

THE
STATUTES OF CALIFORNIA,

PASSED AT

The Seventh Session of the Legislature,

BEGUN ON

THE SEVENTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED
AND FIFTY-SIX, AND ENDED ON THE TWENTY-FIRST DAY
OF APRIL, ONE THOUSAND EIGHT HUNDRED AND
FIFTY-SIX, AT THE CITY OF SACRAMENTO.

SACRAMENTO:
JAMES ALLEN, STATE PRINTER.
.....
1856.

CONTENTS.

LAWS OF CALIFORNIA.

	Page.
CHAPTER 1. An Act to provide for a Special Term of the Fourteenth Judicial District Court in the County of Sierra; approved January 26th, 1856.....	17
“ 2. An Act to amend an Act concerning the Office of County Recorder of San Francisco County; approved January 26th, 1856.....	18
“ 3. An Act to Cancel the Registration and Indorsement of certain Warrants and prohibiting the Payment of the same; approved January 30th, 1856 ...	18
“ 4. An Act to amend an Act entitled “An Act to fix the Times of holding the District Courts throughout this State,” passed May eighteenth, one thousand eight hundred and fifty-three; approved January 31st, 1856.	19
“ 5. An Act to amend an Act entitled “An Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, one thousand eight hundred and fifty-one; approved February 1st, 1856.....	20
“ 6. An Act concerning Evidence; approved February 5th, 1856.....	21
“ 7. An Act to authorize the Board of Supervisors of Mariposa County to Levy a Special Tax for Certain Purposes; approved February 5th, 1856	21
“ 8. An Act concerning the Office of District Attorney for the County of Los Angeles; approved February 6th, 1856.....	22
“ 9. An Act to provide for Funding the Floating Debt of the City of Marysville, and for the Extinguishment thereof and other purposes; approved February 8th, 1856.....	23
“ 10. An Act to Locate the Seat of Justice of Alameda County, and amendatory of “An Act to create the County of Alameda and establish the Seat of Justice therein, to define its Boundaries and to provide for its Organization;” approved February 8th, 1856.....	26
“ 11. An Act concerning Appeals in certain Cases; approved February 14th, 1856	26
“ 12. An Act making an Appropriation for the temporary support of the State Prison; approved February 14th, 1856.....	27
“ 13. An Act to amend an Act entitled “An Act to Fund the Debt of the County of San Diego and to provide for the Payment of the same,” approved May fourth, one thousand eight hundred and fifty-five; approved February 14th, 1856.....	28

	Page.
CHAPTER 14. An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to fix the Time for holding the Terms of the District Courts throughout this State,'" approved May fourth, one thousand eight hundred and fifty-five; approved February 14th, 1856.....	29
" 15. An Act providing for the Confinement of Prisoners of the United States; approved February 14th, 1856.....	29
" 16. An Act to Incorporate the Town of San Luis Obispo; approved February 19th, 1856.....	30
" 17. An Act concerning the Corporate Name of the City of Los Angeles; approved February 19th, 1856.....	31
" 18. An Act to amend an Act entitled "An Act to Punish Vagrants, Vagabonds and Dangerous and Suspicious Persons," approved April thirtieth, one thousand eight hundred and fifty-five; approved February 19th, 1856.	32
" 19. An Act to change the County Seat of Klamath County; approved February 19th, 1856.....	32
" 20. An Act to authorize the Board of Supervisors of Calaveras County to Pay the Current Expenses of said County; approved February 21st, 1856.....	33
" 21. An Act to provide for Settling the Boundary Line between the Counties of Marin and Sónoma; approved February 23d, 1856.....	34
" 22. An Act to fix the Times of holding the Terms of the District Court of the Seventh Judicial District; approved February 28th, 1856.....	34
" 23. An Act in relation to the Sureties on the Official Bond of Henry K. Swope, late Sheriff of Tuolumne County; approved February 27th, 1856.....	35
" 24. An Act to release John Van Arnam, of Washington, Yolo County, from any further Liability as Surety on the Official Bond of Alexander Chisholm, late County Treasurer of Yolo County; approved March 1st, 1856.....	36
" 25. An Act to fix the Time of holding the Terms of the District Court of the Tenth Judicial District of this State; approved March 8th, 1856.....	36
" 26. An Act to establish the County Seat of Humboldt County; approved March 10th, 1856.....	37
" 27. An Act entitled "An Act to change and fix the County Seat of Butte County;" approved March 10th, 1856.....	37
" 28. An Act to amend an Act entitled "An Act to fix the Time of holding the District Court in the Third Judicial District," approved March fourteenth, one thousand eight hundred and fifty-five; approved March 11th, 1856.....	39
" 29. An Act to authorize the State Treasurer to issue a Duplicate Land Warrant to George W. Coffee; approved March 11th, 1856.....	40
" 30. An Act to authorize the Issue of a School Land Warrant to Thomas Baker; approved March 11th, 1856.....	41
" 31. An Act to authorize the Board of Supervisors of Placer County to levy a Special Tax; approved March 11th, 1856.....	41
" 32. An Act to amend "An Act fixing the Time of holding the Courts authorized to be held by the County Judges in the Counties of Shasta, Santa Clara and Monterey," approved March ninth, one thousand eight hundred and fifty-five; approved March 11th, 1856.....	42
" 33. An Act entitled "An Act to call out a Company of Volunteers for the Suppression of Indian Hostilities in Klamath County, and make an Appropriation for the same; approved March 12th, 1856.....	42

