, and be effectual to create and establish, as a part of the lease, the terms, covenants, and conditions, specified in said notice; *provided*, that if the tenant shall surrender and yield up to the landlord the lands, tenements, or interests, therein held by him, at or before the expiration of said month, he shall not be bound by the terms, covenants, or conditions, set forth in said notice.

Notice of change of terms of lease.

Proviso.

SEC. 3. Section fourteen of said Act, passed April twenty-second, eighteen hundred and fifty, is hereby amended so as to read as follows:

Section 14. The remedy provided for in the preceding section shall not apply as against any person who shall have held the premises demised, leased, or let, to him, or to the person under or through whom he holds the possession, for one year, adversely to the right, title, or claim, of the landlord or the person under or through whom he claims.

Remedy not to apply in certain cases.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCIV.—*An Act to amend an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain Rights and Privileges, passed April twenty-fourth, eighteen hundred and fifty-eight.*

[Approved April 25, 1862.]

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

SECTION 1. Section second of said Act is amended as follows:

The State of California, upon the express conditions herein-after 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 Carquines, which said half mile shall be in one body, and shall not interfere with the now existing right, 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 after the passage of this Act. A failure to make such surveys and plot, and record the same, within sixty days, as aforesaid, shall be considered and work an entire failure and avoidance of this grant.

Grant of land.

Forfeiture.

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

If the said incorporated company shall fail to construct the road from the City of Marysville to the City of Vallejo, and have the said road in complete running order within six years

Failure to complete, to work revocation.

from the twenty-fourth day of April, one thousand eight hundred and fifty-eight, then, and in that event, all of the grants, concessions, and privileges, proposed to be granted, are declared to be revoked, and null, void, and of no effect in law.

SEC. 3. All Acts, or parts of Acts, which are in conflict with this Act, are hereby repealed.

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

CHAP. CCCV.—*An Act to legalize the Assessment for Taxes for the fiscal year ending on the first day of March, A. D. eighteen hundred and sixty-two, in the several counties of this State.*

[Approved April 25, 1862.]

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

Assessments
legalized.

SECTION 1. The assessment of taxes upon all property, both real and personal, in the several counties of this State, whether for State, county, or other purposes, made by the County Assessors thereof, for the fiscal year ending on the first day of March, one thousand eight hundred and sixty-two, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed.

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

CHAP. CCCVI.—*An Act granting the Right to construct and maintain a Bridge across the Cosumnes River, about one mile below the Town of Live Oak, in the County of Sacramento.*

[Approved April 25, 1862.]

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

Franchise.

SECTION 1. The right to erect, construct, to have, enjoy, and maintain, for the period of twenty years, a public toll bridge across the Cosumnes River, at a point about one mile below the Town of Live Oak, and about four miles above Daylor's Ranch, on the site of the bridge formerly known as the Live Oak or Putnam's Bridge, on the Sacramento and Drytown and Jackson road, in the County of Sacramento, is hereby granted to Samuel Putnam, together with such associates as he may admit, and their assigns, upon the terms and conditions hereinafter set forth.

Manner of
construction
of bridge.

SEC. 2. Said bridge shall be erected and constructed in a good and substantial manner, and of the best and most durable materials, and shall be completed within eighteen months after the passage of this Act.

SEC. 3. The said Samuel Putnam and his associates are authorized and empowered to charge and collect such rates of tolls as the Board of Supervisors of said Sacramento County may determine upon, annually; *provided*, that the Legislature may, at all times, regulate, modify, or change, the rates so fixed by said Board of Supervisors.

SEC. 4. The said Samuel Putnam and his associates 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. Notice of such regulation shall be kept posted upon some conspicuous part of each end of said bridge, and for each violation of said regulation the party offending may be fined, in any Court of competent jurisdiction, in any sum not less than ten nor more than fifty dollars; *provided*, also, that parties violating such regulation shall be liable for any actual damage sustained by reason of such violation.

SEC. 5. No toll bridge or ferry shall be established within one mile immediately above or below said bridge, unless it be required by public convenience.

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

CHAP. CCCVII.—*An Act supplemental to an Act entitled an Act to create the Office of State Geologist, and to define the Duties thereof, approved April twenty-first, eighteen hundred and sixty-one.*

[Approved April 25, 1862.]

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

SECTION 1. The State Geologist is hereby authorized to have printed, and combine in one volume, his first and second annual reports, as required to be made by the second section of the Act to which this is supplemental, and present the same to the Governor and Secretary of State, during the session of the Legislature of eighteen hundred and sixty-three, to be disposed of as already provided for by law.

SEC. 2. The style and form, and the number of copies of said volume to be printed, and the publishers thereof, and the style, form, and number, of maps, drawings, diagrams, and illustrations, to be contained therein, or to be printed separately, shall be determined by the State Geologist, with the advice and approval of the Governor.

SEC. 3. The sum of three thousand dollars is hereby set apart, or so much thereof as may be necessary, out of any moneys in the General Fund not otherwise appropriated, for the payment of the printing and engraving of said volume, which payment shall be audited by the State Controller, in the same manner as prescribed in section six of the Act to which this is supplemental.

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

CHAP. CCCVIII.—*An Act to repeal Sections Four and Five of an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one.*

[Approved April 25, 1862.]

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

Counties
affected.

SECTION 1. Sections four and five of an Act entitled an Act amendatory of and supplementary to an Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one, approved May fourteenth, eighteen hundred and sixty-one, are hereby repealed, so far as the same refer to the Counties of Los Angeles, San Diego, San Bernardino.

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

CHAP. CCCIX.—*An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one.*

[Approved April 25, 1862.]

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

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

Justification
of sureties
upon bonds.

Section 76. In all cases where bonds are required by this Act, the sureties must justify, on oath, before some officer authorized to administer oaths, to the effect that they are householders or freeholders, residents within the State, and worth the amount justified to, over and above their debts and liabilities, exclusive of property exempt from execution; such justification shall be in writing, signed by the person justifying, and certified to by the officer who takes the same, and attached to and filed with the bond. Whenever the penal sum of the bond amounts to more than two thousand dollars, the sureties may be allowed to become liable for portions of said penal sum, making in the aggregate the whole penal sum of the bond.

CHAP. CCCX.—*An Act supplementary to an Act entitled an Act to provide for the Collection and Payment of the quota of the Direct Tax apportioned to this State, by an Act of Congress, entitled an Act to provide for increased Revenue from imposts, to pay interest on the Public Debt, and for other purposes, passed sixth of August, eighteen hundred and sixty-one, approved April twelfth, eighteen hundred and sixty-two.*

[Approved April 25, 1862.]

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

SECTION 1. The Board of Supervisors of each of the several counties of this State are hereby required, at their meetings to be held on the first Monday of May, eighteen hundred and sixty-two. if they have not already done so, to add to the amount levied by law on each one hundred dollars of taxable property, real and personal, for either State or county purposes, the ad valorem tax levied by the Act to which this is supplementary; and the tax so levied is hereby made a lien against the property so assessed, which lien shall attach on the first Monday of May, eighteen hundred and sixty-two.

Supervisors
to levy ad
valorem tax.

Lien.

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

CHAP. CCCXI.—*An Act for the Better Protection of Farmers in certain portions of Sacramento County.*

[Approved April 25, 1862.]

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

SECTION 1. If any horse, mule, jack, jennet, hog, sheep, goat, or any head of neat cattle, shall trespass upon any cultivated field, during the sowing, planting, growing, or harvesting season, and until the crop or crops are removed, or shall trespass upon any garden or orchard, whether such cultivated field, garden, or orchard, is or is not enclosed with a lawful fence, the owner or owners of any such horse, mule, jack, jennet, hog, sheep, goat, or head of neat cattle, shall be liable for all damages sustained by reason of such trespass, the same as if such cultivated field, garden, or orchard, were enclosed by a lawful fence; *provided*, that this Act shall only apply to that portion of Sacramento County lying south of the American River, on the east bank of the Sacramento, and extending from the Sacramento River to the high lands, or to the line of overflow, as designated on the map of Swamp and Overflowed Lands of Sacramento County, now on file in the County Recorder's office of said county; and *provided*, further, that this Act shall

Animals
trespassing
upon unen-
closed lands.

Application
of Act.

Proviso.

not apply to that portion of Sacramento County lying south of the Cosumnes River, in said county.

SEC. 2. So much of any Acts, or parts of any Acts, as conflict with the provisions of this Act, are hereby repealed.

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

CHAP. CCCXII.—*An Act providing for the Time of holding Court in the Sixteenth Judicial District.*

[Approved April 25, 1862.]

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

Terms.

SECTION 1. There shall be held, in the counties composing the Sixteenth Judicial District of this State, terms of Court, as follows: In the County of Calaveras, on the first Monday in January, April, July, and October; in the County of Amador, on the first Monday of February, June, August, and November; in the County of Mono, on the first Monday of May and September; *provided*, that a term of Court shall be held in the said County of Mono on the second Monday of May, eighteen hundred and sixty-two.

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

CHAP. CCCXIII.—*An Act to authorize John S. Williams, and his associates, to construct a Wharf at the foot of Franklin street and Van Ness Avenue, in the City and County of San Francisco.*

[Approved April 25, 1862.]

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

Franchise.

SECTION 1. John S. Williams, his associates and assigns, are hereby authorized to construct a wharf at the northern extremity of Van Ness Avenue, in the City and County of San Francisco, and extend the same into the Bay of San Francisco, in a direct line with said avenue, to a point where the water is twenty feet deep at low tide, said wharf not to exceed in width the width of said avenue; *provided*, that in no event shall said wharf be constructed in such a manner that it will obstruct navigation.

Tolls.

SEC. 2. The said parties shall have exclusive right to collect tolls and wharfage on said wharf, for the period of twenty years from and after the passage of said Act; ten per centum of the gross receipts of said wharf shall be paid into the Treasury of said city and county; *provided*, that the Board of Supervisors of said City and County of San Francisco shall have the right to

Ten per cent. to be paid into County Treasury.

regulate the rate of tolls and wharfage to be collected on said wharf.

SEC. 3. No obstruction shall be placed in the waters of the Bay of San Francisco, within two hundred feet of said wharf, on either side, beyond the line of the water front, as established by law. Obstructions

SEC. 4. The said wharf shall be commenced within one year, and shall be completed within three years, from the passage of this Act; and if not so commenced and completed, as herein provided, then this franchise shall be forfeited; *provided*, that at the expiration of twenty years, the said wharf is hereby granted to, and shall vest in, said City and County of San Francisco; and, *provided*, further, that at any time after the completion of said wharf, the Board of Supervisors of the City and County of San Francisco may purchase the same, by paying the amount that said wharf shall be assessed by three Commissioners, one of whom shall be appointed by the Board of Supervisors, one by the owners of said wharf, and one by the two thus appointed, with ten per cent. added thereto. Conditions.
City and County may purchase.

SEC. 5. The Board of Supervisors of said city and county, or a committee thereof, shall, at all times, have free access to the books of said wharf company; and from between the first and fifth of every month, from the time when they shall commence to use the said wharf, the said John S. Williams, and his associates, or their administrators or assigns, shall pay, into the City and County Treasury aforesaid, the amount aforementioned in this Act, duly verified before a Notary Public or Justice of the Peace, as being the full amount due the said city and county from the receipts or proceeds of said wharf.

CHAP. CCCXIV.—*An Act to grant the Right to construct Bridge across Cache Creek, in Yolo County, at or near the Cacherville, to certain parties therein named.*

[Approved April 25, 1862.]

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

SECTION 1. W. G. Hunt, E. R. Lowe, and such associates as they may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon conditions that they and their associates shall incorporate themselves, under the general laws of the State regulating corporations and providing for the incorporation of bridge companies, and shall adopt the name of "Cache Creek Bridge Company," and shall abide by and fulfil the further conditions hereinafter mentioned. Franchise.

SEC. 2. Said company, when incorporated, shall have full power to build, erect, construct, and maintain, a public toll bridge across Cache creek, in Yolo County, at the Town of Cacherville, and have and enjoy all rights, privileges, and immunities, there- Powers of company.

- unto appertaining, and shall have the right of way across said creek, and the privilege of using the same for that purpose, which is hereby granted and ceded to said company, for the term of twenty years; *provided*, within one year from the date of the passage of this Act, the said company shall complete the construction of said bridge, otherwise the right to construct the same shall be forfeited, and this Act shall 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 person or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition. At any time after the completion of said bridge, the County of Yolo shall have the right to purchase the same from said company, by paying therefor the actual value thereof, to be ascertained and agreed upon by the Board of Supervisors of the county, and said company. But in case the Board of Supervisors, and said company, cannot agree upon such value, then they shall, each, immediately appoint one person as a Referee, and the two, when so appointed, if they cannot agree upon such value, shall appoint a third, and the value set upon said bridge by a majority of said Referees, shall be taken and accepted by said Board, and said company, as the real value thereof; the franchise and right of way not to be considered in estimating said value, but to revert to said county upon the purchase of said bridge, as herein provided, and after such purchase, said bridge shall be and remain a free bridge.
- Conditions.**
- County may purchase.**
- Construction** SEC. 3. The said bridge shall be constructed on the best and most approved plan, in a substantial manner, and of the most durable material, commonly used for such purposes.
- Tolls.** SEC. 4. The said bridge company, upon the erection and completion of said bridge, shall be authorized and empowered to charge and collect such rates of toll, and shall be required to pay into the County Treasury such license, annually, as the Board of Supervisors of Yolo County shall, from time to time, fix and establish.
- Speed of travel.** 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 damages by said company sustained by such travel, riding or driving, exceeding the speed authorized by the company.
- 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. CCCXV.—*An Act to grant to T. S. Benoiste, and his associates or assigns, the Right to construct and maintain a Wagon Road, in Sonoma County, in this State.*

[Approved April 25, 1862.]

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

SECTION 1. T. S. Benoiste, and such persons as he may associate with him, are hereby granted the right to construct and maintain, for a period of twenty years, a wagon road in Sonoma County, from a point in Russian River Valley at or near Jordan's Mill, thence to the Quicksilver Mines in Pine Flat, thence to the boundary line of Lake County, and also from Pine Flat to the Geyser Springs. Franchise.

SEC. 2. The said T. S. Benoiste and his associates shall, within three months from the passage of this Act, survey and lay out, and commence the construction of, the said road or roads, and within three years complete the same, and shall have the right to collect such rates of tolls upon said roads as the Board of Supervisors of Sonoma County may, from time to time, fix. Conditions.

SEC. 3. The Board of Supervisors of Sonoma County shall have power to appoint appraisers, who shall proceed and determine all cases of appraisements the same as in laying out county roads and public highways in said county; the said T. S. Benoiste and associates to pay the cost of appraising, as in other cases. Appointment of Appraisers.

SEC. 4. The Board of Supervisors shall have the right to purchase the road or roads mentioned in this Act, by giving sixty days notice to said Benoiste, and his associates or assigns, by paying the value of said road or roads; said value to be ascertained by five appraisers, two of whom shall be appointed by the Board of Supervisors of Sonoma County, two by said Benoiste, and his associates or assigns, and one by the four above mentioned appraisers, who shall, before proceeding under this section, be sworn to faithfully perform their duties, by some officer empowered to administer oaths. County may purchase road.

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

CHAP. CCCXVI.—*An Act creating the Offices of Township Collectors and Assessors, in the Counties of El Dorado and Amador.*

[Approved April 25, 1862.]

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

SECTION 1. There shall be elected, in each of the townships of the County of El Dorado, at the general election to be held in the year A. D. eighteen hundred and sixty-three, and in each Election.

of the townships of the County of Amador, at the general election to be held in A. D. eighteen hundred and sixty-two, and at the general election to be held every two years thereafter, one Township Collector, who shall be ex officio Township Assessor, and who shall hold his office for the term of two years from and after the first Monday in March subsequent to his election, and until his successor is duly elected, or appointed and qualified.

Bonds. Sec. 2. Every Township Collector shall, before he enters upon the duties of his office, make and file his bond in the office of the County Clerk, with two or more sureties, to be approved by the County Judge, in the penal sum of five thousand dollars, conditioned for the true and faithful performance of the duties of his office.

Vacancies. Sec. 3. In case of a vacancy occurring in the office of Township Collector, or failure of any Township Collector to qualify, as required by this Act, the Board of Supervisors shall appoint some suitable person, residing within the township, and possessing all the qualifications of an elector, to fill the vacancy, and the person thus appointed shall give the same bond, and take the like oath, that is required of Township Collectors elected by the people, and shall hold his office during the remainder of the unexpired term, and until his successor is elected and qualified.

Duties. Sec. 4. The Township Collector shall collect all property taxes, all foreign miners' license taxes, all poll taxes, all State and county licenses, and all other taxes, that may be required to be collected by him, by law, within his township. He shall visit every section of his township, at least once in each month, and shall collect from every person or persons therein, liable to pay the same, all taxes and licenses due by such person or persons.

Sec. 5. Each Township Collector shall keep a book, in which he shall enter:

First—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 sum was collected.

Second—He shall, in said book, enter the name 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 shall cease to be engaged in such business, or as any person or persons shall engage in any business, trade, occupation, or profession, for which, before the engaging therein, they should have procured a license. Said book shall be the property of the county, and open for inspection, at the office of said Collector, on Saturday of each week, from nine o'clock, A. M., to four o'clock, P. M., and shall be, by said Collector, delivered to his successor in office.

Settlement. Sec. 6. Each Township Collector shall, on the first Monday of each month, make a full settlement with the County Treasurer, and County Auditor. He shall first pay over all monies collected by him for property taxes, foreign miners' licenses, poll taxes, and State and county licenses, less his fees for collections, to the County Treasurer, and take from said Treasurer receipts, in duplicate, for the same. Said receipts shall show:

First—The amount paid to said Treasurer for money collected for property taxes.

Second—The amount paid to said Treasurer for money collected for foreign miners' licenses sold.

Third—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.

Fourth—The amount paid to said Treasurer for money collected for poll taxes.

Fifth—The total receipts. One of said receipts the Collector shall forthwith deliver to the Auditor, and shall settle with said officer.

SEC. 7. Each Collector shall be allowed, at each monthly settlement, five per cent. upon all moneys collected for property tax; twenty per cent. upon all moneys collected for foreign miners' licenses; fifteen per cent. upon all moneys collected for poll taxes; and ten per cent. upon all moneys collected for State and county license, in the preceding month, and the fees now allowed by law for enforcing the same. Seventy-five cents of the extra dollar collected on poll taxes after the first Monday in August, shall be paid to the County Treasurer, for the School Fund of the county, and twenty-five cents be retained by the Collector, as fees, in addition to fifteen per cent. on the first two dollars, which it shall be lawful for him to retain, as compensation for the collection of said poll tax. Pay of Collectors.

SEC. 8. Each Collector shall, at each monthly settlement with the County Auditor, 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 Collector in and for _____ Township, in _____ County, and that I have not knowingly permitted any person or persons to escape from, avoid, or evade, the payment of any property tax, foreign miners' license tax, poll tax, or any license for State and county purposes, that I have the authority to enforce the collection of, and that the sum of _____ dollars, 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 I have not issued, or caused or permitted to be issued, any foreign miners' license, poll tax receipts, or State and county licenses, not furnished me by the proper officers; and that I have, in no instance, taken from any person or persons, any sum of money, or other valuable thing whatever, or promise of reward, and allowed the said person or persons to evade the payment of their foreign miners' license tax, or their poll tax, or their property tax, or their State or county license. So help me, God." Oath of Collectors.

And each, the said Treasurer and Auditor, are expressly authorized and required to administer the preceding oath to each Collector aforesaid, at each monthly settlement; and any Collector who shall, knowingly, wilfully, or corruptly, swear falsely to any matter in said preceding oath contained, shall Treasurer and Auditor to administer oath.

be deemed guilty of perjury, and, upon conviction, shall be punished accordingly.

Failure to
pay over
moneys.

SEC. 9. If any such Collector shall fail to pay over to the County Treasurer of his respective county, on the first Monday of each month, or within five days thereafter, all moneys 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 five days thereafter, to make the settlement with the County Treasurer, and 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, by notice, to be served by the Sheriff on each member of the Board, to be held on the Monday succeeding the failure, at which meeting the Board, or a majority thereof, shall, unless they are satisfied that the act of God, or some unavoidable accident, prevented the said Collector from making such settlement, declare the office of said Collector vacant, and publish the same in some newspaper published in said county, and shall appoint some competent person residing in the township where the vacancy exists, Collector for the township, who shall be forthwith notified of his appointment, by the County Clerk, and who shall take the oath of office, and file the bonds by this Act required, within ten days, to be approved by the County Judge; and on the filing of the bonds, duly approved, shall immediately enter upon the duties of his office, and shall hold the same for the unexpired term of the defaulting Collector, and until his successor is elected and qualified, as in this Act provided.

Vacancy.

Appoint-
ment.

Bond.

Vacancy.

SEC. 10. Immediately upon the Board of Supervisors declaring the office of Collector vacant in any township, for the causes specified in this Act, the Clerk of said Board shall immediately notify the District Attorney of the same, who shall forthwith commence suit, in any Court of competent jurisdiction, upon the bond of said Collector, against him and his sureties, for the amount of his defalcation as said Collector, 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 in which the same is filed, be a lien upon all real and personal property of the said officer, and his sureties, until the said officer or his sureties shall have fully settled the full amount of whatever judgment may be recovered against them in said suit, or shall have settled with the proper officer of the county, as provided in this Act.

Duty of
District
Attorney.

Ex officio
Assessors.

SEC. 11. The Township Collectors of each township in the County of El Dorado, shall, on and after the first Monday in March, in the year A. D. eighteen hundred and sixty-four, and in the County of Amador, shall, on and after the first Monday in March, A. D. eighteen hundred and sixty-three, be ex officio Assessors in the township for which they are elected.

Bond.

SEC. 12. Each Township Assessor, before entering upon the duties of his office, shall execute to The People of the State of California a bond, in addition to his bond as Collector, in the penal sum of two thousand dollars, or in a greater sum, if the Board of Supervisors of said county shall require it, with two

or more sufficient sureties, to be approved by the County Judge, conditioned for the faithful performance of all the duties of his office required by law, and shall take the oath of office, which shall be indorsed upon his certificate of election or appointment.

SEC. 13. The County Auditor of the county shall, with the advice and assistance of the District Attorney, prepare an assessment roll, with the proper headings, in a well bound book, for each Assessor, and shall, on or before the first Monday in March, in each year, deliver the same to the Assessor. Assessment roll.

SEC. 14. On or before the first Monday in June, each Township Assessor shall complete his assessment roll, and make and subscribe before the Clerk of the Board of Supervisors of his county, an affidavit, which shall be attached to his assessment roll, which shall be substantially in the following form: Duty of Assessor.

"I, A B, do solemnly swear, that the foregoing is a true and correct assessment roll of my township, in the County of _____; that I have diligently and faithfully performed all the duties required of me by law; that I have made diligent search for all taxable inhabitants, and in every case demanded from each person and firm, and from the President, Cashier, Treasurer, Secretary, or Managing Agent, of each corporation, association, or company, within my township, when such person could be found, a statement, under oath, of all the taxable property of such person and firm, corporation, association, or company, and that I have impartially assessed the value of all property within my township. So help me, God." Form of oath

And at the same time he shall deliver it to the Clerk of the Board of Supervisors, who shall from that time keep the same open for inspection in his office until the meeting of the Board of Equalization.

SEC. 15. During the session of the Board of Equalization, the Clerk thereof shall enter upon the assessment roll of each township all changes and corrections made by the Board, and shall, on their adjournment, forthwith deliver the assessment rolls, so corrected, to the County Auditor, whose duty shall be to add up the columns of valuation of each description of property on the assessment roll of each township; and on or before the first Monday of July, he shall deliver a true copy of the corrected assessment roll of each township, to be styled a "Duplicate Assessment Roll," with the State, county, and other taxes, and totals of taxes, to each person, carried out in separate columns, with his certificate and seal attached thereto, to the Collector, for which the assessment roll was made. Changes and corrections to be entered on roll.

SEC. 16. On delivering the duplicate assessment roll to the Collector, the Auditor shall charge him with the full amount of taxes assessed and uncollected in his township, and shall forthwith transmit by mail to the Controller of State a statement of the total amount so charged in his county, together with the aggregate assessed value of the property upon which the same is due, which statement shall be verified by the oath of the Auditor, and entered by the Controller in the proper records of his office. Duplicate roll.

SEC. 17. The Township Assessors, provided for herein, shall

Responsibility of Assessors.

be responsible in all respects, and shall be liable under the general laws relating to County Assessors, where the same is not qualified by the provisions of this Act; and the said Assessors are hereby clothed with the same authority, in their official capacity, as are County Assessors, to the extent of each particular township.

Payment.

SEC. 18. Each Township Assessor shall receive a per diem. to be fixed by the Board of Supervisors, not exceeding three dollars; *provided*, that the Board of Supervisors may limit the number of days to which each Assessor may be allowed for assessing his township; and, *provided*, further, that such compensation shall not exceed one hundred dollars in any township, each year.

Act applicable.

SEC. 19. The provisions of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, shall be applicable in all its provisions to the Township Collectors and Assessors, in their respective townships, as in said Act provided for, for County Collectors and Assessors, except where in said Act conflicts with the provisions of this Act.

Office of County Assessor abolished.

SEC. 20. On and after the first Monday in March, A. D. eighteen hundred and sixty-four, the offices of County Collector and County Assessor, in and for the County of El Dorado, and on and after the first Monday in March, A. D. eighteen hundred and sixty-three, the offices of County Collector and County Assessor, in and for the County of Amador, shall be abolished.

SEC. 21. Constables may be eligible to election for the office of Collector and Assessor in the Counties of El Dorado and Amador.

CHAP. CCCXVII.—*An Act to provide for the submission of the proposed Amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, to the votes of the qualified electors at the next General Election.*

[Approved April 25, 1862.]

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

Advertisement.

SECTION 1. It shall be the duty of the Governor to advertise the proposed Amendments to the Constitution, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, in the same manner as he is now directed, by law, in the case of proclamations and official notices, for the space of three months next preceding the next general election.

Governor to prescribe form of voting.

SEC. 2. The Amendments to each article of the Constitution shall be voted upon separately from the others, in the manner and form prescribed by the Governor, which manner and form shall be printed, with the proposed amendments, and for the

same length of time that they shall be advertised, as provided in section one of this Act.

SEC. 3. The votes cast for and against said proposed amendments shall be canvassed in the same manner as now provided by law in the election of State officers, other than Governor and Lieutenant-Governor, and if it shall appear that a majority of all the votes cast upon the question of such amendment or amendments, at said next general election, are in favor of such amendment or amendments, as a part of the Constitution of the State, then the Governor shall issue his proclamation, declaring such fact, and the said amendment or amendments thus adopted shall become and be a part of the Constitution of this State.

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

CHAP. CCCXVIII.—*An Act to appropriate Money to the Ladies' Relief Society, and other Benevolent Societies.*

[Approved April 25, 1862.]

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

SECTION 1. Nine thousand dollars are hereby appropriated, out of any money in the Treasury not otherwise appropriated, as follows: Three thousand dollars to the San Francisco Ladies' Relief Society; three thousand dollars to the San Francisco Samaritan Society; and three thousand dollars to the Howard Benevolent Society, of Sacramento. And the Controller of State is hereby directed to draw his warrant for the aforesaid sums, upon the Treasurer, who is hereby authorized to pay the same.

CHAP. CCCXIX.—*An Act to grant the Right to construct a Turnpike Road, between the Town of Grass Valley, in the County of Nevada, and a point on Bear River, at or near McCourtney's Crossing.*

[Approved April 25, 1862.]

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

SECTION 1. J. R. Rush, together with such associates as he may admit, shall take, have, and enjoy, all the rights, privileges, right 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 incorporation of turnpike roads, and shall adopt the name of "The Grass Valley and Bear River Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

- Powers of company.** SEC. 2. The said company shall have full power to build and maintain a public turnpike road, from the Town of Grass Valley, in Nevada County, to Bear River, at or near McCourtney's Crossing, in the County of Nevada, and have and enjoy all the rights, privileges, and immunities, thereto appertaining, and shall have the right of way, which is hereby ceded and granted to said company for the term of twenty years; and the State enters into these covenants, and makes these grants, and guarantees these rights and privileges, upon express condition, that, within one year from the passage of this Act, the said company shall commence, and within two years complete, the said turnpike road.
- Duration of franchise.**
- Rights made applicable.** SEC. 3. The same rights as are now extended by the laws of this State to plank and turnpike roads, in relation to the taking of property for the use of plank or turnpike roads, are hereby extended to the Grass Valley and Bear River Turnpike Road Company, the damage to be ascertained and paid in the same manner as they are by the said plank and turnpike roads.
- Construction.** SEC. 4. The said turnpike shall be constructed of sufficient width to admit of the heaviest sized teams, and shall be at all seasons in condition for travel by the largest lumber and other heavily loaded wagons.
- Tolls.** SEC. 5. The said company, upon the completion of said turnpike, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Nevada County shall annually establish; and if, at the end of ten years after the passage of this Act, the County of Nevada should desire to purchase said turnpike, for the purpose of making the same a free road, then the said Nevada County shall have the right to purchase said turnpike, and its value shall be fixed by a board of appraisers, consisting of three members, to be appointed as follows: One by the County of Nevada, one by the said company, and the appraisers so appointed shall appoint the third appraiser. The board of appraisers shall proceed to appraise the said turnpike at a fair valuation, and Nevada County shall have the privilege of accepting or rejecting said turnpike at the price fixed by the appraisers.
- County may purchase.**
- Scale of prices.** SEC. 6. Said company shall keep, at each end of the road, a sign board, which shall show the scale of prices and the regulations of the road.
- SEC. 7. This Act shall take effect from and after its passage.

CHAP. CCCXX.—*An Act to repeal an Act entitled an Act to regulate the Fees of certain Officers in Calaveras County, approved May twentieth, eighteen hundred and sixty-one.*

[Approved April 25, 1862.]

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 Fees of

certain Officers in Calaveras County, approved May twentieth, eighteen hundred and sixty-one, is hereby repealed.

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

CILAP. CCCXXI.—*An Act to grant the Right of Way to construct a Toll Bridge across Bear River, at or near McCourtney's Crossing, in the Counties of Nevada and Placer.*

[Approved April 25, 1862.]

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

SECTION 1. J. R. Rush, and his associates, shall take, have, ^{Franchise.} possess, and enjoy, all the rights, privileges, right of way, franchises, and immunities, hereinafter mentioned, upon condition that he and his associates shall incorporate themselves, under the general laws of this State regulating corporations and providing for the incorporation of bridge companies, and shall adopt the name of "The Bear River and Grass Valley Bridge Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Sec. 2. Said company, when incorporated as aforesaid, shall ^{Powers of company.} have full power to build, erect, construct, and maintain, a public toll bridge across Bear River, at a point at or near McCourtney's old Crossing, in Nevada County, and a point opposite thereto in Placer County, 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 years; ^{Conditions.} *provided*, that within six months from the date of the passage of this Act, the said company shall commence the construction of said bridge, and, within eighteen months, shall have built and fully completed 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 damages 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 Counties of Nevada and Placer shall have the right to purchase said bridge ^{Counties may purchase.} at an appraised value, to be determined by five appraisers, one of whom shall be elected by the Board of Supervisors of Nevada County, one by the Board of Supervisors of Placer County, two by said company, and one to be elected by the four appraisers herein provided for; and such value shall be estimated to be the value of the bridge, not including the franchise or rights of way hereby granted; and, ^{Proviso.} *provided*, further, that if said bridge be purchased by the Counties of Nevada and Placer, then the right to levy and collect tolls shall cease.

- Construction** **SEC. 3.** Said bridge shall be constructed in a good and substantial manner, and of the best and most desirable materials.
- Tolls.** **SEC. 4.** 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 the County of Nevada may fix.
- Speed of travel.** **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 the company; and for each violation of the rules of said company in regard to speed, the fact being proved, said company shall recover nominal damages, with costs, and such further special damages as shall be proved.
- May recover damages.** **SEC. 6.** Said company shall keep, in some conspicuous place, at each end of said bridge, a bulletin, which shall contain the scale of prices and notice of speed allowed on said bridge.
- Scale of prices.** **SEC. 7.** This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXII.—An Act to authorize the Board of Managers of the Industrial School Department of the City and County of San Francisco to grant and convey, to the San Francisco and San José Railroad Company, the Right of Way for the construction of said road, over and through the land belonging to the said Industrial School Department.

[Approved April 25, 1862.]

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

Conveyance of right of way.

SECTION 1. The Board of Managers of the Industrial School Department, of the City and County of San Francisco, are hereby fully authorized and empowered to grant and convey, upon such terms and conditions as they may deem proper, to the San Francisco and San José Railroad Company, the right of way, to construct and maintain the said railroad, as now surveyed and located, over, through, upon, or across, the land belonging to said Board of Managers of the Industrial School Department, situated in said city and county, and situated upon the tract of land known as the Noe or San Miguel Ranch, known as the House of Refuge lot; being the same land conveyed by the Board of Supervisors of said city and county to the Board of Managers of the Industrial School Department of said city and county, by deed bearing date September eleventh, A. D. eighteen hundred and fifty-eight, and recorded in the Recorder's office of said city and county, in liber seventy-nine of Deeds, page three hundred and seventeen; and the deed to said railroad company, for said right of way, may be executed by the President of said Industrial School Department.

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

CHAP. CCCXXIII.—*An Act for the Relief of the Legatees of Abraham De Iecurr, deceased.*

[Approved April 25, 1862.]

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

SECTION 1. The Controller of State is hereby directed to draw his warrant upon the State Treasurer for the sum of two thousand two hundred and eighty-six and sixty-seven hundredths dollars, in favor of J. P. H. Gildemeester, Consul of the Netherlands in California, for the benefit of the legatees of Abraham De Iecurr, deceased; and that sum is hereby appropriated out of any moneys in the General Fund not otherwise appropriated. Controller to draw warrant.

SEC. 2. This Act is hereby exempted from the operation of an Act entitled an Act to create a Board of Examiners, to define their duties and powers, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, one thousand eight hundred and fifty-eight. Exempted from action of Board of Examiners.

SEC. 3. This Act shall go into effect immediately after its passage.

CHAP. CCCXXIV.—*An Act to authorize the County Auditor of the Counties of Mono, Tuolumne, and San Joaquin, to issue certain Bonds, and provide for the Construction of a Road herein named.*

[Approved April 25, 1862.]

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

SECTION 1. The County Auditors of the Counties of Mono and Tuolumne are hereby authorized, upon the order of the Board of Supervisors of said counties, to issue the bonds of said counties, respectively, for any amount, not to exceed the sum of eight thousand dollars for the County of Mono, and thirty thousand dollars for Tuolumne County. May issue bonds.

SEC. 2. Said bonds may be issued at such times, as, in the opinion of said Board of Supervisors, may be required for the construction and completion of a road from the City of Sonora, in the County of Tuolumne, to Aurora, in the County of Mono. They shall be issued by the County Auditors, upon the order of the Board of Supervisors, and shall be countersigned by the Treasurers of said counties, respectively, and shall have the seal of the counties attached thereto, and shall be of the denomination of one hundred dollars each; but none of said bonds shall be made payable after the year one thousand eight hundred and seventy-two. Form of. Payable.

SEC. 3. Said bonds may bear a rate of interest, not exceeding ten per cent. per annum, payable semi-annually at the county seats of said counties, or at any other place designated by the Interest.

Sale of bonds Board of Supervisors of said counties. When issued, said bonds may be sold, or otherwise negotiated, by the Board of Supervisors of said counties, or some duly authorized agent, appointed by the Board for that purpose, the proceeds of which bonds shall only be used and applied for the purposes mentioned in section two of this Act; but none of said bonds shall be sold at a discount of more than fifteen per cent. When said bonds are so disposed of, the Counties of Mono and Tuolumne shall each become liable for the payment of the principal and interest of the bonds issued by each, respectively, according to their face.

Interest, payment of. **Compons.** **Record.** **Official duties of Auditor and Treasurer.** **Interest.** **Road Debt Tax.** **Redemption of bonds.**

SEC. 4. The interest on said bonds shall be paid, as herein provided, to wit: on the first Monday of December, A. D. eighteen hundred and sixty-two, semi-annually thereafter, to wit: on the first Monday of June and the first Monday of December, A. D. eighteen hundred and sixty-three, upon the presentation of the coupons attached to the bonds. Coupons shall be attached to each bond, and shall be duly numbered and expressed to the amount of interest due each year, when and where payable, and shall be signed by the County Auditors, and countersigned by the Treasurers, of said counties, respectively, in the same manner as the bonds are required to be signed. The interest shall be paid by the Treasurers of said counties.

SEC. 5. It shall be the duty of the Board of Supervisors of said counties to keep a record of the number, denomination, and amount, of all bonds issued, showing the date of issuance, to whom issued, and the number of each bond.

SEC. 6. The duties of the County Auditors and Treasurers of said counties, under this Act, shall be deemed a part of their official duties; but said officers shall be allowed no compensation for any services performed under the provisions of this Act.

SEC. 7. On or before the first Monday of June or December, A. D. eighteen hundred and sixty-three, and at the same time on each and every year thereafter, the County Auditors of the Counties of Mono and Tuolumne shall present to the Board of Supervisors of their respective counties a certified statement of the amount required to pay the semi-annual interest on all the bonds outstanding, and also the amount required to redeem the one tenth part of the first principal of said road debt in each year; and, before the first Monday in December of the present year, the Auditors shall present a like statement, by computation of the amount likely to be required to pay the first annual instalment of the interest upon said bonds.

SEC. 8. In addition to the taxes now authorized by law to be levied in said Counties of Mono and Tuolumne, there shall be levied and collected, by the proper officers of said counties, a tax, to be called the "Road Debt Tax," to meet the requirements mentioned in section seven of this Act. The manner of levying and collecting said tax, shall be the same as provided by law for levying and collecting State and county taxes; *provided*, that for the present year the same may be levied and assessed at a special meeting of the Board of Supervisors of said counties, respectively, to be held for that purpose.

SEC. 9. On the first Monday of June, A. D. eighteen hundred and sixty-three, and annually thereafter, it shall be the duty of the Treasurers of said counties, from the money in their hands,

raised by the said road debt tax, to redeem the one tenth part of the first principal of said bonds, or such amount of said bonds as the surplus money in their hands will redeem, at the lowest value at which they may be proposed to be liquidated, after the advertising for two weeks, by publication, for sealed proposals for the redemption of said bonds. The said Treasurer shall open the said proposals, at the time and place specified in the publication, in the presence of such persons as choose to be present, and shall cancel the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a greater sum than par, without interest.

SEC. 10. Whenever the County Treasurers of said counties shall pay any coupons, or bonds, under the provisions of this Act, they shall cancel the same, and preserve the said cancelled coupons and bonds, and keep a record thereof, giving the number, date, and amount of each, and from whom received, and shall write across said bonds and coupons, the words "Cancelled by me," and sign his name thereto as Treasurer. Cancellation

SEC. 11. A Board of three Commissioners shall be appointed, to be called "The Sonora and Mono Road Commissioners," whose duties it shall be to cause to be constructed the road mentioned in section two of this Act, and the said Commissioners, or a majority of them, shall lay out, view, and locate, said road. Commissioners.

SEC. 12. The said Commissioners shall be appointed as follows: One by the Board of Supervisors of Mono County, one by the Board of Supervisors of Tuolumne County, and one by the two Commissioners thus appointed.

SEC. 13. The Board of Commissioners shall meet in the City of Sonora, on the third Monday of May, A. D. eighteen hundred and sixty-two, and organize for the transaction of business, and shall, as soon as practicable after plans and specifications have been agreed upon, advertise for at least thirty days, in some newspaper published in the City of Sonora, Tuolumne County, for sealed proposals to construct said road, stating whether by section, or otherwise; the time within which each contract shall be fulfilled, and the mode and manner of payment upon said contract, and whether in money or the bonds of said counties. Meetings.
To advertise for proposals

SEC. 14. On the day appointed by said advertisement, the said Commissioners shall meet in the City of Sonora, and publicly open and compare all proposals, and shall award each contract to the lowest responsible bidder or bidders; *provided*, that proposals which the bonds of said counties will be received, the cash value of said bonds shall not be computed at a greater discount than fifteen per cent.; *provided*, further, that no proposals shall be considered as the basis of any contract, unless accompanied by a written undertaking, in double the amount of the contract, guaranteed by two or more responsible sureties, conditioned for the faithful performance of the work, the sufficiency of which undertaking shall be determined by the said Board of Commissioners. Award of contracts.
Bonds.

SEC. 15. The said Commissioners, or either of them, shall not be in any manner interested in any contracts which may be awarded by this Board, under this Act; and any violation of Commissioners not to be interested in contracts.

this section shall be deemed a misdemeanor, and shall be punished, upon conviction by any competent tribunal, by a fine of five hundred dollars, which said fine shall be paid into and form a part of the Road Fund of said counties for the construction of said road.

Pay of Commissioners.

SEC. 16. Said Commissioners shall each receive five dollars per day, for each day's service actually rendered; *provided*, that no Commissioner shall receive, in the aggregate, a sum greater than two hundred dollars, to be paid out of the funds raised for the construction of said road.

San Joaquin County may issue bonds.

SEC. 17. If, at any time within six months after the passage of this Act, the Board of Supervisors of the County of San Joaquin shall deem it expedient, they may order bonds of said county to be issued, to any amount, not to exceed fifteen thousand dollars; and said bonds shall be issued under, and be subject to, all the provisions and restrictions in this Act in relation to the bonds of the several counties mentioned in the first section thereof; and when such bonds shall issue, the said Board of Supervisors shall have power to appoint one Commissioner, to act with the Commissioners of the several counties herein before mentioned.

Tolls.

SEC. 18. The Board of Supervisors of such counties as assist in the construction of said road, shall have the power, and they are hereby authorized, to levy and collect tolls of all such persons, teams, and freight trains, passing over said road, as are not residents, or subject to the payment of taxes, in said counties, the rate of tolls to be fixed and agreed upon by the concurrent action of the Board of Supervisors of the several counties assisting in the construction of said road, under the provisions of this Act. Said tolls to be expended upon the road, and keeping up and repairing the same.

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

CHAP. CCCXXV.—*An Act to audit and allow the Claim of T. J. A. Chambers.*

[Approved April 25, 1862.]

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

SECTION 1. The claim of T. J. A. Chambers, amounting to eleven hundred and fifty-two dollars and twenty-five cents, for supplies furnished the State in eighteen hundred and fifty-one, is hereby audited and allowed.

CHAP. CCCXXVI.—*An Act to provide for the Appointment of Notaries Public, and defining their Duties.*

[Approved April 25, 1862.]

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

SECTION 1. The Governor shall have the power to appoint, and commission, twenty Notaries Public for the City and County of San Francisco; and thirteen Notaries Public for each of the Counties of Nevada, Sierra, Tuolumne, and Siskiyou; and thirteen Notaries Public for each of the Counties of El Dorado, Butte, and Calaveras; and for each of the Counties of San Joaquin, Placer, and Yuba, ten Notaries Public; and for each of the Counties of Mariposa, Napa, Sonoma, Amador, and Los Angeles, eight Notaries Public; for the County of Sacramento, ten Notaries Public; for the County of Santa Clara, eight Notaries Public, two of whom shall reside in Santa Clara Township, and one in Gilroy Township; for the County of Solano, six Notaries Public; and five Notaries Public for each of the other counties of this State; who shall hold office for the term of two years, and until their successors in office are appointed and qualified. Governor to appoint.

SEC. 2. Each Notary Public, before entering upon the duties of his office, shall take the oath of office, which shall be indorsed on his commission, and shall enter into a bond to the State in the sum of five thousand dollars, with sureties to be approved by the County Judge of the county for which said Notary may be appointed. Oath. Bond.

SEC. 3. The bond, together with a certificate of the oath, shall be filed and recorded in the office of the County Clerk of such county.

SEC. 4. Notaries Public shall have authority to demand acceptance and payment of foreign and domestic bills of exchange, and to protest the same for non-acceptance and non-payment, and to exercise such other powers and duties as by the laws of nations, and according to commercial usages, or by the law of any other State Government, or country, may be performed by Notaries Public. Authority of Notaries.

SEC. 5. They may also demand acceptance of inland bills of exchange, and payment thereof, and of promissory notes, and may protest the same for non-payment or non-acceptance, as the case may require.

SEC. 6. Each Notary Public shall have power to take and to certify the acknowledgment, or proof, of powers of attorney, mortgages, deeds, and other instruments of writing, the acknowledgment of any conveyance, or other instrument of writing, executed by any married woman, and to give a certificate of such proof, or acknowledgment, which certificate shall be indorsed on the said deed, or other instrument, or attached thereto.

SEC. 7. Each Notary Public shall also have power and authority to take depositions, and to administer oaths and affirmations, in all matters incident or belonging to the duties of his

office, and to take affidavits, to be used before any Court, Judge, or officer, in this State.

Duties.

SEC. 8. Each Notary Public shall keep a fair record of all his official acts, done or performed by him under and by virtue of the authority conferred by sections four and five of this Act.

SEC. 9. Each Notary Public shall also keep a fair record, wherein he shall enter the name or character of any instrument acknowledged or proved before him, as provided in section six of this Act, together with the date of the same, and the parties thereto, as the same appears therein.

SEC. 10. Each Notary Public shall provide a notarial seal, with which he shall authenticate all his official acts, on which seal shall be engraved the arms of this State, and the name of the county for which he is commissioned; which seal, together with the registers and official documents, shall not be liable to be seized on any execution. And in case of the death or removal of said Notary Public, the aforesaid register and official documents shall be lodged in the office of the County Recorder of his county, for the use of his successor in office.

SEC. 11. Each Notary Public, when required, shall give a certified copy of any record in his office, to any person, upon payment of the fees therefor; and any certificate, or instrument, either printed or written, purporting to be the official act of a Notary Public, and purporting to be under the seal and signature of such Notary Public, shall be received as prima facie evidence of the official character of such instrument, and of the truth of the facts therein set forth.

Acts of Notary to be evidence.

SEC. 12. The original protest of a Notary Public, under his hand and official seal, of any bill of exchange or promissory note, for non-acceptance or non-payment, stating the presentment by him of such bill of exchange or note for acceptance or payment, and the non-acceptance or non-payment thereof, and the service of notice on any or all of the parties to such bill of exchange or promissory note, and specifying the mode of giving such notice, and the reputed place of residence of the party to such bill of exchange or promissory note, and specifying the mode of giving such notice, and the reputed place of residence of the party to whom the same was given, and the post office nearest thereto, shall be prima facie evidence of the facts contained therein. The certificate of a Notary Public, drawn from his record, stating the protest and the facts therein contained, shall be evidence of the facts in the like manner as the original protest.

Misconduct

SEC. 13. For any misconduct or neglect of duty in any of the cases in which any Notary Public, appointed under the authority of this State, is authorized to act, either by the law of this State, or of any other State, Government, or country, or by the law of nations, or by commercial usage, he shall be liable on his official bond, to the parties injured thereby, for all the damages sustained. For any wilful violation or neglect of duty, any Notary Public shall be subject to criminal prosecution, and may be punished by fine not exceeding two thousand dollars, and removed from office.

Death, resignation, etc.

SEC. 14. If any Notary Public die, resign, be disqualified, or remove from the county for which he is appointed, his records

and all his public papers shall, within thirty days, be delivered to the Recorder of the county, who shall deliver them to the successor of the said Notary, when qualified.

SEC. 15. When the term of office of any Notary Public expires, and his successor is appointed and qualified, he shall deliver his records and public papers to such successor, on demand. Expiration of term.

SEC. 16. Any Notary Public having in his possession the records and papers of his predecessor in office, may grant certificates, or give certified copies of such records and papers, in like manner and with the same effect as such predecessor or predecessors could have done. Certified copies.

SEC. 17. Each Notary Public shall receive such fees for his services as may be allowed by law. Fees.

SEC. 18. No person shall be appointed a Notary Public, under this Act, who is not, at the time of his appointment, an actual resident of, and elector in, the county for which he may be appointed. Who eligible

SEC. 19. An Act concerning Notaries Public, approved April thirtieth, eighteen hundred and fifty-seven, and the various Acts amendatory thereof, are hereby repealed; such repeal to take effect on the first day of May, eighteen hundred and sixty-two, on which day the officers appointed under said law shall deliver their records, and all their public papers, to the Recorder of the county for which they may have been appointed, to be delivered by him to the Notaries Public appointed under this Act. Acts repealed.

SEC. 20. This Act shall take effect from and after its passage, excepting section nineteen, which shall take effect on the first day of May, eighteen hundred and sixty-two.

CHAP. CCCXXVII.—*An Act appropriating Money to pay the Claim of Eugene Lies, for Translating State Documents.*

[Approved April 26, 1862.]

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

SECTION 1. The sum of six hundred and fifty dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay the claim of Eugene Lies, for translating State documents; and the Controller of State is hereby authorized to draw his warrant in favor of the said Eugene Lies, for six hundred and fifty dollars, and the Treasurer of State to pay the same. Appropriation.

CHAP. CCCXXVIII.—*An Act to authorize and require the Board of Supervisors of the County of Alameda to pay certain Claims.*

[Approved April 26, 1862.]

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

Claim of
Wm. R.
Gorham.

SECTION 1. The Board of Supervisors of the County of Alameda are hereby authorized to allow the Auditor to audit, and the Treasurer to pay, the claim of William R. Gorham, formerly the Sheriff of the County of San Francisco, or his assigns, the sum of four thousand two hundred and ninety dollars, or such smaller sum as said Board of Supervisors shall decide to be just and equitable payment, for services as Jailor for said County of San Francisco, for keeping prisoners transferred by order of the County Judge of said County of Alameda to the County of San Francisco, between the first day of October, A. D. eighteen hundred and fifty-three, and the last day of October, A. D. eighteen hundred and fifty-five, and interest thereon from the last day of October, eighteen hundred and fifty-five, or so much thereof as said Board may find to be equitable and just, to be paid in the same manner as other claims against the Current Expense Fund of the county are paid.

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

CHAP. CCCXXIX.—*An Act to extend the Time for the Completion of the California Northern Railroad Company's Road.*

[Approved April 26, 1862.]

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

Time
extended.

SECTION 1. The California Northern Railroad Company is hereby allowed until the first day of January, eighteen hundred and sixty-three, to construct and complete their railroad between the Town of Oroville, in Butte County, and tide water, by way of Marysville or Sacramento, or otherwise; *provided*, that on or before the twenty-ninth day of September, eighteen hundred and sixty-two, the obligors on a certain bond given to the County of Butte, pursuant to section six of Chapter One Hundred and Sixty-Four of the Laws of the State of California, passed March twenty-ninth, eighteen hundred and sixty, shall, by themselves, or their duly constituted attorneys, indorse and execute on said bond the words "This bond shall be construed to be conditioned for the completion of the California Northern Railroad Company's Road by the first day of January, A. D. eighteen hundred and sixty-three," and upon said indorsment being made, said bond shall be deemed and construed to be conditioned for the construction of said road within the time so extended, as aforesaid.

SEC. 2. The extension of time provided for in section first of this Act, shall not have the effect to impair, release, or in any manner render invalid, any mortgage heretofore executed by said railroad company to Charles de Ro, as Trustee, or any bonds of the said company, issued or to be issued, secured by such mortgage. Effect of.

SEC. 3. Nothing herein contained shall have the effect to release the said County of Butte from the several provisions of an Act entitled an Act to authorize the County of Butte to purchase and hold Two Hundred Thousand Dollars of the first mortgage bond of the California Northern Railroad Company, and to issue the bonds of said county for the payment of the same, and for other purposes connected therewith, approved March the fourteenth, eighteen hundred and sixty; nor from the provisions of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to authorize the County of Butte to purchase and hold Two Hundred Thousand Dollars of the first mortgage bonds of the California Northern Railroad Company, and to issue the bonds of said county for the payment of the same, and for other purposes connected therewith, approved March the twenty-ninth, eighteen hundred and sixty; nor shall the bonds of said County of Butte, issued and to be issued under and by virtue of the several Acts aforesaid, be changed, altered, impaired, or rendered invalid, by the aforesaid extension. But the Supervisors of the said County of Butte are authorized and directed to issue county bonds, under and in pursuance of said several Acts of the Legislature, aforesaid, as though the time for the construction and completion of said railroad had been fixed by said Acts as hereby extended. Same.

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CITAD. CCCXXX.—*An Act requiring Compensation for causing Death by wrongful act, neglect, or default.*

[Approved April 26, 1862.]

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

SECTION 1. Whenever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default, is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the person who, or the corporation which, would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony. Damages.

SEC. 2. Whenever the death of any person shall be caused by an injury received in falling through, or by drowning after having fallen through, any opening or defective place in any sidewalk, street, alley, or wharf, in any city or incorporated Death by neglect of municipal authorities.

town, the death of such person shall be deemed to have been caused by the wrongful neglect and default of the person or persons, corporation or company, firm or association, whose duty it was, at the time said person received such injury, to have kept in repair such sidewalk, street, alley, or wharf, or who was or were, at that time, liable to have been ordered or notified to make, or to have been assessed for the expenses of making, the repairs on such sidewalk, street, alley, or wharf, where the injury to such person occurred.

Action by
representa-
tives of
deceased.

SEC. 3. Every such action shall be brought by and in the names [of] the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin, in the proportions provided by law in relation to the distribution of personal property left by persons dying intestate; and in every such action, the jury may give such damages, pecuniary and exemplary, as they shall deem fair and just, and may take into consideration the pecuniary injury resulting from such death to the wife and next of kin of such deceased person; *provided*, that every such action shall be commenced within two years after the death of such deceased person.

Time for
commencement
of
action.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCXXXI.—*An Act to authorize the issuance of a Patent to Maurice J. Dooly, for certain Lands in San Joaquin County.*

[Approved April 26, 1862.]

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

Governor
to issue.

SECTION 1. The Governor of this State is hereby authorized and required to issue a patent, in favor of Maurice J. Dooly, and his heirs and assigns, for the following tract of land, when the same shall have been certified to this State by the General Government, to wit: The fractional northeast quarter of section thirty-two, Township Two, north, Range Six, east, Mount Diablo meridian, and described as follows: Beginning at the common corner of sections twenty-eight, twenty-nine, thirty-two, and thirty-three, Township Two, north, Range Six, east, being the westwardly boundary of El Rancho del Campo de los Franceses, and running thence, due west, forty chains; thence, due south, thirty-one and ninety hundredth chains, to right bank of Calaveras River; thence, up said river, by a meander line, north, fifty-eight degrees thirty minutes, east, nine and eighty hundredth chains; thence north, fifty-two degrees thirty minutes, east, seven chains; thence south, fifty-nine degrees thirty minutes, east, seven chains; thence north, seventy-eight degrees, east, seven chains; thence north, forty-three degrees thirty minutes, east, five chains; thence south, seventy-five degrees, east, eight chains; thence north, seventy-five degrees, east, two

Boundaries.

and thirteen hundredth chains, to section line and west boundary of El Rancho del Campo de los Franceses; thence, due north, twenty-two and fifty hundredth chains, to the place of beginning; containing ninety-eight and ninety-one hundredths acres; magnetic variation, fifteen degrees thirty-five minutes, east. And before the said patent shall issue, the said Maurice J. Dooly shall execute a bond to the State of California, in the sum of ^{Bond.} one thousand dollars, conditioned against the presentment of the original certificate of purchase. Number Three Hundred and Twenty-Six, of Swamp and Overflowed Lands, as per Survey One Hundred and Twenty-Three, issued to W. V. Fishor, May twenty-fifth, eighteen hundred and fifty-nine, which has been lost.

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

CHAP. CCCXXXII.—*An Act to appropriate Money to sustain a Mounted Battery of Artillery in the City and County of San Francisco.*

[Approved April 26, 1862.]

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 per month is hereby appropriated, out of the General Fund of the State of California, not otherwise appropriated, for the support and maintenance of Company A, First California Guard, First Regiment, Second Brigade, Second Division, California State Militia. Appropriation.

SEC. 2. It shall be the duty of the Captain of said company to furnish, to the Adjutant-General of the State, a monthly statement, accompanied with proper proofs, of the amount actually expended by said company during the month, in drill, and practice in the field, and for no other purpose. The Adjutant-General, upon the receipt of such proofs, shall furnish to the Captain of said company a certificate, setting forth the facts, together with a statement of the amount due said company under the provisions of this Act, which amount shall not, in any one month, exceed the sum of two hundred and fifty dollars. On presentation of the certificate of the Adjutant-General to the Controller of State, he shall draw his warrant for the amount specified therein, in favor of the Captain of said company, and the Treasurer of State is hereby directed to pay the same. Captain to furnish monthly statement.

SEC. 3. This Act shall take effect and be in force from and after its passage. Duty of Adjutant-General.

CHAP. CCCXXXIII.—*An Act to amend an Act Regulating Marriages, passed April twenty-second, eighteen hundred and fifty.*

[Approved April 26, 1862.]

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

SECTION 1. Section seven of said Act shall be amended so as to read:

License.

Section 7. No persons shall be joined in marriage, unless such persons shall have first obtained a license therefor from the Clerk of the County Court of the county where such marriage is to take place, which license shall authorize any Judge, Justice of the Peace, clergyman, or preacher of the gospel, to celebrate and certify such marriage; but no such license shall be granted for the marriage of any male under twenty-one years of age, or for any female under the age of eighteen years, without the consent of his or her father, or, if he be dead or incapable, of his or her mother, or guardian, to be noted in such license, or unless the party or parties under said ages respectively shall have been previously married; and if any Clerk shall issue a license for the marriage of any such minor, without consent, as aforesaid, he shall forfeit and pay a sum not less than one hundred dollars, nor more than one thousand dollars, to the use of such father, mother, or guardian, to be sued for and recovered in any Court having cognizance thereof; and for the purpose of ascertaining the age of the parties, such Clerk is hereby authorized to examine either party, or other witnesses, on oath; and the Clerk shall be entitled to receive for such certificate the sum of two dollars.

Age of persons who may procure license.

Duty of County Clerk.

Penalty.

SEC. 2. Section eight shall be amended so as to read:

Duty of Judges, clergymen, etc.

Section 8. Any Judge, Justice of the Peace, clergyman, or preacher of the gospel, who shall celebrate any marriage, shall make a certificate of such marriage, and file the same, together with the license therefor, within thirty days thereafter, in the office of the County Recorder in and for the county in which said marriage was celebrated, and any person neglecting or refusing to make such return within the above required time, shall forfeit, for each and every such offence, a sum not exceeding fifty dollars, to be recovered on indictment, and paid into the Common School Fund of said county; and if any Judge, Justice of the Peace, clergyman, or preacher of the gospel, shall solemnize and join in marriage any couple without a license, as aforesaid, shall, for every such offence, forfeit and pay a sum not exceeding five hundred dollars, to be recovered on indictment, and to be paid into the Common School Fund of the county.

Violation of.

Penalties.

SEC. 3. Section nine shall be so amended as to read:

Section 9. The Recorder shall record all such certificates of marriage, together with the license, in a book to be kept for that purpose, within one month after receiving the same, and he shall be allowed to receive, for each such record, to include both certificate and license, the sum of one dollar.

SEC. 4. All laws, or parts of laws, heretofore enacted, in conflict with the provisions of this Act, are hereby repealed.

CHAP. CCCXXXIV.—*An Act to authorize the Mayor and Board of Supervisors of the City and County of San Francisco to construct a Sewer in Fifth street, and for that purpose to have surveys made, and to assess certain lands to pay the expenses incident thereto.*

[Approved April 26, 1862.]

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

SECTION 1. The Mayor and Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to construct a sewer, in Fifth street, with flood gates and appurtenances, of such size as they shall determine to be requisite for the purpose of draining that portion of said city and county lying within the following named boundaries, and that portion of said city and county fronting on either side of the streets, or portion of streets, forming such boundaries, to wit: Commencing at the northwesterly corner of Clay and Larkin streets; thence easterly, along the northerly line of Clay street, to the easterly line of Jones street; thence southerly, along the easterly line of Jones street, to the northerly line of Sacramento street; thence easterly, along the northerly line of Sacramento street, to the easterly line of Mason street; thence southerly, along the easterly line of Mason street, to the northerly line of California street; thence easterly, along the northerly line of California street, to the easterly line of Powell street; thence southerly, along the easterly line of Powell street, to the northerly line of Pine street; thence easterly, along the northerly line of Pine street, to the easterly line of Stockton street; thence southerly, along the easterly line of Stockton street, to the northerly line of Geary street; thence easterly, along the northerly line of Geary street, to the easterly line of Dupont street; thence southerly, along the easterly line of Dupont street, to the northerly line of O'Farrell street; thence easterly, along the northerly line of O'Farrell street, to Market street; thence easterly, along the northerly line of Market street, to a point opposite the westerly line of Third street, on said northerly line of Market street; thence commencing at the southwest corner of Third and Market streets; thence westerly, along the southerly line of Market street, to the easterly line of Fourth street; thence southerly, along the easterly line of Fourth street, to the northerly line of Folsom street; thence easterly, along the northerly line of Folsom street, to the northwesterly corner of Folsom and Second streets; thence commencing at the southwest corner of Folsom and Second streets, and running westerly, along the southerly line of Folsom street, to the easterly line of Third street; thence southerly, along the easterly line of Third street, to the northerly line of Harrison street; thence easterly, along the northerly line of Harrison street, to the easterly line of Second street; thence southerly, along the easterly line of Second street, to the southerly line of Brannan street; thence westerly, along the southerly line of Brannan street, to the easterly line of Third street; thence southerly, along the east-

Powers of
Mayor and
Board of
Supervisors

Line of
sewers.

Line of
sewer.

erly line of Third street, to Channel street; thence westerly, along Channel street, to Fifth street; thence southerly, along Fifth street, to Hooper street; thence westerly, along Hooper street, to the easterly city front at Hooper street; thence southerly, along said city front, to Hubble street; thence westerly, along Hubble street, to the easterly city front at Hubble street; thence southerly, along said city front, to South street; thence westerly, along South street, to the easterly line of Seventh street; thence northerly, along the easterly line of Seventh street, to the southerly line of Townsend street; thence westerly, along the southerly line of Townsend street, to Mission creek; thence westerly, along the northerly line of Mission creek, to the westerly line of Ninth street; thence northerly, along the westerly line of Ninth street, to Market street; thence commencing at the northwesterly corner of Market and Larkin streets; thence running northerly, along the westerly line of Larkin street, to the northwesterly corner of Larkin and Clay streets, and point of commencement.

SEC. 2. The said sewer shall be constructed in Fifth street, from its intersection with Market street to an outlet in the waters of the Bay of San Francisco, to such point as shall be deemed necessary by the said Mayor and Board of Supervisors, and may be continued at any time to such further point in said bay as the said Mayor and Board of Supervisors may deem requisite.

Letting of
contracts.

SEC. 3. The said Mayor and Board of Supervisors are hereby authorized and empowered to contract for the construction of said sewer, its flood gates and appurtenances, or such portion thereof as they may at any time determine to be requisite; also, for the taking up and relaying any planking, pavement, and sidewalks, that may be necessary for any of the purposes herein provided for. Before giving out any contract under this Act, the said Mayor and Board of Supervisors shall cause notice to be conspicuously posted in the office of Superintendent of Public Streets and Highways, and also to be published for thirty days in some newspaper published in said city and county, inviting sealed proposals for the works so contemplated; and all proposals offered for said work shall be delivered to the Mayor of said city and county, who shall open them before the said Board of Supervisors, in public session; and the said Board shall examine and publicly declare the same, and award the said work to the lowest responsible bidder; *provided*, the said Board may reject any and all bids, should they deem it for the public good, and also the bid of any party who may have proved unfaithful in any former contract with said city and county. The said award of said Board shall be published for five days in some newspapers published in said city and county; and if any bidder, receiving an award as aforesaid, neglect, for seven days after the first publication thereof, to enter into contract for such work, then the said Board shall set aside such award, and retol said work in the same manner as above provided. All such contracts shall be executed by the said Superintendent of Public Streets and Highways, who is hereby authorized so to do, on behalf of said city and county, and by the parties to whom said contract has been awarded,

Proviso.

who shall also, at the time of executing such contract, execute bonds for the faithful performance of the contract, to be approved by the said Superintendent.

SEC. 4. Before making any awards, as provided in section three of this Act, the said Board shall cause to be made, by the said Superintendent, and filed in his office, a colored map or maps, indicating the boundaries above specified, and the land to be assessed in accordance with the provisions of this Act. The said map or maps, when completed, shall be certified to by the said Superintendent, and shall be the official maps for all purposes connected with the construction of said sewers and appurtenances, and the assessments to pay for all expenses incurred in and about the same, hereinafter provided for.

SEC. 5. The said Superintendent shall have power to appoint a Deputy, whose compensation shall be fixed by the said Board of Supervisors, and whose duty it shall be to superintend, personally, the construction of said sewers, under the direction of said Superintendent, and to see that the contracts for the construction thereof are faithfully performed, or, in case they are not, to report the same to said Superintendent; and no payment shall be made on account of any contract made in pursuance of this Act, until the said Superintendent shall have certified that the work so to be paid for has been faithfully performed in conformity with such contract, and such certificate shall have been countersigned by the Auditor of said city and county.

SEC. 6. The said Board of Supervisors are hereby authorized and empowered to impose an assessment upon all the lots of lands, or portion of lots, within the boundaries of the streets, and portions of streets, mentioned in section first of this Act, and those fronting on either side of the streets, or portion of streets, forming said boundaries, for the purpose of paying the expenses of constructing said sewers, the flood gates, and appurtenances, of engineering, of taking up and relaying the planking, pavement, and sidewalks, the compensation of all persons authorized to be appointed and employed in and about any of the work mentioned in this Act, and all other costs and expenses incident thereto, including the expense of said assessment. The said assessment shall be made upon the following basis: The lots of lands, or portions of lots, fronting on each side of Fifth street; the lots of land, or portions of lots, in the blocks formed by the crossing or intersection of other streets with Fifth street; the lots of land, or portion of lots, fronting on small or subdivision streets, lanes, alleys, or courts, terminating in Fifth street, shall be assessed in proportion to their frontage, to pay the expense of five dollars per linear foot of said sewer, when it is built of brick, and three dollars per linear foot, when of wood, and also the additional necessary expense of manholes, cesspools, culverts, and angular corners, complete; said assessment shall be made and collected in the manner which shall be provided by law for the collection of street assessments, at the time said assessment shall be made; *provided*, that the said assessment may be made for each block of said sewer, and may be collected in the manner above provided and indicated, as soon as such block or crossing of said sewer shall be completed ac-

Maps of line
of sewers.

Deputy Su-
perintendent

Assessment
for paying
costs of
sewers.

Proviso.

ording to contract, and be certified to by said Superintendent, and countersigned by the Auditor, as above provided.

Expenses,
and assess-
ment of.

SEC. 7. All the expenses, direct and incidental, incurred by virtue of this Act, for any and all the purposes specified herein, including those of engineering, taking up and relaying planking, pavements, and sidewalks, making assessments, paying the compensation of the persons employed by virtue hereof, and constructing said sewer, above those specially enumerated in section six of this Act, shall be assessed upon all the real estate lying within or fronting upon the boundaries described in section one of this Act, as a per centage assessment upon the taxable value thereof; *provided*, the same shall not exceed thirty cents on each one hundred dollars of taxable real estate.

Board of
Engineers,
duties of.

SEC. 8. It shall be the duty of the Board of Engineers, provided for in this Act, to make an estimate in detail of the costs of the work herein authorized, and return the same to the Board of Supervisors, and it shall be the duty of the said Board of Supervisors to make an assessment on the real estate named in section first of this Act; *provided*, the same shall not exceed thirty cents on each one hundred dollars of its assessed value; and the said assessments so made shall be a valid lien upon all such real estate, and shall be collected at the same time, and in the same way, as other taxes which are levied for State and municipal purposes, and paid into the General Fund.

Payments to
contractors.

SEC. 9. When the collections, provided for in section seven of this Act, are made, the said Board of Supervisors may allow and order to be paid out of the General Fund, any and all sums of money becoming due on any contract made in pursuance of this Act, (excepting all moneys due and collectable under the provisions of section six of this Act,) or becoming due for the compensation of any of the persons employed by virtue of this Act, and to order that the money collected upon the assessment provided for by section seventh of this Act, shall, when collected, be paid into the General Fund, or so much of said moneys as shall equal the amount so paid out of the General Fund under the provisions of this section.

SEC. 10. All Acts, and parts of Acts, so far as the same conflict with the provisions of this Act, are hereby repealed.

CHAP. CCCXXXV.—*An Act to provide for the Government of the Common Schools in the City of Sacramento.*

[Approved April 20, 1862.]

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

Board of
Education.

SECTION 1. The Board of Education of the City of Sacramento shall be composed of two School Directors from each, the First, Second, Third, and Fourth, Supervisors' Districts, as said districts are now bounded and defined; and the electors residing within the limits of each of said districts, as said dis-

tricts are established on the day of the passage of this Act, shall, annually, on the first Monday in December, elect one person as a School Director, and the persons so selected shall qualify and take office on the first Monday in January next succeeding their election, and shall hold office for two years, and until their successors are elected and qualified; *provided*, however, the persons composing the Board of Education, on the day this Act goes into effect, shall continue in office during the respective terms for which they were elected, and be members of said Board until their respective successors are elected and qualified, under the provisions of this section. No member of the Board of Education shall receive any compensation whatever for the performance of any of his official duties.

School
Director.

Sec. 2. On the first Monday in December, eighteen hundred and sixty-three, and on the same day each two years thereafter, the electors throughout the city shall elect a City Superintendent of Common Schools, and the person so elected shall qualify and take office on the first Monday in January next succeeding his election, and shall hold office for two years, and until his successor is elected and qualified; *provided*, however, that the person holding the office on the day this Act goes into effect, shall continue in office during the term for which he was elected, and until his successor is elected and qualified, under the provisions of this section. The Superintendent shall receive a salary of twelve hundred dollars per annum, payable monthly, out of the City School Fund, and his office rent, not exceeding twenty-five dollars per month; and necessary office furniture shall be allowed him, out of the City Contingent Fund.

City Super-
intendent.

Salary.

Sec. 3. The Board of Education shall hold stated meetings, at the office of the Superintendent, on the first and last Mondays in the month of January, and on the last Monday in each other month, and either the President of the Board, or Superintendent, may, of his own volition, and shall, at the written request of two members, at any time, call a special meeting of the Board, by giving each member six hours written notice, by delivering it to him personally, or leaving it at his usual place of business or residence.

Board of
Education,
meetings.

Sec. 4. The Board of Education shall organize annually, on the first Monday in January, by electing one of its own members President, who shall be its executive officer, and preside at its meetings; but the President may call any other member to the chair, or, in his absence, the members present may choose a President pro tempore; and the Superintendent shall be Secretary of the Board, but in case of his absence, any member of the Board may act as Secretary pro tempore. All meetings of the Board shall be public; all elections held by it shall be viva voce; and the name of the member voting, and for whom he voted, shall be recorded, on every election; and the ayes and noes on any question shall be called and recorded, on the demand of one member. Five members shall be a quorum to transact business, but a smaller number may adjourn from time to time.

Sec. 5. The Board of Education shall have power:

First—To receive, purchase, and hold, real estate and personal property, in trust, for the use of the Common Schools of the City of Sacramento, and to sell and convey the same; *provided*, how-

Powers.

Powers of
Board of
Education.

ever, that no real estate shall be sold without the consent of each member of the Board and of each member of the Common Council, and that no real estate shall be purchased without the consent of two thirds of all the members of the Board, and two thirds of all the members of the Common Council.

Second—To erect, repair, rent, and provide, schoolhouses, and to furnish them with proper school furniture and apparatus, and to provide necessary books and stationery for indigent pupils.

Third—To establish and maintain Common Schools, and School Districts, to fix and alter the boundaries of such districts, and to regulate the attendance of scholars, as well in regard to the school, as in regularity of attendance thereat; to fix the terms upon which non-resident pupils may attend the schools, and to collect the tuition fee for such non-resident pupils, and to expend the same for educational purposes.

Fourth—To elect and dismiss teachers, and to fix their salaries or compensation; *provided*, however, that after the year eighteen hundred and sixty-two, the annual election for teachers shall be held during the spring vacation; but, *provided*, further, however, that no election or appointment of any teacher shall constitute a contract, either as to the duration of the office, or as to the amount of salary or compensation to be paid; but the Board shall always have the power to dismiss any or all teachers, and to alter the amount of salary or compensation; and, *provided*, further, that no person shall be elected by the Board, as a teacher for any school, unless he or she has a certificate of qualification, as provided in the general law regulating Common Schools, of a grade as high or higher than the first class of the grade of the schools; but, *provided*, that any person, having received such certificate, and having thereafter taught continuously in a school under the charge of the Board, shall not be required to undergo the annual examination, or to procure a new certificate, unless he or she wishes to obtain a school of a higher grade than the grade of that in which he or she has been engaged; and, in the cases in this provision specified, the City of Sacramento is hereby excepted from the operations of all provisions of law requiring an annual examination, or prohibiting a distribution of State or county funds to schools employing teachers, not annually examined and provided with a certificate.

Fifth—To establish and regulate the grade of schools, and determine what text books shall be used in each grade, and each class of each grade.

Sixth—To make, establish, and enforce, all necessary and proper rules and regulations, not contrary to law, for the government and progress of Common Schools within the city, the teachers thereof, and pupils therein, and for carrying into effect the laws relating to education.

Seventh—To elect a School Marshal for the city, and to fix his compensation; such compensation not to exceed five cents per name for each child between the ages of four and eighteen years, and such compensation shall be paid out of the City Contingent Fund.

Eighth—To generally do and perform such other matters and

things as may be necessary and proper to carry into force and effect the powers conferred upon it.

Sec. 6. The City Superintendent of Common Schools shall be the ministerial officer and Secretary of the Board of Education, and may explain his views, and make his recommendations, upon any subject-matter whatever under discussion or consideration by the Board; he shall keep a true record of the proceedings of the Board, and a correct account of all expenditures allowed by it, and for what purpose, so that he can, at any time, make an exhibit, in aggregate and detail, of the outlays for each school; he shall be general custodian of all property, books, papers, and documents, belonging to the Board, and shall have a general supervision over schoolhouses and school property, and see that they are not wasted, injured, or destroyed; he shall grade the classes in the schools, and classify the pupils as to the grades of school they shall attend, and, in connection with the teacher, as to which class or classes in such school, and shall issue all necessary permits for such attendance; *provided*, however, that no pupil shall be allowed to attend any public school in the city, until the Superintendent shall be first satisfied that such child has been duly vaccinated; and, *provided*, further, that the City of Sacramento is hereby excepted from the operation of so much of the general School Law as prohibits Indians from attending the Common Schools; *provided*, such Indian child is in the care, custody, and control, of white persons residing in the city; he shall, from time to time, recommend to the Board such alterations, additions, and changes, in the grade of schools, course of study, text books, and such other matters and things as he deems proper; he shall, in December in each year, make to the Board a full and detailed report of the progress of the schools since the last annual report, their present condition, the condition of the houses, lots, and furniture, the number of pupils taught in each, the primary, intermediate, grammar, and high schools, and the cost per pupil, including all ordinary expenses, the amount paid respectively for teachers, rents, repairs, land, buildings, fuel, furniture, stationery, etc.; he may suspend or expel any pupil for misconduct, or violation of rules, reporting such suspension or expulsion to the Board, at its next meeting; *provided*, however, any party, feeling aggrieved, may appeal from the decision of the Superintendent, to the Board, which may confirm or reverse his action; he shall have a general supervision and control of the teachers, and shall report to the Board any misconduct, want of ability, negligence, or inattention, on the part of any of them; he shall see that none but authorized text books are used, and that teachers and pupils faithfully perform their respective duties; and he shall do and perform such other duties, matters, and things, as may be required of or imposed on him by the laws of the Board of Education.

City Superintendent,
duties and
powers.

Proviso.

Sec. 7. The Auditor and Treasurer shall keep a City School Fund, into which shall be paid all moneys appropriated to it under any law providing city school moneys; all moneys received from the State on account of the city's share of any apportionment of State school moneys; and the city's proportion

Auditor and
Treasurer,
duties of.

of all county moneys collected or set apart for school purposes; and neither the Common Council nor Auditor shall allow any claim, payable out of the City School Fund, until after such claim shall have been audited and allowed by the Board of Education; and whenever any claim against the School Fund has been audited and allowed by the Council and Auditor, a warrant for the amount shall be drawn, without reference as to whether or no there is cash in the fund, and such warrants shall be paid in the order in which they are drawn; and as soon as possible after the passage of this Act, the Auditor shall draw warrants for all audited claims on the School Fund, and they and the warrants hereinafter drawn under the provisions of this Act, shall be paid by the Treasurer in the order in which they are drawn.

City ex-
empted from
certain sec-
tions of Acts

SEC. 8. The City of Sacramento is hereby exempted from the operation of section seven of the Act of April twenty-eighth, eighteen hundred and sixty, entitled an Act amendatory of and supplemental to an Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same; and it is also hereby exempted from so much of that or any other Act as requires any State or county school moneys to be used for the support of schools within the city, to be kept separate from, or be used in any particular manner, or manner other than the manner of using school moneys raised exclusively within the city, but, instead thereof, all State and county school moneys to which the city is entitled, now in, or which hereafter may come in, the Treasury, shall be paid into the City School Fund, and be used in the same manner as though it had been raised exclusively from city sources; and it shall be, and it is hereby made, the duty of the County Auditor, on the first Monday in each month, to certify, in duplicate, to the County Superintendent of Common Schools, the amount of Common School moneys received into the Treasury during the preceding month, and the County Superintendent shall indorse upon one of said certificates the amount thereof to which the schools within the city are entitled, and return it to the Auditor, who shall make the necessary entries, and then indorse on said certificate an order directing the Treasurer to transfer the amount from the County to the City School Fund, and, upon receiving such order, the Treasurer shall make the transfer, and thereafter the money shall be treated precisely as though it had accrued exclusively from city revenue.

City School
Fund.

SEC. 9. This Act shall take effect upon its passage, and all Acts, and parts of Acts, conflicting with the provisions hereof, or providing for the manner of governing Common Schools within the City of Sacramento, are repealed.

CHAP. CCCXXXVI.—*An Act amendatory of and supplementary to an Act entitled an Act concerning the Construction and Repair of Levees in the County of Sacramento, and the mode of raising Revenue therefor, approved April ninth, eighteen hundred and sixty-two.*

[Approved April 26, 1862.]

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

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

Section 13. The directions in this Act given in regard to the ^{Taxes.} manner of assessing, equalizing, and levying, the taxes, shall be deemed directory only; and the assessments, valuations, assessment roll, and delinquent list, in this Act provided for, are hereby made valid and binding, both in law and equity, against the ^{Legalized.} persons and property assessed, and the taxes levied shall become a lien upon the property assessed, upon the determination of the rate of taxation as herein provided, which lien shall not in any manner whatever be discharged until said taxes and costs, if any accrue, are paid; and all the officers who are required to render any service under the provisions of this Act, shall have and receive for their own use, fifty per cent. of such compensation as is now allowed by law for similar services; ^{Compensation of officers.} *provided*, that the limitation of fifty per cent. shall not apply to the collection of delinquent taxes; and, *provided*, further, that the Treasurer shall receive no compensation whatever for the performance of any services required to be performed by him under any of the provisions of this Act.

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

CHAP. CCCXXXVII.—*An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain Claims.*

[Approved April 26, 1862.]

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 ^{List of claims.} of San Francisco are hereby authorized to ascertain the amount remaining due upon each of the following named judgments against the City of San Francisco, the same having been heretofore omitted in the payments under the special tax levied for the payment of judgments, in the year eighteen hundred and sixty, and sixty-one, viz.: one in favor of C. Eastman; one in favor of J. W. McKenzie; one in favor of Owen Fallon; one in favor of C. C. Jameson, Jr.; one in favor of J. J. Green; one in favor of William Dunbar; one in favor of Patrick McCormick; one in favor of E. J. Salsbury; and one in favor of F. C. Pom-

roy; and three in favor of James M. Merrill; rendered in the Superior Court of said city, in the year eighteen hundred and fifty-six; and in the suit of J. B. Wing, submitted for judgment with the other cases herein named, and to abide their issue. And, also, four judgments rendered in the County Court of the County of San Francisco, in the year eighteen hundred and fifty-seven: one in favor of R. B. Monks; one in favor of Richard Parr; one in favor of E. J. Hart; and one in favor of G. H. Ensign. And when such amounts are so ascertained, the said Board of Supervisors may order paid, and the Auditor of said city and county shall audit, and the Treasurer pay the same out of the General Fund of the Treasury of said city and county.

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

Duty of Auditor and Treasurer.

CHAP. CCCXXXVIII.—*An Act to repeal an Act entitled an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto.*

[Approved April 26, 1862.]

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 incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, is hereby repealed.
- Trustees. SEC. 2. At a special election, to be held according to the laws regulating general elections, on the third Monday of May, eighteen hundred and sixty-two, and each year thereafter, so long as necessary, three Trustees shall be elected, by the qualified votes of the present City of Sonoma. Notices of such election shall be posted in not less than three of the most public places in the City of Sonoma ten days prior to said election. The three persons receiving the highest number of votes shall be declared duly elected, and shall, within ten days after receiving their certificate of election, file each an official bond, in the sum of three thousand dollars, with the County Recorder, and take and subscribe to the oath of office. Said bond and oath shall, in form, be the same as for county officers. Vacancies in the office of Trustee shall be filled by appointment by the Board of Supervisors of Sonoma County.
- Election of. Oath, bond. Vacancies. Powers and duties. SEC. 3. The said Trustees shall take immediate charge of all books, records, papers, and property of every description, belonging to the said city, and shall cause a notice to be published to the creditors of said City of Sonoma, in some newspaper of general circulation published in the City of San Francisco, at least once a week for three months, and in one of the newspapers published in the County of Sonoma, one month, notifying them to present their claims against the city within six months from the date of publication, or that they will be barred. When claims are presented, the said Trustees, a majority of whom may have power to act, shall indorse upon the claim its allow-

ance. either in whole or in part, or its rejection, as the case may be. They shall also sell all property belonging to said city, except the Plaza, certain highways, books, papers, and archives, to the best advantage at public auction, after giving due notice thereof by posting notices of the time and place of such sale in at least three public places in said city, and publishing the notice for one month in some newspaper that has general circulation in Sonoma County.

SEC. 4. All claims presented to the said Trustees for allowance, shall be accompanied by the affidavit of the claimant, or some one in his or her behalf, that the claim is justly due and owing to the claimant, and that there are no offsets to the same. If not so verified, the Trustees shall reject them, and no action shall be maintained upon any claim until presented as above provided, to the said Trustees, for allowance; and all claims not presented within six months from the publication of the notice to creditors, shall be forever barred. Claims.

SEC. 5. Said Trustees shall have power to sue, and be sued, to collect and receive all money due the city, and receipt for the same, and to fulfil, on behalf of the city, all contracts now existing between said city and other parties; to sell all property belonging to the city, excepting as defined in section three, and give bills of sale and deed for the same. Powers.

SEC. 6. Whenever money, to the amount of five hundred dollars, belonging to said city, shall come into the hands of said Trustees, they shall, within ten days thereafter, advertise to receive sealed bids on a named day, for cancelling the city's indebtedness to that amount, and the person or persons submitting the lowest bid or bids, shall be awarded the funds on hand. Should there be a surplus of funds on hand after all debts are paid, the same shall be paid over to the Road Fund, and be applied by the Board of Supervisors to the improvement of highways within the limits of said city; should there be a deficiency, the same shall be supplied by a direct tax, to be levied and collected as other taxes are levied and collected upon the inhabitants residing within the limits of said city, at such rates that the whole deficiency shall be supplied in three years; the tax so levied and collected to be called the Sonoma City Fund, and to be paid by the County Treasurer to the order of said Trustees. All expenses incurred by the Trustees, in advertising, as required by this Act, shall be paid out of moneys coming into their hands, belonging to said city. Redemption of claims against city.

SEC. 7. All streets and alleys in said city, which, in the judgment of the Trustees, are not needed, shall be sold as other property belonging to said city; and such as are in their judgment needed, are hereby declared to be public highways and county roads; and the Plaza in said city shall remain perpetually a public Plaza. Direct tax.

SEC. 8. This Act shall be in force from and after its passage. Sale of city property.

CHAP. CCCXXXIX.—*An Act to protect Free White Labor against competition with Chinese Coolie Labor, and to discourage the Immigration of the Chinese into the State of California.*

[Approved April 26, 1862.]

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

Police tax. SECTION 1. There is hereby levied on each person, male and female, of the Mongolian race, of the age of eighteen years and upwards, residing in this State, except such as shall, under laws now existing, or which may hereafter be enacted, take out licenses to work in the mines, or to prosecute some kind of business, a monthly capitation tax of two dollars and fifty cents, which tax shall be known as the Chinese Police Tax; *provided*, that all Mongolians exclusively engaged in the production and manufacture of the following articles, shall be exempt from the provisions of this Act, viz: sugar, rice, coffee, tea.

Persons exempted.

Duty of Controller.

SEC. 2. It shall be the duty of the Controller of State to procure a sufficient number of blank "Police Tax Receipts," which shall be substantially in the following form; these tax receipts shall be numbered consecutively, and a record thereof be made and filed in his office:

CHINESE POLICE TAX.	
No. ....	..... COUNTY, 18....
This certifies that has this day paid the Tax Collector of County, two dollars and fifty cents, the same being his police tax for the month commencing, and ending, both inclusive.	
....., Controller of State.	
....., Collector.	

Form of receipt.

Duty of Controller.

County Treasurer and other county officers.

SEC. 3. The Controller of State shall, with ink, fill the blank which has been left in the printed form, with the name of the proper county, and shall sign and issue to the Treasurer of each county, from time to time, when required by the Treasurer, a sufficient number of police tax receipts for the use of such county, and take a receipt therefor, and charge the Treasurer with the same. The County Treasurer shall, in a book to be by him kept for the purpose, keep an account of all Chinese police tax receipts received by him, and shall, from time to time, deliver them to the County Auditor, taking his receipt therefor. And the Auditor shall, on the first Monday in each month, write the name of the month in all police tax receipts issued by him for that month, and shall deliver to the Tax Collector of his county a sufficient number of said tax receipts for the use of his county for that month; *provided*, that in counties where

there are Township or District Collectors, said tax receipts shall be delivered to such Collectors, who shall discharge the duties imposed in this Act, in their respective townships or districts.

SEC. 4. The Collector shall collect the Chinese police tax, provided for in this Act, from all persons liable to pay the same, and may seize the personal property of any such person refusing to pay such tax, and sell the same at public auction, by giving notice by proclamation one hour previous to such sale; and shall deliver the property, together with a bill of sale thereof, to the person agreeing to pay, and paying, the highest therefor, which delivery and bill of sale shall transfer to such person a good and sufficient title to the property. And after deducting the tax and necessary expenses incurred by reason of such refusal, seizure, and sale of property, the Collector shall return the surplus of the proceeds of the sale, if any, to the person whose property was sold; *provided*, that should any person, liable to pay the tax imposed in this Act, in any county in this State, escape into any other county, with the intention to evade the payment of such tax, then, and in that event, it shall be lawful for the Collector to pursue such person, and enforce the payment of such tax in the same manner as if no such escape had been made. And the Collector, when he shall collect Chinese police taxes, as provided for in this section, shall deliver to each of the persons paying such taxes a police tax receipt, with the blanks properly filled; *provided*, further, that any Mongolian, or Mongolians, may pay the above named tax to the County Treasurer, who is hereby authorized to receipt for the same in the same manner as the Collector. And any Mongolian, so paying said tax to the Treasurer of the county, if paid monthly, shall be entitled to a reduction of twenty per cent. on said tax. And if paid in advance for the year next ensuing, such Mongolian, or Mongolians, shall be entitled to a reduction of thirty-three and one third per cent. on said tax. But in all cases where the County Treasurer receipts for said tax yearly in advance, he shall do it by issuing receipts for each month separately; and any Mongolian who shall exhibit a County Treasurer's receipt, as above provided, to the Collector, shall be exempted from the payment of said tax to the Collector for the month for which said receipt was given.

SEC. 5. Any person charged with the collection of Chinese police taxes, who shall give any receipt other than the one prescribed in this Act, or receive money for such taxes without giving the necessary receipt therefor, or who shall insert more than one name in any one receipt, shall be guilty of a felony, and, upon conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the State Prison for a period not exceeding one year.

SEC. 6. Any Tax Collector who shall sell, or cause to be sold, any police tax receipt, with the date of the sale left blank, or which shall not be dated and signed, and blanks filled with ink, by the Controller, Auditor, and Tax Collector, and any person who shall make any alteration, or cause the same to be made, in any police tax receipt, shall be deemed guilty of a felony, and, on conviction thereof, shall be fined in a sum not exceeding

Collection of tax.

Person escaping to another county.

Tax may be paid in advance. Reduction.

Persons violating Act.

Penalty.

Same.

one thousand dollars, and imprisoned in the State Prison for a period not exceeding two years; and the police tax receipt so sold, with blank date, or which shall not be signed and dated, and blanks filled with ink, as aforesaid, or which shall have been altered, shall be received in evidence in any Court of competent jurisdiction.

Persons hiring foreigners liable for tax.

SEC. 7. Any person or company who shall hire persons liable to pay the Chinese police tax, shall be held responsible for the payment of the tax due from each person so hired; and no employer shall be released from this liability on the ground that the employé is indebted to him, (the employer;) and the Collector may proceed against any such employer in the same manner as he might against the original party owing the taxes. The Collector shall have power to require any person or company believed to be indebted to, or to have any money, gold dust, or property of any kind, belonging to any person liable for police taxes, or in which such person 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 person liable for police taxes, he may collect from such party the amount of such taxes, and may require the delivery of such money, gold dust, or other 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 said party, or his legal representatives, for the amounts of money, gold dust, or property, embraced therein.

Powers of Collectors.

Fees of Collectors.

SEC. 8. The Collector shall receive for his service, in collecting police taxes, twenty per cent. of all moneys which he shall collect from persons owing such taxes. And of the residue, after deducting the per centage of the Collector, forty per cent. shall be paid into the County Treasury, for the use of the State, forty per cent. into the general County Fund, for the use of the county, and the remaining twenty per cent. into the School Fund, for the benefit of schools within the county; *provided*, that in counties where the Tax Collector receives a specific salary, he shall not be required to pay the per centage allowed for collecting the police tax into the County Treasury, but shall be allowed to retain the same for his own use and benefit; *provided*, that where he shall collect the police tax by Deputy, the per centage shall go to the Deputy.

Proviso.

Tax receipts issuance of.

SEC. 9. All tax receipts required by this Act shall be issued from the Controller of State's office, and shall be numbered consecutively, commencing with number one, on the first Monday of May, eighteen hundred and sixty-two, and running to the second Monday of November, eighteen hundred and sixty-two; and they shall commence with number one, on the second Monday of November in the year one thousand eight hundred and sixty-two, and on the second Monday of November in each year thereafter, and all such tax receipts shall be signed by the Controller of State, or by a Deputy.

Numbers.

Duties of officers.

SEC. 10. It is hereby made the duty of the various officers charged with the execution of the provisions of this Act, to carry out said provisions by themselves or Deputies; and for

the faithful performance of their duties in the premises, they shall be liable on their official bonds, respectively. The Treasurers of the respective counties shall make their statements and settlements under this Act with the Controller of State, at the same times and in the same manner they make their settlements under the general Revenue Act.

SEC. 11. This Act shall take effect and be in force from and after the first day of May, next ensuing.

CHAP. CCCXL.—*An Act amendatory of an Act entitled an Act relative to the issuance of Certificates to Exempt Firemen within the State, approved May twentieth, eighteen hundred and sixty-one.*

[Approved April 26, 1862.]

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

SECTION 1. Section first of an Act amendatory of an Act entitled an Act relative to the issuance of Certificates to Exempt Firemen within the State, approved May twentieth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Section 1. Any member of any fire company, belonging to any regular organized fire department within this State, who shall have served in any one or more companies of any such regular organized fire department or departments within this State, for the period of five years, and shall produce a certificate or certificates showing the same, signed by the Chief Engineer of the department to which he belongs, or may have belonged, shall be entitled to receive a certificate as an exempt fireman; which said certificate shall be issued by the County Clerk of the county in which he may reside, with the county seal attached thereto, upon the payment to said officer of the sum of one dollar, which said sum shall be paid by said Clerk to the Treasurer of said county, and be placed by him in the Common School Fund of said county.

County Clerks to issue exempt certificates.

SEC. 2. This Act shall not apply to the City and County of San Francisco, nor to the firemen therein. All persons, to whom such certificates as exempt firemen shall hereafter issue, shall, from the date thereof, be exempt from all jury duty within this State. All Acts, and parts of Acts, in conflict with this Act, are hereby repealed.

San Francisco County excepted.

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

CHAP. CCCXLI.—*An Act to organize the Fire Department of the Town of Timbuctoo.*

[Approved April 26, 1862.]

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

SECTION 1. Rescue Hose Company, Number One, of the Town of Timbuctoo, Yuba County, and all other fire companies organizing in that place, are hereby allowed and entitled to the same privileges as firemen in other portions of the State, under the provisions of the Act to exempt Firemen from Militia Service and Jury Duty, passed March twenty-fifth, eighteen hundred and fifty-three.

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

CHAP. CCCXLII.—*An Act to confer further Powers upon the Board of Supervisors of the City and County of San Francisco.*

[Approved April 26, 1862.]

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 hereby further powers conferred upon them, as follows:

Powers.

First—To grade and fence Columbia, Union, and Washington Squares, at an expense not to exceed six thousand dollars, payable out of the General Fund.

Second—To pay Albert Folsom one hundred and ninety dollars, out of the Fire Department Fund, for repairs to fire engines in eighteen hundred and fifty-nine.

Third—To order paid, out of the General Fund, not to exceed twelve thousand dollars, for hose for the Fire Department.

Fourth—To order paid, out of the General Fund, not to exceed five thousand dollars, for current expenses of the Fire Department, for the fiscal years eighteen hundred and sixty-one and sixty-two.

Fifth—To order paid, out of the General Fund, not to exceed one hundred dollars per month, for Clerk for the Mayor.

Sixth—To construct cisterns and erect hydrants, as the public good may require, and pay for the same out of the General Fund, not to exceed ten thousand dollars per annum.

Seventh—To expend, not to exceed thirty-five hundred dollars per month, for the support of the indigent sick, and contingent expenses of the City and County Hospital.

Eighth—To order paid, out of the General Fund, not to exceed three thousand dollars, for repairs to the City and County Hospital.

Ninth—To order paid, out of the General Fund, not to exceed

seven thousand five hundred dollars, for cleaning sewers, cess-pools, and street crossings, in any one fiscal year. Powers.

Tenth—To expend and order paid, out of the General Fund, not to exceed two thousand dollars per month, for objects of urgent necessity.

Eleventh—To order paid, out of the General Fund, an additional sum, not to exceed five thousand dollars, for repairs to public buildings, in the fiscal years eighteen hundred and sixty-one and sixty-two.

Twelfth—To order paid, out of the General Fund, not to exceed twelve thousand dollars, in any one fiscal year hereafter, for repairs to public buildings.

Thirteenth—To sell the Smallpox Hospital lot, near Lone Mountain Cemetery; and the Mayor is hereby authorized to make, execute, sign, seal, and deliver, a deed or deeds therefor, in behalf of the city and county, under the orders of the Board of Supervisors.

Fourteenth—To exclude, by order, prostitutes from certain limits, in the discretion of said Board.

Fifteenth—To order paid, out of the General Fund, not to exceed one thousand dollars per month, for ten additional Policemen, to be appointed by the Police Commissioners, under the orders of the Board of Supervisors.

Sixteenth—To provide offices for city and county officers who cannot be accommodated in the City Hall, at an expense not to exceed two thousand dollars per month, and order the same paid, out of the General Fund.

Seventeenth—To allow and order paid, out of the General Fund, the sum of seven thousand dollars, for the erection of a new engine house for Knickerbocker Fire Engine Company, Number Five, on the lot on Sacramento street, in the City of San Francisco, now occupied by said company.

Eighteenth—To allow and order paid, out of the General Fund, a sum not exceeding ten thousand dollars, in addition to the amount now allowed by law, for straightening, widening, and otherwise improving, that portion of the county road south of the Pioneer Race Course, and north of the county line of San Mateo County.

Nineteenth—To allow and order paid, out of the appropriation of twelve thousand dollars authorized by an Act for the further Relief of the Indigent Sick, and to confer further Powers upon the Board of Supervisors of the City and County of San Francisco, approved March twenty-second, eighteen hundred and sixty-two, so much thereof as may, in the judgment of the Board of Supervisors, be thought proper for the relief of the indigent sick who are not inmates of the County Hospital, or Pest House, in said city and county, and in such manner as they may direct.

SEC. 2. The salary of the Clerk of the Board of Supervisors Salaries. is hereby fixed at one hundred and seventy-five dollars per month.

SEC. 3. The salary of the Prosecuting Attorney of the Police Court is hereby fixed at two hundred and fifty dollars per month.

SEC. 4. The salary of the Deputy County Recorder is hereby fixed at one hundred and seventy-five dollars per month.

Powers. SEC. 5. Said Board of Supervisors are hereby authorized to allow and order paid, out of the General Fund, the claim of J. Robinett, for two hundred and fifty-six dollars and thirty-eight cents.

Subsistence of prisoners. SEC. 6. Section sixty-nine of the Consolidation Act is so amended as to read—that all contracts for subsistence of prisoners must be given out annually, at a fixed price per day, not exceeding twenty-five cents per diem for each person connected with the prison, instead of quarterly, as provided.

Lighting streets. SEC. 7. Said Board of Supervisors are hereby authorized to order paid, out of the General Fund, any deficiency that may occur in the Street Light Fund, for lighting the public streets.

SEC. 8. Section seventy-four of the Consolidation Act is hereby amended as follows:

Clause fifth, providing for lighting and cleaning the streets, is so amended as to read as follows:

Providing for Lighting the Streets.

Clause twenty-second of section seventy-four is hereby repealed.

To transfer certain funds SEC. 9. The said Board of Supervisors are hereby authorized to transfer, from the General Fund to the School Bond Sinking Fund, the sum of twelve thousand two hundred dollars and sixty-nine cents, the said amount having been heretofore appropriated by the General Fund from the School Fund and the School Bond Sinking Fund.

SEC. 10. The amounts which, by this Act, are authorized to be paid, shall be the entire amounts to be paid for the respective purposes herein mentioned, except when otherwise expressly provided in this Act.

CHAP. CCCXLIII.—*An Act concerning the Duties of County Treasurers.*

[Approved April 20, 1862.]

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

Moneys of a certain amount to be forwarded by express. SECTION 1. All payments and settlements required to be made by the several County Treasurers to the State Treasurer, by section one hundred and two of an Act to provide Revenue for the Support of the Government, approved May the seventeenth, eighteen hundred and sixty-one, which shall be of less amount than eight thousand dollars, shall be made by forwarding the money for such payment by Wells, Fargo & Co.'s Express, and taking their insurance policy thereon. The report specified in said section shall be forwarded by said Express, to the Controller of State; and upon receiving such money and report, the Controller and State Treasurer shall make such settlement in the same manner as though such County Treasurer were present, and shall forward to the County Treasurer the proper statement and receipt, upon such settlement.

SEC. 2. Whenever payment and settlement shall be made, as

provided in the first section of this Act, the County Treasurer making such payment shall be entitled to retain from the money therein mentioned, before transmitting the same, as in this Act provided, a sum not exceeding two and a half per cent. upon the first two thousand dollars of the amount transmitted to the State Treasurer, and one and one half per cent. upon all over that amount; and such County Treasurer shall not be entitled to demand or receive any mileage or compensation for travelling to make such payment and settlement, as provided for in this Act.

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

CHAP. CCCXLIV.—*An Act to authorize the Board of Trustees of the Society of California Pioneers, of San Francisco, to sell, mortgage, and convey, certain Real Estate.*

[Approved April 28, 1862.]

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

SECTION 1. The President, Secretary, and Treasurer, of the Society of California Pioneers, of San Francisco, and their successors in office, constituting the Board of Trustees of said Society, are hereby authorized and empowered to execute, in the name of, and for, and in behalf of, said Society of California Pioneers, and of each and every member thereof, a mortgage upon any real estate in the said City of San Francisco, now held in fee by said Board of Trustees, for said Society of California Pioneers, and also to execute any evidence of indebtedness upon which such mortgage may be based, for such sum of money as may be necessary for the purpose of erecting and completing a building, to be owned, leased, and occupied, by said Society, the plans and specifications for which have heretofore been adopted and agreed upon by said Society; *provided*, that the total amount of said mortgage shall not exceed the sum of fifteen thousand dollars.

Authority
to execute
mortgage.

Amount.

SEC. 2. Any mortgage, or deed of conveyance, made in pursuance of this Act, shall have the like force and effect as if made and executed by each and every member of said Society of California Pioneers.

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

CHAP. CCCXLV.—An Act to provide for the Appointment of a Measurer of Wood in and for the City and County of San Francisco.

[Approved April 28, 1862.]

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

- Governor to appoint.** SECTION 1. The Governor is hereby authorized and directed to appoint a Measurer of wood used for fuel in and for the City and County of San Francisco, who shall reside in said place, and continue in office for the term of two years from the date of his appointment.
- Bond, oath.** SEC. 2. Said Measurer, before entering upon his office, shall take and subscribe the oath of office, and give bonds, in the sum of five thousand dollars, for the faithful discharge of his duties, and which oath shall be administered by the County Judge, and said bond acknowledged before him and approved, or before some other competent officer. The said oath and bond to be filed in the office of the Auditor of said city and county.
- Duties.** SEC. 3. It shall be the duty of said Measurer to measure all wood used, or designed to be used, for fuel, which may be in, or which shall hereafter arrive in, the said City and County of San Francisco. Said wood shall be measured by cord measure; said cord measure shall contain one hundred and twenty-eight cubic feet, for which service he may charge, and shall receive, fifteen cents per cord.
- Fees.** SEC. 4. Any person or persons who shall or may bring, or import by vessel, into the said city and county, any wood, and shall sell or dispose of the same without the measurement of said Measurer, or his said Deputies, shall be liable, for each offence, to a fine not less than one hundred dollars nor more than five hundred; said fine to be enforced by action in any Court of competent jurisdiction; and it is hereby made the duty of the Attorney for said city and county to prosecute said actions whenever complaint shall be made of any violation of this Act. All moneys collected from said fines to be paid into the Common School Fund of said city and county. And the said Measurer shall be and he is hereby authorized to sue for and collect, either from the seller or purchaser, the amount of all fees which may be due on any wood so sold without measurement.
- Penalty for violations of Act.** SEC. 5. Any person or persons, purchasing from wholesale or retail dealers of such wood, in the said city and county, at any one time, in quantities of ten cords or less, shall be entitled to have the same measured by said Measurer, or his Deputies, by paying therefor the sum of twenty cents per cord; and if so purchased in quantities of over ten cords, the fees of said Measurer shall be fifteen cents per cord.
- Fees.** SEC. 6. The said Measurer shall have power, and is hereby authorized, to appoint one or more Deputies, who shall take and subscribe the oath of office, as herein provided for said Measurer, and for the faithful discharge of whose duties the said Measurer shall be liable upon his official bond.
- Deputies.** SEC. 7. This Act shall take effect from and after its passage.

CHAPTER CCCXLVI.—An Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, to lay down Gas Pipes in the City and County of San Francisco.

[Approved May 2, 1862.]

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

SECTION 1. Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, are hereby authorized to lay down pipes in the City and County of San Francisco, and through the streets thereof, and through said pipes to supply gas for the use of said city and county, and the inhabitants thereof, for the term of fifty years. Franchise.

SEC. 2. In consideration of the rights hereby granted, the said grantees, and their associates and assigns, within ten months shall commence and prosecute the work in good faith, and within two years from and after the passage of this Act, shall have erected the necessary buildings and apparatus for the manufacture of at least fifty thousand cubic feet of gas in each twenty-four hours, and shall have laid down at least two miles of main pipe, through the public streets of the City and County of San Francisco, and supply gas through the same. Within four years from and after the passage of this Act, the said grantees, and their associates and assigns, shall have laid down three additional miles of street main pipes, and shall at all times thereafter, during the continuation of the franchise privileges hereby granted, supply gas through the same for the use of the City and County of San Francisco, and their inhabitants; *provided*, that said grantees shall not charge more than five dollars for each one thousand cubic feet of gas. Conditions.
Price limited.

SEC. 3. Whenever any of the streets in said city and county shall be disturbed, under authority of this Act, they shall be replaced in as good condition as they were at the time of being disturbed, and subject to the approval of the Superintendent of Public Streets and Highways of said city and county. To repair streets.

SEC. 4. If, under the privileges hereby granted, any injury shall be done to any water pipes, gas pipes, sewers, or drains, belonging to other parties, the amount of said injury, including losses of water, or gas, shall be assessed by the Superintendent of Public Streets and Highways, and paid by the grantees designated in this Act, and their associates and assigns, and the assessment of said Superintendent of Streets and Highways shall be final and conclusive as to the amount of damages to be paid. Damages.
Payment of.

SEC. 5. Under the provisions of this Act, said grantees and their associates and assigns shall not erect any work or apparatus for the manufacture of gas within the district bounded on the north by Greenwich street, on the west by Jones and Harris streets, and on the south and east by the water front of the said City and County of San Francisco; *provided*, that nothing in this Act shall authorize the grantees herein named, or their assigns, to build or maintain any works, or erections, which shall be a nuisance. Location.
Nuisance.

SEC. 6. For the faithful performance of the terms of this

To give bond Act on the part of the grantees, their associates or assigns, a bond, to the Treasurer of the City and County of San Francisco, in the sum of thirty thousand dollars, with two sureties, to be approved by the Judge of the District Court of the Twelfth Judicial District of the State of California, shall, within ten days, be executed by the said grantees, their associates or assigns, and shall be filed in the office of said Treasurer; and upon the forfeiture of said bond, it shall be the duty of the Attorney of said city and county to bring an action for the amount thereof, and upon recovery, to have the amount of said bond, with costs of suit, paid into the Treasury of said City and County of San Francisco, and in case said bond shall not be executed, approved, and filed, as provided in this Act, or in case of the non-performance of any of the terms and conditions of this Act, by said grantees and their associates and assigns, required to be performed, then the franchises and privileges herein granted shall utterly cease and determine.

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

CHAP. CCCXLVII.—*An Act to establish and maintain a State Normal School.*

[Approved May 2, 1882.]

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

Trustees. SECTION 1. The Board of Education of the State of California, together with the Superintendent of Common Schools in the Cities of San Francisco, Sacramento, and Marysville, are hereby constituted (ex officio) a Board of Trustees for the Normal School of the State of California, as hereinafter provided.

Powers. SEC. 2. Such Board of Trustees shall be known and designated as "The Board of Trustees of the State Normal School," and they shall have power to establish and maintain, in the City of San Francisco, or at such other place as the Legislature may hereafter direct, a Normal School, for the free instruction in the theory and practice of teaching of such citizens of this State as may desire to engage as teachers in the public schools thereof; to prescribe a course of study for such Normal School, and the text books to be used therein; to examine, employ, and fix the salaries of, teachers therein; to hold stated examinations of the pupils attending such Normal School, and to award diplomas and certificates, as hereinafter provided; to arrange and effect all the details necessary to carry out the purposes of this Act.

Duties. SEC. 3. The said Board of Trustees shall, on or before the first day of June, A. D. eighteen hundred and sixty-two, arrange for the opening of such Normal School, and may, in their discretion, adopt the Normal School now existing in the City of San Francisco, and may also agree with the Board of Education of said city for the establishment of an Experimental School, to be connected with such Normal School; also for the use of build-

ings, furniture, apparatus, etc., necessary for the same; *provided*, ^{Proviso.} that the sessions of such Normal and Experimental School shall be held in the day time, at least once each day for five days of each week, during five months of each year.

SEC. 4. Females, of fifteen years or over, or any male of the ^{Pupils.} age of eighteen years or over, shall be entitled to admission, as pupils in such Normal and Experimental Schools, upon declaring, in writing, to the Superintendent of Public Instruction, his or her intention to engage permanently in teaching in the Common Schools of this State; *provided*, that all persons applying for admission as pupils may be instructed in said school for such rates of tuition as the Board of Trustees may determine.

SEC. 5. The seats in such Normal School shall be apportioned ^{Seats.} among the applicants therefor from the different counties of this State, as near as may be, in proportion to the representation of such counties in the State Legislature.

SEC. 6. The Superintendent of Public Instruction shall visit ^{Superin-} the said school at least once in each month, and, at the end of ^{tendent} each annual session thereof, the Trustees shall examine such ^{of Public} applicants as are pupils of the Normal School, regarding their ^{Instruction.} proficiency in the studies of the course, and especially in their ^{Duties.} knowledge of the practice of teaching and school government, and shall grant diplomas to such only as give satisfactory evidence of their qualification in both the studies of the course and in the practice of teaching and school government. ^{Certificates.} Certificates of qualification may be issued to those who have pursued only a practical course of study, specifying the grade of schools which they are qualified to teach; and such diplomas and certificates shall entitle the person, to whom they are awarded, to teach in any Common School in this State, of the grade specified therein, for the term of two years from its date, without further examination by the State or County Board of Examination.

SEC. 7. The Trustees shall hold a meeting on the opening ^{Trustees.} and closing day of each annual session of such Normal School, ^{Meetings.} and as much oftener as they may deem necessary for the public interest.

SEC. 8. The sum of three thousand dollars is hereby appropriated ^{Appropri-} for the purposes of this Act, payable out of the General ^{ation.} Fund; and the Controller of State is hereby authorized and required to draw his warrant for that sum, in favor of the Board of Trustees of the State Normal School, to be expended by them solely for the purposes of this Act; and they shall report annually, on or before the tenth day of January of each year, to the State Legislature, all their expenditures; also, the number of pupils attending such Normal School, their name, age, and residence, and the number of diplomas and certificates of qualification granted, and to whom; *provided*, that no expense incurred by said Board, under this Act, exceeding said sum of three thousand dollars, shall be a charge against the State.

SEC. 9. This Act shall take effect from and after its passage; and all laws, and parts of laws, inconsistent with the provisions of this Act, are hereby repealed.

CHAP. CCCXLVIII.—*An Act to authorize the Construction of a Marine Railway on the western shore of the Bay of San Francisco.*

[Approved May 2, 1862.]

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

- Franchise.** SECTION 1. John J. North, and his associates and assigns, are hereby granted the right and privilege to construct a marine railway, and maintain the same for twenty-five years from and after the passage of this Act, upon the following described submerged and tide and marsh land, to wit: Commencing at the
- Location of.** southeasterly corner of lot numbered five hundred and four, as the same is laid down on a map or plan of the Potrero Nuevo, made by William T. Lewis, in June, eighteen hundred and fifty-six; thence running easterly, into the Bay of San Francisco, in a direct course with the southerly line of said lot number five hundred and four, four hundred feet; thence northerly, at right angles with said southerly line, to a point where the northerly line of lot numbered five hundred and five, as laid down on said map or plan, when run in a direct course easterly, would intersect with said right angle line; thence westerly, in a direct course, to the northeasterly corner of said lot numbered five hundred and five; thence along said northerly line of said last named lot, to highwater mark; thence southerly, along the meanderings of said highwater mark, to the southerly line of lot numbered four hundred and eighty-nine; and thence easterly, along said last named line, to the point of beginning; *provided*, that the rights and franchise herein granted shall cease and determine, and shall revert to the State, whenever the State, through the Legislature, shall see fit to provide or adopt any general system of improvement for the water front of the City of San Francisco, but the grantees shall be entitled to receive the value of such improvements as they shall have made, which value shall be ascertained and determined as provided in the
- Proviso.** Railroad Law of this State.
- Conditions.** SEC. 2. Said North, and his associates and assigns, shall commence the construction of said railway within one, and complete the same within three years from and after the passage of this Act, otherwise the same shall be void, and of no effect.

CHAP. CCCXLIX.—*An Act supplementary to an Act entitled an Act to change the Time for holding Municipal Elections in the City and County of San Francisco, and to define the official Terms of certain Officers therein mentioned, approved April twenty-second, in the year eighteen hundred and sixty-one.*

[Approved May 2, 1862.]

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

SECTION 1. The Police Judge, Chief of Police, Auditor, Tax Collector, Public Administrator, Superintendent of Public Streets and Highways, Justices of the Peace, Constables, Supervisors, and School Directors, who shall be elected for the City and County of San Francisco at the election to be held on the third Tuesday of May, in the year eighteen hundred and sixty-two, shall hold their office from the time of the expiration of the terms of office of their immediate predecessors, and until the first of July in the year eighteen hundred and sixty-four, or until their successors are elected and qualified. Terms of office.

CHAP. CCCL.—*An Act fixing the Salaries of the Governor's Private Secretary and of the Clerk of the Executive Department.*

[Approved May 2, 1862.]

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

SECTION 1. The Governor's Private Secretary shall receive, for his services, the sum of twenty-four hundred dollars per annum, and the Clerk of the Executive Department shall receive one thousand eight hundred dollars per annum, to be paid monthly out of any moneys in the Treasury not otherwise appropriated. Salary.

SEC. 2. This Act shall take effect from the commencement of the term of office of the present incumbent.

SEC. 3. All Acts, and portions of Acts, in conflict with the provisions of this, are hereby repealed.

CHAP. CCCLI.—*An Act concerning the Locating and Patenting of certain Swamp and Overflowed Lands.*

[Approved May 2, 1862.]

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

Certain loca-
tions to have
force and
effect.

SECTION 1. In all cases when lands that have been surveyed and located by or for any person, according to the provisions of the laws of this State authorizing the sale and location of the five hundred thousand acres of land donated by the United States to this State for purposes of internal improvements, or of the seventy-two sections of land donated to this State for the use of a Seminary of Learning, or of the ten sections of land donated to this State for the purpose of erecting public buildings, which lands were located so as to include any swamp and overflowed land belonging to this State, before such land was finally segregated from the lands of the United States, or before such lands were purchased as swamp and overflowed land, all the Acts and proceedings concerning such location and the certificates of survey, location, and entry, and the patents issued thereon, shall have the same force and effect as if the lands included in such location had been the lands of the United States, subject to such location, and the patent and all other evidence of title shall be issued to the person making such location, his heirs and assigns, in the same manner as if such lands had been subject to such location and entry.

Surveyor-
General,
duties of.

SEC. 2. The Surveyor-General shall keep a list of all such lands so located and patented, as aforesaid, which are swamp and overflowed lands, and the officers and agents of this State, authorized by law to select the said five hundred thousand acres of land, and said seventy-two sections of land, and said ten sections of land, shall select, for and on behalf of this State, an equal amount of land in lieu of said swamp and overflowed land, located and patented as aforesaid.

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

CHAP. CCCLII.—*An Act to pay Paul d'Heirry for Services as Surgeon to the State Prison, in the case of Patrick Brannan, in November, eighteen hundred and sixty-one.*

[Approved May 2, 1862.]

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

Appropriation.

SECTION 1. The sum of three hundred dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to pay the claim of Paul d'Heirry, for services to the State Prison, in the case of Patrick Brannan, in

November, eighteen hundred and sixty-one, as Surgeon, and the Controller of State is hereby authorized and directed to draw his warrant for three hundred dollars, in favor of the said Paul d'Heirry, and the Treasurer of State to pay the same.

CHAP. CCCLIII.—*An Act to fix the Salary of the County Judge of the County of Placer.*

[Approved May 2, 1862.]

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

SECTION 1. The salary of the County Judge of Placer County, Salary. from and after the expiration of the term of the present incumbent, shall be two thousand five hundred dollars per annum.

SEC. 2. All laws, and parts of laws, conflicting with the provisions of this Act, are hereby repealed.

CHAP. CCCLIV.—*An Act to confer further Powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned.*

[Approved May 2, 1862.]

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

SECTION 1. The Board of Education of the City and County of San Francisco shall have power, in addition to the powers already allowed by law, to insure any or all schoolhouses, furniture and apparatus, owned or used by the School Department, as the Board, in its judgment, may deem necessary; to fix the rate of all salaries payable out of the School Funds, and to require that all teachers whose salaries are payable out of said funds, previous to their being employed, shall be rigidly examined before the said Board, or a committee of its members appointed for that purpose, or by the Superintendent; to purchase a fire-proof iron safe, for the use of the Board and the safe custody of the books, papers, and records, of the School Department, at an expense not exceeding two hundred and fifty dollars; to expend a sum, not exceeding two hundred and fifty dollars per annum, in addition to the amount at present allowed by law, for procuring the necessary blanks, blank books, and printing, for the Superintendent of Common Schools and the said Board; and a further sum, not exceeding four hundred dollars per annum, for incidental expenses. To insure school property.

SEC. 2. The Common School Fund of said city and county Further powers.

School Fund is hereby declared exempt from the payment of all fees, commissions, or per centage, which are now or may hereafter be allowed for the collection of the school tax.

School Fund
exempt
from fees.

SEC. 3. All demands accruing under this Act, shall, after having passed said Board, be allowed, audited, and paid out of the School Fund; and the Auditor of said city and county, and the Treasurer thereof, are hereby authorized and directed to allow, audit, and pay the same demands, as herein provided.

SEC. 4. All Acts, or parts of Acts, conflicting with the provisions of this Act, are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCLV.—*An Act relating to the Thirteenth Judicial District, and to determine the Time for holding the Courts in said district.*

[Approved May 2, 1862.]

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

Terms.

SECTION 1. The terms of the District Court of the Thirteenth Judicial District shall be held as follows: In the County of Merced, on the fourth Monday of January, May, and September, of each year; in the County of Stanislaus, on the first 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 first Monday of March, July, and November, of each year; in the County of Mariposa, on the third Monday of March, July, and November, of each year.

SEC. 2. This Act shall take effect from and after its passage; and all Acts, or parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

CHAP. CCCLVI.—*An Act to amend an Act entitled an Act to make certain Offices in the County of Tuolumne Salaried Offices, approved February twenty-first, eighteen hundred and sixty-one.*

[Approved May 2, 1862.]

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

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

Section 3. The County Clerk, for all services required of him in his office, or by virtue of his office, shall receive a salary, at the rate per annum of two thousand four hundred dollars, which shall be in full for all services required of him by law; *provided,*

County
Clerk,
salary of.

that for any services rendered for the State, he may retain the amount paid by the State for such services, for his own proper use, in full compensation for such services.

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

Section 10. The County Clerk shall be allowed a Deputy, Deputy. who shall be paid, by the county, at the rate of one hundred and twenty-five dollars per month.

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

CHAP. CCCLVII.—*An Act to prohibit the Keeping Open of Bath Houses, Barber Shops, and Hair Dressing Saloons, in the City of San Francisco, during certain hours of the first day of the week, known as the Sabbath Day.*

[Approved May 2, 1862.]

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

SECTION 1. It shall not be lawful for any bath house, barber shop, or hair dressing saloon, in the City of San Francisco, to be kept open on the first day of the week, usually known as Sunday, after the hour of one o'clock, P. M., of said day. Unlawful acts.

SEC. 2. Any person who owns, keeps, or attends, any such bath house, barber shop, or hair dressing saloon, in his own right, or as agent, or servant, for another, who shall violate the provisions of this Act, shall, for every such offence, be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine, of not less than fifty nor more than two hundred dollars, to be recovered as other fines for misdemeanors are now recoverable by law, and by imprisonment until such fine is paid. Penalties.

SEC. 3. All Acts, or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after the expiration of fifteen days from the time of its approval.

CHAP. CCCLVIII.—*An Act to grant the Right to construct a Turnpike Road, from the Town of La Porte, County of Sierra, through or near the Beckwith Pass, to the Eastern Boundary Line of this State.*

[Approved May 2, 1862.]

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

SECTION 1. John Conly, S. T. Brewster, M. Traner, Jonas Carter, Creed Haymond, Thomas DeMasters, B. W. Barnes, O. Wetherboo, Louis A. Goza, Mat Maughan, A. Bona, and William Francisco.

H. Hill, together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall incorporate themselves, under the general law of this State regulating corporations and providing for the incorporation of plank and turnpike roads, and shall adopt the name of "The Marysville and Beckwith Pass Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Powers.

SEC. 2. The said company shall have full power to build and maintain a turnpike road, from the Town of La Porte, County of Sierra, through or near the Beckwith Pass, to the eastern boundary line of the State of California, and have and enjoy all the rights and privileges and immunities thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to the said company for the term of twenty years; and the State enters into these covenants, and grants these rights and privileges, upon the express condition that within one year from the passage of this, the said company shall commence, and within two years complete, the said turnpike road; *provided*, that this road shall not interfere with or obstruct the present county roads.

Proviso.

Rights extended.

SEC. 3. The same rights as are now extended by the laws of this State to plank and turnpike roads, are hereby extended to the said Marysville and Beckwith Pass Turnpike Road Company, and all laws applying to turnpike roads in this State are hereby made applicable to said road, so far as the same do not conflict with this Act.

SEC. 4. The said company are hereby authorized to charge and collect such rates of toll as the Board of Supervisors of Sierra County may annually fix.

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

CHAP. CCCLIX.—*An Act to amend an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act to prevent the Trespassing of Animals on Private Property, approved March thirty-first, A. D. eighteen hundred and fifty-five.*

[Approved May 2, 1862.]

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 not to apply in certain cases.

SECTION 2. This Act shall not apply to persons travelling with, or driving, animals, as provided in this Act, to market, except when such owners or managers stop more than two days on the lands owned or occupied as herein mentioned, without the permission of such owner or occupant; nor shall it apply to the owners or legal occupants of grazing farms, whose lands are proportionate to the number of their cattle and horses.

The maximum number of large cattle and horses shall be twelve hundred head to the square league of land of such owner or legal occupant, or in that proportion for a greater or less quantity of land.

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

Section 3. This Act shall apply to the Counties of Santa Barbara, Monterey, and San Luis Obispo.

Applies to certain counties.

CHAP. CCCIX.—*An Act to amend an Act entitled an Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty.*

[Approved May 2, 1862.]

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

SECTION 1. Section twenty-five of the Act entitled an Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty, is hereby amended so as to read:

Section 25. The Supervisors of the County of Yuba shall each be allowed eight dollars per day for each day's actual attendance at the meetings of the Board of Supervisors and the Board of Equalization, and mileage, at the rate of twenty cents per mile, (in going, only,) from their residence to the County Court House, to be paid out of the General Fund of the county; *provided*, that they shall receive no other or greater compensation for any services rendered the county.

Supervisors, per diem and mileage of.

CHAP. CCCXI.—*An Act entitled an Act to prevent Non-Residents of this State from Selling Goods without a License.*

[Approved May 2, 1862.]

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

SECTION 1. It shall not be lawful for any non-resident, domiciled within this State, either directly or indirectly to peddle, hawk, sell, barter, or exchange, any description of goods, wares, or merchandise, in any town, city, or county, of this State, except after having obtained a license as hereinafter provided; *provided*, that the provisions of this Act shall only apply to gold and silver ware manufactured out of this State.

Unlawful act

SEC. 2. It shall be the duty of any person wishing to sell, or barter, as stated in the first section of this Act, to pay to the

License. County Treasurer of the county where such person is domiciled, for the use of the State, the sum of five hundred dollars, upon the receipt of which it shall be the duty of such Treasurer to grant such persons a license to sell, barter, or exchange, during six months, within the limits of this State; for each license the Treasurer shall demand and receive, from the party applying, the sum of five dollars, for the use of the county.

SEC. 3. All such persons shall be bound to exhibit their license, when so required, to any householder of this State.

Penalty. **SEC. 4.** If any person shall act contrary to and in violation of any of the provisions of this Act, shall, on conviction before any Court of competent jurisdiction, be fined a sum of five hundred dollars, and be liable to imprisonment for a term not to exceed six months, nor less than thirty days. It shall be the duty of the District Attorneys of this State to prosecute all persons contravening the provisions of this Act, on information of any householder.

SEC. 5. This Act shall take effect from and after its passage, and all Acts in conflict with this Act are hereby repealed.

CHAP. CCCXLII.—*An Act supplementary to an Act entitled an Act to empower M. G. Vallejo to convey certain Real Estate, approved April sixteenth, eighteen hundred and fifty-nine.*

[Approved May 2, 1862.]

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

May make certain compromises and agreements.

SECTION 1. For the purpose of fixing and definitely establishing the boundary lines of the tract of land mentioned in the Act to which this is a supplement, Mariano G. Vallejo is hereby authorized and empowered to make all such compromises and agreements as may be proper to locate the said tract of land, and establish the boundaries thereof, and for that purpose the said Mariano G. Vallejo is hereby authorized and empowered to accept and receive, in the name of his son, Uladisloe Vallejo, a minor, under the age of twenty-one years, a conveyance or conveyances of lands, and also, by a proper deed or deeds, to release, and quitclaim, such part or parts of said lands, claimed under the deed mentioned in the Act to which this is a supplement, to such person or persons as may be entitled thereto in the compromise and settlement herein mentioned and provided for; *provided*, said deed or deeds, to be executed by the said Mariano G. Vallejo, shall, before delivery thereof, be approved by the Judge of the Probate Court of the County of Napa, by his indorsement thereon, in writing, and acknowledged by him before an officer authorized to take the acknowledgments of deeds, which indorsement and acknowledgment thereof shall be recorded with said deed in the office of the Recorder of said County of Napa.

Proviso.

CHAP. CCCCLXIII.—*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 May 2, 1862.]

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

SECTION 1. The Governor of this State may, upon presentation of a 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 the 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 for 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. Governor may issue arms.

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 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. Bond.

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 day of December, make return to the Adjutant-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 belonging to the State, and the condition thereof. Trustees' duties.

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

CHAP. CCCLXIV.—*An Act to fix the Terms of the Court of Sessions, County Court, and Probate Court, in the County of Contra Costa.*

[Approved May 2, 1862.]

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

Terms.

SECTION 1. The terms of the Court of Sessions, County Court, and Probate Court, in the County of Contra Costa, shall commence on the first Mondays of February, May, August, and November, in each year.

SEC. 2. The County Judge of said county is empowered to hold special terms of the Probate Court, for the transaction of any probate business.

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

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

CHAP. CCCLXV.—*An Act to prevent the Adulteration of Food and Liquors.*

[Approved May 2, 1862.]

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

Unlawful acts.

SECTION 1. It is hereby forbidden, and declared a misdemeanor, to adulterate, with any poisonous substance, any article to be used as food or drink by persons, or to sell or give away any article so adulterated.

SEC. 2. It is hereby forbidden, and declared a misdemeanor, to manufacture or prepare for sale, any adulterated article, to be used as food or drink by persons, without affixing on every package so prepared, a plainly printed English label, stating distinctly that the article is "adulterated," using that very word, and stating also the common English name, if it have one, of every substance used in the adulteration; the word "adulterated," and the names of the substances used in the adulteration, to be printed in type as large and clear as any used on the label; and no label, lacking in these requisites, shall be placed on such package.

SEC. 3. It is hereby forbidden, and declared a misdemeanor, to break any original package marked with a label, as required in the preceding section, and sell any part thereof without affixing a similar label upon it; or if the article sold be a liquor, to be drunk at the time of sale, without showing the label.

SEC. 4. It is hereby forbidden, and declared a misdemeanor, to sell or give away any adulterated article, to be used as food or drink by persons, without a distinct accompanying notification of the adulteration.

SEC. 5. It is hereby forbidden, and declared a misdemeanor,

to sell any article, to be used as food or drink by persons, under a false name, with intent to deceive the purchaser as to the real nature of the article.

SEC. 6. The commission of any misdemeanor forbidden in this Act, shall, on conviction thereof, be punished by a fine not to exceed one thousand dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment. Penalties.

SEC. 7. This Act shall be in effect on and after the first day of July, of the year one thousand eight hundred and sixty-two.

CHAP. CCCLXVI.—*An Act to legalize the Assessment and Levy of City Taxes, and to authorize the Collection of the same, in the City of Oakland.*

[Approved May 2, 1862.]

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

SECTION 1. The assessment of property in and for the City of Oakland, made during the fiscal year ending on the first Monday of March, A. D. eighteen hundred and sixty-two, and equalized by the authorities of said city, are hereby legalized, and rendered, in every particular, as valid in law as if all the forms of law had been complied with, in such cases required. Assessments legalized.

SEC. 2. The Common or City Council are hereby authorized and empowered to levy, by ordinance, and cause to be collected, in said city, a city tax of not more than one per cent. upon the assessed value of all real and personal property and improvements in said city so assessed, for the purpose of paying the interest on the funded debt of said city, and defraying the current expenses of the same for the fiscal year aforesaid. City tax.

SEC. 3. The assessment roll shall be immediately delivered to the City Marshal, upon the reception of which, he shall post three notices in conspicuous places in said city, that the city taxes for the fiscal year ending on the first Monday of March, A. D. eighteen hundred and sixty-two, are due and payable; and he shall, at the expiration of ten days after said notices have been posted, proceed to collect said taxes. On the last Saturday in June, he shall make out a complete list of delinquent tax payers and property so delinquent, in the manner and form prescribed by law, which, when duly certified to by him under oath, shall be delivered to the Clerk of said city upon said last Saturday of June, at which time he shall pay over all moneys collected by him, and in his hands, for taxes, to the City Treasurer. The City Clerk and Treasurer shall thereupon settle with the City Marshal, and shall immediately deliver said certified delinquent list to the City Attorney, who shall immediately post three notices in conspicuous places in said city, setting forth that the delinquent list has been placed in his hands, and, unless the taxes are paid forthwith, suits will be brought to recover the same; and it shall be the duty of the City Attorney, after Assessment roll.
Marshal, duties of.
Officers' duties.

the lapse of five days from the time of posting said notices, to commence suits in the proper Courts against the persons and property so delinquent, in the manner and form prescribed by law, excepting only the time for commencing suits.

Lien.

SEC. 4. The taxes, when levied, shall be a lien upon the property so assessed, which shall not be removed until the taxes are paid on the property assessed, or until the title has vested in a purchaser on a sale upon a judgment for taxes.

Collection of taxes.

SEC. 5. Executions issued out of the Mayor's or Justices' Courts, upon judgments for taxes under this Act, shall be directed to and executed by the City Marshal; and all sales of property under execution, directed to the Marshal, shall be made by him in front of the Council Chamber in the City of Oakland, and in the manner prescribed by the Revenue Law of the State.

CHAP. CCCLXVII.—*An Act amendatory of and supplemental to an Act entitled an Act concerning Passengers arriving in the Ports of this State, approved May third, one thousand eight hundred and fifty-two, and the several Acts amendatory thereof and supplemental thereto.*

[Approved May 2, 1862.]

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:

Bond.

Section 3. The bond required by section two of this Act shall be a distinct and separate bond for each and every person or passenger. Within three days after the landing of such person or passengers from any vessel, in any of the ports of this State, it shall be lawful for the master or commander, the owner or consignee, of said vessel, to commute for the bond or bonds required by section two of this Act, by paying to the Superintendent of Immigration, or Mayor, the sum of five dollars for each and every passenger reported, as in section one of this Act required. Upon the payment of such commutation money, and the filing with the Controller of State of the receipt of said Superintendent of Immigration, or Mayor, therefor, by the party paying the same, as in section four provided, such party shall be discharged from the requirements of giving bonds as aforesaid. The same sureties shall not be upon more than one bond.

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

Justification

Section 10. In all cases of justification of sureties required under this Act, the sureties shall justify before the Superintendent of Immigration, or Mayor, required to approve the bond, who is hereby authorized and required to administer the oath or affirmation required upon such justification, for which he shall charge and collect one dollar for each and every bond. Every master, or commander of any vessel, shall, at the time of making

Fees.

his report, as in section one provided, make oath or affirmation as to the correctness of said report, before the Superintendent of Immigration, or Mayor, to whom such report is made, who is hereby authorized and required to administer such oath or affirmation, and to charge and collect therefor the sum of one dollar. All of said fees provided for in this Act shall be paid to the Treasurer of State, as in the case of the payment of moneys provided for in section four of this Act.

Masters of vessels, duties of.

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

Section 11. The word "vessel," wherever used in this Act, shall be held to include ships, steamers, barges, brigs, schooners, sloops, boats, and all other description of water crafts. The word "Mayor," whenever used in this Act, shall be held to include every Mayor of a city, or officer, or Board, discharging the duties of Mayor or Chief Municipal Officer, and where there is no Superintendent of Immigration, Mayor, or Board of Chief Municipal Officer, acting as such, the Sheriff of the county in which is located the port or place at which such vessel shall arrive, shall act as Superintendent of Immigration, in carrying out the provisions of this Act, and he shall have all the powers and be liable to all the penalties provided for in this Act.

Certain words defined.

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

Section 13. Masters or Commanders arriving at any of the ports of this State, from any port in this State, or from Oregon or Washington Territory, are exempt from making the statement required to be made by the first section of this Act, when the water craft in which they arrive have not taken on board at their port of departure, or at any intermediate port, any alien person or passengers, to be landed at said port of arrival; and masters or commanders of steamers arriving from Panama are also exempted from the provisions of this Act, when they shall not have landed, or are not about to land, persons or passengers who took their departure from ports other than the port of New York; and in no case shall such master or commander be required to report any person or passengers other than way passengers taken on board between said port of New York and said port of arrival in this State. The Consuls, Ministers, Agents, or other public functionaries of any foreign Government, arriving in this State in their official capacity, are exempt from the provisions of this Act.

Masters of vessels exempted.

Persons exempted.

SEC. 5. The Superintendent of Immigration, or the Mayor, shall be entitled to receive a commission of twenty per cent. on all moneys collected by him and paid into the State Treasury, under this Act, and the Act to which this is supplemental, and he shall have no further allowance or compensation under the name of "office rent," "stationery," "contingencies," or otherwise, under any pretext whatever. It shall be the duty of said Superintendent of Immigration, or Mayor, to prepare all bonds and affidavits of justification required to be given by the owners or consignees, captains or commanders, of vessels, and to administer the oath or affirmation to the sureties upon such bonds, and for each of said bonds he shall charge and collect a fee of three dollars, which he shall pay to the Treasurer of State, in

Fees.

Duties of Superintendent of Immigration

the manner provided for the payment of moneys in section four of the Act to which this is supplemental, and if he shall neglect to administer the oath to such sureties, or to require them to justify on each bond, as required by said Act, he shall forfeit and pay to the State of California the penal sum of one hundred dollars for each offence.

Penalty for
violating Act

SEC. 6. The said Superintendent of Immigration shall not, directly or indirectly, demand or receive for any services whatever, appertaining in any manner to his office, any other or larger fees, commissions, or other compensation, than as expressly allowed in this Act. And if he shall so demand or receive any such other or larger fees, or other compensation, he shall forfeit and pay to the State of California the penal sum of one hundred dollars for each offence, and shall also be liable to the person or persons from whom such other or larger fees or compensation, as aforesaid, are demanded and received, for double the amount so demanded and received, and for the further sum of one hundred dollars, as special, fixed, and ascertained damages, and all forfeitures to this State, and all liabilities incurred under this Act, may be collected on his official bond.

District
Attorney,
duties of.

SEC. 7. It shall be and is hereby made the special duty of the District Attorney of the City and County of San Francisco, and of any other county in which the provisions of this Act, or the Act to which this is supplemental, may be violated, to collect and enforce the payment of all forfeitures to the State, incurred under this Act, or the Act to which this is supplemental; and one fourth the money so collected shall be retained by him, as compensation for his services, and the other three fourths shall be paid into the County Treasury of said county, to be paid into the State Treasury, for State purposes.

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

CHAP. CCCLXVIII.—*An Act appropriating Money for the Erection of a Building, in the City of San Francisco, for the use of the Home for the Care of the Inebriates.*

[Approved May 2, 1862.]

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

Appropriation.

SECTION 1. The Controller of State is hereby directed and required to draw his warrant on the Treasurer of the State for the sum of five thousand dollars, payable to the President and Treasurer of the Institution known by the name of "The Home for the Care of the Inebriate," in the City and County of San Francisco, for the purpose of erecting a building at such place in said city as the Board of Managers of said institution may direct, which building shall be used and occupied by said institution as a home and hospital for the care of inebriates; and for the purpose of paying said warrant, the sum of five thousand dollars is hereby appropriated, out of any moneys which may be

in the State Treasury not otherwise appropriated, on or before the first day of November next.

SEC. 2. The Board of Managers of said institution are hereby required to expend and lay out said money for the purpose mentioned in the preceding section, and no other; and they shall commence the erection of such building within three months after the payment of said warrant, and complete the same as soon as possible. Said building, when erected, shall be the property of said institution, and be under the control and direction of its Board of Managers; *provided*, that if said Board of Managers of said "Home of the Inebriate" shall at any time neglect their duties as prescribed by this Act, or shall at any time use or occupy said premises for any other purpose than those defined by this Act, the State of California shall be held to have, and shall have, a lien thereon, for the purposes of said trust, and may enforce the same against said "Home for the Inebriate," and said Board of Managers, by proceedings at equity, to enforce said trust, or for the recovery of said sum of five thousand dollars, at the option of said State.

SEC. 3. The President and Treasurer of said institution are hereby required to report to the Legislature of this State, on or before the fifteenth day of January next, and on or before the same day of each year thereafter, until the whole of said money shall have been expended, a detailed statement, on oath, of the expenditure of the above named appropriation. The said President and Treasurer, before receiving said money, are also required to execute, to The People of the State of California, a bond, according to law, with two sufficient sureties, to be approved by the Governor, conditioned for the faithful expenditure and application of said moneys for the purposes named in this Act.

SEC. 4. Said building shall always be kept open for the reception and care of inebriates, both male and female, of every nationality and sect, from all parts of the State, free of charge for their support, care, or medical attendance, while they necessarily remain therein. The Board of Managers of said institution are hereby required to report, annually, to the Legislature of this State, on the meeting thereof, the condition of said institution, together with a tabular statement showing the number of inmates received into the Home for the year, their nationality, age, sex, place of residence, occupation, and, as far as may be, the numbers that have become reformed by its influence, also a detailed account of the expense of maintaining the institution; *provided*, that nothing herein contained shall be taken to imply an obligation, on the part of the State, to contribute to the support of said institution further than by the appropriation named in this Act.

CHAP. CCCLXIX.—*An Act to restrict the Herding of Sheep in certain counties of this State.*

[Approved May 6, 1862.]

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

Act applic-
ble to certain
counties.

SECTION 1. It shall not be lawful for any person or persons, owning or having charge of any sheep within the Counties of Mendocino, Lake, Sonoma, and Marin, to herd the same, or permit them to be herded, on the land or possessory claims of other than the lands or possessory claims of the owners or herders of such sheep.

Violations.

SEC. 2. The owner or owners, or the agent of such owners, of sheep, violating the provisions of section first of this Act, on complaint of the party or parties injured, and on conviction thereof before any Justice of the Peace for the township where either of the interested parties may reside, shall be liable to a fine of not less than twenty-five dollars nor more than two hundred dollars, and shall be liable to pay to the party or parties injured in a further sum of not less than twenty-five dollars, in the nature of the damages, for each day such violation of said section shall be permitted to continue.

Penalties.

Fines for
benefit of
School Fund

SEC. 3. All fines imposed and collected under the provisions of this Act, shall be paid to the Treasurer of the county in which the same may have been collected, for the sole benefit and use of the School Fund of said county.

SEC. 4. All Acts, and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed, so far as their application to the counties named in the first section of this Act may be concerned.

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

CHAP. CCCLXX.—*An Act to grant the Right to construct a Turnpike Road, between Searsville, in San Mateo County, and Pescadero, in Santa Cruz.*

[Approved May 6, 1862.]

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

Franchise.

SECTION 1. R. J. Weeks, 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 law of the State regulating corporations and providing for the incorporation of turnpike roads, and shall adopt the name of "The Searsville and Pescadero Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

SEC. 2. The said company shall have full power to build and maintain a public turnpike road, from the point on the mountain where the line between Townships Six and Seven crosses to Pescadero Town, in the County of Santa Cruz, and have and enjoy all the rights, and privileges, and immunities, thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to the said company for the term of twenty years; and the State enters into these covenants, and grants these rights and privileges, upon express condition that within one year from the passage of this Act said company shall commence, and within two years complete, the said turnpike road. Powers.

SEC. 3. The same rights as are now extended by the laws of this State to plank and turnpike roads, in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the said Searsville and Pescadero Turnpike Road Company; the damages to be paid in the same manner as they are by plank and turnpike road companies. Rights.

SEC. 4. The said turnpike shall be constructed of sufficient width to admit of the passage of the largest and heaviest sized teams, and said road shall be kept, at all seasons of the year, in good condition for travel by the largest or heaviest lumber and other teams. Construction

SEC. 5. The said company, upon the completion of said turnpike road, shall be authorized and empowered to charge and collect such rates of fare as the Board of Supervisors of San Mateo County may annually fix. Tolls.

SEC. 6. The said company shall keep, at each end of the road, a sign board, which shall show the scale of prices and the regulations of the road. Scale of prices.

SEC. 7. If, at any time during the continuation of the franchise granted herein, the Board of Supervisors of the counties within which said road is located desire to make the same a free road, they are hereby empowered to purchase the same, by paying to the owners the value thereof at the date of such purchase; such valuation to be determined by three Commissioners, one to be appointed by the Board of Supervisors of San Mateo County, one by the Board of Supervisors of Santa Cruz County, and one by the owners of said road; the cost so ascertained to be paid by the respective counties in proportion to the value of that portion of the road in such county. May be made a free road.

CHAP. CCCCLXXI.—*An Act to provide for the Payment of the sum of Two Hundred Dollars to each of the six Locating Agents of the State of California, and to pay Expenses of Committee appointed to confer with the Land Department of the General Government, concerning Lands donated to this State.*

[Approved May 6, 1862.]

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

Appropriation.

SECTION 1. The sum of twelve hundred dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the purpose of defraying the expenses necessarily accrued in carrying out the provisions of section ten of an Act, approved April twenty-second, eighteen hundred and sixty-one, entitled an Act amendatory of and supplemental to an Act entitled an Act to provide for the Location and Sale of the Five Hundred Thousand Acres of Land granted 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 twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine; and the Controller of State is hereby directed to draw his warrants for the sum of two hundred dollars, or so much as may be allowed by the Board of Examiners, in favor of each of the six Locating Agents of the State.

Same.

SEC. 2. The sum of five thousand dollars is hereby appropriated, out of any money in the Swamp Land Fund not otherwise appropriated, for the payment of the expenses of the Committee appointed to proceed to Washington on business concerning the land donated to the State of California by the United States Government. The said five thousand dollars shall be full payment for services and expenses of said Committee, and all clerical expenses connected therewith; and the Controller of State is hereby authorized to draw his warrant, in favor of said Committee, for the sum of five thousand dollars, and the Treasurer of State to pay the same.

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

CHAP. CCCLXXII.—*An Act conferring Further Power upon the Trustees of the City of Benicia.*

[Approved May 6, 1862.]

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

Powers.

SECTION 1. The Trustees of the City of Benicia are hereby authorized and empowered to deed and convey, to the State of California, the building and grounds pertaining thereto in said

city known as "The Old Capitol," and also any other ground or grounds belonging to said city, for the use and purposes of the State Reform School, Normal School, University, or other State institution; *provided*, that the grounds so granted shall first be selected by the State, and shall not exceed the amount of twenty-five acres.

May convey property to the State.

SEC. 2. In case the State shall fail to use, take possession of, or occupy, the said building or grounds, or either or any portion of the same, which may have been granted and deeded to the State, under the provisions of this Act, on or before the expiration of three years from the passage thereof; or in case thereafter, at any time, the State should fail, for the space of three years, to use or occupy the granted premises, or any portion thereof; or in case, at any time, the State should voluntarily abandon the said premises, or any portion of the same, then, and in such case, such buildings or grounds, or any portion thereof, so abandoned, shall revert to and become the property of said City of Benicia.

Property to revert to city

SEC. 3. Any conveyance, made under and by virtue of the provisions of this Act, shall be submitted to the Attorney-General, and be formed in accordance herewith, and be approved by him, before it shall be accepted by any officer in behalf of the State, or be attested by any Notary Public, or admitted upon any public record.

Conveyance.

SEC. 4. All Acts, or parts of Acts, in conflict herewith, are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCLXXIII.—*An Act to provide for the Better Care of Indigent Sick in the County of San Bernardino.*

[Approved May 6, 1862.]

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

SECTION 1. The County Treasurer, District Attorney, and County Clerk, of San Bernardino County, and their successors in office, are hereby constituted a Board, to be known as "The Board for the Care of Indigent Sick." Said Board shall have all the power now exercised by the Board of Supervisors by virtue of the Act of March thirty-first, eighteen hundred and fifty-five, to provide for the Indigent Sick in the counties of this State, and the Board of Supervisors shall cease to have any power relating to the same.

Board established.

SEC. 2. All contracts and claims by any person for the care of indigent sick, who may not be qualified in accordance with the provisions of section four of the Act of March thirty-first, eighteen hundred and fifty-five, to provide for the Indigent Sick in the counties of this State, are hereby declared null and void.

Certain claims declared void.

SEC. 3. At any regular or special meeting of the Board of Supervisors, the Board constituted by this Act may present

any claim incurred for the benefit of the indigent sick, for allowance, and if found to be correct, shall be allowed and paid.

SEC. 4. All laws, and parts of laws, in contravention of this Act, are hereby repealed.

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

CHAP. CCCLXXIV.—*An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the Payment of the same, and other matters relating thereto, approved April ninth, eighteen hundred and sixty-one.*

[Approved May 6, 1862.]

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

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

Supervisors,
powers of.

SECTION 16. The said Board of Supervisors shall have authority to empower one or more of their number, or any other person or persons, to cast any or all vote or votes representing the capital stock subscribed by said Board of Supervisors. The said railroad company shall, on demand, issue and deliver to the said Board of Supervisors, for the use and benefit of said county, certificates of full paid stock in said railroad company, equal in amount to the amount of the county bonds that said Board of Supervisors have, or shall have, delivered to said railroad company. The said Board of Supervisors shall have power to sell, or cause to be sold, the said railroad stock, at public auction, at the City of San José, or at the City and County of San Francisco, after the time and place of sale shall have been advertised, by publication once a week for the period of at least four weeks, in two newspapers of general circulation, one published at the City of San José, and the other published at the City and County of San Francisco. The proceeds of such sale or sales of stock, after the payment of the expenses of sale, shall be paid into the Loan Fund, to be used and appropriated as in this Act provided.

CHAP. CCCLXXV.—*An Act supplementary to an Act entitled an Act to legalize certain Grants and Sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City, of Santa Barbara, of Lands belonging to the said pueblo and city, approved the fourteenth of May, one thousand eight hundred and sixty-one.*

[Approved May 6, 1862.]

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

SECTION 1. In all cases where lands of the City of Santa Barbara have been heretofore duly and in good faith sold by the Common Council of the said city to any person or persons, the purchase money paid, and the conveyances executed, by the President of the Common Council of said city, but for any reason such conveyances shall not have received the signature of the Mayor of said city, it shall be lawful for the present incumbent of said office of Mayor to sign the said conveyances, acknowledge and deliver them, stating, over his signature, his authority for that purpose by virtue of this Act; and such conveyance shall be as valid as if the same had been duly signed by any former Mayor of said city. Sales made valid.

SEC. 2. This Act shall go into effect immediately after its passage, and shall cease and determine, and be of no force, six months thereafter.

CHAP. CCCLXXVI.—*An Act to authorize the parties therein named to establish and maintain a Ferry.*

[Approved May 6, 1862.]

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

SECTION 1. The right to establish and maintain a ferry across the upper end of Suisun Bay, from a place in Contra Costa County to a point on the opposite side, in Solano County, is hereby granted to M. A. Wheaton, his associates and assigns, for the term of twenty-five years. Franchise.

SEC. 2. Upon application of the parties herein named, the Board of Supervisors of each of the counties in which the landings of the proposed ferry may be located, shall locate and open, under the general Road Law, a public highway, from the said landing to the most accessible point in the nearest public road to the same. To lay out a public road.

SEC. 3. The Board of Supervisors of Contra Costa County shall have the right, from time to time, to regulate the rates of toll to be charged for crossing on the said ferry, which rates of toll shall be kept posted upon the road, in a conspicuous place; they shall also have the right to regulate the number of trips that shall be performed by said ferry every day, and the quality of the boat or boats to be used on said ferry. Tolls.

CHAP. CCCLXXVII.—*An Act to amend an Act, approved April twenty-eighth, one thousand eight hundred and sixty, 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.*

[Approved May 6, 1862.]

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

SECTION 1. Section eighteenth of an Act approved April twenty-eighth, one thousand eight hundred and sixty, 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, is hereby amended so as to read as follows:

Census of children.

Section 18. The Marshals selected and designated by the Trustees, under the provisions of this Act, shall, in the month of October, annually, take a specific census of all the white children between the ages of four and eighteen years, at the residence of the parents or guardians of such children, specifying the names of the children, of the parents or guardians of such children, and the town, city, and district, within which they reside, and make full report thereof, in writing, under oath, to the County Superintendent of Common Schools, and deliver a true copy thereof, in writing, to the Trustees, in their respective School Districts, by the tenth day of November next thereafter.

Copy.

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

CHAP. CCCLXXVIII.—*An Act concerning Conveyances.*

[Approved May 6, 1862.]

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

Acknowledgment by a State prisoner, validity of.

That any deed, or other instrument of writing, executed and acknowledged before a Notary Public and two reputable and disinterested witnesses, by any prisoner confined in the State Penitentiary, and done with the free will and accord of such prisoner, shall be deemed and taken to have the same validity, force, and effect, as if the party so executing the same had not been under sentence, or confined in prison, at the time of the execution or acknowledgment of such deed, or other instrument of writing; and it shall be the duty of said Notary Public to examine the said party, separate and apart from all persons, and to set forth, in his certificate of acknowledgment, that he had so examined the said party separately and apart, and that said party acknowledged that he did execute the same freely, voluntarily, and without fear, or compulsion, or undue influence, and for the uses and purposes therein mentioned.

CHAP. CCCLXXIX.—*An Act to authorize Rita de la Osa to sell certain Real Estate.*

[Approved May 2, 1862.]

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

SECTION 1. Rita de la Osa is hereby authorized to sell the ^{Sale.} real estate, of which her deceased husband, Vicente de la Osa, died seized, either at public or private sale.

SEC. 2. The Probate Court of the County of Los Angeles ^{Approval.} shall carefully examine any such sale, and shall, as in other cases, either approve or reject the same; if he approve such sale or sales, the said Rita de la Osa shall execute a deed or deeds to the purchaser or purchasers of said land, which shall convey, in fee simple, absolute, all the right, title, and interest, in said estate, of which said Vicente Rita de la Osa, at the time of his death, died seized.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCLXXX.—*An Act to pay certain Warrants of the City of Sacramento, herein mentioned.*

[Approved May 2, 1862.]

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

SECTION 1. The following warrants, drawn by the Mayor and Common Council of the City of Sacramento, bearing date May ^{Warrants made receivable for taxes.} first, eighteen hundred and fifty-eight, and numbered as follows: Seventeen hundred and twenty-nine, seventeen hundred and thirty-two, eighteen hundred and thirty-nine, seventeen hundred and forty-nine, seventeen hundred and eighty-four, and seventeen hundred and eighty-six; and also warrant number three hundred and eighty-nine, bearing date September seventeenth, eighteen hundred and fifty-three, are hereby made receivable for any taxes due the City of Sacramento.

SEC. 2. The Sheriff, or other officer, whose duty it may be to collect the taxes due the City of Sacramento, is hereby authorized and required, when the same are tendered to him, to receive said warrants, or any of them, in payment of taxes due the City of Sacramento; and for such warrants, so received by him, and paid over to the Treasurer of the City and County of Sacramento, he shall receive the same credit as though the same amount had been paid over in gold or silver.

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

CHAP. CCCLXXXI.—*An Act to amend an Act entitled an Act to provide for the Incorporation of Railroad Companies, and the Management of the Affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.*

[Approved May 6, 1862.]

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

SECTION 1. Section fifty-seven of the above entitled Act is hereby amended so as to read as follows:

Rails to be used.

Section 57. All railroads, built by companies incorporated under the provisions of this Act, shall be constructed of the best quality of iron rail, known as T rail, or II rail, or other pattern of equal utility, until otherwise provided by law; *provided*, the provisions of this section shall not apply to tracks laid down in the streets of incorporated cities or towns, or to railroad tracks used exclusively for carrying freight, or for mining purposes.

Proviso.

Crossings and intersections.

SEC. 2. Whenever the track of one railroad shall intersect or cross the track of another railroad, whether the same be street railroad wholly within the limits of a city or town, or other railroad, the rails of either or each road shall be so cut and otherwise adjusted as to permit the passage of the cars on each road with as little obstruction as possible; and, in case the persons or corporations owning the said railroad cannot agree as to the compensation to be made for the said cutting and adjusting of their rails, the same shall be ascertained by commissions, as herein before provided in respect to the taking of lands.

Not to use streets, etc. except by a two-third vote of Board of Supervisors.

Proviso.

SEC. 3. No railroad company heretofore organized, or that may hereafter be organized, under the Act of which this Act is amendatory and to which it is supplemental, shall have the right to use any of the streets, or highways, or any of the lands, or waters, within any incorporated city, or any city and county, of this State, unless the right to use the same be granted to said company by a vote of two thirds of all the members of the Board of Supervisors, the Common Council, or other similar local authority of said city and county; *provided*, that the provisions of this section shall in no wise affect any special grant heretofore made by the Legislature, of the right to construct and maintain street passenger railroads in any city, or city and county, of this State; and, *provided*, that nothing in this Act shall be so construed as to exempt any railroad company heretofore organized, or that may hereafter be organized, under the Act of which this Act is amendatory and to which it is supplemental, from paying to the State the value of any lands or waters within the limits of any city, or city and county, or within three miles thereof, belonging to the State, and used by such company. The restrictions provided in this section shall be in addition to the restrictions and requirements already provided by law.

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

CHAP. CCCLXXXII.—*An Act to regulate Fees in Office in the County of Sacramento.*

[Approved May 6, 1862.]

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

SECTION 1. Such fees are allowed to the officers of Sacramento County, hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand, and receive, the same.

FEES OF NOTARY PUBLIC.

SEC. 2. For drawing and copying every protest for non-payment of a promissory note, or for the non-payment or non-acceptance of a bill of exchange, draft, or check, one dollar and fifty cents. Notaries.

For drawing and serving every notice of non-payment of a promissory note, or of the non-payment, or non-acceptance, of a bill of exchange, order, draft, or check, one dollar.

For recording every protest, one dollar.

For drawing an affidavit, deposition, or other paper, for which provision is not herein named, twenty cents for each folio.

For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, for the first signature, one dollar, and for each additional signature, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For every certificate, to include writing the same, one dollar.

FEES OF THE CLERK OF THE DISTRICT COURT.

SEC. 3. For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the progress of the trial, forty cents for each folio. Clerk of District Court.

For issuing every writ or process under seal, one dollar.

For issuing subpoena, for each witness, twenty-five cents.

For filing each paper, twenty-five cents.

For entering every motion, rule, order, or default, fifty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, one dollar.

For calling and swearing every jury, one dollar.

For receiving and entering each verdict of a jury, one dollar.

For entering every final judgment, for the first folio, one dollar and fifty cents; for each subsequent folio, forty cents.

For filing judgment roll, forty cents.

For entering judgment on judgment docket, fifty cents.

For entering satisfaction of judgment, one dollar.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For copy of any proceeding, record, or paper, for each folio, forty cents.

Clerk of Dis-
trict Court.

- For every certificate under seal, one dollar.
 For searching the files of each year in his office, (but not to charge suitors or attorneys,) one dollar.
 For issuing every commission to take testimony, one dollar.
 For taking down testimony of witnesses during trial, for each folio, forty cents, to be paid by the party requiring the same.
 For issuing every execution, or other final process, one dollar.
 For issuing every decree or order of sale of mortgaged property, one dollar.
 For issuing writ of injunction, or attachment, one dollar.
 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, one dollar.
 For taking each bond required by law, one dollar.
 For taking justification thereto, one dollar.
 For acknowledgment of deed, or other instrument, including all writing and the seal, one dollar for each name.
 When the Court is sitting as a Court of criminal jurisdiction, he shall receive, for the trial of each issue, where the charge is felony, five dollars.
 For the trial of each issue, where the charge is a misdemeanor, three dollars.
 He shall receive no other fee for any service whatever, in a criminal action or proceeding, except for copies of papers, forty cents for each folio.
 For entering every discontinuance, dismissal, or nonsuit, twenty-five cents.

FEES OF CLERK OF COUNTY COURT.

Clerk of
County
Court.

- SEC. 4. For filing all the papers sent on appeal from Justices' Courts, in each cause, two dollars and fifty cents.
 For all other services, the same fees as are allowed in the District Court for similar services.

FEES IN THE COURT OF SESSIONS.

Court of
Sessions.

- SEC. 5. The Clerk shall receive the same fees as are allowed the Clerk of the District Court in criminal cases.

FEES OF CLERK OF PROBATE COURT.

Probate
Court.

- SEC. 6. For issuing letters testamentary, or of administration, one dollar.
 For certificate of appointment of appraisers or guardians, one dollar.
 For writing and posting notices, when required, for each copy, one dollar.
 For notice given by publication, in addition to the cost of publication, one dollar.
 For recording wills, for each folio, forty cents.
 For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

FEES AS COUNTY RECORDER.

SEC. 7. For recording any instrument, paper, or notice, when required, for each folio, forty cents. County Recorder.

For copies of any record or paper, for each folio, forty cents.

For receiving and filing every instrument for record, and making the necessary entries thereon, twenty-five cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents.

For every certificate, under seal, to copies of papers or records in his office, when required, one dollar.

For every entry of discharge of mortgage on margin of record, fifty cents.

For searching record and files of each year in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or encumbrance certified, one dollar.

For recording every town plat, for every course, twenty-five cents.

For figures and lettering plats and maps, per folio, one dollar.

For filing and entering a minute of certificate of Sheriff's sale, fifty cents.

For filing and entering a minute of certificate of tax sale, fifty cents.

For recording a marriage certificate, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing the same, if required, fifty cents.

FEES OF SHERIFF.

SEC. 8. For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, two dollars. Sheriff.

For travelling, in making such service, per mile, (in going only,) to be computed in all cases from the Court House of the county, thirty cents; *provided*, if any two or more papers in the same suit require to be served at the same time, and in the same direction, one mileage only shall be charged.

For taking each bond or undertaking in any case in which he is authorized to take the same, two dollars.

For copy of any writ, process, or other paper, when demanded, or required by law, for each folio, forty cents.

For serving each notice, rule, or order, one dollar.

For serving a subpoena, for each witness summoned, fifty cents.

For travelling, per mile, in serving each subpoena or venire, in going, only—but when two or more witnesses or jurors live in the same direction, travelling fees shall be charged only for the most distant—thirty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, three dollars, and travelling fees, as on a summons.

Sheriff.

For serving an attachment upon any ship, boat, or vessel, in proceeding to enforce any lien thereon, created by law, five dollars.

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 a newspaper, three dollars.

For commissions for receiving and paying over money on execution or process, where land or personal property has been levied on, advertised, and sold, on the first thousand dollars, four per cent.; on all sums above that amount, two 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, three per cent. on the first thousand dollars, and two 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 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 acknowledgments 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 travel, in the service of any process not herein before mentioned, for each mile necessarily travelled, (in going, only,) thirty cents.

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 or detention, or to give bail, two dollars. He shall also be allowed such further compensation for his trouble and expense, 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.

For holding each inquest or trial of the 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 Fund, 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 service of any process in criminal cases, for each mile necessarily travelled, (in going, only,) twenty cents, and the same mileage for taking a prisoner before a magistrate or to prison.

In serving subpoenas or venire in criminal cases, he shall receive mileage for the most distant only, where witnesses or jurors live in the same direction.

For all services in Justices' Courts, the same fees allowed to Constables.

FEES OF PROBATE JUDGE.

SEC. 9. For every judgment or order, when not contested, ^{Probate} one dollar; when contested, three dollars. ^{Judge.}

SEC. 10. The fees of Probate Judge shall be collected and paid as provided in section thirty-nine of an Act to regulate Fees in Office, approved April tenth, one thousand eight hundred and fifty-five.

SEC. 11. The fees of all other officers, not herein mentioned, shall be the same as are now, or may hereafter be, prescribed by law; *provided*, that this Act shall not be construed to increase the fees to be received by any officer, when such fees are received by such officer as a compensation for his services, but shall only be construed to increase such fees as are now by law required to be paid into the County Treasury.

SEC. 12. All fees collected by the County Clerk, or his Deputies, in the District Court, County Court, Court of Sessions, or Probate Court, and in the County Recorder's office, shall be paid by him into the County Treasury, as is now prescribed by law, and all fees collected by the Sheriff or his Deputies, shall be paid into the County Treasury, or appropriated to their own use, as is now or may hereafter be prescribed by law.

SEC. 13. This Act shall be in force from and after its passage, and so much of all Acts as are in conflict with this Act, are hereby repealed.

CHAP. CCCLXXXIII.—*An Act concerning the Funded Debt of the City of Sacramento.*

[Approved May 8, 1862.]

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

SECTION 1. On the fifteenth day after the passage of this ^{Election} Act, (unless such fifteenth day be Sunday, then on the sixteenth day,) the people of the City of Sacramento shall hold an election, to determine whether or no they will incur the debt hereinafter provided, to be represented by annuity bonds, issued under the provisions of this Act, in exchange for the present evidences outstanding of the funded debt of said city; and those voting in the affirmative, shall have written or printed on their tickets—"In Favor of Annuities;" and those voting in [the] negative, shall have on their tickets, "Against Annuities;" *provided*, however, that if a majority of the votes cast at such election shall be "Against Annuities," no further proceedings of any kind shall be had under the provisions of this Act.

SEC. 2. The Board of Supervisors, or the Common Council, ^{Polls.} as the case may be, shall determine the places of holding the polls, appoint the Judges and Inspectors, and the Mayor shall give at least five days notice of the same; and such election shall be conducted in every respect as general State elections are provided by law to be conducted, excepting that the County

Clerk shall canvass the returns, and declare the result, and certify the same to the Mayor, Auditor, and Treasurer.

**Commission-
ers. duties of** **SEC. 3.** The Mayor of the City, together with B. F. Hastings, J. P. Robinson, D. O. Mills, and ex-Mayor B. B. Reddington, and H. L. Nichols, are hereby made a Board of Commissioners, with the powers and duties herein provided, and who shall, if a majority of the votes cast at the election provided in section one, are cast "In Favor of Annuities," prepare an address to the creditors of said city, showing as correctly as possible the exact financial condition of the corporation, its debt, resources, and expenditures; which address they shall cause to be published, at the cost of the city, in Sacramento, San Francisco, and New York, and also, if they deem necessary, in England, Germany, and elsewhere; and said Board shall, prior to the first day of September, eighteen hundred and sixty-two, determine what per centum, not less than seven, nor greater than eight, of the bonds issued under this Act, shall fall due each year. Each of said Commissioners shall take and subscribe the constitutional oath of office, and file it with the Auditor; and any vacancy in the Board shall be filled by a majority of the remaining members.

**Annuity
bonds.** **SEC. 4.** At any time after the determination of the rate per cent., as provided in section three, the Mayor, Treasurer, and Auditor, of said city, may issue annuity bonds, as hereinafter provided, and exchange them for any of the outstanding funded debt of said city, including interest, at the times and upon the terms and conditions fixed by the aforesaid Board of Commissioners; *provided*, however, that no interest shall be allowed at a greater rate than six per cent. per annum, after the first day of January, eighteen hundred and fifty-nine, at which date, all bonds, on which interest is in arrears, should have been presented, under the Act of April twenty-fourth, eighteen hundred and fifty-eight.

Proviso.

**Duties of
Treasurer.** **SEC. 5.** The Treasurer shall receive all outstanding evidences of the funded debt of the city, when presented for exchange, under this Act, and prepare and fill up annuity bonds in lieu thereof, in accordance with the directions of the aforesaid Board of Commissioners, which annuity bonds shall state that the city is indebted to the holder in the sum named, (which sum shall be either one hundred dollars, two hundred dollars, five hundred dollars, or one thousand dollars,) payable, without interest, in annual instalments of ——— per cent., as per coupons annexed, at the office of the Treasurer, in the City of Sacramento, and that upon the payment of all of said coupons, the bond shall be null and void; and every bond shall have coupons attached, for the whole number of annual payments, as determined by the Board of Commissioners aforesaid, payable in the City of Sacramento, on the first day of January, in the several years they fall due. Every bond issued under the provisions of this Act, shall be numbered, and shall be signed by the Mayor, be countersigned by the Auditor, be indorsed by the Treasurer, and attested by the common seal of the corporation; and every coupon shall be signed by the Treasurer, and be numbered the same as the bond to which it is attached, and shall also be consecutively numbered in the order in which it falls due; and the

Bonds.

Coupons.

Supervisors, or the Common Council, as the case may be, are authorized to make all necessary expenditures for the procurement of annuity bonds, to be prepared under this Act, and may, if necessary, make the cost thereof a preferred claim against the City Contingent Fund.

SEC. 6. The bonds and coupons returned for exchange, under this Act, shall be cancelled by the Treasurer, who shall make the proper entry, in the record book, against the entry of their issuance, and shall then deliver them to the Auditor, who shall make similar entries in his bonds, examine each bond and coupon, to see that it is so cancelled as to prevent the possibility of its reissuance, and then file them in his office. And the Treasurer and Auditor shall each keep a record of all bonds issued under this Act, showing the number, date, and amount, of each, and to whom issued; and the Treasurer's record shall also show upon what claim or claims it was issued. And the Treasurer may issue certificates of balances between the amount tendered for exchange and the nearest sum for which bonds can be issued, and such certificates of balances shall be receivable in the same manner as the issued bond or bonds.

Treasurer to cancel bonds

Certificates of balances.

SEC. 7. The City of Sacramento is hereby authorized and empowered to assume, incur, and contract, a debt, by the vote of its citizens, equal in amount to the whole sum, principal and interest, of the present outstanding evidences of the funded debt of the city; and if a majority of the votes cast at the election provided for in section one, are in the affirmative, said city shall be taken, deemed, and held, in law and equity, to have contracted so much of the debt hereby authorized to be contracted as may be thereafter represented by bonds issued under this Act; and every bond, issued under the provisions of this Act, shall be deemed, taken, and held, in law and equity, as a legal, valid, and binding, claim, against said city; but such affirmative vote shall not be taken, or construed, as adopting, assuming, incurring, or contracting, any debt not represented by annuity bonds, issued under this Act; nor shall such affirmative vote be assumed or taken as legalizing any present outstanding bond, representing, or purporting to represent, a debt against said city, or as in any manner increasing the liability of the city thereon, or as in any manner altering, or impairing, or destroying, any legal defence which the city may have against said bond.

City authorized to contract a debt.

Amount of.

SEC. 8. Prior to the first day of January, eighteen hundred and sixty-three, and thereafter yearly, out of the first moneys that come in, the Auditor and Treasurer shall set apart, out of the Interest and Sinking Fund, a sum sufficient to pay the whole amount of annuities issued under the provisions of this Act, and falling due on the next succeeding first of January; and the money so set apart shall be kept as a special Annuity Fund, which shall not be used for any purpose whatever except to pay the annuities created under this Act; and if, from any reason whatever, it becomes evident, prior to any first day of January, that a sufficient sum will not be in said special Annuity Fund to pay all the annuities falling due on such first of January, the Auditor and Treasurer shall take sufficient from the

Payment of annuities.

Sinking and Interest Fund to make up the deficiency; and any law, or part of any law, that prohibits the transfer in this section directed to be made, is hereby repealed, so far as to allow such transfer.

Powers of
Commissioners.

SEC. 9. As, from the recent disasters by which she has so severely suffered, and her assessment roll been so greatly reduced, it will probably be impossible for the city to meet the whole claims against her, if all the bonds, accrued interest, and annuities, commence falling due at one time, the Board of Commissioners created by section three, may, in anticipation of such an emergency, and they are hereby authorized and empowered to contract, upon such terms as they deem just, for such sum or sums of the outstanding bonds as they deem necessary to be converted into deferred annuities, by increasing the principal as may be just, such deferred annuities commencing to fall due not sooner than January first, eighteen hundred and sixty-four, and not later than January first, eighteen hundred and sixty-six; and annuity bonds, upon the terms agreed upon under the provisions of this section, commencing to fall due on the first of January, eighteen hundred and sixty-four, or eighteen hundred and sixty-five, or eighteen hundred and sixty-six, or on the first of January in each of said years, shall be issued in every respect as the other annuity bonds herein provided for, except the modification of the amount of [debt] contracted by said Commissioners; and said Commissioners, in view of an emergency, as aforesaid, occurring on the first of January, eighteen hundred and sixty-three, may limit the amount of annuities to be issued to commence falling due January first, eighteen hundred and sixty-three, and if they make such limit, the Treasurer shall not receive, for exchange for annuities commencing to fall [due] January first, eighteen hundred and sixty-three, bonds exceeding in the aggregate, principal and interest, the sum so limited.

SEC. 10. This Act shall take effect immediately; and no Commissioners or officers shall receive any pay or compensation for any services rendered under this Act.

CHAP. CCCLXXXIV.—*An Act to provide for the Construction of a Public Wagon and Stage Road, in Contra Costa County, to the summit of the Divide on the Alameda County line.*

[Approved May 6, 1862.]

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

Commissioners.

SECTION 1. Joel Clayton, of Clayton, and Elam Brown, of Lafayette, in Contra Costa County, are hereby appointed Commissioners, on the part of Contra Costa County, to act in conjunction with one or more Commissioners on the part of the County of Alameda, for the purpose of laying out and establishing the line, grade, and gango, of a suitable road, to accommodate the travel between the two counties, from some point

near the Walnut Creek House, in Contra Costa County, to the summit of the dividing ridge on the Alameda County line.

SEC. 2. As soon as the condition of the Special Fund for the ^{Meetings.} purpose, in Treasury of the County of Contra Costa, will warrant the commencement of such a work, the above named Commissioners, on the part of Contra Costa County shall notify the Clerk of the County of Alameda, appointing a time for meeting the Commissioner or Commissioners of that county, and the Commissioners of the two counties shall then, at the time appointed, proceed, with the aid of a competent Engineer or Engineers, to locate the line, and establish the width of road, upon the best practicable grade to render it suitable for stage and wagon travel, from such point as may be determined upon in the Walnut Creek Valley, in Contra Costa County, to such point as may be determined upon in the County of Alameda, and shall cause duplicate plats and field notes of the survey and location of said road to be filed in the Recorder's office of the respective counties. The Board of Supervisors of the County of Alameda is hereby authorized to appoint either one or two Commissioners, to act in conjunction with the Commissioners named in the first section of this Act, for the purposes herein named.

SEC. 3. The Commissioners on the part of the County of ^{Proposals.} Contra Costa, upon the approved surveys, estimates, and specifications, of their own Engineer, shall, as soon as the condition of the Special Fund will warrant them, advertise for sealed proposals for the execution of the work required for the road, from the selected point in the Walnut Creek Valley to the summit of the divide on the Alameda County line; and they may invite proposals for the work, in subdivisions, or in one piece, as they may deem most expedient; but the advertisement shall be in one newspaper, published in the County of Contra Costa; also in one published in the County of Alameda, and in one published in the City of San Francisco; and in each of said newspapers the advertisement shall be published once a week, for four consecutive weeks; and the proposals shall be opened ^{Meetings.} at the Court House in Martinez, on the appointed day, and the contract or contracts awarded to the lowest responsible proposer, who shall enter into bonds, with good and sufficient sureties, for the satisfactory performance of the contract, the said bonds to be approved by the Commissioners.

SEC. 4. The above named Commissioners on the part of ^{Supervision} Contra Costa County shall have the entire supervision of the ^{of construction.} construction of the road, from the selected point in the Walnut Creek Valley to the Alameda County line; and the County Auditor of the County of Contra Costa shall, upon their order, draw warrants upon the County Treasurer, payable out of any moneys in the Alameda Road Fund.

SEC. 5. Should the persons named in this Act, as Commis- ^{Vacancy, etc} sioners for the purpose herein specified, or either of them, fail to qualify, or should any vacancy occur, from resignation or otherwise, then the Board of Supervisors of the County of Contra Costa shall make such appointment as may be necessary to fill any vacancy, and the Commissioners shall be qualified on the usual oath, and by entering into bonds, with good

Pay of Com-
missioners.

and sufficient sureties, to be approved by the Board of Supervisors, in the penal sum of five thousand dollars each; and for the performance of the duties enjoined by this Act, they shall be entitled to receive, from the Special Road Fund, the sum of three hundred dollars each, upon the completion of the road, and upon their filing with the Clerk of the county a report, embracing a statement of the amount and character of the work executed, the cost, and such other particulars as they may deem of importance and interest; and the said report shall be entered upon the Road Record of the county, and the Commissioners discharged.

SEC. 6. No money shall be drawn for any of the purposes specified in this Act, from any fund in the Treasury of Contra Costa County, except from the special fund created for the purpose, and known as the Alameda Road Fund; and any surplus which may remain in that fund, when the road shall have been finished, shall be appropriated from time to time, as may be necessary, for the repairs of bridges and culverts upon the said road, which shall remain forever a free public road, under the control, as other county roads, of the Board of Supervisors.

SEC. 7. This Act shall take effect immediately.

CHAP. CCCLXXXV.—*An Act concerning Fees of certain Officers of the City and County of Sacramento.*

[Approved May 9, 1862.]

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

Fees to be
paid into
County
Treasury.

Surplus to be
transferred.

SECTION 1. The revenue hereafter derived from fees, now authorized by law to be collected by any county officer of the City and County of Sacramento, shall be received and paid into the County Treasury, as is now provided by law; and the County Treasurer shall set apart said fees, so received from each officer, into separate funds, to be applied toward the payment of the salary (as now provided for by law) of each officer and his Deputies in the office from which the fees were received; *provided*, that all moneys, derived from any source whatever, and remaining in the Salary Fund on the first Mondays in January, April, July, and October, in each year, shall, on the first Monday of each and every of said months, be transferred to the Sinking and Interest Fund and the General Fund, and shall be apportioned to said funds, as follows, namely: Fifty-seven per cent. to the General Fund, and forty-three per cent. to the Sinking and Interest Fund; *provided*, further, that ten per cent. of the fees, so collected, shall be paid into the School Fund, (as now provided by law,) and eight per cent. of said fees shall be paid into the Pauper Fund, as is now provided by law.

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

SEC. 3. This Act shall not take effect until from and after the first Monday in October, A. D. eighteen hundred and sixty-two.

CHAP. CCCLXXXVI.—*An Act to provide for the Collection of the Taxes on Personal Property in the City and County of San Francisco.*

[Approved May 9, 1862.]

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

SECTION 1. On or before the first Monday in June, in each year, the Assessor of the City and County of San Francisco shall deliver to the Clerk of the Board of Supervisors of said city and county, a list, containing the names of all persons, firms, corporations, and associations, who have given in a sworn statement, or whose personal property has been finally assessed, as provided for in section three of an Act to provide Revenue for the Support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and the Acts amendatory thereof and supplementary thereto, and the amount of the tax on personal property assessed to each of said persons, firms, corporations, and associations. Said list shall be certified by the Assessor; *provided*, however, that the Assessor may, at any time prior to the last Saturday in October, in each year, specially assess any property which shall not be on the regular list, as provided in section eleven of said Act, approved April twenty-ninth, eighteen hundred and fifty-seven. As soon as the Clerk of the Board of Supervisors shall receive said list, he shall give notice of the fact, specifying therein the time of the meeting of the Board of Equalization, for the correction of errors in the assessment of personal property, as provided in section two of this Act, by publication in one or more daily newspapers published in said city, and he shall keep said list open in his office, for public inspection.

SEC. 2. The Board of Equalization of said city and county, as constituted by section eight of an Act to provide Revenue for the Support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, shall meet on the first Monday in June, in each year, for the correction of errors in the assessment of personal property, and shall continue in session, from time to time, until all such errors brought to their notice shall be corrected; *provided*, however, that they shall not sit after the third Monday in June. Said Board shall have power to determine all complaints in regard to errors of assessment of personal property, and may change and correct any such assessment, either by adding thereto, or deducting therefrom, if they shall deem the sum fixed in the assessment roll too small or too great, whether said sum was fixed by the owner or Assessor. During the session, or as soon as possible after the adjournment of the Board, the Clerk shall enter upon said assessment roll all the changes and corrections made by the Board,

Assessment
List

To be
certified by
Assessor.

Special
assessments.

Meetings
of Board of
Equalization

Powers.

Corrected
roll.

and thereupon deliver the assessment roll, so corrected, to the Auditor of said city and county, whose duty it shall be to add up the columns of valuation, and enter the total valuation of property on the roll, and on or before the first Monday in July, he shall deliver to the Tax Collector a true copy of the corrected roll, to be styled a "Duplicate Assessment List of Personal Property," with State, city and county, and other taxes, and totals of taxes, to each person, firm, corporation, and association, carried out in separate money columns, which said duplicate assessment list shall be duly certified by said Auditor.

Form of.

SEC. 3. The personal property assessment list referred to in section one of this Act, and the copy thereof named in section two of this Act, shall be made in the form, and bound in the manner, now provided by law.

Duties of
Auditor and
Collector.

SEC. 4. Upon receiving the tax list of personal property from the Auditor, the Tax Collector shall immediately give notice, by publication in three daily newspapers published in the county, that the taxes on personal property are due and payable, and such notice shall be continued until the first Monday of August next succeeding; he shall also cause a notice to the like effect to be addressed to each person, firm, corporation, or association, named in said list, and shall deposit the same in the post office in said city, for delivery, the names of the persons, firms, corporations, or associations, alone to be considered a full address for the purposes of this Act.

When taxes
become
delinquent.Collector,
duties of.

SEC. 5. All taxes on personal property remaining due and unpaid on the first Monday of August in each year, shall then become delinquent, and the Tax Collector shall, at the close of his official business for that day, enter upon the personal property tax list, a statement that he has made a levy upon all the property assessed in said list, upon which the taxes have not been paid, and thereafter he shall charge two and one half per cent. on the amount of such delinquent taxes, and on the first Monday in September then next following, he shall charge two and one half per cent. additional on all such delinquent taxes on personal property then remaining due and unpaid. The taxes on special assessments of personal property, provided for in section one of this Act, shall become delinquent, and be subject to the additional charges above named, and the property assessed be levied upon in the form and manner herein before described, at the expiration of thirty days after notice to the persons, firms, corporations, or associations, assessed, that such tax is due and payable. The additional charges on delinquent taxes provided for in this section shall be paid into the County Treasury, for the use of the city and county; *provided*, that the delinquent taxes on personal property shall not be chargeable in addition to the percentage above imposed, with the five per cent. now imposed by law in section thirteen of said Act of April twenty-ninth, eighteen hundred and fifty-seven.

Collection.

SEC. 6. At any time after the first Monday in August of each year, the Tax Collector is authorized and required, in person or by Deputy, to seize and take possession of any personal property on which the assessed taxes have not been paid, or any personal property belonging to any person, firm, corporation, or association, delinquent for taxes on personal property, and to sell, at

public auction, sufficient thereof to satisfy the taxes due, and the costs of seizure and sale, upon giving notice of the time and place of sale, by publication once in any newspaper published in the county; said time and place of sale shall be such as the Tax Collector may select, and he shall be authorized to employ an Auctioneer to conduct said sales, all expenses being chargeable to the party or parties delinquent. Sale.

SEC. 7. In seizing and selling property, in accordance with section six of this Act, the Tax Collector shall be governed by his judgment as to the quantity necessary to satisfy the taxes due, and costs, and should the quantity taken by him prove more than necessary for the purpose named, the portion remaining unsold may be left at the place of sale, at the risk of and subject to the order of the person or persons delinquent, and all proceeds of sales over and above the amount due for taxes and costs, shall be returned by the Tax Collector to the person or persons on whose account the sale was made; and in case said person or persons cannot be found, or shall decline to receive said balance, then the Tax Collector shall deposit the amount with the County Treasurer, subject to the order of said person or persons; and if the same be not demanded within six months from the date of deposit, then the Treasurer shall pay the same into the County Treasury. Same.

SEC. 8. For seizing or selling personal property, as provided in this Act, the Tax Collector shall be entitled to charge and retain, in each case, the sum of three dollars, and the same mileage that a Sheriff would be entitled to receive for travelling to the place to make a levy, the same to be added to the costs, and to be recovered from the delinquent party. Fees.

SEC. 9. The bill of sale of the Tax Collector shall vest full title to the property sold in the purchaser.

SEC. 10. Sections six, seven, eight, and nine, of this Act, shall apply and take effect in relation to the collection of all taxes on personal property due to said city and county and unpaid at the time of the passage of this Act. Taxes on personal property.

SEC. 11. So much of sections three, seven, nine, twelve, thirteen, and forty-four, of the Act to provide Revenue for the Support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and so much of sections two, five, and nine, of the Act amendatory thereof and supplementary thereto, approved April nineteenth, eighteen hundred and fifty-nine, and also so much of section one of an Act entitled an Act to amend an Act for the Support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and of an Act amendatory of and supplementary to said Act, approved April nineteenth, eighteen hundred and fifty-nine, approved March eighteenth, eighteen hundred and sixty-two, as conflict with the provisions of this Act, are declared to be inoperative so far as they apply to the City and County of San Francisco, and in so much are hereby repealed. Acts declared inoperative.

SEC. 12. This Act shall take effect from and after its passage.

CHAP. CCCLXXXVII.—*An Act to authorize William Sherman, Administrator of the Estate of George S. Steere, deceased, and Guardian of the Minor Heirs of said Steere, to sell the Real Estate of said Steere at public or private sale.*

[Approved May 12, 1862.]

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

- Sale.** SECTION 1. That William Sherman, Administrator of the estate of George S. Steere, deceased, and Guardian of the minor heirs of said Steere, be and he is hereby authorized and empowered to sell the real estate, in the State of California, of which the said George S. Steere died the owner, or seized, or possessed, or in which he had at the time of his decease any interest, and the right, title, and interest, of the said Steere, at the time of his decease, in any such real estate, at such time or times, on such terms and in such manner, whether at public or private sale, as shall be most advantageous to said estate.
- Appraisers.** SEC. 2. The said Sherman shall, before making any such sale, apply, by petition, to the Probate Court of the City and County of San Francisco, for the appointment of appraisers of such real estate, and the interest of said estate therein, in which petition said Sherman shall describe such real estate, and estimate its value, or the value of the interest of said estate therein, and which petition shall be verified by the oath of said Sherman.
- Bond.** SEC. 3. The said Probate Court shall, upon the presentation to it of such petition, appoint three disinterested persons, appraisers of such real estate, and the interest of said estate therein; such appraisers shall be sworn to appraise such real estate and interest at the true value thereof, and shall make out an appraisalment thereof, and verify the same, and report and file the same with the Clerk of said Court.
- Report.** SEC. 4. Before selling any portion of such real estate or interest, the said Sherman shall file, in said Probate Court, a bond, or undertaking, in an amount equal to the appraised value of such real estate and interest, with two sureties, which bond, or undertaking, and sureties, shall be approved by said Court, for the faithful execution of the powers conferred upon him by this Act, and that he will faithfully pay over to the heirs of said Steere, deceased, the proceeds of all sales which he may make under this Act, after deducting any and all debts of said estate or of said Administrator, lawfully paid or incurred by him, out of such proceeds, and his fees, commissions, and expenses.
- Conveyance.** SEC. 5. Said Sherman shall make a full report of any and all such sale or sales as shall be made by him, to the said Probate Court, and the Judge thereof shall examine the same, and confirm, or set aside, the said sale or sales, as in cases of sales by Administrator.
- SEC. 6. The said Sherman is hereby authorized, upon the confirmation of any such sale or sales, as herein before provided, to execute, acknowledge, and deliver, to such purchaser or purchasers, upon the payment of the purchase money, a legal conveyance of the premises or interest sold, which shall be as valid

and binding as if the same had been made by the said George S. Steere in his lifetime.

SEC. 7. The said Sherman, and said appraisers, shall be allowed for their services the same compensation given by law for similar services, by the Act to regulate the Settlement of the Estates of Deceased Persons, and said Sherman shall further be allowed such attorney's and counsel fees as may be approved by said Court, and actually paid by said Sherman. Compensation.

CILAP. CCCLXXXVIII.—An Act to legalize and confirm a certain Instrument, recorded in the County Recorder's Office of the City and County of San Francisco, and to authorize Obed Alley Palmer, as Attorney, to convey certain Lands.

[Approved May 12, 1862.]

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

SECTION 1. That a certain power of attorney, made by Lewis Meyer and Emily S. Meyer, his wife, on the twelfth day of December, A. D. eighteen hundred and sixty-one, to Obed Alley Palmer, which power of attorney was duly recorded in the office of the County Recorder of the City and County of San Francisco, on the tenth day of March, eighteen hundred and sixty-two, in Liber Twelve of Powers of Attorney, page two hundred and thirty-six, is hereby legalized and made as good and effectual, and binding, as though the said Emily S. Meyer had been a femme sole at the time of the execution by her of the said power of attorney. Power of attorney legalized.

SEC. 2. The said Obed Alley Palmer is hereby authorized and empowered, as the Attorney of said Lewis and Emily S. Meyer, and of each of them, to execute and enforce any and all of the powers in the aforesaid written instrument mentioned, and especially, as such Attorney, to sell and convey any or all of the lands in said instrument mentioned, as fully and effectually as though no legal disability had existed to the execution of such instrument, either by the said Lewis or Emily Meyer. Sale and conveyance.

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

CHAP. CCCLXXXIX.—*An Act amendatory of and supplementary to an Act entitled an Act concerning Salaries and Fees of Office in the County of Monterey, approved April nineteenth, A. D. eighteen hundred and sixty-two.*

[Approved May 12, 1862.]

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:

Section 11. This Act shall take effect from and after the first day of February, A. D. eighteen hundred and sixty-three.

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

CHAP. CCCXC.—*An Act to appoint Commissioners to adjust the Affairs of the Counties of San Joaquin and Stanislaus.*

[Approved May 12, 1862.]

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

SECTION 1. The Board of Supervisors of San Joaquin County shall appoint one Commissioner, and the Board of Supervisors of Stanislaus County shall appoint one Commissioner, for the purpose of adjusting the affairs between the two counties, growing out of the annexation of a portion of San Joaquin County to Stanislaus County, pursuant to an Act entitled an Act to annex a portion of San Joaquin County to Stanislaus County, approved February seventeenth, eighteen hundred and sixty.

SEC. 2. Said Commissioners shall meet in the City of Stockton, in the County of San Joaquin, on the second Monday of June, A. D. one thousand eight hundred and sixty-two, and shall adjust the affairs of the said counties upon the basis and according to the provisions of the aforesaid Act, annexing a portion of San Joaquin County to Stanislaus County; *provided*, such Commissioners shall allow the amount of indebtedness due to the County of San Joaquin, as, in view of all facts connected therewith, shall appear just and equitable; and, *provided*, further, that the amount of such indebtedness shall be paid, according to the provisions of section four of the Act entitled an Act to annex a portion of San Joaquin County to Stanislaus County, approved February seventeenth, eighteen hundred and sixty.

SEC. 3. If the said Commissioners, from any cause, shall be unable to agree upon any of the matters referred to them by this Act, the District Judge of the Fifth Judicial District shall appoint a third Commissioner, who shall not be a resident, nor have any pecuniary or other interest, in either of said counties, to act in conjunction with the other Commissioners; and the three Commissioners, thus appointed, shall meet at the City of

Commis-
sioners.

Meetings.

Duties.

Stockton, in the County of San Joaquin, at such time as the said Judge shall determine, and then and there settle and adjust the affairs of said counties, as required in the Act of annexation, approved February seventeenth, eighteen hundred and sixty, and the decision of a majority of the Commissioners shall be a final settlement of the matters referred.

SEC. 4. If, at the time and place specified in this Act, either county shall fail to appear, by its Commissioners, or if said Commissioners shall refuse or fail to act and to complete the business assigned to the Commission, the Judge of either the Fifth or the Thirteenth Judicial District, on application being made by the party appearing and desiring to act, shall appoint a Commissioner for the county failing to appear and act, and appoint a time and place for the meeting of the Commissioners, and the acts of the Commissioners so appointed shall be as binding on the county he represents as they would have been had he received his appointment under the provisions of section first of this Act; *provided*, the said Commissioner shall not be a resident or interested in the county making the application.

SEC. 5. The Commissioners, before proceeding to the discharge of the duties assigned them, shall make oath that they will faithfully and impartially perform the duties devolving on them, to the best of their ability.

SEC. 6. The compensation of the Commissioners appointed by this Act, to settle and arrange the affairs of the two counties, shall be five dollars per day for the time necessarily spent in settling the affairs of said counties, exclusive of travelling fees, which shall be fifteen cents per mile actually travelled each day.

SEC. 7. The expense necessarily incurred in the settlement and adjustment of the affairs of said counties, shall be equally borne by each county, and the Board of Supervisors of each county is required to audit and allow one half of the expenses incurred by the Commissioners appointed pursuant to the provisions of this Act.

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

CHAP. CCCXCL.—*An Act relating to the indenturing of Minors.*

[Approved May 12, 1862.]

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

SECTION 1. The Board of Trustees of the San Francisco Ladies' Protection and Relief Society may bind out any child under their care, or who shall come under their care, until such child shall become of age, or any shorter time, to serve as clerk, apprentice, or servant, in any profession, trade, or employment, and such binding shall be as valid and effectual as if such child had bound himself, with the consent of his father or mother, or

- Supervisors may bind out minors. either of them. The Board of Supervisors of the several counties of this State shall have similar powers to indenture all children within their respective counties, who are destitute of parents or guardians, or means of support.
- Indenture. SEC. 2. The binding out of any child, under the provisions of this Act, shall be by indenture, in writing, executed in triplicate by said Board of Trustees and the person or persons to whom such child shall be bound, and acknowledged before the County Judge, District Judge, or a Notary Public, and one copy of said indenture shall be filed with the County Clerk of said City and County of San Francisco.
- Age. SEC. 3. The age of every child so bound shall be inserted in the indenture, and shall be taken to be the true age, without further proof thereof.
- Money paid. SEC. 4. Every sum of money paid as agreed for, with or in relation to the binding out of any child for any clerk, apprentice, or servant, shall be inserted in the indenture.
- Indenture. SEC. 5. The indenture 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 in the English language, and for that purpose will send such child to school three months each year of the period of indenture.
- May be annulled. SEC. 6. Such indenture may be annulled and declared void, by any Court of equity jurisdiction, or Judge thereof, for the county where the person to whom such child is bound shall reside, upon satisfactory proof of either of the following named causes:
- Causes. *First*—Fraud in the contract of indenture.
Second—When such contract is not made or executed in accordance with the provisions of this Act.
Third—For non-fulfilment, by the person to whom such child is bound, of the provisions of the indenture.
Fourth—Cruelty or maltreatment of such child by such person.
- Account to be taken of amount due minor. SEC. 7. In case of the indenture being declared void, or annulled, for any of the foregoing causes, an account shall be taken, either by the Court or a Referee, of what is justly due to such infant servant, clerk, or apprentice, for his labor or service actually rendered to his master or employer, to whom he shall have been so bound, and judgment shall be rendered for such sum and costs, as well as declaring such indenture void and annulled.
- Judgment. SEC. 8. The application for annulling such indenture, and proceedings thereunto belonging, shall be the same under this Act as an Act to provide for Binding Minors as Apprentices, Clerks, and Servants, approved April tenth, eighteen hundred and fifty-eight; and the punishment for fleeing from service, and proceedings thereunder, shall be the same under this Act as the Act last above named.
- Applications for annulling indentures.

CHAP. CCCXCII.—*An Act conferring Further Power upon the Board of Supervisors of the City and County of San Francisco.*

[Approved May 12, 1862.]

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 empowered to compromise, or to allow and order paid, any final judgment that may be obtained by the plaintiffs in the suit entitled Edward Minturn versus E. W. Burr and F. E. R. Whitney, for forcible entry and detainer; to allow and order paid the counsel fees of the defendants in said suit, or so much thereof as they may deem equitable; and to compromise the claims of the City of San Francisco, and the City and County of San Francisco, against Edward Minturn. The City Treasurer of said City and County of San Francisco is hereby authorized to pay, out of the General Fund, the sum so allowed, upon the audit of the Auditor, who is hereby authorized to audit the same.

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

CHAP. CCCXCIII.—*An Act to provide for the Filing of a List of the Lands claimed by the State under the Provisions of the various Acts of Congress, making donations to the State.*

[Approved May 12, 1862.]

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 Register of the State Land Office, to cause to be prepared a list of all the records in his office, showing the lands sold or claimed by the State under the provisions of any Act of Congress making donations of land to this State, and to prepare certified copies of all affidavits, or other evidence, showing that the lands so sold or claimed are the property of the State, within the meaning of the Acts of Congress making the donation, and to file said list, and certified copies of affidavits, or evidence, with the Surveyor-General of the United States, or Register of the proper United States Land Office, as may be required by the rules of the United States Land Department. He shall also furnish the Committee appointed by the Legislature with certified copies of any affidavits, maps, charts, or such other evidence, as may be on file in his office, pertaining to the lands claimed by this State, or so much of the same as the Committee may deem necessary.

SEC. 2. The sum of six hundred dollars is hereby appropriated, payable out of the Swamp Land Fund, to carry the provisions of this Act into effect, the same being for clerical expenses.

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

CHAP. CCCXCIV.—*An Act to amend an Act entitled an Act defining the Rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty.*

[Approved May 12, 1862.]

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

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

Separate
property
of wife.

Section 6. The husband shall have the management and control of the separate property of the wife during the continuance of the marriage; but no alienation, sale, or conveyance, of the real property of the wife, or any part thereof, or any right, title, or interest, therein, and no contract, or power of attorney, concerning or relating to the same, and no lien or encumbrance created thereon, shall be valid for any purpose, unless the same be made by an instrument in writing, executed by the husband and wife, and acknowledged by her, as provided for in the Acts concerning conveyances, in case of the conveyance of her separate real estate. The personal property of the wife shall not be sold, assigned, or transferred, unless both husband and wife join in the sale, assignment, or transfer, thereof, except property which she is or may be authorized by law to sell, assign, or transfer, as a femme sole.

Lien.

Sale of
personal
property
of wife.

CHAP. CCCXCV.—*An Act to regulate the Fees of the County Surveyor of Napa County.*

[Approved May 12, 1862.]

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

SECTION 1. The County Surveyor of Napa County shall be allowed, for his services as Surveyor, the same fees as are prescribed in section nineteen of an Act entitled an Act to regulate Fees of Office, approved April tenth, eighteen hundred and fifty-five.

CHAP. CCCXCVI.—*An Act amendatory of and supplemental to an Act, passed April twenty-eighth, eighteen hundred and sixty, entitled an Act to amend an Act to exempt the Homestead and other Property from Forced Sale, in certain cases, passed April twenty-first, eighteen hundred and fifty-one.*

[Approved May 12, 1862.]

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 2. Such exemption shall not extend to any mechanic's laborer's, or vendor's lien, lawfully obtained, nor to any mortgage or other lien, lawfully taken or acquired, to secure the purchase money for said homestead. No alienation, sale, conveyance, mortgage, or other lien, of or upon the homestead property, shall be valid or effectual, for any purpose whatever, unless the same be executed by the owner thereof, and be executed and acknowledged by the wife, if the owner be married, and the wife be a resident of this State, in the same manner as provided by law in case of the conveyance by her of her separate and real property. For the purpose of making or creating such alienation, sale, conveyance, mortgage, or lien, as aforesaid, it shall not be necessary that the declaration of abandonment of the homestead be executed, as herein provided for, nor that the homestead property be actually abandoned. Said homestead shall be deemed to be abandoned when a declaration thereof, in writing, executed and acknowledged by the owner thereof, and executed and acknowledged by the wife, if the owner be married, and the wife be a resident of this State, in the same manner as required by law in the case of the conveyance by her of her separate real property, is filed for record in the Recorder's office in which the declaration of claim to the same is recorded.

Declaration
of abandonment.

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

Section 4. The homestead property selected by the husband and wife, or either of them, according to the provisions of said Act, shall, upon the death of the husband or wife, vest absolutely in the survivor, and be held by the survivor as fully and amply as the same was held by them, or either of them, immediately preceding the death of the deceased, and shall not be subject to the payment of any debt or liability contracted by or existing against the said husband and wife, or either of them, previous to, or at the time of the death of such husband or wife, except such debt or liability as the homestead was subject to at the time of the death of such husband or wife.

Rights of
survivor.

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

Section 5. No unmarried person shall be entitled to select or hold a homestead, as prescribed in the preceding sections of said Act, unless such person has the care and maintenance of his or her minor child, or of a minor brother or sister, or a minor

Unmarried
persons not
entitled, ex-
cept in cer-
tain cases.

child of a deceased brother or sister, or of a father or mother, or of a grandfather or grandmother, or of an unmarried sister, then residing on the homestead property with such person.

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

Provisions of Act of 1851 extended.

Section 6. All persons who held homesteads on the twenty-eighth day of April, eighteen hundred and sixty, and who have continued to hold the same, which were acquired and held as such under the provisions of the Act entitled an Act to exempt the Homestead and other Property from Forced Sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, shall, until the first day of June, A. D. eighteen hundred and sixty-two, be entitled to all the exemptions provided for in the Act hereby amended, but from and after the said last mentioned day, no property shall be deemed a homestead, or be exempt from forced sale, under execution or other legal process, unless the declaration provided for in said Act be made and filed for record, according to law; *provided*, that the making or filing for record of such declaration, shall not, in any case or in any manner, affect or impair any alienation, sale, mortgage, or other contract, or lien, lawfully executed or obtained prior to the time of the filing for record of such declaration.

Proviso.

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

Notices, etc., to be recorded.

Section 7. All notices and declarations required by said Act, or any Act amendatory thereof or supplemental thereto, to be recorded, shall be recorded by the Recorder in a book or books kept for that purpose, but nothing in said Act, or any Act amendatory thereof or supplemental thereto, shall exempt any property from sale for the non-payment of taxes or assessments levied or assessed thereon according to law.

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

CHAP. CCCXCVII.—An Act in relation to Suits brought for the Collection of Delinquent Taxes.

[Approved May 12, 1862.]

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

Proceedings in rem. for collection of taxes.

SECTION 1. In any action authorized by any law of this State, to collect, or enforce, payment of any tax, or taxes, wherein any part of the tax is charged in the complaint to have been levied, or assessed against, or to be a lien upon, any real estate, or any improvements on real estate, it shall be competent to proceed *in rem.* against such real estate, or improvements, or against both; such real estate being, for that purpose, described in the summons in such manner as to designate the particular tract or tracts of land sought to be charged, and in case of improvements, designating the tract of land on which the improvements are situated. In such description in any

proceeding in such action, such abbreviations may be used as are in common use in the assessment roll, or rolls, in the county, and the description shall be sufficient if it can be ascertained what land is intended, the summons also stating the amount of the taxes claimed as a lien, and the year or years in which the tax was assessed. Such summons need not name any particular defendant, but may be directed "to all owners of the property described;" and such action may, at the option of the District Attorney, also proceed against any or all persons, or corporations, who are under obligation to pay the tax or taxes.

SEC. 2. In any such action now pending, or hereafter to be commenced before a Justice of the Peace, the Justice, at any time after the filing of the complaint, and in addition to the process now provided by law, or in place thereof, may issue a summons, directed generally "to all owners of the property described," containing such description of property and designation of tax or taxes; and in place of specifying the time at which the defendant shall answer, such summons shall require the defendant to answer the complaint within ten days after service of summons, if it shall be served in the county where the suit is commenced; if served in an adjoining county, twenty days, and in all other cases, forty days; and when an answer or other pleading, is filed by a defendant, the Court shall fix a time for hearing the case, without unnecessary delay.

SEC. 3. Service of such summons, whether issued by the District or a Justice's Court, may be made by publication of a copy of the summons, once each week for eight successive weeks, in a newspaper published in the county in which the action is commenced; the service of the summons shall be complete at the expiration of the time of such publication.

SEC. 4. In any such action in which the taxes claimed to be a lien shall not, for any one year's assessment sued upon, exceed the sum of ten dollars, the summons herein provided may be served by posting a copy thereof at the Court House in the county, and publishing a notice, such as is by this section described, once each week for eight successive weeks, in a newspaper published in the county; any number of actions, and the service of summons therein, may be combined or included in one and the same notice. The notice shall state out of what Court, and on what day, the summons was issued, and shall contain a description of the property described in each of the summonses, and shall briefly denote, by figures, the amount of the taxes and the year of its assessment; a notice substantially in the following form shall be sufficient:

STATE OF CALIFORNIA,
County of _____ }
Township (or City) _____ }
Form of notice.

Before _____, a Justice of the Peace for _____ Township (or City.) Complaints having been filed, and summons thereon having this day issued out of the Court of the said Justice, in the name of The People of the State of California, severally against the parcels of property situated in said State and county herein described, to recover taxes assessed thereon, in the years and for the respective amounts following, namely: Against (do-

scribing the tract of land described in one of the summons,) A. D. one thousand eight hundred and fifty eight, for _____ dollars; same property. A. D. one thousand eight hundred and fifty-nine, for _____ dollars; same property. A. D. one thousand eight hundred and sixty, for _____ dollars; Total, _____ dollars. Against (describing the land described in a summons,) one thousand eight hundred _____, for _____ dollars. Against all improvements on (describing the land on which the improvements are situated,) one thousand eight hundred _____. Against (describing the land described in the summons,) and all improvements thereon, one thousand eight hundred _____, for _____ dollars. (Thus briefly enumerating the property and taxes mentioned in each summons.) All owners and claimants of any right, title, or interest, in any of the property above described, are notified to appear at the office of said Justice of the Peace, in the Township (or City) of _____, within eight weeks of the date hereof, and answer the complaint so filed against such property, or judgment will be rendered against such property for the sale thereof, and for the relief prayed in such complaint.

Given under my hand, this _____ day of _____, A. D. one thousand eight hundred _____.

Justice of the Peace.

And service of such summons shall be complete at the expiration of such publication of notice. If the complaint is verified by the affidavit of the District Attorney, stating that "he believes the complaint is true," it shall not be necessary that any other affidavit, or any order, be made to authorize the publication of copy of summons or of notice.

Service of
notice.

Sec. 5. The publication provided in section three, and the posting and publication provided in section four, of this Act, shall each, as against such real estate or improvements, and against each and every person and corporation claiming or having any right, title, or interest, either legal or equitable, in any of the property described in the summons, be equivalent to a personal service of summons upon each and every such person and corporation, and shall bind the interest of every owner and claimant thereof, whether such owner or claimant is named as a party to such action or not. Proof of such publication and posting may be made by the affidavit of the District Attorney, or any other person competent to testify.

Complaint.
validity of.

Sec. 6. Upon filing such proof, if no answer be filed within forty days of the expiration of such eight weeks publication, the facts stated in the complaint shall be taken as true, and, whether any answer be filed or not, the Court in which the action shall be pending, shall have the same jurisdiction, and the judgment or decree of the Court shall have the same effect, as if every owner and every claimant of any right, title, or interest, either legal or equitable, in any part of the real estate or improvements described in the summons, had been made defendant in such action, and duly and personally summoned to appear and answer the complaint.

Sec. 7. Notice of sale of property to satisfy judgments or decrees rendered in actions which are within the provisions of

section four of this Act, may be given as follows. Notice of the sale of any number of parcels of property, to satisfy any number of judgments or decrees, may be included in one advertisement, and an advertisement substantially in the following form shall be sufficient:

NOTICE.

STATE OF CALIFORNIA, }
County of _____ }

Judgments having been rendered on the _____ day of _____, A. D. eighteen hundred and _____, by _____, a Justice of the Peace in said county, in divers actions for the collection of taxes, in favor of The People of this State, severally, against the parcels of property situated in said State and county, herein enumerated, for the sums respectively annexed thereto, and for costs of suit, namely: Against (describing one of the pieces of property to be sold,) for _____ dollars _____. (Thus separately designating each piece or parcel of property to be sold, and the amount, exclusive of costs, adjudged against each.)

By due process to me directed, I shall, on the _____ day of _____, A. D. eighteen hundred and _____, at the door of the Court House in said county, sell, at public auction, each of the pieces of property above described, to satisfy the judgment so rendered against each, and costs of suit.

_____, Sheriff.

The publication of such advertisement, once each week, for three weeks next preceding the day of sale mentioned therein, in a newspaper published in the county, shall be sufficient notice. If, for any cause, such sale shall be adjourned for a period of not over one week at a time, it may be done by proclamation, and notice thereof posted at the door of the Court House, and no further publication shall be necessary. In actions mentioned in section four of this Act, in which no defendant is personally served, no other fee shall be paid for any official service, or for publication, than is provided in this section, nor shall any fee be paid unless it is collected from the defendant, or by sale of the property. For all services rendered, in each case, there may be received, by the Justice of the Peace, two dollars and fifty cents; by the County Clerk, one dollar; by the Sheriff, one dollar and fifty cents; by the District Attorney, if paid before judgment, one dollar and fifty cents; if paid after judgment, two dollars and fifty cents; by the publisher, for advertising notice of summons, one dollar and fifty cents; for advertising notices of sale, one dollar.

SEC. 8. In hearing and determining an action for the enforcement of a lien for taxes, the Court in which it is pending shall have and exercise all the powers that pertain to Courts of equity in foreclosure of mortgages and liens; but when the decree of the Court contains no special directions as to the mode of selling, no more of the property shall be sold than is necessary to pay the judgment and costs, nor shall the property be sold for less than the amount of judgment and costs.

SEC. 9. In all cases where, after personal service of process, any person or corporation is adjudged to be personally liable for

- Execution.** any tax, whether the same is a lien on real estate or not, execution may issue against the goods and chattels, lands and tenements, of the party or parties so liable, either before or after the sale of real estate or improvements described in the decree; and such execution may be served in the same manner as if no lien existed, but execution shall not issue against property other than that described in the decree, unless the owner of such property has been personally served with process, or has appeared in the action. The remedies authorized by this Act are cumulative, and shall not be construed as prohibiting any remedy, process, or proceeding, heretofore authorized; *provided*, that in those counties where there is no newspaper published, service of such summons and execution shall be made as in former laws prescribed.
- Proviso.**

CHAP. CCCXC'VIII.—*An Act to grant the Right to construct a Turnpike Road, between the Town of Columbia and the City of Sonora, in the County of Tuolumne.*

[Approved May 12, 1862.]

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

- Franchise.** SECTION 1. J. D. Patterson, C. C. P. Severance, A. A. Whipple, Thomas Welch, Charles Williams, John B. Douglass, J. A. Smith, James Lane, and W. S. Cooper, together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall incorporate themselves, under the general laws of the State regulating corporations and providing for the incorporation of turnpike roads, and shall adopt the name of "The Sonora and Columbia Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.
- Powers.** SEC. 2. The said company shall incorporate as aforesaid, and shall have full power to build, construct, and maintain, a public turnpike, from the City of Sonora to the Town of Columbia, in the County of Tuolumne, and have and enjoy all the rights, privileges, and immunities, thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to said company for the term of twenty years; and the State enters into these covenants, and makes these grants, and guarantees these rights and privileges, upon the express conditions that, within one year from the passage of this Act, the said company shall commence, and within two years complete, the said turnpike road.
- Conditions.** SEC. 3. The said turnpike shall be constructed of sufficient width to admit of the passage of the heaviest sized teams, and it shall be at all seasons in condition for travel by the largest lumber or other heavily loaded wagons.
- SEC. 4. The said company, upon completion of said turnpike,

shall be authorized and empowered to charge and collect such ^{Tolls.} rates of fare as the Board of Supervisors of Tuolumne County may annually fix; but said road shall not be constructed along or upon any public highway in said county, and where said road shall intersect any public highway, then it shall be so constructed as not to interfere with or injure said highway.

SEC. 5. Said company shall keep, at each end of the road, a sign board, which shall show the scale of prices and the regulations of the road.

CHAP. CCCXCIX.—*An Act fixing the Salary of the County Judge of the County of San Luis Obispo.*

[Approved May 12, 1862.]

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

SECTION 1. From and after the expiration of the term of the ^{Salary.} present incumbent, the County Judge of San Luis Obispo County shall receive for his services the sum of one thousand dollars per annum.

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

CHAP. CCCC.—*An Act to amend an Act entitled an Act to provide for the Establishment, Maintenance, and Protection, of Public and Private Roads, approved May nineteenth, one thousand and eight hundred and sixty-one.*

[Approved May 12, 1862.]

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:

Section 5. Upon the filing of a sufficient bond, and proof of ^{Viewers.} the notice required in the first section of this Act, together with the affidavits required in the second section of this Act, at the time specified in said notice, the Board of Supervisors shall appoint, as Road Viewers, three disinterested citizens, one of whom shall be a practical Surveyor, and shall place in the hands of such Road Viewers the petition of the road which they are to view, together with all applications for damages in the ^{Damages.} premises, and upon a day named by the Supervisors, within five days thereof, after taking an oath to perform faithfully the duties devolving upon them by law, as such Road Viewers, they shall proceed to view the proposed location, alteration, or vacation, and shall decide whether such proposed location, alteration, or vacation, is required for public convenience; and they shall take

into consideration private as well as public interest. If, in the opinion of the Viewers, the prayer of the petitioners is reasonable, and the location, alteration, or vacation, necessary to the public, they shall take to their assistance two Chainmen and a Marker, who shall be sworn by one of the Road Viewers, who are each hereby authorized to administer all oaths required by this Act, and shall proceed to survey said proposed location or alteration, and shall distinctly mark the commencement, the courses, distance, and the termination, of said route; and the Surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Road Viewers. At or before the first day of the regular meeting of the Board of Supervisors, next succeeding that at which Road Viewers have been appointed, as provided by this Act, or at, or before, such special meeting of said Board, as they may by order appoint for that purpose, (but thirty days at least shall intervene between such special meeting and the regular meeting at which said Viewers were appointed,) they shall file with the Clerk of the Board of Supervisors a report of their proceedings in the premises, in which they shall set forth:

Survey.

Report of Viewers.

First—Who of them were present.

Second—What they were sworn.

Third—Whether such location, alteration, or vacation, is or is not advisable.

Fourth—A plat and field notes of the survey.

Fifth—The expenses of the view and survey.

Sixth—The amount of damages sustained separately, by each applicant for damages.

Seventh—The width of the road, which shall not exceed sixty-six feet.

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

Supervisors

Duties of.

Section 6. Upon the first day of the regular meeting of the Board of Supervisors, next succeeding that at which the Road Viewers were appointed, or at a special meeting, as provided for in section five of this Act, the Board of Supervisors shall proceed to consider all the matters touching the original petition for the location, alteration, or vacation, of any road, and all subsequent proceedings had thereon, in connection with the report of the Viewers on file, and such evidence as parties interested may introduce, touching the same; and if, in their opinion, the public good and convenience require that the proposed location, alteration, or vacation, should be established, they shall confirm the report thereon, in whole, or in part, as they may deem advisable, and establish said location or alteration, or as much thereof as they may deem advisable, as a public highway, either absolutely, in which case the damages assessed and the costs which have accrued shall be paid out of the Road Fund, and the Board of Supervisors shall order a warrant drawn accordingly; *provided*, the Board of Supervisors shall be authorized to pay the same out of the General Fund, by special order made for that purpose, or they may make the establishment conditional upon the payment, by the petitioners, of all or any part of the damages assessed, or the costs which may have accrued. If, in the opinion of the Board of Supervisors, the pro-

posed location, alteration, or vacation, is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Viewers, and may discontinue proceedings in the premises; and they shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the proceedings had in the premises upon the bond provided for in section three of this Act. Whenever any public road is established, as contemplated in this Act, it shall be recorded by the Clerk of the Board of Supervisors, in a book to be kept for that purpose, which book will be called the "Road Record of the County." Upon the final establishment of any road, and the payment or securing of the damages finally awarded, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Road Master, or Road Masters, of the District or Districts within which such road is situated, of the establishment thereof, and to furnish him with a specific description of said road; and it shall be the duty of such Road Master, or Road Masters, to open such road within thirty days from the reception of such notice, unless there were, at the time of locating such road, growing crops upon the ground, affected by such road, in which case it shall be the duty of Road Master, or Road Masters, to open such road within thirty days after the harvesting of such crops.

CHAPTER CCCCII.—*An Act to submit the Claim of William Martin, against the County of Siskiyou, to the Voters of said county.*

[Approved May 12, 1862.]

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 Board of Supervisors of the County of Siskiyou to submit to the legally qualified voters of said county, at the next general election, for their determination, the following proposition, to wit: Shall the claim of William Martin, late Sheriff, and ex officio Tax Collector, of Siskiyou County, for the sum of twelve hundred and seventy dollars, be allowed and paid? Claim to be submitted to electors of county.

SEC. 2. In determining the proposition submitted to them by virtue of this Act, the voters of said county shall vote by ballot. The ballots shall be in the following form: "Pay Martin's Claim—Yes," "Pay Martin's Claim—No." The election laws of this State, which govern elections for State and county officers, shall govern voters proposing to vote on the above proposition, and the votes for and against the proposition shall be canvassed and declared in the same manner as the votes for county officers. Ballots.

SEC. 3. If the whole number of votes cast against the proposition shall exceed the whole number of votes cast for it, the Board of Supervisors shall declare the account disallowed; but if the votes cast for the proposition shall be more than the Duty of Supervisors

votes cast against it, then the Board of Supervisors shall proceed to audit and allow said account, and it shall be the duty of the Treasurer of the county to pay the account, out of the General Fund of the county, on the order of the Board of Supervisors.

CHAP. CCCCII.—*An Act fixing the Salaries of the County Judge and District Attorney for the County of Klamath.*

[Approved May 12, 1862.]

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

County
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 dollars per annum.

District
Attorney.

SEC. 2. From and after the expiration of the term of the present incumbent, the District Attorney of the 'County of Klamath' shall receive for his services the sum of six 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 is audited and paid.

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

CHAP. CCCCIII.—*An Act amendatory of and supplemental to an Act entitled 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, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty, and an Act approved May sixteenth, eighteen hundred and sixty-one.*

[Approved May 12, 1862.]

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:

Board of
Examiners.

SECTION 2. The Treasurer, Controller, and Adjutant-General, of this State, are hereby constituted a Board of Examiners, and are authorized and required to examine and audit all accounts for claims, which have not been audited and allowed by this State, or by the Government of the United States, for services rendered and supplies furnished for the expeditions against the

Indians in Siskiyou County, since the year eighteen hundred and fifty, and for property destroyed by the Indians in said county since that year; *provided*, the same do not exceed the sum of two hundred and fourteen thousand dollars; also for services rendered and supplies furnished for the expeditions against the Indians in the Counties of Humboldt, Klamath, and Del Norte, since the year eighteen hundred and fifty, and for property destroyed and losses sustained by Indian depredations in said counties since that year; *provided*, the same do not exceed the sum of one hundred and seventy thousand dollars; also for services rendered and supplies furnished the expedition against the Indians in the County of Shasta, since the year A. D. eighteen hundred and fifty, and for property destroyed by the Indians in said counties since that year; *provided*, the same do not exceed the sum of twenty-seven thousand dollars; also for the expeditions, wars, and depredations, in the Counties of Butte and Plumas, since the first day of January, A. D. eighteen hundred and fifty; *provided*, the same do not exceed the sum of twenty 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 eighteen hundred and fifty and eighteen hundred and fifty-one; *provided*, the same do not exceed the sum of eleven thousand dollars; also for services rendered prior to the year eighteen hundred and fifty-three, to be allowed at the rate of four dollars per day; and supplies furnished in the expedition against the Indians, in the County of El Dorado, since the year A. D. eighteen hundred and fifty; *provided*, the same do not exceed the sum of ten thousand dollars; also for services rendered and supplies furnished for the expeditions against the Indians in the County of Tulare, since the year eighteen hundred and fifty-five; *provided*, the same do not exceed the sum of twenty-eight thousand dollars; also for services rendered and supplies furnished in the expedition against the Indians in the County of Trinity, since the year A. D. eighteen hundred and fifty, and for property destroyed and losses sustained by Indian depredations in said county since that year; *provided*, the same do not exceed the sum of fifteen thousand dollars; also for services rendered and supplies furnished in the expedition against the Indians in the County of Tehama, since the year A. D. eighteen hundred and fifty, and for property destroyed and losses sustained by Indian depredations in said county since that year; *provided*, the same do not exceed the sum of ten thousand dollars.

Appropriation.

Clerk.

SEC. 2. The Board of Examiners, created by this Act, shall have power to appoint a Clerk, at a salary not to exceed fifty dollars per month.

Records.

SEC. 3. The books and papers of the Board shall be kept in the office of the Adjutant-General, and a duplicate book of records, certified by the President of the Board, the proceedings of the said Board, with all new entries filed therein, shall be filed in the office of the Treasurer of State.

CHAP. CCCCIV.—*An Act to authorize the Board of Supervisors of the County of Yuba to issue Bonds of said county, to the California Central Railroad Company, to the amount of One Hundred Thousand Dollars.*

[Approved May 12, 1862.]

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

Preamble. WHEREAS, Bonds, to the amount of one hundred thousand dollars only, have been issued under an Act of the Legislature of this State, duly approved on the twenty-eighth day of April, one thousand eight hundred and fifty-seven, and entitled an Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of a Railroad Company, and to provide for the Payment of the same, and other matters relating thereto; now it is hereby enacted—

Supervisors authorized to issue bonds.

SECTION 1. That the said Board of Supervisors be and they are hereby authorized to issue the remaining one hundred thousand dollars, in bonds of said county, to the California Central Railroad Company, on such conditions and considerations as the said Board and the said company may agree upon. Said bonds shall be executed in the manner prescribed in the Act aforesaid, mentioned in the foregoing preamble to this Act, and shall each be for the amount, and shall draw interest at the rate, and shall be made payable in the manner, prescribed in the said Act, mentioned in the preamble; *provided*, that the said Board of Supervisors shall not issue any bond or bonds of the County of Yuba, under this Act, which, taken together with all others heretofore issued for railroad purposes, or which may be issued by virtue of any law now in force, or any contract now existing, shall exceed, in the aggregate of such bonds so issued, the sum of two hundred thousand dollars; and, *provided*, further, that no bonds shall be issued under the provisions of this Act, until the proposition to issue the same shall be submitted to the voters of Yuba County, at the general election to be held in September of this year, in exact accordance with the provisions of section two of said Act, mentioned in the preamble to this Act, and a majority of the votes cast upon such proposition shall be in favor of the issuance of said bonds.

Proviso.

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

CHAP. CCCCIV.—*An Act fixing the Fund out of which the Salary of the Watchman and Porter of the Court House of the County of Sacramento shall be paid.*

[Approved May 12, 1862.]

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

SECTION 1. The compensation or salary, not exceeding in the aggregate more than one hundred and fifteen dollars per month, of the Watchman and Porter of the Court House of the County of Sacramento, shall be paid out of the County Salary Fund, any law directing otherwise notwithstanding; *provided*, however, that any such salary or compensation which has heretofore accrued and been audited as a claim against any other fund, shall be transferred as a claim against the Salary Fund, as though it had been filed on the day this Act goes into effect.

Sec. 2. This Act shall take effect on the first Monday in May, eighteen hundred and sixty-two, and all parts of Acts conflicting with the provisions of this Act, are repealed.

CHAP. CCCCVI.—*An Act to appropriate Money to pay the Claim of Philip Caduc, for Coal furnished the Supreme Court and State Library, in the year one thousand eight hundred and sixty.*

[Approved May 14, 1862.]

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

The sum of ninety-three dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the payment of the claim of Philip Caduc, for coal furnished the Supreme Court and State Library, in the year one thousand eight hundred and sixty, and the Controller of State is hereby authorized and required to draw his warrant, in favor of said Philip Caduc, for the sum of ninety-three dollars, and the Treasurer of State is required to pay the same.

CHAP. CCCCVII.—*An Act to lay a Special Tax for Road Purposes in San Mateo County.*

[Approved May 14, 1862.]

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 San Mateo are hereby authorized to levy and collect, in addition to

the taxes already provided by law, a tax of fifty cents on each one hundred dollars of all property, real and personal, in said county, for road purposes.

SEC. 2. Said tax shall be collected at the same time, and by the same officer or officers, now authorized by law to collect State and county taxes.

SEC. 3. This law shall take effect from and after its passage, and continue in force for two years.

CHAP. CCCCVIII.—*An Act to grant the Right of Way for a Railroad Track within the corporate limits of the City and County of San Francisco.*

[Approved May 14, 1862.]

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

Francisco.

SECTION 1. The right is hereby granted to John S. Williams, his associates and assigns, and to them and their, or any of their, assigns, to lay down and maintain an iron railroad track in the City and County of San Francisco, commencing on Van Ness Avenue, at the water front on the Bay of San Francisco, as now, or hereafter may be, established by law; thence along said Van Ness Avenue, to Market street; thence along and across Market street, to Wood street; thence along Wood street, to Harrison street; thence along Harrison street, to Johnson street; thence along Johnson street, to Brannan street; with the right to run steam cars thereon, and to carry passengers and freight thereon; *provided*, the said grantees, their associates or assigns, shall, within one year after the passage of this Act, commence the construction of the said road, and, within three years, complete the same; and, *provided*, that the said grantees shall have the right to commence the work on any portion of the line mentioned in this section; and that, before the commencement of the construction of the said railroad, the grantees, their associates and assigns, shall obtain the consent, in writing, of two thirds of the property holders along the entire line of said road, estimating by the front foot owned on said streets; and, *provided*, also, that the Board of Supervisors of the City and County of San Francisco shall have the right, whenever they shall deem that public necessity or convenience require it, to prohibit the further use of steam cars on said road, and to require the most approved pattern of street rails to be laid down in the place of those theretofore used.

Provided.

Condition.

SEC. 2. The owners of said railroad shall pave, or plank, as the proper authorities of said city and county shall direct, the streets through which the said railroad shall run, along the whole length thereof, for a width extending two feet on each side of said road, and shall keep the same constantly in repair.

SEC. 3. The tracks of said railroad shall not be more than five feet wide within the rails, with a space between the double

tracks sufficient for the passage of the cars. The tracks shall be laid flush with the level of the streets, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the route herein provided for shall intersect any other road, the rails of each road shall be so altered or cut as to permit the cars to cross without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company, hereafter formed, from crossing the ways herein mentioned, at any point, in like manner, in the City and County of San Francisco.

Manner of
constructing
road.

SEC. 4. For the purpose of laying down or repairing the said railroad, not more than the length of one block, in any one street, within the present fire limits of the said city and county, shall be obstructed at one time, nor for a longer period, at one time, than ten working days.

SEC. 5. The rates of fare of each passenger upon said railroad, for any distance, going or returning, shall not exceed five cents for each passenger.

Rate of fare.

SEC. 6. The cars upon said railroad shall be of the most approved construction, for the comfort and convenience of passengers, and shall be provided with sufficient brakes, and other means for stopping the same when required; they shall be moved at a speed not exceeding eight miles an hour, and in case of a violation of this provision, the owner or owners of said railroad shall be subject to a fine, not exceeding one hundred dollars, for each offence.

Cars.

Rate of
speed, etc.

SEC. 7. Any person wilfully obstructing the said railroad, shall be deemed guilty of a misdemeanor, and punished accordingly.

Wilful
obstructions

SEC. 8. The franchise and privileges hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act, and the said parties shall, within six months after the passage of this Act, execute, to the City and County of San Francisco, a bond, with good and sufficient sureties, to be approved by the County Judge of said city and county, conditioned, in the sum of thirty thousand dollars, for the completion of the railroad, according to the requirements and privileges of this Act, and file the same with the Treasurer of said city and county, for the benefit thereof; and upon a failure to comply with the provisions of this section, the franchise and privileges hereby granted shall utterly cease and determine, and the amount of the said bond may be recovered from the obligors therein named, in an action brought in the name of The City and County of San Francisco.

Duration of
franchise.

Bond.

SEC. 9. The owners of said railroad are required to sell, transfer, and convey, the same, together with the cars which may be employed thereon, to the City and County of San Francisco, at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to said parties the appraised value (by said city and county) thereof, exclusive of the value of said franchise. On the purchase of said road, it, together with the franchise, shall vest in the said city and county. Said appraisal to be made by five Commissioners, in the manner following: The Board of Super-

City may
purchase.

Appoint-
ment of
Commis-
sioners, and
their duties.

visors of the City and County of San Francisco shall appoint two Commissioners, and notify the grantees, or their assigns, of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify the Board thereof. The four Commissioners, so appointed, shall select a fifth; but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said city and county. In case of the failure of the grantees, or their assigns, to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisal, and present their report, within thirty days after the completion of the commission, and shall file the same in the office of the Clerk of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of a majority shall be final, and binding upon the parties. The amount of the award shall be paid by the Treasurer of the city and county to the grantees, or their assigns, within sixty days after the filing of said award. Thereupon, the title to the said railroad and cars shall vest in the said city and county.

Sec. 10. Nothing in this Act shall be so construed as in anywise to prevent the proper authorities of the said City and County of San Francisco from grading, paving, planking, repairing, or altering, any of the streets herein before specified, but all such work shall be so done, if possible, as not to obstruct the free passage of the cars upon said railroad; and where the same shall not be possible, the said authorities, before the commencement of such work, shall allow to the owners of said railroad, time sufficient to enable them to shift the rails, or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.

License.

Sec. 11. The owners of said railroad shall pay to the city and county, such license, for running passenger cars thereon, as the Board of Supervisors may annually fix. Nothing contained herein shall prevent the Supervisors of the City and County of San Francisco from granting permission to such party as may see fit, to lay down temporary railroad tracks in the streets herein before named, or any of them, for the purpose of grading said streets, and the lots fronting thereon and adjacent thereto.

Proviso.

Sec. 12. The grantees herein named shall have the right to run their cars over the road, along the beach, from Fort Point to Mason street; *provided*, that any arrangement for that purpose can be made between them and the proprietors of said beach road; and the said proprietors are hereby authorized and empowered to make such arrangement.

CHAP. CCCCIX.—*An Act providing for the Payment for certain School Property in the City of Sacramento.*

[Approved May 14, 1862.]

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

SECTION 1. As soon as all claims, mentioned in the Act of March thirteenth, eighteen hundred and sixty-one, entitled an Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax, are paid, the Auditor and Treasurer shall transfer all money which then remains in the State Capitol Fund, or which may thereafter be collected from delinquent State Capitol taxes, to the City School Fund; *provided*, however, that the total amount so transferred shall not exceed the sum awarded by the Commissioners for the construction of the State Capitol site to the Board of Education for the school property, corner of Eleventh and N streets; and, *provided*, further, that after the amount transferred, under this Act, to the School Fund, shall equal the sum awarded by the aforesaid Commissioners, all moneys received for delinquent State Capitol taxes shall be paid into the City Salary Fund.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCX.—*An Act appropriating Money to pay the Cost of Removing the State Printing Office to and from San Francisco.*

[Approved May 14, 1862.]

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

SECTION 1. The sum of one thousand two hundred and sixty-two dollars and eighty-five cents is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to pay Benj. P. Avery, for costs and damages sustained by him in removing the State Printing Office, from the Capital of the State to San Francisco, and back again, during the Thirteenth Session of the Legislature of California, in the year one thousand eight hundred and sixty-two; and the Controller of State is hereby required to draw his warrant on the General Fund, in favor of Benjamin P. Avery, for the sum of one thousand two hundred and sixty-two dollars and eighty-five cents, and the Treasurer of State is required to pay the same; *provided*, that the said Benjamin P. Avery shall not be allowed any further and additional compensation for removal of said State Printing Office, as herein before mentioned, during the Thirteenth Session of the Legislature.

CHAP. CCCCXI.—*An Act to appropriate Money to pay the Witnesses summoned to testify in the Hardy Impeachment Case.*

[Approved May 14, 1862.]

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

Appropriation in the Hardy trial.

SECTION 1. The sum of sixteen hundred and three dollars and sixty cents is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the witnesses summoned to give testimony before the Assembly Committee, on the impeachment of James H. Hardy.

SEC. 2. The Controller of State is hereby authorized to draw his warrant on the State Treasurer, for each of the persons hereinafter mentioned, for the sums allowed them respectively, to wit: W. L. Dudley, A. P. Dudley, S. W. Brockway, Charles A. Clark, A. W. Genung, and Joel Brown, Jr., for one hundred and ten dollars and eighty cents each; Morris Lloyd, A. Allen, J. G. Severance, W. S. Coolidge, and S. R. Axtell, for one hundred and eight dollars and eighty cents each; S. Louis, for one hundred and four dollars and eighty cents; Francis H. Moran, for eighty-two dollars and forty cents; S. L. Magee, for sixty dollars and forty cents; Amos Adams, for sixty dollars and forty cents; R. S. Lippencott, eighty-six dollars and eighty cents.

CHAP. CCCCXII.—*An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one.*

[Approved May 14, 1862.]

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

SECTION 1. Section four hundred and ninety-two of said Act is hereby amended so as to read as follows:

Appeal.

Section 492. Upon the appeal being taken, the Clerk with whom the notice of appeal is filed, must, within ten days thereafter, without charge, transmit to the Clerk of the Supreme Court a copy of the notice of appeal, and of the record, and, upon the receipt of the record, it shall be the duty of the Clerk of the Supreme Court to file said record, and perform the same service as in civil cases, without demanding his fees therefor; said fees, in case of a reversal of the judgment and ultimate acquittal of the defendant, to be a charge against the State, and, in case of an affirmance of the judgment appealed from, to be a charge against the defendant, and collected in the same manner as judgment in civil cases; *provided*, however, that in case of the insolvency of the defendant, and his inability to pay said costs, then and in that event they shall become a charge against the State.

Duties of Clerk of Supreme Court.

Proviso.

CHAP. CCCCXIII.—*An Act to require the Secretary and Controller of State to turn over all Vouchers and Certificates, representing unpaid Claims for Indian War Indebtedness, now on file in their respective offices, to the Board of Examiners of War Claims, of this State.*

[Approved May 14, 1862.]

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

SECTION 1. The Secretary of State is hereby required to turn over, to the Board of Examiners of War Claims, of this State, all vouchers and papers referring in any manner to the Indian war debts of this State. Duty of Secretary of State.

SEC. 2. The Controller of State is hereby required to turn over, to the Board of Examiners of War Claims, of this State, all unpaid vouchers and certificates relating to the Indian war debts for which no appropriation has been made by this State. Of Controller

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

CHAP. CCCCXIV.—*An Act to amend an Act entitled an Act in relation to the Board of Supervisors in and for Butte County, and concerning their Powers, passed April tenth, eighteen hundred and sixty-two.*

[Approved May 14, 1862.]

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

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

Section 3. A Supervisor of said county, for District Number Four, shall be elected within ninety days after the passage of this Act, and to this end the County Clerk of said county is hereby empowered and ordered to call a special election, for one Supervisor, within ninety days after the passage of this Act, and to give public notice thereof by posting printed notices, at least ten days prior to the day of election, in each precinct in said district at which polls were allowed to be opened at the last general election; said Clerk shall also designate, in said notice, the names of the precincts, the day of election, and the Judges and Inspectors of said election. So far as practicable, in all other respects than as herein provided, said election shall be governed by the general laws of this State, including the returns to be made, the manner of the canvass, and declaring of the result. Supervisor. Election.

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

CHAP. CCCCXV.—An Act to amend an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

[Approved May 14. 1862.]

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

SECTION 1. Section one hundred and fifteen of said Act is hereby amended so as to read as follows:

Acts repealed.

Section 115. The Act of May fifteenth, eighteen hundred and fifty-four, entitled an Act to provide Revenue for the Support of the Government of this State, and all Acts amendatory thereof, or supplementary thereto; the Act of April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act to provide Revenue for the Support of the Government of this State, and all Acts amendatory thereof, or supplementary thereto; the Act of April thirtieth, eighteen hundred and sixty, entitled an Act to provide Revenue for the Support of the Government of this State, and all Acts amendatory thereof, or supplementary thereto, and all laws, and parts of laws, in conflict with the provisions of this Act, except special laws creating salaried offices in certain counties in this State, are hereby repealed; *provided*, such salaried officers shall receive such special fees for their own use, as are provided in this Act; *provided*, further, that nothing in this Act shall be so construed as to repeal or affect the laws heretofore, or now, in existence, in regard to taxation, or collection of taxes on consigned goods; nor to repeal or affect the laws heretofore, or now, in force, in regard to issuing or collecting licenses from passenger brokers; nor to repeal or affect the 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, passed April twenty-ninth, eighteen hundred and fifty-eight; and, *provided*, further, that nothing herein contained shall repeal sections twenty-six to thirty-nine, inclusive, or any subsequent amendments of said sections, of the aforesaid Act of May fifteenth, eighteen hundred and fifty-four, nor shall anything herein repeal sections forty-ninth to fifty-two, inclusive, of the aforesaid Act of April twenty-ninth, eighteen hundred and fifty-seven, or any subsequent amendments of said sections; nor shall anything herein repeal the Act of April nineteenth, eighteen hundred and fifty-nine, amendatory of the said Act of April twenty-ninth, eighteen hundred and fifty-seven, so far as the same applies to the City and County of San Francisco; *provided*, further, that nothing in this Act contained shall apply to the City and County of San Francisco, except so much thereof as fixes the amount of State tax, the amount of poll tax, and the collection, payment, and enforcement, of said poll tax, the amount of licenses for State and county purposes, and so much of this Act as relates to the sale and the vending of agricultural productions of this State, and the time and manner of reporting to, and settling with, the Controller of State, and to property exempt from taxation, but in the said city and county the Revenue

Special salary laws excepted.
Proviso.

Proviso as to San Francisco City and County.

Law, (with the above exceptions,) in force prior to, and at the time of the passage of this Act, shall remain in full force and effect; and this Act shall not conflict with an Act to provide for the Collection of Delinquent Taxes in the County of Butte, approved April fifth, eighteen hundred and sixty-one; nor affect, nor anywise impair, the full force of an Act to prescribe the Duties, and provide for the Compensation, of the several Officers of the County of Butte, approved May third, eighteen hundred and sixty-one, and nothing in this Act contained shall be construed to alter, change, or affect, the fees of office, as the same are provided for in an Act entitled an Act to regulate the Fees of Office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one, and nothing herein contained shall repeal the Act, approved April eleventh, A. D. eighteen hundred and fifty-nine, entitled an Act to provide for the better Encouragement of the Culture of the Vine and Olive; and, *provided*, further, that the provisions of the Act of April twenty-sixth, eighteen hundred and fifty-eight, entitled an Act to provide for the collection of Licenses of Billiard Tables, and Billiard and Drinking Saloons, Restaurants, and Eating Houses, so far as it makes certain property liable for the payment of licenses, is hereby made applicable to the provisions of this Act. An Act entitled an Act requiring the Controller of State to sign certain blanks, and appoint a Deputy for that purpose, approved April seventeenth, eighteen hundred and fifty-nine, is hereby repealed.

Not to affect fees in certain offices.

Act made applicable.

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

CHAP. CCCCXVI.—*An Act amendatory of and supplementary to an Act entitled an Act to provide Revenue for the Support of the Government of this State from a Tax upon Foreign and Inland Bills, Passengers, Insurance Companies, and other matters, approved April fifteenth, eighteen hundred and sixty-two.*

[Approved May 14, 1862.]

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

SECTION 1. In addition to the conviction for misdemeanor and fine, specified in section three of said Act, it is hereby further provided, that any person or persons who shall issue or cause, direct, or procure, to be issued, any ticket, contract, or memorandum, for passage, or enter into any verbal contract for the passage of any person on any vessel, from the port of San Francisco to any port without the limits of this State, without first having procured and placed stamps on such tickets, or memorandum of passage, or paid to said Stamp Inspector, for each cabin passenger the sum of six dollars; for each second cabin passenger the sum of four dollars; and for each steerage passenger the sum of two dollars, shall forfeit and pay the State of California, for each and every ticket or memorandum of pas-

Violation of Stamp Act in relation to passengers.

Penalty. sage so sold, or verbal contract made, and for each and every passenger so taken on board to be transported as aforesaid, the sum of two hundred and fifty dollars, to be sued for in the name of The People of the State of California, in any District Court having jurisdiction; *provided*, that the complaint in such action may, in one and the same count, embrace and include any number of violations of this Act, and such complaint may allege, in general terms, the vessel on which such passengers were taken, the number of each class taken, the port or ports out of this State to which they were taken to be transported; but it shall not be necessary to state the name of any such passenger; under which complaint a recovery may be had for as many penalties, of two hundred and fifty dollars each, as may be proved to have been incurred under the foregoing provisions, the total amount of all said penalties to be included in one judgment, and which judgment shall be rendered against the property of the defendant or defendants therein named, and also against the vessel, her tackle, apparel, and furniture, on which such passengers were taken, and execution on such judgment shall be issued accordingly. One half of all the penalties recovered under this Act shall be retained by said Stamp Inspectors, from which they shall pay all costs and Attorneys' fees, to such Attorneys as they may employ, and the other half shall be paid by them into the State Treasury.

Complaint.

Disposition of moneys collected.

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

CHAP. CCCCXVII.—*An Act to authorize the Incorporation of Canal Companies, and the Construction of Canals.*

[Approved May 14, 1862.]

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

May be formed.

SECTION 1. Corporations may be formed, under the provisions of an Act entitled an Act to provide for the Formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, and the several Acts amendatory thereof and supplemental thereto, for the following purposes: The construction of canals, for the transportation of passengers and freights, or for the purpose of irrigation or water power, or for the conveyance of water for mining or manufacturing purposes, or for all of such purposes.

Rights.

Corporations.

SEC. 2. The right is hereby granted to any company organized under the authority of this Act, to construct all works necessary to the objects of the company, to make all surveys necessary to the selection of the best site for the works, and of the lands required therefor, and to acquire all lands, waters not previously appropriated, and other property necessary to the proper construction, use, supply, maintenance, repairs, and improvements, of the works, in the manner and by the mode of proceedings proscribed in an Act entitled an Act to provide for

the Incorporation of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one.

SEC. 3. Every company organized as aforesaid shall have ^{power.} power, and the same is hereby granted, to make rules and regulations for the management and preservation of their works, not inconsistent with the laws of this State, and for the use and distribution of the waters and the navigation of the canals, and to establish, collect, and receive rates, water rents, or tolls, ^{Tolls.} which shall be subject to regulation by the Board of Supervisors of the county or counties in which the work is situated, but which shall not be reduced by the Supervisors so low as to yield to the stockholders less than one and one half per cent. per month upon the capital actually invested.

SEC. 4. Every company organized under the authority of this Act, shall construct, and keep in good repair at all times, for public use, across their canal, all of the bridges that the Board of Supervisors of the county or counties in which such canal is situated shall require; said bridges being on the lines of public highways, and necessary for public use in connection with such highways. ^{To build and keep bridges in repair.}

SEC. 5. The provisions of this Act shall not apply to the Counties of Nevada, Placer, Amador, Sierra, Klamath, Del Norte, Trinity, Butte, Plumas, Calaveras, and Tuolumne. ^{Not applicable to certain counties.}

SEC. 6. This Act shall take effect from and after its passage.

CHAP. CCCCXVIII.—*An Act amendatory of an Act passed May eighteenth, eighteen hundred and sixty-one, entitled an Act concerning Roads and Highways in the County of Sacramento.*

[Approved May 14, 1862.]

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

SECTION 1. Section eight of the Act, the title of which is recited in the title of this Act, is hereby amended so as to read as follows:

Section 8. On or before the first Monday in March, in each year, the Board of Supervisors of the County of Sacramento shall levy a road tax on each able-bodied man, between the ages of twenty-one and fifty years, residing outside the limits of the City of Sacramento, which tax shall not exceed four dollars per annum. And said Board shall also, at the same time, levy upon all taxable property in the county, outside the limits of the city, a road tax, which, together with all other road tax authorized to be levied, shall equal ten cents on each one hundred dollars of such taxable property; *provided*, however, that in the year one thousand eight hundred and sixty-two, the tax authorized by this section to be levied, shall be levied on the first Monday in June, so far as the same has not heretofore been ^{Road taxes,}

levied; and, *provided*, further, that all property tax levied under this Act shall be collected as other county taxes.

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

CHAP. CCCCLXIX.—*An Act amendatory of and supplemental to an Act entitled an Act to regulate the Fire Department of the City and County of San Francisco, passed March twenty-fifth, one thousand eight hundred and fifty-seven, and the several Acts amendatory thereof.*

[Approved May 14, 1862.]

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

Section amended.

SECTION 1. Section fourth of an Act entitled an Act to regulate the Fire Department of the City and County of San Francisco, passed March twenty-fifth, one thousand eight hundred and fifty-seven, is hereby amended so as to read as follows:

Board of Delegates.

Section 4. At its stated meetings in October, each and every engine and hook and ladder company shall elect two of its members, and each and every hose company, one of its members, to the Board of Delegates, which Board shall consist of two representatives from each hook and ladder company, and one representative from each hose company, who, before entering upon the duties of their office, shall take and subscribe an oath or affirmation, to be administered by the President of the Fire Department, to well and truly perform the duties of Delegates, as prescribed in the laws governing the Department. They shall assemble on the second Wednesday of November, at seven and a half o'clock, p. m., in the room of the Board, and then and there organize, by the election of a President, Secretary, and Treasurer, whose term of office shall be for one year, or until their successors are duly elected and qualified. They shall make laws for the government of the Fire Department, and all laws made by them shall be binding on any company, officer, or member, of the Department, and any company, officer, or member, of the Department, who shall violate any of the said laws, or any of the provisions of this Act, or who shall refuse to obey the lawful orders of the Chief, or Assistant, Engineer, 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 a majority of the Board, in its judgment, may direct. They shall examine the returns, and declare the result of all Engineers' elections, and give them their certificate of office.

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

Number of members of fire company

Section 6. An engine company, or a hook and ladder company, shall be composed of not more than sixty-five, nor less than twenty-five, and a hose company of not more than twenty-five, nor less than fifteen, males, of the full age of twenty-one years, all of whom must be duly registered members of the De-

partment. The officers of a company shall be a Foreman, at least one Assistant Foreman, a Secretary, and a Treasurer. A company, desiring admission into the Department, must make application to the Board of Delegates, accompanying such application with a copy of their constitution, signed by at least twenty-five males of the age of twenty-one years, the names of their officers, the residence of their members, and the location they desire; and should the Board, by a vote of a majority of all its members, decide to recommend the admission of such company, the Secretary of the Department shall 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, 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 Department, and shall be furnished, by the city and county, with fire apparatus, and a house for receiving the same; and no petition for the admission of any company shall be entertained by the Board of Supervisors until it shall have received the recommendation of the Board of Delegates.

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

Section 8. Whenever, by reason of deaths, resignations, or expulsions, an engine or hook and ladder company shall have reduced its roll to less than thirty-five, or a hose company to less than fifteen, active registered members, it shall be the duty of the Secretary of the Department to forthwith notify the Chief Engineer, and the Foreman of the company, of the fact, and it shall be the duty of the Chief Engineer to suspend such company until the next stated meeting of the Board of Delegates, when, unless a majority of the members composing said Board decide to reinstate the company, it shall be disbanded.

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

Section 14. Any member of any fire company belonging to said Department, who shall have served as an active fireman for the period of five years, and shall produce a certificate of the same, signed by the Chief Engineer, President, and Secretary of the Fire Department, and sealed with the seal of said Department, which said seal is hereby made evidence in any Court of Justice within this State—shall be forever released, after the date thereof, from jury duty, or militia service, within this State; *provided*, that the service which shall entitle such person to the exemption herein provided, shall not date prior to the date of the original certificate of membership of such person of the fire company or companies belonging to the said Department, in which such service shall have heretofore, or may hereafter be rendered; and further, that the date from which said period of five years shall begin shall be the time when such person becomes a member of said Department, and shall be proven by the production, by such person, of a properly authenticated certificate of his membership of some fire company or companies belonging to said Department.

Badges.

SEC. 5. The Board of Delegates shall have power to prescribe a badge, to be worn by duly registered members of the Department, when on duty at a fire or during an alarm of fire, and after said Board of Delegates has prescribed such badge, the Board of Supervisors shall, within sixty days thereafter, provide a sufficient number of such badges for the use of duly registered members of the Department; and any person, other than a duly registered member of the Department, who shall wear one of said badges with intent to represent or pass himself off as a member of the Department, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Seal.

SEC. 6. The Seal of the Fire Department shall be in the custody of the Secretary of the Fire Department, and a copy or impression thereof shall, on or before the first day of May next, be filed in the office of the County Clerk of the City and County of San Francisco, and in the office of the Secretary of State.

SEC. 7. All laws, or parts of laws, in any way conflicting with this Act, are hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAP. CCCXX.—*An Act to fix the Times of holding the Terms of the District Court of the Seventh Judicial District, in Solano County.*

[Approved May 11, 1862.]

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

SECTION 1. The terms of the District Court of the Seventh Judicial District, in the County of Solano, hereafter shall commence on the third Mondays in the months of April, August, and December, of each year.

SEC. 2. This Act shall take effect on the first day of August next after its passage. All Acts, and parts of Acts, repugnant to or inconsistent with this Act, are hereby repealed.

CHAP. CCCCXXI.—*An Act to create a Contingent Fund for the County of Contra Costa.*

[Approved May 14, 1862.]

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 ^{Tax.} are authorized, by the first Monday of June of the present year, and thereafter annually, in their discretion, to provide for the levy and collection of not more than ten cents on the one hundred dollars' worth of taxable property in said county, to be collected and paid into the County Treasury, as other county ^{Contingent Fund.} taxes, and to be set apart as a County Contingent Fund.

SEC. 2. Said fund shall only be used for the necessary repairs and fitting up of the county buildings, and for the furnishing of the Court rooms and county offices with the necessary stationery, record books, fuel, and lights, and for expenses incurred for the board and clothing of the prisoners confined in the county jail.

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

CHAP. CCCCXXII.—*An Act to appropriate Moneys to pay the Claims of R. C. Chambers, John D. Goodwin, and F. F. Fargo.*

[Approved May 14, 1862.]

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

SECTION 1. The sum of fifty-three dollars and sixty cents is ^{Appropriation.} hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of R. C. Chambers, Sheriff of Plumas County; also, the sum of one hundred and thirty-seven dollars and thirty-five cents, to pay the claim of John D. Goodwin, Clerk of Plumas County, for services rendered in the case of The State of California against T. J. Minor, et al.; also, the sum of one hundred and twenty-one dollars, to pay the claim of F. F. Fargo, Clerk of the Supreme Court, for services in cases in which the State was a party; and the Controller of State is hereby directed and authorized to draw his warrant on the Treasurer, in favor of the said persons, for the sum above appropriated to each, and the Treasurer of State is authorized to pay the same.

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

CHAP. CCCCXXIII.—*An Act to authorize and empower the Administratrix of Lucius R. Beckley to sell and convey, and to partition, certain Real Estate.*

[Approved May 14, 1862.]

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

Powers
granted.

SECTION 1. Phebe Beckley, the Administratrix of the estate of Lucius R. Beckley, deceased, is hereby authorized and empowered to sell and convey, to any person or persons, for such sums as she may deem just and proper, all the right, title, interest, and claim, owned by said deceased in his lifetime, in and to all lands described in a deed of conveyance, executed on the third day of March, A. D. eighteen hundred and fifty-eight, to James H. Bullard, Lucius R. Beckley, Thomas A. Talbert, and Thomas Moore, and recorded in the Recorder's office of Sacramento County, in book fifth, at pages five hundred and thirty-eight, five hundred and thirty-nine, five hundred and forty, five hundred and forty-one, and five hundred and forty-two. The said Administratrix is likewise hereby empowered and authorized to make a full settlement, compromise, and adjustment, with William Muldrow, on account of all matters growing out of the execution of said deed, and may, after such adjustment, compromise, and settlement, convey to him, the said William Muldrow, or to his order, such proportion of said lands as may have been agreed and determined to be his due. And the said Administratrix is likewise authorized and empowered to join in deeds of partition with the other grantees named in said deed of conveyance, for the purpose of partitioning off all or any portion of said lands, so that the same may be held separately, instead of jointly or in common.

Convey-
ances.

SEC. 2. The deeds to be executed as aforesaid shall be signed and acknowledged by said Administratrix as such Administratrix; and, before the same shall have any valid force or effect, such deed or deeds shall be presented to the Probate Judge of Sacramento County, for approval, who, if he approve the same, shall indorse upon the same such approval, after which the same may be recorded, and shall have the force and effect to pass all the right, title, claim, or interest, of said Lucius R. Beckley, held by him in his lifetime, and of his heirs at law since his decease, of, in, and to, the lands embraced in such deed or deeds. If the Probate Judge refuse to approve any deed executed by said Administratrix by virtue of this Act, the same shall be of no force whatever.

SEC. 3. All moneys realized from the sale of any lands, sold by virtue of this Act, shall be reported to the Probate Court, and applied and used in the due administration of the estate of said deceased.

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

CHAP. CCCCXXIV.—*An Act to amend an Act entitled an Act to provide for the Incorporation of Railroad Companies, and the Management of the Affairs thereof, and other matters relating thereto, approved May twentieth, A. D. eighteen hundred and sixty-one.*

[Approved May 14, 1862.]

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 :

Section 15. Such companies shall have power to borrow, from time to time, on the credit of the corporation, and under such regulations and restrictions as the Directors thereof, by unanimous concurrence, may impose, such sums of money as they may deem necessary for constructing and completing their railroad, and to issue and dispose of bonds or promissory notes therefor, in denominations of not less than five hundred dollars, and at a rate of interest not exceeding ten per cent. per annum ; and also, to issue bonds or promissory notes, of the denomination aforesaid, and at the rate of interest aforesaid, in payment of any debts or contracts for constructing and completing their road, with its equipments, and all else relative thereto ; *provided*, however, that the amount of bonds, or promissory notes, issued by such companies, for the purposes aforesaid, shall not exceed, in all, the amount of their capital stock ; and to secure the payment of said bonds or notes, may mortgage their corporate property and franchises. And the Directors of such companies shall also provide, in such manner as to them may seem best, a Sinking Fund, to be specially applied to the redemption of such bonds, on or before their maturity, and may also confer on any holder of any bond or note so issued, for money borrowed, or in payment of any debt or contract for the construction and equipment of such road, as aforesaid, the right to convert the principal due or owing thereon, into stock of such companies, at any time within eight years from the date of such bonds, under such regulations as the Directors may adopt.

Companies may borrow money, and issue bonds.

Limitation of amount.

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

CHAP. CCCCXXV.—*An Act to amend an Act entitled an Act amendatory of and supplemental to an Act entitled an Act concerning the Construction and Repairs of Levees in the County of Sacramento, and the mode of raising Revenue therefor, approved April ninth, eighteen hundred and sixty-two, approved April twenty-six, eighteen hundred and sixty-two.*

[Approved May 14, 1862.]

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

Section
thirteen
amended.

Directions
deemed di-
rectory only

Section Thirteen. The directions in this Act given in regard to the manner of assessing, equalizing, and levying, the taxes, shall be deemed directory only, and the assessments, valuations, assessment roll, and delinquent list, in this Act provided for, are hereby made valid and binding, both in law and equity, against the persons and property assessed, and the taxes levied shall become a lien upon the property assessed, upon the determination of the rate of taxation as herein provided, which lien shall not, in any manner whatever, be discharged until said taxes and costs, if any accrue, are paid; and all the officers who are required to render any service under the provisions of this Act, shall have and receive, for their own use, fifty per cent. of such compensation as is now allowed by law for similar services; *provided*, that the limitation of fifty per cent. shall not apply to the collection of delinquent taxes; and, *provided*, further, that the Treasurer shall receive but one half of one per cent. upon the disbursement of any revenues under the provisions of this Act; *provided*, still further, the Treasurer shall receive no other compensation whatsoever for any services required of him under any of the provisions of this Act.

Fees of
officers.

Proviso.

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

CHAP. CCCCXXVI.—*An Act to amend Section Three of 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, eighteen hundred and fifty-five, so far as relates to the Counties of El Dorado and Contra Costa.*

[Approved May 14, 1862.]

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

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

Section third of said Act, amendatory of and supplementary

to an Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, is amended so as to read as follows:

Section 3. No Superintendent or Trustee of Common Schools shall be interested in any contract, let or made by any district over or in which he has any official supervision or control, nor shall he be employed as teacher in any such district; and all contracts, agreements, and proceedings, in violation of this section, are declared void; and any Superintendent or Trustee of Common Schools, violating, or aiding in the violation of, the provisions of this section, shall be deemed guilty of a misdemeanor; *provided*, the restriction contained in this section, in regard to teaching, shall not apply to the Superintendent of Common Schools of El Dorado and Contra Costa Counties.

Officers not to be interested in contracts.

Violation.

Proviso.

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

CHAP. CCCCXXVII.—*An Act to amend an Act entitled an Act to authorize the County of Placer to loan its Credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of One Hundred Thousand Dollars, approved April eighth, A. D. eighteen hundred and sixty-two.*

[Approved May 14, 1862.]

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

SECTION 1. Section twenty-three of an Act entitled an Act to authorize the County of Placer to loan its Credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of One Hundred Thousand Dollars, is hereby amended so as to read as follows:

Section 23. The Board of Supervisors shall not issue the bonds of the county, as provided for in this Act, nor any portion of the same, until at least twelve continuous miles of the Sacramento, Placer, and Nevada Railroad, commencing at or near Folsom, and extending on the line of said road toward the Town of Auburn, has been completed, and is in running order, and at least one train of passenger cars shall be daily passing over the same. No portion of the bonds which may be issued by the county, under the provisions of this Act, nor any portion of the proceeds of said bonds, shall be applied to the payment of the costs of constructing said first twelve miles of said road, or to the payment of any debts contracted by said company for the purpose of constructing the same; but said bonds and their proceeds shall be used by said company, solely and exclusively, in the continuation of said railroad, from the upper or eastern end of the first division of twelve miles, along the line of survey, in the direction of the Towns of Auburn and Illinoistown.

Issuance of bonds.

CHAP. CCCCXXVIII.—*An Act concerning the Redemption of County and City Bonds.*

[Approved May 14, 1862.]

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

Redemption
of bonds.

SECTION 1. That in all cases in which bonds, or other obligations, or contracts, for the payment of money, are issued by authority of law, by or in behalf of any county or city in this State, which are made payable on or before a certain date, or which have become due or payable, and when, by law, a sinking or other fund is provided for the payment or redemption of any part of such bonds, or other obligations, or contracts, and when such fund is in the hands of the proper officer, to make such payment or redemption, and when the proper officer has given the notice, required by law, that proposals would be received for the surrender, for redemption, or payment, of such bonds, or other obligations, or contracts, in cases where such notice is required to be given, and when, after the acceptance of the proposals, if any are made, in cases where proposals are required to be made, there still remains in such fund three thousand dollars, then the officer required by law to give the notice, as aforesaid, shall forthwith give a notice, by publication once a week for four weeks, in a newspaper of general circulation, published in the City of San Francisco, also in a newspaper published in the county where such bonds, or other obligations, or contracts, are payable, if any is published therein, and if none is published therein, then by posting such notices at the Court House door, and in at least three public places in the said county, stating therein that the officer having charge of said fund will redeem or pay certain numbers of said bonds, or other obligations, or contracts, specifying the oldest outstanding ones, payable or redeemable out of said fund, in an amount not exceeding the sum in said fund; and if, upon the expiration of the time of the publication of said notices, the bonds, or other obligations, or contracts, described therein, shall not be presented for payment or redemption, the same shall thereupon cease to bear interest.

Publication

Notices.

Interest
to cease.

When bonds
deemed paid

SEC. 2. That upon the presentation of such bonds, or other obligation or contract, as required in said notices, the same, and the interest thereon, if any accrued at the expiration of the time for publication of such notices, shall be paid; but if not so presented for payment or redemption within four years next after the time mentioned in such notices for the presentation thereof, then the same shall be deemed to be satisfied and paid, and no action shall be maintained thereon.

Cancellation

SEC. 3. That upon such bond, or other obligation, or contract, being paid or redeemed, the officer paying or redeeming the same shall cancel the same, by writing the cancellation, signed by him, across the face thereof, and the same, after being registered, shall be destroyed, under the direction of the Board of Supervisors of the county, or of the city government of the city interested therein, except in case where other provision is

specially made for the preservation or destruction of such bonds, or other obligations, or contracts.

SEC. 4. The provisions of sections one and two of this Act shall not apply to bonds held and owned by persons residing out of this State, until the expiration of six months from and after the time mentioned in said notice. Non-res-
dents.

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

CHAP. CCCCXXIX.—*An Act to amend an Act entitled an Act authorizing the Administrators of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate at private sale, approved May fourteenth, one thousand eight hundred and sixty-one.*

[Approved May 14, 1862.]

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

SECTION 1. Section first of an Act entitled an Act authorizing the Administrators of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate, at private sale, approved May fourteenth, eighteen hundred and sixty-one, is hereby amended so as to read as follows :

Section 1. H. I. Dodge and George Cadwalader, Administrators of the estate of Gilbert A. Grant, deceased, are hereby authorized to sell, at public or private sale, the real estate of said deceased, or any part or portion thereof, or any right, title, or interest, in real property belonging to or claimed by said deceased in his lifetime, on such terms and in such manner as may be most advantageous to said estate. Such sales shall not be definite until reported to and approved by the Probate Court of the City and County of San Francisco. Sale.
Report.

SEC. 2. After the approval of the sale by the said Probate Court, said Administrators shall make and execute, to the purchaser or purchasers, a conveyance or conveyances of the lands, rights, titles, or interests, sold, which conveyance or conveyances shall be valid and binding. Convey-
ances.

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

CHAP. CCCCXXX.—*An Act supplemental to an Act concerning the Office of the Surveyor-General of this State, approved April seventeenth, A. D. eighteen hundred and fifty.*

[Approved May 14, 1862.]

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

SECTION 1. The Surveyor-General shall have a seal of office, bearing such inscription and device as the Governor may direct,

seal. and all documents signed by said Surveyor-General, attested by said seal, shall be received in evidence in the Courts of this State; and all certified copies of papers, documents, or records, in his office, under his hand and said seal, shall have the same effect and force as if the originals were produced in the Courts of this State.

CHAP. CCCCXXXI.—*An Act to amend an Act entitled an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty.*

[Approved May 14, 1862.]

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

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

Duties. SECTION 4. When a Coroner has been informed that a person has been killed, or has committed suicide, or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another, by criminal means, he shall go to the place where the body is, or cause it to be exhumed, if it has been interred, and forthwith summon not less than nine nor more than fifteen persons, qualified by law to serve as jurors, to appear before him forthwith, at the place where the body of deceased is, to inquire into the cause of the death.

CHAP. CCCCXXXII.—*An Act granting certain Lands to the United States.*

[Approved May 14, 1862.]

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

Lands granted. SECTION 1. All lands belonging to this State, and situated within any Indian Reservation belonging to the United States, in this State, are hereby granted to the United States, for the use of said Reservation; *provided*, that nothing herein contained shall be construed to affect in any manner the rights of parties who have taken up or purchased any such lands belonging to the State, whether patents have issued therefor or not.

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

CHAP. CCCCXXXIII.—*An Act to amend Sections Thirty-Two and Thirty-Eight of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seven-teenth, one thousand eight hundred and sixty-one.*

[Approved May 14, 1862.]

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

SECTION 1. Section thirty-two of said Act is amended so as to read as follows :

Section 32. Upon receiving the duplicate assessment roll from the Auditor, the Tax Collector shall proceed to collect the taxes, and shall forthwith give notice to the tax payers of his district, by posting, or causing to be posted, in each township of said district, in three public and conspicuous places, three written or printed notices, that the State and county taxes are due and payable, and that the laws in regard to their collection will be strictly enforced; that in twenty days from the date of such notice, he will be and remain at least one day in some public place in said township, to receive their taxes, the time and place to be designated in such notice; and he shall also, at the same time, cause to be printed, in at least one county newspaper, if there be one in said county, a copy of such notice; and it is hereby made the duty of the Assessor to attend, pursuant to said notice.

Tax
Collector,
duties of.

SEC. 2. Section thirty-eight of said Act is amended to read as follows :

Section 38. The Auditor shall, within three days after receiving such delinquent tax list, deliver the same to the District Attorney of his county, duly certified by him; and shall, at the same time, post, or cause to be posted, in three public and conspicuous places in each township of said county, three written or printed notices, that said delinquent list has been so deposited with the District Attorney, and that if the delinquent taxes therein specified are not paid to the County Treasurer within twenty days from the posting of such notices, action will be commenced by said District Attorney for the collection of such taxes and costs; he shall, at the same time, cause a copy of such notice to be printed in a county newspaper, if there be one in said county; said Auditor shall make, or procure, and file with the District Attorney, immediately, an affidavit, stating the contents of said notice, and the manner and time of such publication or posting, as required in this section. The District Attorney, before receiving the delinquent list, as provided in this section, shall enter into such additional bond as may be required by the Board of Supervisors.

Auditor,
duties of.

District
Attorney,
duties of.

Bond.

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

CHAP. CCCCXXXIV.—*An Act authorizing the State Treasurer to issue War Bonds to A. W. Bee.*

[Approved May 14, 1862.]

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

Treasurer
authorized.

SECTION 1. The Treasurer of the State is hereby authorized and empowered to receive and cancel war bonds, numbered three hundred and forty-four and three hundred and forty-five, dated November twenty-fourth, eighteen hundred and fifty-four, of one hundred dollars each, with interest coupons attached, issued under the Act of the Legislature approved May second, eighteen hundred and fifty-two, and in lieu thereof to issue to A. W. Bee, under the provisions of said Act, two war bonds, of one hundred dollars each, with interest coupons attached, and numbered four hundred and thirty-two, and four hundred and thirty-three, dated November twenty-fourth, one thousand eight hundred and fifty-four.

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

CHAP. CCCCXXXV.—*An Act making Appropriations for Deficiencies in the Appropriations made for the Thirteenth Fiscal Year, ending the thirtieth day of June, eighteen hundred and sixty-two.*

[Approved May 14, 1862.]

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

Appropriations.

SECTION 1. The following sums of money are hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the objects hereinafter expressed, to wit :

For contingent expenses in the Governor's office, two hundred dollars.

For salary of Private Secretary of the Governor, six hundred dollars.

For support of State Prison, ten thousand dollars.

For salary of Clerks in the office of the Secretary of State, sixty dollars.

For salary of Deputy Controller, from October first, eighteen hundred and sixty-one, to June thirtieth, eighteen hundred and sixty-two, fifteen hundred dollars.

For salary of Clerks in the office of Controller, one hundred and thirty-one dollars and sixty-seven cents.

For contingent fund in the office of Controller, eighty dollars.

For salary of Clerks in Treasurer's office, nineteen dollars and fifty cents.

For salary of Watchman in office of Treasurer, three hundred dollars.

For contingent fund in Treasurer's office, nineteen dollars and ninety-nine cents. Appropriations.

For salary of Clerks in the office of Surveyor-General, sixteen dollars and sixty-seven cents.

For salary of Clerks in the office of Land Register, three hundred and thirty-six dollars and sixty-seven cents.

For salary of Porter in the office of Surveyor-General, one hundred and fifty dollars.

For salary of Clerks in the office of Adjutant-General, from July first, eighteen hundred and sixty-one, to January first, eighteen hundred and sixty-two, twelve hundred dollars.

For salary of Clerks in the office of the Adjutant-General, from January first, eighteen hundred and sixty-two, to July first, eighteen hundred and sixty-two, nine hundred dollars.

For cleaning and repairing arms, since July first, eighteen hundred and sixty-one, six hundred and twenty dollars.

For cartage and labor, since July first, eighteen hundred and sixty-one, in office of Adjutant-General, two hundred dollars.

For postage, since July, eighteen hundred and sixty-one, in Adjutant-General's office, sixty dollars.

For stationery in Adjutant-General's office, since July first, eighteen hundred and sixty-one, eighty-five dollars.

For stove and fixtures for office of Adjutant-General, twenty-seven dollars and fifty cents.

For salary of Porter in office of Adjutant-General, one hundred and twenty dollars.

For rent of arsenal for State arms, four hundred and eighty dollars.

For rent of office of Superintendent of Public Instruction, sixty dollars.

For interest due on School Fund for the tenth, eleventh, and twelfth, fiscal years, one thousand and eight dollars.

For interest due on School Fund for the thirteenth fiscal year, thirty-three thousand two hundred and eighty-six dollars and forty cents.

For State printing, paper, and binding, ten thousand dollars.

For salary of Expert of the Board of Examiners, three hundred dollars.

For furniture and shelving for State Library, one hundred and fifty dollars.

For State Reform School, nine thousand four hundred and forty-two dollars and fifty-seven cents.

For salary of the Register of State Land Office, one hundred and eighty-eight dollars and eighty-nine cents.

For salary of Adjutant-General, one hundred and eighty-three dollars and thirty-three cents.

CHAP. CCCCXXXVI.—*An Act making Appropriations for the Support of the Civil Government of this State for the Fourteenth Fiscal Year, commencing on the first day of July, A. D. eighteen hundred and sixty-two, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-three, inclusive.*

[Approved May 14, 1862.]

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

Appropriations.

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 fourteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three, inclusive :

For salary of Governor, seven thousand dollars.

For rent of Governor's office, nine hundred dollars.

For pay of Porter in office of Governor, six hundred dollars.

For special contingent fund of the Governor's office, to be drawn at his discretion, five thousand dollars ; *provided*, that this amount shall be used for a secret service fund, at the discretion of the Governor, and for no other purpose whatever ; *provided*, further, that the Governor shall account for the disbursement of the same, to the Senate, at the next session of the Legislature.

For pay of rewards which may be offered by the Governor, under the Act of April twenty-ninth, eighteen hundred and fifty-one, a sum not exceeding five thousand dollars.

For salary of Private Secretary of the Governor, twenty-four hundred dollars.

For salary of Clerk in the Governor's office, eighteen hundred dollars.

For salary of the Secretary of State, four thousand dollars.

For pay of Clerks in the office of the Secretary of State, four thousand and fifty dollars.

For postage for the office of the Secretary of State, twelve hundred dollars.

For carrying out the provisions of the Stamp Act, new dies, pay of Clerks, purchasing of paper, etc., three thousand dollars.

For transportation of books and documents ordered to be distributed, one thousand six hundred dollars.

For transportation of documents between San Francisco and Sacramento, during thirteenth session of the Legislature, two hundred and fifty dollars.

For salary of Controller of State, four thousand dollars.

For salary of Deputy Controller, eighteen hundred dollars.

For prosecution of delinquents and for infractions of the Revenue Law, one thousand dollars, to be expended under the direction of the Controller of State.

For salary of Clerks in the office of the Controller of State, five thousand four hundred dollars.

For expressage and postage in the office of the Controller of State, fifteen hundred dollars. Appropriations.

For salary of State Treasurer, four thousand dollars.

For salary of Clerks in the office of Treasurer of State, three thousand six hundred dollars.

For pay of Watchman of Treasurer of State, twelve hundred dollars.

For repairs of the office of Treasurer of State, and to supply cases and book racks, of proper character, five hundred dollars.

For salary of Attorney-General, four thousand dollars.

For rent of office for Attorney-General, four hundred and eighty dollars.

For costs and expenses of suits where the State is a party in interest, to be expended under the direction of the Attorney-General, two thousand dollars.

For salary of Superintendent of Public Instruction, three thousand dollars.

For rent of office of the Superintendent of Public Instruction, three hundred and sixty dollars.

For pay of Clerk in office of the Superintendent of Public Instruction, eighteen hundred dollars.

For postage and expressage in the office of Superintendent of Public Instruction, four hundred dollars.

For stationery, lights, and fuel, for office of Superintendent of Public Instruction, two hundred dollars.

For salary of Surveyor-General, two thousand dollars.

For salary of Clerk in office of Surveyor-General, eighteen hundred dollars.

For rent of office for Surveyor-General, seven hundred and twenty dollars.

For purchase of maps from office of United States Surveyor-General, three hundred dollars.

For expense of removal and repairs of furniture of State Land Office, two hundred dollars.

For salary of Register of State Land Office, two thousand dollars.

For salary of Clerks in State Land Office, four thousand two hundred dollars.

For purchase of safe, for the preservation of books and papers in the State Land Office, four hundred dollars.

For salary of State Librarian, two thousand five hundred dollars.

For pay of Porter for State Library rooms, six hundred dollars.

For postage and expressage for State Library, two hundred dollars.

For transportation of documents to and from the Capital, during the thirteenth session of the Legislature, for Governor's office, one hundred and fifty dollars.

For pay of Clerks of Board of Examiners, six hundred dollars.

For contingent expenses of the Board of Examiners, two hundred dollars.

For salary of Justices of the Supreme Court, eighteen thousand dollars.

Appropriations.

For pay of Bailiff of the Supreme Court, nine hundred dollars.

For pay of Porter of the Supreme Court, three hundred dollars.

For rent of Supreme Court rooms, two thousand dollars.

For salary of Secretary of the Supreme Court, eighteen hundred dollars.

For salary of District Judges, eighty-five thousand dollars.

For per diem and mileage of Lieutenant-Governor and Senators, forty-five thousand dollars.

For pay of Officers and Clerks of the Senate, fifteen thousand dollars.

For per diem and mileage of Members of the Assembly, ninety thousand dollars.

For pay of Officers and Clerks of the Assembly, seventeen thousand dollars.

For contingent expenses of the Senate, two thousand dollars.

For contingent expenses of the Assembly, three thousand dollars.

For stationery, blank books, lights, fuel, etc., for the Legislature and State Officers, fifteen thousand dollars; said amount to be used for no other purpose by the Secretary of State, and no Clerk shall receive his salary out of said fund.

For printing, paper, and official advertisements, forty thousand dollars.

For the support of the State Insane Asylum for the insane, seventy-five thousand dollars.

For salary of Resident Physician of the Insane Asylum, five thousand dollars.

For salary of Visiting Physician of the Insane Asylum, three thousand dollars.

For rent of State House, four thousand dollars.

For rent of State Library rooms, one thousand dollars.

For salary of Adjutant-General, three thousand dollars.

For rent of office of Adjutant-General, three hundred and sixty dollars.

For rent of State Arsenal, four hundred and eighty dollars.

For procuring bullet moulds for Minié muskets, to be expended by the Adjutant-General, two hundred and ten dollars.

For pay of Clerk in office of Adjutant-General, eighteen hundred dollars.

For cleaning, transporting, and repairing, arms, five hundred dollars.

For translation of the laws into the Spanish language, two thousand dollars.

For salary of Reporter of the Supreme Court, four thousand dollars.

For three hundred copies of the Annual Reports of the Supreme Court, two thousand dollars.

For State Agricultural Society, five thousand dollars.

For the education and care of indigent deaf, dumb, and blind, in accordance with the provisions of an Act, approved March twenty-ninth, eighteen hundred and sixty-one, ten thousand dollars.

For support of State Prison, to be expended under the direction of the State Prison Directors, fifty thousand dollars. Appropriations.

For the support of State Reform School, ten thousand dollars.

For the support of Common Schools in this State, the sum of thirty-three thousand two hundred and eighty-six dollars and fifty 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 the receipts from the sale of school lands.

For State Geological Survey, fifteen thousand dollars.

For postage, expressage, and telegraphing, for Governor's office, two hundred dollars.

For pay of one Porter, to attend the offices of State Controller and Treasurer, five hundred dollars.

SEC. 2. All stationery, blank books, lights, and fuel, required by the Supreme Court and State officers, shall be furnished by the Secretary of State, upon the order of the Judges or officers requiring the same. The Secretary of State shall furnish, under oath, to the Legislature, a statement, at the time he makes his annual reports, showing the cost of the articles furnished the Judges of the Supreme Court and State officers. The stationery, lights, and fuel, furnished by the Secretary of State, shall be procured by him as now required by law for stationery, lights, fuel, etc., for the Legislature. Purchase of stationery.

SEC. 3. 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, nor shall the sum appropriated to the State Insane Asylum, be subject to any of the provisions of an Act entitled 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 twenty-first, eighteen hundred and fifty-eight. The Controller shall draw his warrants upon the Treasurer for the monthly expenses of the State Insane Asylum, upon the order of the Trustees of said Asylum; *provided*, the same shall not exceed the sum appropriated by this Act. Contingent Fund of Senate and Assembly. Provision.

SEC. 4. The Controller of State shall not draw his warrant for the payment of any money out of the appropriation made by this Act until the money for the same is in the State Treasury, nor for the payment of any service done, or debts accrued, prior to the first day of July, A. D. eighteen hundred and sixty-one. Instructions to Controller.

SEC. 5. No officer, drawing money under the provisions of this Act, shall be permitted to contract any debts or liabilities beyond the amount herein appropriated. Liabilities forbidden.

SEC. 6. The various State officers, except the Governor, to whom appropriations, other than salaries, are made, under the provisions of this Act, shall, with their annual report, submit a detailed statement, under oath, of the manner in which all appropriations to their respective offices, for rent of office, contingent expenses, or other purposes other than salaries, have been expended; *provided*, that no officer shall use or appropriate any money for any purpose whatever, unless authorized so to do, specifically, by law. Annual report.

CHAP. CCCXXXVII.—*An Act relating to the Levying of Taxes.*

[Approved May 15, 1862.]

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

County Auditor, duties of.

SECTION 1. Whenever an ad valorem, or other tax, upon the assessed value of property, is levied by law, and the rate or per centage of such tax is established by law, and required to be collected annually, or in any year, it shall be the duty of the County Auditor of each county, or city and county, or of the officer discharging the duties of Auditor, to enter, upon the duplicate assessment roll, or rolls, made out by him, the amount of such tax upon each parcel of property assessed to each person, in the same manner, and at the same times, as if the Board of Supervisors had levied such tax or added the same to the other taxes levied by law.

Secretary of State, duties of.

SEC. 2. It shall be the duty of the Secretary of State to transmit, forthwith, by mail, or express, to each of the County Clerks, and County Auditors, a printed copy of this Act, and of each Act passed at this session of the Legislature, or that may hereafter be passed, relating to the levying, assessment, or collection of taxes for State or Federal purposes.

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

CHAP. CCCXXXVIII.—*An Act to grant the Right of Way to construct a Toll Bridge across Bear River, at or near McCourtney's Crossing, in the Counties of Yuba and Placer, and to repeal a certain Act therein named.*

[Approved May 15, 1862.]

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

Franchise.

SECTION 1. J. R. Rush, and his associates, shall take, have, possess, and enjoy, all rights, privileges, right 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 incorporation of bridge companies, and shall adopt the name of "The Bear River and Grass Valley Bridge Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Powers.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain, a public toll bridge across Bear River, at a point at or near McCourtney's old Crossing, in Yuba County, and a point opposite thereto in Placer County, 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 years; *provided*, that within six months from the date of the passage of this Act, the said company shall commence the construction of said bridge, and, within eighteen months, shall have built and fully completed 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 and 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 Counties of Yuba and Placer shall have the right to purchase said bridge at an appraised value, to be determined by five appraisers, one of whom shall be elected by the Board of Supervisors of Yuba County, one by the Board of Supervisors of Placer County, two by said company, and one to be elected by the four appraisers herein provided for; and such value shall be estimated to be the value of the bridge, not including the franchise or right of way hereby granted; and, *provided*, further, that if said bridge be purchased by the Counties of Yuba and Placer, then the right to levy and collect tolls shall cease.

Counties
may
purchase.

Proviso.

SEC. 3. Said bridge shall be constructed in a good and substantial manner, and of the best and most desirable material.

SEC. 4. 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 the County of Yuba may fix.

Tolls.

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 damages by said company sustained by such travel, or driving, exceeding the speed authorized by the company; and for each violation of the rules of said company in regard to speed, the fact being proved, said company shall recover nominal damages, with costs, and such further special damages as shall be proven.

Speed of
travel.

SEC. 6. Said company shall keep, in some conspicuous place, at each end of said bridge, a bulletin, which shall contain the scale of prices and notice of speed allowed on said bridge.

SEC. 7. An Act, approved April twenty-fifth, eighteen hundred and sixty-two, entitled an Act to grant the Right of Way to construct a Toll Bridge across Bear River, at or near McCourtney's Crossing, in the Counties of Nevada and Placer, is hereby repealed.

Act repealed

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

CHAP. CCCCXXXIX.—*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, eighteen hundred and fifty-one.*

[Approved May 15, 1862.]

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

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

Section 46. The answer of the defendant shall contain:

Answer of defendant

First—If the complaint be verified, a specific denial to each allegation of the complaint controverted by the defendant, or a denial thereof according to his information and belief; if the complaint be not verified, then a general denial to each of said allegations, but a general denial shall only put in issue material and express allegation of the complaint.

Second—A statement of any new matter or counter claim, constituting a defence, in ordinary and concise language.

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

Demurrer.

Section 50. When the answer contains new matter, the plaintiff may, within the number of days in which the defendant is by the summons required to answer, said days to be computed from the time of the service on the plaintiff of a copy of such answer, demur to the same, for insufficiency, stating in his demurrer, the grounds thereof; and he may also, within the same time, demur to one or more of the defences set up in the answer; sham and irrelevant answers and defences, and so much of any answer as may be irrelevant, redundant, or immaterial, may be stricken out, upon motion, and upon such terms as the Court in its discretion may impose.

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

Pleadings.

Section 51. Every pleading shall be subscribed by the party, or his Attorney, and when the complaint is verified by affidavit, the answer shall be verified also, except as provided in the next section.

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

Verification may be omitted.

Section 52. The verification of the answer, required in the last section, may be omitted when an admission of the truth of the complaint might subject the party to prosecution for felony or misdemeanor.

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

Defence founded on written instrument.

Section 54. When the defence to an action is founded upon a written instrument, and a copy thereof is contained in the answer, or a copy is annexed thereto, the genuineness and due execution of such instrument shall be deemed admitted, unless the plaintiff file with the Clerk, five days previous to the commencement of the term at which the action is to be tried, an affidavit, denying the same.

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

Section 65. Every material allegation of the complaint, not specifically controverted by the answer, shall, for the purposes of the action, be taken as true; the allegation of new matter in the answer shall, on trial, be deemed controverted by the adverse party. Allegations.

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

Section 67. After demurrer, and before trial of issue on demurrer, either party may, within ten days, amend any pleadings demurred to, of course, and without costs, filing the same as amended, and serving a copy thereof upon the adverse party, or his Attorney, who shall have ten days to answer or demur thereto, but a party shall not so amend more than once; when a demurrer to a complaint is overruled, and there is no answer filed, the Court may, upon such terms as may be just, and upon payment of costs, allow an answer to be filed. If a demurrer to the answer be overruled, the facts alleged in the answer shall still be considered as denied. May amend Pleadings.
Time allowed.

CHAP. CCCCXL.—*An Act to authorize the Payment of the Rent of the building known as the Merchant's Exchange, in the City and County of San Francisco, now occupied by the Legislature.*

[Approved May 15, 1862.]

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

SECTION 1. The sum of four thousand and forty-seven dollars is hereby appropriated, to pay John Parrott for the rent of the building known as the Merchant's Exchange, on Battery street, in the City and County of San Francisco, and now occupied by the Legislature; and the Controller of State is hereby authorized to draw a warrant for said amount, payable to said Parrott; and the Treasurer of the State is hereby authorized to pay said warrant to said Parrott, or to his agent, or attorney, out of any money in the State Treasury, not otherwise appropriated. Appropriation.

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

CHAP. CCCCXLI.—*An Act to appropriate Money to pay Expenses incurred in case of the Trial of the Impeachment of James H. Hardy, before the Senate of the State of California.*

[Approved May 15, 1862.]

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

Appropriations.

SECTION 1. The sum of seventeen thousand seven hundred and fifty-one dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the purpose of paying expenses in the Impeachment Case of James H. Hardy, and the Controller is hereby authorized to draw his warrants as follows: To Allan P. Dudley, William L. Dudley, Charles P. Dudley, C. B. Holbrook, Charles Wood, Joseph Smith, George Sherman, William P. Peek, P. W. Cornwall, Simon Foarman, H. J. Tilden, H. M. Sturges, John D. Sullivan, Henry Phillips, William Nellis, Robert H. Paul, Benjamin H. Thorn, George F. Wesson, John Hanson, Edward B. White, W. Jeff. Gatewood, S. W. Brockway, A. C. Adams, Charles D. Spires, William F. Moses, S. L. Magee, Jessie Robinson, Robert Irvine, Ulick McHale, Henry Alwood, L. M. Schrack, Robert Pope, George Leger, Peter Thompson, Wesley K. Boucher, William H. Leavett, Benjamin Kincaid, Michael Garry, M. G. Foster, and Frank Madina, each one hundred and thirty-five dollars and eighty cents; Robert Epperson, A. Hayward, and J. M. Randolph, each one hundred and thirty-five dollars and forty cents; T. D. Wells, J. Silver, George O. Perry, Lewis Tillier, Waterman H. Nelson, Edward Gallagher, James McKnight, James W. Bicknell, N. C. Briggs, George Durham, W. J. Cooligo, and Alfred Allen, each one hundred and thirty-three dollars and eighty cents; Horace Ray, Judge Denney, Thomas Magee, James Hepburn, Wm. H. Badgley, and Jacob Benjamin, each one hundred and thirty dollars and eighty cents; Daniel Latimer, one hundred and thirty dollars and forty cents; Thomas Jones, one hundred and thirty-three dollars and forty cents; Benjamin F. Marshall and E. M. Strange, each one hundred and forty-five dollars; Benjamin F. Bradley, one hundred and thirty-nine dollars and eighty cents; A. W. Genung, one hundred and eighty-five dollars and eighty cents; Dennis Busbyhead, one hundred and thirty-eight dollars and eighty cents; M. W. Hall, C. Weller, Henry Troub, John Fullen, Fred. Shober, S. B. Axtell, John Burko, J. W. Armstrong, and J. G. Severance, each one hundred and eighteen dollars and eighty cents; Francis Snyder and William Irvine, each one hundred and fifteen dollars and eighty cents; S. Blanchard, one hundred and thirty-four dollars and forty cents; William B. Hood and David Maddux, each one hundred and eleven dollars and eighty cents; T. A. Talbot, one hundred and eleven dollars and eighty cents; George Kress, Ellis Evans, and A. Askey, each one hundred and thirteen dollars and eighty cents; C. D. Howe, one hundred and twenty-one dollars and sixty cents; James M. Johnson and Joel Brown, each one hundred and twenty dollars and eighty cents; Isaac Levy, one hundred and twenty-three dollars and eighty cents; T. Mastersen, T. C.

Boucher, and John C. Shopherd, each one hundred and twenty-eight dollars and eighty cents; Reubon Raynes and R. H. Woodward, each one hundred and six dollars and eighty cents; J. F. Treat, one hundred and twenty dollars and eighty cents; O. D. Avaline, one hundred and three dollars and eighty cents; William Wells, one hundred and ten dollars and eighty cents; Edward Carns, ninety-five dollars and forty cents; J. K. Doak and Richard W. Russell, each one hundred and twenty-seven dollars and forty cents; H. A. Carter, one hundred and twenty-eight dollars and forty cents; M. W. Gordon, one hundred and eight dollars and eighty cents; David Armstrong, one hundred and thirty-nine dollars and eighty cents; George R. Walker, one hundred and thirty-three dollars; William Walsh, one hundred and forty dollars and twenty cents; F. L. McGrath, one hundred and twenty-two dollars; A. H. Rose, one hundred and sixteen dollars and forty cents; C. A. Jagravo, eighty-eight dollars and eighty cents; C. A. Hill and Tod Robinson, each eighty-one dollars and eighty cents; D. I. Triplet, eighty-four dollars and forty cents; J. Footo Turner, ninety-three dollars and eighty cents; J. R. Glover, ninety-two dollars and twenty cents; H. O. Beatty, seventy-six dollars and eighty cents; John W. O'Neil, sixty-six dollars and eighty cents; Thomas Laspeyro and Jessie Morrill, each sixty-one dollars and eighty cents; Charles T. Botts, Charles M. Creanor, and W. D. Aylett, each fifty-six dollars and eighty cents; L. Fisher, fifty dollars; C. W. Littler and H. C. Downing, each fifty dollars and forty cents; Charles Lambert, forty dollars and forty cents; J. C. Burns and E. T. Moynard, each thirty-nine dollars and forty cents; James Stoker and T. H. Hanson, each thirty-seven dollars and twenty cents; D. C. Carder, twenty-eight dollars; W. W. Jones, twenty-three dollars; J. B. Southard, twenty-six dollars; George Lockwood, thirty dollars and forty cents; Samuel P. Crauc, thirty-one dollars and twenty cents; D. Taylor, twenty dollars; V. D. Doub, John Colleston, and Judge Frink, each seventeen dollars and twenty cents; Francis H. Moore, one hundred and forty-one dollars; John C. Scribner, one hundred dollars and eighty cents; R. H. Daly, seventy-one dollars and eighty cents; Andrew Goodyear, thirty-four dollars; C. W. Lightner, seventy-one dollars and eighty cents; J. T. Farley, seventy-two dollars and sixty cents; James Allen, sixty-five dollars; George Peck and N. L. Boughton, each ten dollars; Phillip H. Patten, seven hundred and fifty dollars; A. G. Turner, eight hundred and seventy-nine dollars; and the Treasurer of State is hereby authorized to pay the same.

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

CHAP. CCCCXLII.—*An Act to provide for the Removal of the Furniture, Books, and Stationery, to the Capitol at Sacramento.*

[Approved May 15, 1862.]

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

Appropriation.

SECTION 1. H. J. Clayton and A. Turner are hereby appointed Commissioners to remove, from San Francisco, all furniture, books, and stationery, to the Capitol at Sacramento, within five days, that may properly belong there, under the direction of the Secretary of State, and the sum of five hundred and fifty dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay the expenses of the same; and upon the presentation of a receipt of the Secretary of State, that the said furniture, books, and stationery, have been removed and put in its proper place, the Controller is hereby authorized to draw his warrant in favor of said H. J. Clayton and A. Turner, for the sum of five hundred and fifty dollars, and the Treasurer of State is hereby directed to pay the same.

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

CHAP. CCCCXLIII.—*An Act concerning the office of County Clerk of the City and County of San Francisco.*

[Approved May 15, 1862.]

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

May employ copyists.

SECTION 1. The County Clerk of the City and County of San Francisco is hereby authorized to employ, from time to time, as many copyists as he, the said County Clerk, may deem necessary to perform promptly the duties of his office, who shall be paid at a rate not exceeding six cents per folio of one hundred words, for each and every folio of all matter either recorded or copied by him; *provided*, that the amount so expended in any one month shall not exceed the sum of one hundred and fifty dollars.

Payment.

Proviso.

Clerk to report monthly, under oath.

SEC. 2. The said County Clerk shall certify, monthly, under oath, the number of folios copied by each one of said copyists, and such certificate of said Clerk shall be conclusive and sufficient evidence to authorize and require the Auditor of said city and county to audit severally the accounts of said copyists, monthly, and the payments of said demands by the County Treasurer out of the Special Fee Fund, as is provided for the payment of other officers of said city and county.

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

CHAP. CCCCXLIV.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twentieth, eighteen hundred and fifty-seven.*

[Approved May 15, 1862.]

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

SECTION 1. Section six hundred and forty-six of said Act is amended to read as follows:

Section 646. In the Counties of Monterey, San Luis Obispo, Santa Barbara, Los Angeles, and San Diego, it shall be the duty of the officer to give the defendant in a civil action, if said defendant shall require it, a copy of the summons, or other process, in the Spanish language; and in the Counties of Santa Barbara, San Luis Obispo, Los Angeles, San Diego, and Monterey, it shall be lawful, with the consent of both parties, to have the process, pleadings, and other proceedings, in a cause, in the Spanish language.

Officer to give defendant copy of process, etc. in Spanish.

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

CHAP. CCCCXLV.—*An Act to legalize the Delinquent Tax Lists of the County of Sonoma, for the fiscal years of eighteen hundred and fifty-nine, eighteen hundred and sixty, eighteen hundred and sixty-one, and eighteen hundred and sixty-two.*

[Approved May 15, 1862.]

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

SECTION 1. The delinquent tax lists in and for the County of Sonoma, whether for State or county purposes, or both, for the fiscal years, eighteen hundred and fifty-nine, eighteen hundred and sixty, eighteen hundred and sixty one, and eighteen hundred and sixty-two, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the person and property assessed, and therein returned delinquent; and the certificate of O. T. Baldwin, Deputy Tax Collector of Sonoma County, made on each of said lists, is hereby rendered as legal, valid, and binding, both in law and equity, and of the same effect, as though the same had been made, subscribed, and sworn to, by J. M. Bowles, Sheriff of the County of Sonoma; and all the acts of the said O. T. Baldwin, as such Deputy, in reference to said lists, are hereby rendered legal and valid, as though the same had been done in a legal and proper form by him, as Under-Sheriff of said county.

Tax lists legalized.

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

CHAP. CCCCXLVI.—*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, eighteen hundred and fifty-one.*

[Approved May 15, 1862.]

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

SECTION 1. Section one hundred and twenty-five of the above entitled Act is hereby amended so as to read :

Duty of Sheriff.

Section 125. The Sheriff to whom the writ is directed and delivered, shall execute the same without delay, and if the undertaking mentioned in section one hundred and twenty-three, be not given, as follows :

Attachment

First—Real property standing upon the records of the county, in the name of the defendant, shall be attached, by leaving a copy of the writ with an occupant thereof; or, if there be no occupant, by posting a copy in a conspicuous place thereon, and filing a copy, together with a description of the property attached, with the Recorder of the county.

Real property.

Second—Real property, or any interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, shall be attached, by leaving with such person, or his agent, a copy of the writ, and a notice that such real property, (giving a description thereof,) and any interest therein, belonging to the defendant, are attached pursuant to such writ, and filing a copy of such writ and notice with the Recorder of the county, and leaving a copy of such writ and notice with an occupant of such property, or, if there be no occupant, by posting a copy thereof in a conspicuous place thereon.

Personal property.

Third—Personal property, capable of manual delivery, shall be attached, by taking it into custody.

Stock, shares, etc.

Fourth—Stock, or shares or interest in stock, or shares of any corporation or company, shall be attached, by leaving with the President, or other head of the same, or the Secretary, Cashier, or other managing Agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

Debts and credits, etc.

Fifth—Debts and credits, and other personal property, not capable of manual delivery, shall be attached by leaving with the person owning such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent, a copy of the writ, and a notice that the debts owing by him to the defendant, on the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached, in pursuance of such writ.

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

Property liable to execution.

Section 217. All goods, chattels, moneys, and other property, both real and personal, or any interest therein of the judgment debtor, not exempt by law, and all property and rights of property, seized and held under attachment in the action, shall be liable to execution. Shares and interests in any corporation or

company, and debts and credits, and all other property, both real and personal, or any interest in either real or personal property, and all other property not capable of manual delivery, may be attached on execution, in the like manner as upon writs of attachments. Gold dust shall be returned by the officer as so much money collected, at its current value, without exposing the same to sale. Until a levy, property shall not be affected by the execution.

Sec. 3. Section two hundred and twenty-nine of said Act is hereby amended so as to read as follows:

Section 229. Upon a sale of real property, the purchaser shall be substituted to and acquire all the right, title, interest, therein, and claim of the judgment debtor thereon; and when the estate is less than a leasehold of two years unexpired term, the sale shall be absolute. In all other cases, the property shall be subject to redemption, as provided in this chapter. The officer shall give to the purchaser a certificate of the sale, containing—

First—A particular description of the real property sold.

Second—The price bid for each distinct lot or parcel.

Third—The whole price paid.

Fourth—When subject to redemption, it shall be so stated.

A duplicate of which certificate shall be filed with the Recorder of the county.

Certificate
of sale.

CHAP. CCCCXI/VII.—*An Act to amend an Act entitled an Act to regulate Descents and Distributions, passed April thirteenth, one thousand eight hundred and fifty.*

[Approved May 15, 1862.]

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

SECTION 1. Section one of said Act, entitled an Act to regulate Descents and Distributions, passed April thirteenth, one thousand eight hundred and fifty, is hereby amended so as to read as follows:

Section 1. When any person having title to any estate not otherwise limited by marriage contract, shall die intestate as to such estate, it shall descend and be distributed, subject to the payments of his or her debts, in the following manner:

First—If there be a surviving husband or wife and only one child, or the lawful issue of one child, in equal shares to the surviving husband or wife and child, or issue of such child. If there be a surviving husband or wife, and more than one child living, or one child living, and the lawful issue of one or more deceased children, one third to the surviving husband or wife, and the remainder in equal shares to his or her children and to the lawful issue of any deceased child, by right of representation. If there be no child of the intestate living at his or her death, the remainder shall go to all of his or her lineal descend-

Descent of
property,
and distri-
bution.

Descent of
property,
and distri-
bution.

ants, and if all the said descendants are in the same degree of kindred to the intestate, they shall share equally, otherwise they shall take according to the right of representation.

Second—If he or she shall leave no issue, the estate shall go in equal shares to the surviving husband or wife and to the intestate's father. If there be no father, then one half shall go in equal shares to the brothers and sisters of the intestate, and to the children of any deceased brother or sister, by right of representation; *provided*, that if he or she shall leave a mother, also, she shall take an equal share with the brothers and sisters. If he or she shall leave no issue, or husband, or wife, the estate shall go to his or her father.

Third—If there be no issue, nor husband, nor wife, nor father, then in equal shares to the brothers and sisters of the intestate, and to the children of any deceased brother or sister, by right of representation; *provided*, that if he or she shall leave a mother also, she shall take an equal share with the brothers and sisters.

Fourth—If the intestate shall leave no issue, nor husband, nor wife, nor father, and no brother, or sister, living at his or her death, the estate shall go to his or her mother, to the exclusion of the issue, if any, of deceased brothers or sisters.

Fifth—If the intestate shall leave a surviving husband or wife, and no issue, and no father, mother, brother, or sister, the whole estate shall go to the surviving husband or wife.

Sixth—If the intestate shall leave no issue, nor husband, nor wife, and no father, mother, brother, nor sister, the estate shall go to the next of kin, in equal degree, excepting that when there are two or more collateral kindred, in equal degree, but claiming through different ancestors, those who claimed through the nearest ancestors shall be preferred to those claiming through an ancestor more remote; *provided*, however—

Seventh—If any person shall die, leaving several children, or leaving one child and the issue of one or more other children, and any such surviving child shall die under age, and not having been married, all the estate that came to the deceased child by inheritance from such deceased parent, shall descend in equal shares to the other children of the same parent, and to the issue of any such other children who shall have died, by right of representation.

Eighth—If, at the death of such child, who shall die under age, and not having been married, all the other children of his said parents shall also be dead, and any of them shall have left issue, the estate that came to such child by inheritance from his said parent, shall descend to all the issue of other children of the same parent; and if all the said issue are in the same degree of kindred to said child, they shall share the said estate equally, otherwise they shall take according to the right of representation.

Ninth—If the intestate shall leave no husband or wife, nor kindred, the estate shall escheat to the State, for the support of common schools.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXLVIII.—*An Act providing for Free Bridges across J and K Streets, in the City of Sacramento.*

[Approved May 15, 1862.]

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 Sacramento is hereby authorized, during the session held next after the passage of this Act, to levy a tax of ten cents on each one hundred dollars' worth of taxable property within the limits of the City of Sacramento, for the current fiscal year; and the tax so levied shall be collected in the same manner as other taxes, and the money, when collected, shall be paid into a special fund, to be designated as "The City Bridge Fund." Special tax

SEC. 2. As soon as the Supervisors and G. W. Colby agree upon the amount of purchase money to be paid for the J street bridges, which amount shall not exceed five thousand five hundred dollars and twelve cents, and said Colby has conveyed said bridges, free of liens and encumbrances, to the city, and cancelled his contract and license in relation thereto, the Auditor shall draw and deliver to said Colby his warrants on the City Bridge Fund, for the amount of purchase money, and shall certify to the Treasurer a registry of the order in which they are drawn, and the Treasurer shall pay them out of said fund in that order; and after said warrants are paid, the remainder of the money arising from the tax levied under the provisions of this Act shall be applied exclusively to the erection of a bridge on K street, across Sutter Fort slough. Purchase of bridges.
Bridge on K street.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCCXLIX.—*An Act to authorize John S. Rutherford, and George E. Webber, to construct a Railroad and Railroad Wharf in Mendocino County.*

[Approved May 15, 1862.]

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

SECTION 1. John S. Rutherford, and George E. Webber, are hereby authorized to construct and maintain, for a period of twenty years from the passage of this Act, a railroad and railroad wharf, on the northerly side of the Wallalla River, and shore of the Pacific Ocean; said railroad shall commence at the saw mill of said Rutherford and Webber, on the northerly side of said river, and extend in a northwesterly direction to the Pacific Ocean, a distance of about two and a half miles; and said railroad wharf shall be constructed on the shore of said ocean, and extend into the same a sufficient distance to allow railroad cars, loaded with lumber or other merchandise, to land Franchise.

the same on said wharf in such a manner that the same can be readily placed on board of water crafts, for water transportation; *provided*, that said railroad and railroad wharf shall not obstruct navigation. A space of one hundred feet on each side of said railroad wharf, bounded by water, is hereby set apart and dedicated for the ingress and egress of water crafts to and from said railroad wharf.

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

CHAP. CCCCL.—*An Act making Appropriation for a Contingent Fund of the Senate and Assembly.*

[Approved May 15, 1862.]

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

Appropriation.

SECTION 1. The sum of six thousand dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the contingent expenses of the Senate, and the sum of eight thousand dollars is hereby in like manner appropriated for the contingent expenses of the Assembly.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCL.—*An Act to amend Section Twenty-Seven of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved May 15, 1862.]

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

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

Actions affecting title to real property.

Section 27. In an action affecting the title to real property, the plaintiff, at the time of filing the complaint, and the defendant, at the time of filing his answer, when affirmative relief is claimed in such answer, or at any time afterwards, may file with the Recorder of the county in which the property is situated, a notice of the pendency of the action, containing the names of the parties to, and the object of, the action, and a description of the property in that county affected thereby, and the defendant may also, in such notice, state the nature and extent of the relief claimed in the answer. From the time of filing, only, shall the pendency of the action be constructive notice to a purchaser, or encumbrance of the property affected thereby.

Certain statements may be filed with County Recorder.

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

CHAP. CCCCLIII.—*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, eighteen hundred and fifty-one.*

[Approved May 15, 1862.]

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

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

Section 219. The following property shall be exempt from execution, except as herein otherwise specially provided: Property exempt from execution.

First—Chairs, tables, desks, and books, to the value of one hundred dollars, belonging to the judgment debtor.

Second—Necessary household, table, and kitchen, furniture, belonging to the judgment debtor, including stove, stove pipe, and stove furniture, wearing apparel, beds, bedding, and bedsteads, and provisions actually provided for individual or family use, sufficient for one month.

Third—The farming utensils, or implements of husbandry, of the judgment debtor; also, two oxen, or two horses, or two mules, and their harness; two cows, one cart or wagon, and food for such oxen, horses, cows, or mules, for one month; also, all seed grain or vegetables actually provided, reserved, or on hand, for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars.

Fourth—The tools or implements of a mechanic, necessary to carry on his trade; the instruments and chests of a surgeon, physician, surveyor, and dentist, necessary to the exercise of their profession, with the professional library, and the law libraries of an Attorney and Counsellor.

Fifth—The tent and furniture, including a table, camp stools, bed, and bedding, of a miner; also, his rocker, shovels, spades, wheelbarrows, pumps, and other instruments used in mining, with provisions necessary for his support for one month.

Sixth—Two oxen, two horses, or two mules, and their harness, and one cart or wagon, by the use of which, a cartman, teamster, or other laborer, habitually earns his living, and food for such oxen, horses, or mules, for one month; and a horse, harness, or vehicle, used by a physician or surgeon in making his professional visits.

Seventh—All fire engines, with the carts, buckets, hose, and apparatus thereto appertaining, of any fire company, or department, organized under any law of this State.

Eighth—All arms and accoutrements required by law to be kept by any person. But no article mentioned in this section shall be exempt from execution issued upon a judgment recovered for its price, or upon a mortgage thereon.

Ninth—All court houses, jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers, and appurtenances, belonging and pertaining to the court house, jail, and public offices, belonging to any county of this State; and all cemeteries, public squares, parks, and

places, public buildings, town halls, markets, buildings appertaining to the fire departments, and the lots and grounds thereto belonging and appertaining; owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament, or public use.

CHAP. CCCCLIII.—*An Act to correct a Clerical Error in the Act entitled an Act making Appropriations for the Support of the Civil Government of this State, for the Fourteenth Fiscal Year, commencing on the first day of July, A. D. eighteen hundred and sixty-two, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-three.*

[Approved May 15, 1862.]

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

SECTION 1. The office of Secretary of State is hereby included in the appropriation of five hundred dollars, for Porter for certain State officers mentioned in said bill.

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

CHAP. CCCCLIV.—*An Act to organize Townships, and regulate their Powers and Duties, and submit the same to Vote of the People.*

[Approved May 15, 1862.]

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

SECTION 1. Townships shall be bodies corporate, and have capacity—

Bodies corporate.

First—To sue, and be sued, in the manner prescribed by law.

Powers.

Second—To purchase and hold lands, within its own limits, for the use of its inhabitants, and for the promotion of education within the limits of the township.

Third—To make such contracts, and to purchase and hold such personal property, as may be necessary to the exercise of its corporate and administrative powers.

Fourth—To make such orders for the disposition, regulation, or use, of its corporate property, as may be deemed conducive to the interests of its inhabitants.

Powers prohibited.

SEC. 2. No township shall possess or exercise any corporate powers, except such as are enumerated in this Act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or given.

SEC. 3. All acts or proceedings by or against a township, in

its corporate capacity, shall be in the name of such township, but every conveyance of land within the limits of such township, made in any manner for the use or benefit of its inhabitants, shall have the same effect as if made to the township by name. Proceedings
against.

SEC. 4. The corporate powers and duties of every township shall be vested in a Board of Trustees, to consist of three qualified electors of the township, who shall be elected by the qualified electors of the township, on the first Monday in May in each year, and shall hold their office for the term of one year, and until their successors are elected and qualified. At the same time, in the same manner, and for the same term, shall be elected the following township officers: one Clerk, one Assessor, one Treasurer, one Tax Collector, two Justices of the Peace, two Constables, and one Road Overseer for each Road District in the township. Trustees.

Officers.

SEC. 5. The Board of Trustees shall assemble within ten days after their election, and choose one of their number as Chairman, and fix the times and places for holding their stated meetings, and may be convened by the Chairman at any time; and, at the meetings of the Board, a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as the Board previously by ordinance may have prescribed. Meetings of
Trustees.

SEC. 6. The Board of Trustees shall judge of the qualification, election, and returns, of its own members, and of township officers, and establish rules for, and keep a journal of, their proceedings; and, at the desire of any member, shall cause the yeas and nays on any question to be taken and entered on the journal; and their proceedings shall be public. Duties of.

SEC. 7. The Board of Trustees shall have power 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; prohibit disorderly conduct; provide for the licensing of public shows, and bars at which spirituous liquors are sold; construct and keep in repair wharves, and issue licenses for constructing the same; lay out, alter, keep open, build, and repair, streets, roads, bridges, and highways, of the township; levy and collect, annually, a tax on all property in the township, not exceeding one per cent. on the assessed value thereof, for the support of the township government; to assess and collect State and county taxes, including poll tax, foreign miners' licenses, and provide for the payment of the same into the County Treasury; and pass such other by-laws and ordinances for the regulation and police of such township as they may deem necessary, and fix a penalty for the violation of the same; and fix and regulate the fees and salaries of all township officers. Powers.

SEC. 8. Any person shall be qualified to hold a township office, or vote for any township office, who shall be a qualified elector under the Constitution and laws of this State, and who shall have resided in the township thirty days next preceding the election; and after the next general election, the Board of Trustees shall appoint the Judges and Inspectors of all elections. Eligibility of
officers and
electors.

in the township thereafter to be held, and shall give notice of such appointments at least five days before the election is held; and in case of a vacancy in any township office, the Board of Trustees shall order an election to fill the same; *provided*, the unexpired term of said office exceeds three months; and they shall give previous public notice of such election, for a period of not less than five nor more than ten days, and shall give a like notice of all other elections in the township. In case when the unexpired term of an office vacant is less than three months, the Board of Trustees may fill the vacancy by appointment. Should any of the Judges or Inspectors, appointed to hold any township election, fail to attend, the electors present may appoint others in their stead. The Judges and Inspector of Election may appoint two Clerks, and all elections for township officers shall be conducted according to the laws regulating elections, and the Judges and Inspector of township elections shall make returns to the Board of Trustees, who shall issue certificates of election to the person having the highest number of votes; *provided*, at all general elections the Judges and Inspectors shall make returns directly to the County Clerk, as now provided by law.

Vacancy.

Elections.

Clerk of Board of Trustees.

Duties of.

SEC. 9. The Township Clerk shall be the Clerk of the Board of Trustees. He shall keep a record of all estrays taken up in his township, with full description of the same; he shall file all certificates of election, with the oaths indorsed thereon; shall receive, file, and safely keep, all official bonds of the township; and keep a record of all marriages, births, and deaths; and shall receive, and place on file in his office, chattel mortgages and bills of sale of mining claims and personal property, and make certified copies of the same, when required; and such filing shall have, to all intents and purposes, the full force and effect of a record at the County Recorder's office, under the laws of this State; he may administer and certify oaths of officers of the township.

Assessor and Collector.

Duties of.

SEC. 10. The powers and duties of Township Assessor and Township Tax Collector shall be the same, within the limits of the township, as are now conferred upon County Assessors and County Tax Collector by the revenue laws of this State; and the said revenue laws, which are now in force in any county, are hereby declared to be in force in the several townships therein, except such part of said revenue laws as regulate the compensation for services; *provided*, the Township Tax Collector shall pay all taxes collected, into the Township Treasury, and return all delinquent lists to the County Auditor.

Road Overseers.

SEC. 11. The powers and duties of Road Overseers shall conform to the present laws in force, and applicable to the various counties throughout the State at the date of the passage of this Act, except that their reports shall be made to the Board of Township Trustees.

Treasurer.

Duties.

SEC. 12. The Township Treasurer shall receive all local and general taxes, and give his official receipt therefor, and pay over county and general taxes to the County Treasurer, ten days prior to the time required by the revenue law for County Treasurers to pay over money to the State Treasurer, in the several counties, and pay out township moneys, in the manner pre-

scribed by the Board of Trustees, and shall, annually, on the first Monday in April, report, in detail, to the Board of Trustees, all moneys received and paid out by him for the year next preceding, and the balance remaining on hand.

Sec. 13. Each township officer, before entering upon the duties of his office, shall take the oath of office prescribed by law, and shall give bond, with sureties, payable to the township, in such sum of money as may be determined by the Township Trustees, conditioned for the faithful performance of the duties of his office; said bond to be of no effect till approved by the said Trustees. In case such bond shall become insufficient, in the opinion of said Board, the said Board may require of any officer such additional bond as they may deem necessary.

Bonds of officers.

Sec. 14. The compensation to be allowed townships, for collecting property tax, shall be three per cent.; for all other taxes, townships shall be allowed the per centage prescribed by the existing laws of the State; the whole to be paid into the Township Treasury.

Per centage for collecting property tax etc.

Sec. 15. The Board of Trustees shall, annually, on the second Tuesday in April, 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 year next preceding, and shall cause such statement to be posted up in three of the most public places in the township.

Annual report of Trustees.

Sec. 16. The said Board of Trustees, under this Act, shall have no power to contract liabilities, either by borrowing money, loaning the credit of the township, or contract any debt or debts, which singly, or in the aggregate, shall exceed the sum of three thousand dollars.

Limitation of powers.

Sec. 17. Each Justice of the Peace in the various townships of this State shall, at least five days before the general election to be held in eighteen hundred and sixty-two, post three written notices in the most public places of his township, said notices to state the time and place for the election of township officers, provided for in this Act; *provided*, that after the first general election, the Trustees shall appoint the time and place of holding elections.

Justices of the Peace, duties of.

Sec. 18. The books and records of all township officers shall be township property, and shall, at the expiration of each term of office, be handed over, by incumbents in office, to their successors, whenever legally qualified. Said books and records shall always be open for public inspection.

Books and records.

Sec. 19. Any member of the Board of Township Trustees, or other township officer, for any violation or neglect of his duties, as defined in this Act, shall be deemed guilty of a misdemeanor, and may be fined in any sum not less than ten nor more than five hundred dollars, or imprisoned in the county jail not to exceed three months.

Violation or neglect of duty.

Penalty.

Sec. 20. The provisions of this Act shall apply to and be in force in the several townships, as now bounded and defined, throughout the State, and to all townships which may hereafter be created by the Board of Supervisors of any county in the State, but shall not apply to towns and cities already in-

Application of Act.

corporated under special or general laws of the State, or to present incumbents for assessing and collecting county and general taxes.

Act to be submitted to the votes of electors.

SEC. 21. The Board of Supervisors of the several counties in this State shall submit this Act to the people of their respective counties, at the next general election, and the people are hereby authorized to vote on the same by ballot, upon which shall be written or printed "Township Law—Yes;" or "Township Law—No;" and in those counties in which the affirmative have the majority, the law shall be in force from and after the second Tuesday of April, eighteen hundred and sixty-three; but to those counties in which the negative have the majority, this Act shall not apply or be in force.

Counties excepted.

SEC. 22. The provisions of this Act shall not apply to the Counties of Tuolumne, Mono, Los Angeles, San Bernardino, Trinity, Sutter, Plumas, Placer, Colusa, San Diego, El Dorado, Siskiyou, Merced, Stanislaus, Butte, and Alameda.

CHAP. CCCCLV.—*An Act to amend an Act entitled an Act concerning Conveyances, passed April sixteenth, one thousand eight hundred and fifty.*

[Approved May 15, 1862.]

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

SECTION 1. Section four of an Act entitled an Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty, is hereby amended so as to read as follows:

Proofs or acknowledgments of conveyances

Section 4. The proof or acknowledgment of every conveyance, whereby any real estate is conveyed or may be affected, shall be taken by some one of the following officers:

First—If acknowledged or proved within this State, by some Judge or Clerk of a Court having a seal, or some Notary Public or County Recorder, or by a Justice of the Peace of the proper county, where the conveyance is executed, and to be recorded only in such county.

Second—If acknowledged or proved without this State, and within any State or Territory in the United States, by some Judge or Clerk of any Court of the United States, or of any State or Territory, having a seal, or by a Commissioner appointed by the Government of this State for that purpose.

Third—If acknowledged or proved without the United States, by some Judge or Clerk of any Court, of any state, kingdom, or empire, having a seal, or any Notary Public therein, or any Minister, Commissioner, or Consul, of the United States, appointed to reside therein.

When any of the officers above mentioned are authorized by law to appoint a deputy, such acknowledgment or proof may be taken by such deputy in the name of his principal.

PROPOSED AMENDMENTS

TO THE

CONSTITUTION OF CALIFORNIA.

AMENDMENTS TO THE CONSTITUTION.

PROPOSED AT THE TWELFTH SESSION OF THE LEGISLATURE, AND
ADOPTED AT THE THIRTEENTH SESSION.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. eighteen hundred and sixty-two, adopt and agree to the following Amendments to sections two, three, five, six, and thirty, of Article Four, of the Constitution: (which said Amendments were heretofore proposed and adopted by the Legislature of said State, at its twelfth session:)

ARTICLE FOUR.—LEGISLATIVE DEPARTMENT.

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days. Amend-
ments.

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly, who has not been a citizen and inhabitant of the State, and of the county or district for which he shall be chosen, one year next before his election.

SEC. 6. The number of Senators shall not be less than one third, nor more than one half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially.

Amend-
ments.

SEC. 30. When a Congressional, Senatorial, or Assembly District shall be composed of two or more counties, it shall not be separated by any county belonging to another District. No county shall be divided in forming a Congressional, Senatorial, or Assembly District, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly Districts, as such county may by apportionment be entitled to.

SEC. 39. In order that no inconvenience may result to the public service from the taking effect of the Amendments proposed to Article Four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby, until the election and qualification of the several officers provided for in said Amendments.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. eighteen hundred and sixty-two, adopt and agree to the following Amendments to sections two, eighteen, and nineteen, of Article Five, of the Constitution: (which said Amendments were heretofore proposed and adopted by the Legislature of said State, at its twelfth session:)

ARTICLE FIVE.—EXECUTIVE DEPARTMENT.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.

SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General, shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

SEC. 19. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service, from the taking effect of the Amendments proposed to said Article Five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said Amendments.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. eighteen hundred and sixty-two, adopt and agree to the following Amendments to Article Six of the Constitution: (which said

Amendments were heretofore proposed and adopted by the Legislature of said State, at its twelfth session :) Amend-
ments.

ARTICLE SIX.—JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot, that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in all cases arising in the Probate Courts; and also, in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and also, all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court, in the State, or before any Judge of said Courts.

SEC. 5. The State shall be divided, by the Legislature of eighteen hundred and sixty-three, into fourteen Judicial Districts, subject to such alteration, from time to time, by a two thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the District, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The

Amend-
ments.

Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for upwards of thirty consecutive days, shall be deemed to have forfeited his office.

SEC. 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; and also, in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus, on petition by, or on behalf of, any person held in actual custody in their respective Districts.

SEC. 7. There shall be, in each of the organized counties of the State, a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court, by section three of this Article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco, the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.

SEC. 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in Courts held by Justices of the Peace, and Recorders, and in such inferior Courts as may be established in pursuance of section one of this Article, in their respective counties. The County Judges shall also hold, in their several counties, Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of habeas corpus, on petition by, or on behalf of, any person in actual custody in their respective counties.

SEC. 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

SEC. 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.

SEC. 11. The Legislature shall provide for the election of a

Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be *ex officio* Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more Commissioners in the several counties of their respective Districts, with authority to perform chamber business of the Judges of the District Courts and County Courts, and also to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 12. The times and places of holding the terms of the several Courts of record shall be provided for by law.

SEC. 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.

SEC. 15. The Justices of the Supreme Court, District Judges, and County Judges, shall severally, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the County Treasury of their respective counties.

SEC. 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office, during the term for which they shall have been elected.

SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 18. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 19. In order that no inconvenience may result to the public service from the taking effect of the Amendments proposed to said Article Six by the Legislature of eighteen hundred and sixty one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said Amendments.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. eighteen hundred and sixty-two, adopt and agree to the following Amendment to Article Nine, section one, of the Constitution: (which said Amendment was heretofore proposed and adopted by the Legislature of said State at its twelfth session.) Said section of said Article shall read as follows:

ARTICLE NINE.—EDUCATION.

Amend-
ments.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-three, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.

Adopted in Senate, April eighth, eighteen hundred and sixty-two.

J. McM. SHAFTEE,
President pro tem. of the Senate.

THOMAS HILL,
Secretary of the Senate.

Adopted in Assembly, April fourth, eighteen hundred and sixty-two.

GEORGE BARSTOW,
Speaker of the Assembly.

JOHN SEDGWICK,
Clerk of the Assembly.

PROCLAMATION.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

STATE OF CALIFORNIA,
EXECUTIVE DEPARTMENT. }

WHEREAS, By the provisions of section two of an Act, approved April twenty-fifth, A. D. eighteen hundred and sixty-two, it is required that "the Amendments to each Article of the Constitution shall be voted upon separately from the others, in the manner and form proscribed by the Governor"—

Now, therefore, by virtue of the authority in me vested, I do hereby prescribe the following form, for the qualified electors of the State of California, to vote by ballot at the general election to be held on Wednesday, the third day of September, A. D. eighteen hundred and sixty-two, for or against the proposed Amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two :

FORM.

Amendments to Article Four of the Constitution—Yes.
Amendments to Article Four of the Constitution—No.
Amendments to Article Five of the Constitution—Yes.
Amendments to Article Five of the Constitution—No.
Amendments to Article Six of the Constitution—Yes.
Amendments to Article Six of the Constitution—No.
Amendments to Article Nine of the Constitution—Yes.
Amendments to Article Nine of the Constitution—No.



Given under my hand, with the Great Seal of the State of California affixed, this, the twenty-ninth day of May, A. D. one thousand eight hundred and sixty-two.

LELAND STANFORD,
Governor of California.

By the Governor :
WM. H. WEEKS, Secretary of State.

AMENDMENTS TO THE CONSTITUTION.

PROPOSED AT THE THIRTEENTH SESSION OF THE LEGISLATURE.

The Legislature of the State of California, at its Thirteenth Session, commencing on the sixth day of January, A. D. eighteen hundred and sixty-two, propose the following Amendments to section twenty six, of Article Four, of the Constitution :

ARTICLE FOUR.

Amend-
ments.

SEC. 26. The Legislature shall not pass special or local laws in any of the following enumerated cases, that is to say: For the punishment of crimes or misdemeanors; Regulating the practice in Courts of Justice; Regulating the jurisdiction and duties of Justices of the Peace, or Constables; Changing, or providing for changing, the venue in civil or criminal actions; Granting divorces; Changing the names of persons, companies, or corporations; For laying out, establishing, or opening, roads, streets, or alleys; For vacating roads, streets, alleys, or public squares; Providing for selecting, summoning, or empanelling, grand or trial juries; Regulating county business; For the assessment or collection of taxes for State or county purposes; For supporting Common Schools; Providing for opening or conducting elections of State or county officers, or designating the places of voting; Granting the right to maintain a ferry; Granting the right to construct or maintain a bridge, except across waters that have been declared to be navigable; Granting the right to use or occupy, for a railroad, or other purposes, a street, or alley, in any city or town; Providing for the sale of the real or personal property belonging to any minor, or other person, laboring under a legal disability, or to the estate of a deceased person, by an executor, administrator, guardian, trustee, or other person. In all the cases enumerated in this section, and in all other cases where general laws can be applicable, all laws shall be general, and have a uniform operation throughout the State.

Adopted in Senate May second, eighteen hundred and sixty-two. Adopted in Assembly April twenty-fifth, eighteen hundred and sixty-two.

RESOLUTIONS.



CONCURRENT AND JOINT RESOLUTIONS.

ASSEMBLY RESOLUTIONS.

NUMBER I.—*Concurrent Resolution.*

[Adopted March 1, 1862.]

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be and he is hereby directed to transmit the bids which he has received, or may yet receive, for the translation of the laws into Spanish, to the Joint Committee appointed by the Senate and Assembly on the Translation of the Laws, within such time as will enable the Committee to open the bids on the first Monday in March.

Translation
of laws, etc.
into
Spanish.

No. II.—*Concurrent Resolution.*

[Adopted January 8, 1862.]

Resolved, By the Assembly, the Senate concurring, that a Committee, of three from each House, be appointed to wait upon the Governor, and inform him of the organization of the Legislature, and that they are ready to receive any communications he may be pleased to make.

Committee
to wait
on the
Governor.

No. III.—*Concurrent Resolution.*

[Adopted February 7, 1862.]

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives be

Mail routes. requested, to procure an extension of the present tri-weekly mail route between the City of Sacramento and Lancha Plana, in the County of Amador, through the southern portion of the County of Calaveras, including therein the following places, to wit: Poverty Bar, Jenny Lind, Brushville, Salt Spring Valley, Copperopolis, and O'Byrne's Ferry, in the said County of Calaveras, including Jeffersonville, in the County of Tuolumne, and terminating at Sonora, in said county; and also, to procure the establishment of Post offices at Brushville, Salt Spring Valley, and Copperopolis, in the County of Calaveras, and at Jeffersonville, in the County of Tuolumne.

No. IV.—*Concurrent Resolution.*

[Adopted February 14, 1862.]

Copies of printed bills *Resolved*, By the Assembly, the Senate concurring, that hereafter, when bills are ordered to be printed by the Assembly or Senate, members of each branch of the Legislature shall be served with a copy.

No. V.—*Concurrent Resolution.*

[Adopted February 14, 1862.]

Committee to visit the nursery of Colonel Haraszthy. *Resolved*, By the Assembly, the Senate concurring, that the Committee on the Vine, from the House, and a Committee of three from the Senate, be authorized to visit the nursery and vineyards of Col. Haraszthy, and report, as soon as practicable, the vines that have already arrived, and the condition of the same, and what disposition shall be made of the same; *provided*, that said Committee be allowed only their actual travelling expenses, in addition to their per diem.

No. VI.—*Concurrent Resolution.*

[Adopted February 17, 1862.]

Lecture of State Geologist. *Resolved*, The Senate concurring, that a Committee, of three from each House, be appointed to wait on Dr. Whitney, and make arrangements for his lecture, should he consent to appear before us.

No. VII.—*Concurrent Resolution.*

[Adopted February 20, 1862.]

Resolved, By the Assembly, the Senate concurring, that I. C. McQuaid, District Attorney of Sutter County, be and is hereby granted leave of absence from this State for the period of three months, at such time as he may select, during the present year.

No. VIII.—*Concurrent Resolution.*

[Adopted February 21, 1862.]

Resolved, By the Assembly, the Senate concurring, that this Legislature will adjourn *sine die* on Monday, March thirty-first, eighteen hundred and sixty-two, at twelve o'clock, at noon, of that day.

No. IX.—*Concurrent Resolution.*

[Adopted February 22, 1862.]

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the establishment of a Daily Mail from the Town of Carson, Nevada Territory, to Aurora, Mono County, California, and for the establishing of a Post office at Aurora.

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.

No. X.—*Concurrent Resolution.*

[Adopted February 24, 1862.]

Resolved, By the Assembly, the Senate concurring, that John Anderson, County Clerk of Shasta County, be and he is hereby granted leave of absence from the State, for the period of four months, at such time as he may select, during the present year.

No. XI.—*Concurrent Resolution.*

[Adopted January 22, 1862.]

Adjourn-
ment to San
Francisco.

Resolved, By the Assembly, the Senate concurring, that this Legislature, when it adjourns to-day, do adjourn until Friday, the twenty-fourth day of January instant, to meet in the City of San Francisco, there to remain during the remainder of the present session, at such place as may be provided, and that a Committee of three be appointed on the part of the Assembly, to act with a like Committee to be appointed on the part of the Senate, whose duty it shall be to procure, and cause to be fitted up, proper apartments for this Legislature and the attachés thereof, and shall remove thereto all the property and appurtenances belonging to this Legislature, and that the members of the Assembly and Senate do meet on said twenty-fourth instant, at twelve o'clock, noon, of that day, in the hall of the building on Battery street, between Washington and Jackson streets, known as the "Exchange Building," from thence to be conducted, by the respective presiding officers, to the apartments provided for them.

No. XII.—*Concurrent Resolution.*

[Adopted March 26, 1862.]

WHEREAS, Discrepancies are found to exist between the Amendments to the Constitution now pending the action of this Assembly, and those entered upon the Senate and Assembly Journals of the last session of the Legislature, it is therefore

Amend-
ments to the
Constitution

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be directed to transmit to the Speaker of the Assembly the official Journals of both Houses, of the last session of the Legislature, in order that a proper and correct copy of the Amendments proposed to the Constitution may be procured, to be acted upon by the present Legislature, in conformity with constitutional requirements; and the Secretary of the Senate is directed to transmit a copy of this resolution to the Secretary of State, and request his immediate compliance therewith.

No. XIII.—*Concurrent Resolution.*

[Adopted March 26, 1862.]

Adjourn-
ment.

Resolved, By the Assembly, the Senate concurring, that the resolution fixing the time for the final adjournment of this Legislature for the thirty-first day of March, is hereby rescinded, and the day of adjournment *sine die* fixed for the fourteenth day of April, eighteen hundred and sixty-two.

No. XIV.—*Concurrent Resolution.*

[Adopted April 9, 1862.]

Resolved, By the Assembly, the Senate concurring, that the Controller and Treasurer of State shall, immediately after making their annual report to the Governor, order the State Printer to print, in pamphlet form, nine hundred and sixty copies of each report, and the State Printer shall deliver to said Controller and Treasurer fifty copies of their reports, the balance to be delivered to the Senate and Assembly, on their order.

Reports of
Controller
and
Treasurer.No. XV.—*Concurrent Resolution.*

[Adopted April 9, 1862.]

Resolved, By the Assembly, the Senate concurring, that a Joint Select Committee, of two from each House, be appointed, whose duty it shall be to have correctly enrolled, in every respect, the Amendments to the Constitution, as proposed by the Legislature at its twelfth session, and adopted and agreed to by the Legislature at its thirteenth session, and to have said enrolled copy deposited among the archives of the Secretary of State.

Amend-
ments to the
ConstitutionNo. XVI.—*Concurrent Resolution.*

[Adopted April 9, 1862.]

Resolved, By the Assembly, the Senate concurring, that John S. Ellis, Sheriff of the City and County of San Francisco, be and is hereby granted leave of absence from the State, for three months, at such time as he may select, previous to the first of December, one thousand eight hundred and sixty-two.

Leave of
absence.No. XVII.—*Concurrent Resolution.*

[Adopted April 9, 1862.]

Resolved, By the Assembly, the Senate concurring, that G. T. Boulden, Clerk of the Committees of the Senate and Assembly on Hospitals, (acting jointly,) be allowed per diem as fixed by law, from and including the first day of March, eighteen hundred and sixty-two, till the thirtieth day of March, inclusive; payable, one half from the Contingent Fund of the Assembly, and one half from the Contingent Fund of the Senate, and the

Per diem
allowance.

Controller is hereby authorized to draw his warrant on the Treasurer [for] the same.

No. XVIII.—*Concurrent Resolution.*

[Adopted April 11, 1862.]

Final adjournment.

Resolved, By the Assembly, the Senate concurring, that the concurrent resolution fixing Monday, April fourteenth, at twelve M., as the day for the adjournment of the Legislature, *sine die*, is hereby rescinded.

No. XIX.—*Concurrent Resolution.*

[Adopted April 14, 1862.]

Appointment of W. H. Parks Commissioner to proceed to Washington.

Resolved, By the Assembly, the Senate concurring, that W. H. Parks is hereby appointed a Committee, on the part of the Legislature, whose duty it shall be to visit the City of Washington, and to confer with the Secretary of the Interior, or with such persons as he may appoint, for the final settlement of all questions relating to, and the ownership of, all lands claimed by the State under the provisions of the several Acts of Congress making donations of lands to this State. Said Committee shall procure such evidence as may be deemed necessary, from the Register of the Land Office, Surveyor-General, Board of Swamp Land Commissioners, and State Locating Agents, showing the location and quantity of all lands claimed by the State, and which have not been ceded by the United States, and he shall report his transaction, in detail, to the Governor, to be by him transmitted to the Legislature at its next session.

No. XX.—*Concurrent Resolution.*

[Adopted April 21, 1862.]

Thanks to Major-General Halleck.

Resolved, By the Assembly, the Senate concurring, that the thanks of the Legislature of the State of California be and they are hereby tendered to Major-General Henry W. Halleck, for the energetic and efficient manner in which he has conducted the military operations in his department.

Resolved, That the Governor of California be and he is hereby requested to forward to General Halleck a copy of the above resolution.

No. XXI.—*Concurrent Resolution.*

[Adopted April 21, 1862.]

Resolved, By the Assembly, the Senate concurring, that L. C. Bostwick, County Recorder of the County of Santa Clara, is hereby granted leave of absence from this State, for the term of four months of the present year; *provided*, that the said Recorder shall leave a competent Clerk or Clerks to discharge the duties of said office.

Leave of absence.

No. XXII.—*Concurrent Resolution.*

[Adopted May 15, 1862.]

Resolved, By the Assembly, the Senate concurring, that Joint Rule Fifteenth be, and the same is hereby, suspended, so far as the same may affect Assembly bill Number four hundred and ninety-seven.

Joint Fifteenth Rule.

No. XXIII.—*Concurrent Resolution.*

[Adopted May 14, 1862.]

Resolved, By the Assembly, the Senate concurring, that the Controller of State be and is hereby directed to draw his warrant, (and the Treasurer of State shall pay the same out of the Contingent Funds of the Senate and Assembly, one half from each fund,) in favor of the San Francisco Gas Company, for one hundred and sixty-seven dollars, for gas furnished for the use of the Legislature, from April first to May first, eighteen hundred and sixty-two.

Payment of San Francisco Gas Company.

No. XXIV.—*Concurrent Resolution.*

[Adopted May 9, 1862.]

Resolved, The Senate concurring, that the Senate and Assembly meet in Joint Convention, in the Assembly Chamber, on Saturday, the tenth day of May, eighteen hundred and sixty-two, at ten o'clock, A. M., for the purpose of electing Trustees of the State Reform School, in accordance with the provisions of the Act of April eighteenth, eighteen hundred and sixty.

Election of Trustees of State Reform School.

No. XXV.—*Concurrent Resolution.*

[Adopted May 15, 1862.]

Copies of
proceedings
in the trial
of James H.
Hardy.

Resolved, By the Assembly, the Senate concurring, that the State Printer be directed and is hereby authorized, as soon as possible, to forward, by express, four copies of the printed proceedings in the Hardy Impeachment Trial, to each member of the Legislature.

SENATE RESOLUTIONS.

NUMBER I.—*Concurrent Resolution.*

[Adopted January 13, 1862.]

Resolved, By the Senate, the Assembly concurring, that our Mail routes. Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure mail service by sea, in steamers, from San Francisco to Crescent City, Del Norte County, and back, twice a month, touching each way at Eureka, Humboldt County, and at Trinidad, Klamath County.

Resolved, That His Excellency the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, at the earliest practicable period.

No. II.—*Concurrent Resolution.*

[Adopted January 29, 1862.]

Noted by
telegram
that the
State as-
sumes the
collection of
the Federal
tax.

Resolved, By the Senate, the Assembly concurring, that the Governor of the State of California be and is hereby authorized and directed to give notice, by telegraph, to the Secretary of the Treasury of the United States, of the intention of the State of California to assume, and pay into the Treasury of the United States, the direct tax of two hundred and fifty-four thousand five hundred and thirty-eight and two thirds dollars, apportioned to the State of California by an Act passed the First Session of the Thirty-Seventh Congress of the United States, entitled a Bill to provide Increased Revenue, from Imposts, to pay the Interest on the Public Debt, and for other purposes, approved August, eighteen hundred and sixty-one.

No. III.—*Concurrent Resolution.*

[Adopted January 29, 1862.]

WHEREAS, By Act of Congress, passed March third, A. D. eighteen hundred and fifty-three, sections sixteen and thirty-six, in each Congressional Township in this State, were donated to the State for school purposes; and, whereas, by the provisions of said Act, where said sections are reserved for public uses, or taken by private claims, the State has the right to select other lands in lieu of said sections, in the same Land District; and, whereas, in the San Francisco Land District there is but little, if any, Government land upon which to locate the land to which this State is entitled by said Act of Congress; therefore, be it—

Resolved, By the Senate, the Assembly concurring, that our members in Congress be requested, and our Senators instructed, to procure, if possible, the passage of a law by Congress authorizing the authorities of this State to locate lands in lieu of sections reserved for public uses, or taken by private claims, upon any unappropriated public lands within this State, except mineral lands. Location of lands in lieu of other lands.

Resolved, That his Excellency the Governor be requested to forward a copy hereof to each of our members in Congress.

No. IV.—*Concurrent Resolution.*

[Adopted January 29, 1862.]

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives be requested, to urge upon Congress the enacting of a law establishing a Mail Route between the port of San Francisco, in this State, and ports in Japan and China. Mail to China and Japan.

Resolved, That the Governor be requested to forward a copy of the above resolution to our Senators and Representatives in Congress.

No. V.—*Concurrent Resolution.*

[Adopted January 31, 1862.]

Resolved, By the Senate, the Assembly concurring, that hereafter, in the Index to the Journals of the Senate and Assembly, the number of the page on which any action concerning a bill or resolution is recorded, shall be given in connection with the title of such bill or resolution. Index to Journals.

No. VI.—*Concurrent Resolution.*

[Adopted January 29, 1862.]

WHEREAS, Our predecessors have, at different sessions of the Legislature, memorialized Congress to create a new Collection District in the northern part of this State; and whereas, the necessity for such new District is every year becoming more urgent, in order to accommodate the trade and business of our Northern Coast, particularly the export of lumber from Humboldt Bay, as well as to encourage vessel-building on said bay; and whereas, a measure so essential to the proper development of the resources of that section should no longer be delayed; therefore—

New Federal
collection
district.

Resolved, By the Senate and Assembly of the State of California, that our Senators in Congress be and they are hereby instructed, and our Representatives requested, to urge upon Congress the passage of an Act creating a new Collection District from the northern portion of the District of San Francisco, to be called "The District of Humboldt," with a port of entry at Eureka, on Humboldt Bay, and ports of delivery at Trinidad and Crescent City.

Resolved, That His Excellency the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

No. VII.—*Concurrent Resolution.*

[Adopted February 14, 1862.]

State Capitol

Resolved, By the Senate, the Assembly concurring, that the Board of Commissioners appointed to superintend the erection of a State Capitol, by the provisions of an Act entitled an Act to provide for the Construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty, be requested to report forthwith to this Legislature:

First—The present condition of the Capitol building.

Second—The contracts that have been made by them relative to the same.

Third—The amount of money expended, and for what expended.

Fourth—The amount and condition of material now on hand for the erection of the building, paid for by the State, or upon which the State has advanced money, if any.

No. VIII.—*Concurrent Resolution.*

[Adopted February 12, 1862.]

WHEREAS, It is reported that the Finance Committee of the House of Representatives have stricken out the appropriation for the California Overland Mail service, for inefficiency of service and for economy; therefore—

Resolved, By the Senate, the Assembly concurring, that the daily Overland Mail is of vital importance to the people of the Pacific Coast; that in the event of a war with a European power, which is not improbable, the overland would be our only secure route for the transportation of mails, passengers, and treasure; that the late interruption, occasioned by floods of unprecedented severity, should not operate to the prejudice of the present route.

Resolved, That the daily Overland Mail Company's numerous stations are a necessity to the continuance of the Overland Telegraph, which cannot be kept in order, through so long a stretch of uninhabited country, without the aid rendered by the Overland Mail Company.

Resolved, That our Senators be instructed, and our Representatives requested, to use their strongest exertions to induce the Federal Government to transfer from the Overland Route all printed postal matter, other than the letter mail, to a steamship line, by way of the Isthmus of Panama; and that the schedule time, for the letter mail across the continent, be reduced to sixteen days, from the first of May to the first of November, and twenty-three days, from the first of November to the first of May, and, in addition to this service, that the Pony Express be restored.

No. IX.—*Concurrent Resolution.*

[Adopted February 19, 1862.]

WHEREAS, the Honorable the Secretary of the Interior, in his last annual report to the President of the United States, recommended the taxation of mining claims for the financial benefit of the General Government; therefore—

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to use all honorable means to prevent the passage of any law incorporating the recommendation of the Honorable the Secretary of the Interior.

Resolved, That the Governor be requested to send a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

No. X.—*Concurrent Resolution.*

[Adopted March 28, 1862.]

Change of
Overland
Mail
service.

Resolved, By the Senate, the Assembly concurring, that our Senators be and they are hereby instructed, and our Representatives in Congress are requested, to use their influence to have the Overland Mail service so changed, that from Carson City, Nevada Territory, so much of the Eastern Mail as is destined for California, shall be conveyed across the Sierra Nevada Mountains by three routes, the Henness Pass, the Placerville, and the Big Tree routes, to Marysville, Sacramento, and Stockton, as the termini of said routes, and as distributing offices for Northern, Central, and Southern California, with provisions for way deliveries, at the principal towns lying on or contiguous to said routes, between Carson City and their termini in California, say at Downieville, Forest City, North San Juan, Nevada, and Grass Valley, on the Henness Pass route; Placerville, Diamond Springs, El Dorado, and Folsom, on the Placerville route; and Sonora, Columbia, and Mokelumne Hill, on the Big Tree route. Such a division of the Overland Mail service across the Sierra Nevada being necessary to promote the convenience of the extremes of the State, likely to stimulate settlements along the important transmontane highways enumerated, and to lessen the difficulty and uncertainty of winter transportation of the mail.

No. XI.—*Concurrent Resolution.*

[Adopted March 28, 1862.]

WHEREAS, Mechanics, inventors, and discoverers, in the Pacific States, but more especially in the State of California, are without the facts, data, and full particulars in regard to patents issued by the Patent Office of the United States; therefore—

Patents.

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to secure, if possible, the publication of the number, description, and data connected therewith, of all patents issued by the United States, in some scientific journal published in this State.

Resolved, That the Governor be requested to transmit a copy of these resolutions to our Senators and Representatives in Congress.

No. XII.—*Concurrent Resolution.*

[Adopted April 4, 1862.]

WHEREAS, The Federal Government is at this time struggling to put down a formidable rebellion, and to preserve the integrity of the Union, under which, by the blessing of Heaven, we have grown to be a great and prosperous nation; and, whereas, the people of this State, as a part of the common Government, whose existence has become endangered by such rebellion, cannot, with honor or propriety, remain silent or passive; therefore, be it—

Resolved, By the Senate, the Assembly concurring:

Union.

First—That the attachment of the people of California to the Union of the States, in one undivided nation, as designed by our patriotic forefathers in the adoption of the present Constitution, is firm, unabated, and unalterable; that the present rebellion is without justification or decent excuse, and but the result of a wicked conspiracy, long since formed by designing and ambitious men, to overthrow our republican form of Government, and subvert the liberties of the American people.

Second—That we are in favor of the most thorough and vigorous prosecution of the war for the suppression of the rebellion, the maintenance of the Union, and the enforcement of the laws of the country over the whole national domain.

Third—That we view with pride and admiration the conservative and patriotic course pursued by the Chief Magistrate of the nation, in this crisis, and denounce as enemies of the country all those who would seek to divide the Executive Councils, or embarrass the Government, either by captious criticism, or by efforts to convert the war into a means for carrying out ultra political doctrines.

Fourth—That the people of this State hereby pledge to the Federal Government a cordial and earnest support until this unholy rebellion shall be suppressed, and the Union rescued from the danger of foes without, or traitors within.

Fifth—That the questions which have heretofore divided the people into different political organizations, have either become obsolete, or are for the present in abeyance, and the only vital issue now before the country is the one of loyalty or disloyalty; that no party considerations or party names should be allowed to distract the loyal, or weaken their influence, until our national difficulties are settled, but the patriotic sentiment of the people should be represented by one great party, its motto—The Union, and Fealty to the Government as our fathers established it.

No. XIII.—*Concurrent Resolution.*

[Adopted March 28, 1862.]

WHEREAS, The Federal Government has, since this State was admitted into the Union, expended vast sums of money in regard to Indian affairs on this coast, without resulting in any perceptible advantage or benefit either to our frontiers, settlers, or the Indians themselves, showing that some change of policy is imperative; and, whereas, we deem the important change now demanded to be the removal of all undomesticated Indians from the white settlements to distant reservations, and not suffered to return to their old haunts, as heretofore, and there be protected from molestation on the part of the whites, under suitable enactments by Congress for that purpose; therefore—

Indians.

Resolved, By the Senate, the Assembly concurring, that our Senators and Representatives in Congress be requested to use their influence to secure the adoption by the General Government of the policy in the foregoing preamble suggested, in regard to the Indians in this State.

Resolved, That His Excellency the Governor be requested to transmit copies of these resolutions to each of our Senators and Representatives in Congress.

No. XIV.—*Concurrent Resolution.*

[Adopted April 12, 1862.]

Vouchers for expenses, etc. of Indian expeditions

Resolved, By the Senate, the Assembly concurring, that the Adjutant-General of this State is hereby instructed to forward to the Third Auditor of the Treasury Department of the United States, for settlement, all additional vouchers (original) representing claims for supplies furnished any of the expeditions against the Indians of this State, for the payment of which Congress made an appropriation by Act of March second, eighteen hundred and sixty-one.

No. XV.—*Concurrent Resolution.*

[Adopted January 14, 1862.]

Adjournment.

Resolved, By the Senate, the Assembly concurring, that when this Legislature adjourn, it do adjourn until Tuesday, the twenty-first instant.

No. XVI.—*Concurrent Resolution.*

[Adopted January 30, 1862.]

Resolved, By the Senate, the Assembly concurring, that there be printed, of the Reports of the Secretary of State and Attorney-General, four hundred and eighty copies of each, in English; of the Reports of the Controllor, Treasurer, and Surveyor-General, each, nine hundred and sixty copies, in English, and two hundred and forty in Spanish; of the Reports of Directors and Resident Physician of the Insane Asylum, twenty-four hundred copies, in English; *provided*, that four hundred copies of the Report of the Resident Physician of the Insane Asylum be furnished to the Trustees of the Insane Asylum; of the Report of the Trustees for the Establishment of the State Reform School, two hundred and forty copies, in English; of the Report of the Superintendent of Public Instruction, twenty-four hundred copies, in English, and four hundred and eighty in Spanish; of the Report of the Trustees of the California Institution for the Education of the Indigent Deaf, Dumb, and Blind, two hundred and forty copies, in English; of the Report of the Swamp Land Commissioners, nine hundred and sixty copies, in English; of the Report of the State Geologist, thirty-six hundred copies, in English; of the Report of the Trustees of State Library, two hundred and forty copies, in English; of the Report of the Adjutant-General, nine hundred and sixty copies, in English; and that the Sergeants-at-Arms of the two Houses be directed to distribute the same, as soon as printed, pro rata, among the members.

Printing
reports
of State
officers.

No. XVII.—*Concurrent Resolution.*

[Adopted February 17, 1862.]

Resolved, By the Senate, the Assembly concurring, that the Governor is hereby authorized to appoint such number of Delegates to the World's Industrial Exhibition, at London, as the State of California may be entitled to; *provided*, that such representation shall incur no expense to the State.

Delegates to
World's Fair

No. XVIII.—*Concurrent Resolution.*

[Adopted February 3, 1862.]

Resolved, By the Senate, the Assembly concurring, that the Committee on Military Affairs, of the Senate, and the Committee on Indian Affairs, of the Assembly, take into consideration the policy of the Government in regard to Indian matters in

Indians.

this State, and report to their respective Houses such suggestions respecting changes or alterations in the present system, as may be deemed necessary to adapt it to the peculiar condition of things in this State.

No. XIX.—*Concurrent Resolution.*

[Adopted January 27, 1862.]

Flag, etc. *Resolved*, By the Senate, the Assembly concurring, that the Sergeant-at-Arms for the Senate be directed to have a pole erected on this building, and the American Flag hoisted thereon, during the session of the Legislature, the expense to be paid out of the Contingent Fund of the Senate and Assembly, equally.

No. XX.—*Concurrent Resolution.*

[Adopted January 11, 1862.]

Printing Governor's Inaugural Address. *Resolved*, By the Senate, the Assembly concurring, that five thousand copies of the Inaugural Address of Governor Stanford, and five thousand copies of the Annual Message of Governor Downey, be printed, for the use of the two Houses.

No. XXI.—*Concurrent Resolution.*

[Adopted January 10, 1862.]

Joint Convention. *Resolved*, By the Senate, the Assembly concurring, that the two Houses will meet in Joint Convention this day, at five minutes before the hour of twelve, in the Assembly Hall, to assist at the ceremony of the inauguration of the Governor and Lieutenant-Governor elect.

No. XXII.—*Concurrent Resolution.*

[Adopted January 9, 1862.]

Committee to wait on Governor and Lieut. Governor. *Resolved*, By the Senate, the Assembly concurring, that a Committee, of three members from each House, be appointed to wait upon the Governor and Lieutenant-Governor elect, and ascertain what time they desire the ceremonies of inauguration to be performed, and to arrange for the same.

No. XXIII.—*Concurrent Resolution.*

[Adopted February 6, 1862.]

Resolved, By the Senate, the Assembly concurring, that the Committee on Military Affairs be and are hereby instructed to inquire into and report to their respective Houses, what additional sea coast and harbor fortifications, if any, are necessary for the proper and complete defence of the State, and to make recommendations in connection therewith, that will insure the speedy and efficient construction of any batteries that it may be deemed necessary for the State to erect.

Sea coast fortifications.

No. XXIV.—*Concurrent Resolution.*

[Adopted February 24, 1862.]

Resolved, By the Senate, the Assembly concurring, that the Board of War Examiners, consisting of the Adjutant-General, Treasurer, and Controller of State, be and are hereby requested to communicate to this Legislature, as soon as possible, the proceedings of said Board, and all facts, showing the condition of claims for services in the Indian wars of this State, so far as those matters have been under the control of said Board.

Claims on account of Indian wars.

No. XXV.—*Concurrent Resolution.*

[Adopted February 24, 1862.]

Resolved, By the Senate, the Assembly concurring, that the Treasurer and Controller of State be and are hereby requested to communicate to this Legislature, as promptly and as fully as possible, the amount of liabilities of the State at the commencement of this session; the payments since made, and when the liabilities so paid accrued; the present liabilities of the State, exclusive of funded debts; the receipts since the regular settlements of the County Treasurers in November, eighteen hundred and sixty-one, and their disposition; how the one hundred thousand dollars, transferred on the fifteenth of January, eighteen hundred and sixty-two, from the Swamp Land Fund to the General Fund, has been expended; and such further matters as affect the financial condition of this State and their respective offices.

Liabilities of the State.

No. XXVI.—*Concurrent Resolution.*

[Adopted February 4, 1862.]

Translating
laws.

Resolved, By the Senate, the Assembly concurring, that a Committee, of three from each House, be appointed to examine and select proposals for translating the laws of eighteen hundred and sixty-two into Spanish.

No. XXVII.—*Concurrent Resolution.*

[Adopted February 14, 1862.]

Passage of
Tide and
Marsh Land
bill, 1861.
Clerk to
Committee.

Resolved, By the Senate, the Assembly concurring, that the Committee appointed to investigate in regard to the passage of an Act concerning Tide and Marsh Lands, in which it is alleged a clause was fraudulently inserted, be allowed a Clerk, at five dollars per day, one half payable out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly, for such time as he is actually employed.

No. XXVIII.—*Concurrent Resolution.*

[Adopted February 15, 1862.]

Printing
reports of
State Prison
Directors.

Resolved, By the Senate, the Assembly concurring, that nine hundred and sixty copies of the Reports of the State Prison Directors, with the accompanying documents, be printed, and that they be distributed pro rata among the Senators and members of Assembly.

No. XXIX.—*Concurrent Resolution.*

[Adopted January 31, 1862.]

WHEREAS, In an Act entitled an Act to provide for the Sale of the Marsh and Tide Lands of this State, approved May fourteenth, eighteen hundred and sixty-one, there is a provision concerning Alcalde grants, which, in the opinion of those competent to judge correctly, was fraudulently interpolated in the enrolment of the bill for said Act, or at some other stage in its passage; therefore—

Committee
of Investi-
gation.

Resolved, By the Senate, the Assembly concurring, that a Committee, of three on the part of each House, be appointed to investigate and report concerning the enactment of said provi-

sion, and that said Committee shall have power to send for persons and papers.

No. XXX.—*Concurrent Resolution.*

[Adopted February 25, 1862.]

Resolved, By the Senate, the Assembly concurring, that a Joint Select Committee, to consist of three members from each House, be appointed, to confer with the Chinese merchants, to ascertain the facts in regard to the condition of the Chinese population in this State, and to report, within ten days from the appointment of said Committee, by bill or otherwise.

Conference with Chinese merchants.

No. XXXI.—*Concurrent Resolution.*

[Adopted March 19, 1862.]

Resolved, By the Senate, the Assembly concurring, that the State Printer be directed to deliver to the Adjutant-General, for distribution, five hundred copies of his annual report, out of the number now being printed, under and by virtue of a concurrent resolution of the two Houses.

Report of Adjutant-General.

No. XXXII.—*Concurrent Resolution.*

[Adopted April 2, 1862.]

Resolved, By the Senate, the Assembly concurring, that both Houses meet in Joint Convention, on Thursday, April third, at twelve, noon, to elect two Trustees to the State Insane Asylum.

Election of Trustees of Insane Asylum.

No. XXXIII.—*Concurrent Resolution.*

[Adopted January 9, 1862.]

Resolved, By the Senate, the Assembly concurring, that John Clark be appointed to clean up in the rear of the State House, and that he be allowed the same per diem as Porters, payable one half out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly.

Appointment of Porter.

No. XXXIV.—*Concurrent Resolution.*

[Adopted January 9, 1862.]

Fireman. *Resolved*, By the Senate, the Assembly concurring, that Horace Lovely be appointed Fireman for basement furnaces of State House, at the same per diem as Porters of Senate and Assembly, to be paid one half out of the Contingent Fund of the Senate, and one half out of the Contingent Fund of the Assembly.

No. XXXV.—*Concurrent Resolution.*

[Adopted April 3, 1862.]

Mileage to J. A. Banks. *Resolved*, By the Senate, the Assembly concurring, that forty-six dollars and eight cents, payable one half from the Contingent Fund of the Senate, and one half from the Contingent Fund of the Assembly, be allowed to Senator Banks, as mileage, while in the performance of duty on the Joint Committee appointed to make an investigation concerning an alleged interpolation in the Marsh Land bill of last session.

No. XXXVI.—*Concurrent Resolution.*

[Adopted February 25, 1862.]

Militia. *Resolved*, By the Senate, the Assembly concurring, that the Military Committees of the two Houses, acting jointly, inquire into the present condition of the Militia of this State, and, if deemed necessary, report such amendments to the present law as will adapt the system to the exigences of the present crisis in the affairs of our country.

No. XXXVII.—*Concurrent Resolution.*

[Adopted February 24, 1862.]

Leave of absence. *Resolved*, By the Senate, the Assembly concurring, that Benjamin Reynolds, Clerk of Del Norte County, be and he is hereby granted leave of absence from this State, for the period of four months, at such time as he may select during his present term of office; *provided*, he shall leave a good and efficient Deputy to perform the duties of his office during said absence.

No. XXXVIII.—*Concurrent Resolution.*

[Adopted April 5, 1862.]

Resolved, By the Senate, the Assembly concurring, that Thomas A. Brown, County Judge of Contra Costa County, have leave of absence from this State, for a period of four months, the present year, eighteen hundred and sixty-two, at such time as he shall select.

Leave of absence.

No. XXXIX.—*Concurrent Resolution.*

[Adopted February 8, 1862.]

WHEREAS, The citizens of this State, upon the Indian frontier, have been exposed to the depredations of hostile Indians since the settlement of California by the whites, and have suffered severe losses of property by tribes under the control of the Federal Government, (and with many of whom treaties of peace had been made,) such as the destruction of horses, buildings, bridges, ferries, and other property, and in having stock and other property of various descriptions stolen; therefore—

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives be requested, to use their exertions to secure the passage of an Act by Congress, directing the appointment, by the President of the United States, of a Commissioner, whose session shall be held at some convenient point or points in this State, and who shall be authorized and required to collect proof relative to the losses sustained by our citizens, as aforesaid, and report the same to the Secretary of the Interior, to be by him submitted to Congress.

Commissioner to ascertain claims for depredations of Indians.

Resolved, That His Excellency the Governor be requested at an early day to forward copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

No. XI.—*Concurrent Resolution.*

[Adopted April 21, 1862.]

Resolved, By the Senate, the Assembly concurring, that Hiram Clock be appointed Assistant Fireman, at four dollars per day, to date from January sixth, eighteen hundred and sixty-two; the amount to be paid, one half from the Contingent Fund of the Senate, and one half from the Contingent Fund of the Assembly.

Assistant Fireman.

No. XLI.—*Concurrent Resolution.*

[Adopted April 12, 1862.]

Leave of
absence.

Resolved, By the Senate, the Assembly concurring, that E. J. Curtis, County Judge of Trinity County, be granted leave of absence from this State, for the period of four months, at such time as he may select during his term of office.

No. XLII.—*Concurrent Resolution.*

[Adopted March 19, 1862.]

Bill of
line of Cali-
fornia and
Nev. Ter-
ritory.

Resolved. By the Senate, the Assembly concurring, that the two Houses meet at half past seven o'clock on Friday evening next, in the Assembly Chamber, and that Governor Nye, ex-Governor Roop, and Mr. Ford, Commissioners from Nevada Territory, are hereby respectfully requested to appear before these bodies, at that time, for the purpose of addressing them relative to the establishment of a boundary line between California and Nevada Territory.

No. XLIII.—*Concurrent Resolution.*

[Adopted April 5, 1862.]

New
business.

Resolved, By the Senate, the Assembly concurring, that after the eighth proximo no new business shall be introduced into either House, except by three fourths of either House.

No. XLIV.—*Concurrent Resolution.*

[Adopted April 29, 1862.]

Correction of
Senate bill
No. 234.

Resolved. By the Senate, the Assembly concurring, that the Enrolling Clerk of the Senate strike out the letter "W," whenever it occurs in the name John W. North, in Senate bill Number two hundred and thirty-four, an Act to authorize the Construction of a Marine Railway on the western shore of the Bay of San Francisco, and insert the letter "G;" John G. North being the true name of the granted in said Act.

No. XLV.—*Concurrent Resolution.*

[Adopted May 12, 1862.]

Resolved, By the Senate, the Assembly concurring, that the Legislature, for ourselves and in behalf of the people of the State of California, tender to the gallant officers and soldiers of the Army, and to the gallant officers and sailors of the Navy, of the United States, our warmest thanks, for the brilliant victories recently won by their valor and skill, and for their patriotic services and sacrifices in the defence of the Union and the Constitution.

Thanks to
Army and
Navy.

No. XLVI.—*Concurrent Resolution.*

[Adopted May 5, 1862.]

Resolved, By the Senate, the Assembly concurring, that the Enrolling Clerk of the Senate be instructed to insert, in Senate bill Number four hundred and twenty-eight, an enacting clause.

Correction of
Senate bill
No. 428.

No. XLVII.—*Concurrent Resolution.*

[Adopted May 1, 1862.]

Resolved, By the Senate, the Assembly concurring, that Clark Porter, be and hereby is discharged from the service of this Legislature.

Discharge
of Porter.

No. XLVIII.—*Concurrent Resolution.*

Resolved, That James H. Hardy, being duly convicted of the high crime and misdemeanor charged in Article Fifteen of the Articles of Impeachment presented by the Assembly, it is hereby adjudged that said James H. Hardy be and is hereby declared suspended and removed from the office of District Judge of the Sixteenth Judicial District of this State.

Conviction of
James H.
Hardy.

I hereby certify that the above resolution was adopted in Senate, May fourteenth, eight-hundred and sixty-two.

THOMAS HILL,
Secretary of the Senate.