CHAPTER 34.	An Act to authorize the Guardian of Minna C. Buchanan to Sell and Dispose of her Real Estate and Chattels Real; approved March 14th, 1856.....	43
"	35. An Act supplemental to, and amendatory of, an Act entitled "An Act to amend an Act entitled 'An Act to fix the Times of holding the District Courts throughout this State,' passed May eighteenth, one thousand eight hundred and fifty-three," passed January thirty-first, one thousand eight hundred and fifty-six; approved March 14th, 1856.....	44
"	36. An Act making Appropriations for the Civil Expenses of the Government of the State; approved March 15th, 1856.....	45
"	37. An Act relative to the Court of Sessions and Board of Supervisors of San Joaquin County; approved March 17th, 1856.....	47
"	38. An Act to authorize the Board of Supervisors of San Joaquin County to Appropriate Money toward Completing the Artesian Well on the Public Square in the City of Stockton; approved March 17th, 1856.....	48
"	39. An Act creating a Board of State Prison Commissioners, and Defining their Duties; approved March 21st, 1856.....	48
"	40. An Act to authorize John H. Hill, (Guardian of the Person and Estate of William R. Burns, a Lunatic,) to Sell and Convey by Private Sale, the Real Estate of his said Ward; approved March 22d, 1856.....	50
"	41. An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one; approved March 22d, 1856.....	50
"	42. An Act extending the Time for the Presentation and Allowance of Claims against the Estate of S. A. Booke, deceased, in the County of Sonoma; approved March 22d, 1856.....	51
"	43. An Act to change the Name of Lewis Schletchway to that of Lewis Robinson; approved March 25th, 1856.....	52
"	44. An Act to Appropriate the sum of Three Thousand Five Hundred and Ninety-Seven Dollars to meet Deficiencies of an Appropriation for the Support of the Insane Asylum of California, for the Year 1855; approved March 25th, 1856.....	52
"	45. An Act to amend an Act entitled "An Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the Time for holding the Courts in said Districts," approved April twenty-eighth, one thousand eight hundred and fifty-five; approved March 26th, 1856.....	53
"	46. An Act amendatory of an Act entitled "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one; approved March 26th, 1856.....	53
"	47. An Act for the Protection of Actual Settlers, and to Quiet Land Titles in this State; approved March 26th, 1856.....	54
"	48. An Act entitled "An Act to regulate the Fees of certain County Officers, in and for the Counties of Klamath and Colusi;" approved March 28th, 1856.....	57
"	49. An Act to provide for the better Maintenance of the Indigent Sick of Shasta, Siskiyou and Placer Counties;" approved March 28th, 1856..	60
"	50. An Act fixing the Times for holding the Court of Sessions, County Court and the Probate Court, in and for the County of Solano;" approved March 28th, 1856.....	61
"	51. An Act to establish Pilots and Pilot Regulations for the Port and Harbors of Benicia and Mare Island; approved March 29th, 1856.....	62

	Page.
CHAPTER 52. An Act to Increase the Number of Fire Companies in the City of Marysville; approved March 29th, 1856.	65
“ 53. An Act to authorize the Courts of Record of this State to admit Alfred W. Harcombe as an Attorney and Counselor at Law; approved March 29th, 1856.	65
“ 54. An Act to Fund the Debt of Sierra County and to Provide for the Payment of the same; approved March 29th, 1856.	66
“ 55. An Act to extend the Time of Collecting Taxes in the Counties of San Bernardino and Los Angeles; approved March 29th, 1856.	69
“ 56. An Act to provide for the Support of the Indigent Sick in Yuba County; approved March 31st, 1856.	69
“ 57. An Act amendatory of an Act entitled “An Act to regulate Fees of Office,” approved April tenth, one thousand eight hundred and fifty-five; approved April 1st, 1856.	70
“ 58. An Act amendatory of an Act entitled “An Act to provide for the Incorporation of Wagon Road Companies,” passed April twenty-second, one thousand eight hundred and fifty-three; approved April 1st, 1856.	71
“ 59. An Act to provide for the Payment of the Debt of Santa Barbara County; approved April 2d, 1856.	71
“ 60. An Act to define the Time when the County Officers of Sierra County shall enter upon the Discharge of their Duties; approved April 2d, 1856	73
“ 61. An Act authorizing David Girkey and others, to build a Wharf at Santa Cruz; approved April 3d, 1856.	74
“ 62. An Act to authorize the Sheriff of Alameda County to Collect the Delinquent Taxes assessed during the Years 1854, 1855 and 1856; approved April 3d, 1856.	74
“ 63. An Act amendatory to an Act entitled “An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,” passed April twenty-seventh, one thousand eight hundred and fifty-five; approved April 3d, 1856.	75
“ 64. An Act to repeal an Act entitled “An Act to create a Board of Supervisors for the County of Alameda,” and to provide for the Government of said County; approved April 3d, 1856.	78
“ 65. An Act authorizing J. E. Davis and A. P. Jordan, and others, to construct a Wharf at Santa Cruz; approved April 3d, 1856.	79
“ 66. An Act to Legalize the Incorporation of the Town of Santa Clara; approved April 3d, 1856.	79
“ 67. An Act concerning the Office of Public Administrator in the Counties of Nevada, Sacramento, Monterey and Amador; approved April 5th, 1856	80
“ 68. An Act making Appropriations to meet Deficiencies in Appropriations heretofore made to Defray the Civil Expenses of the Government, from the first day of February, 1855, until the first day of February, 1856; approved April 7th, 1856.	81
“ 69. An Act to amend “An Act to Regulate Fees in Office,” approved April tenth, one thousand eight hundred and fifty-five; approved April 5th, 1856.	83
“ 70. An Act to fix the Time of holding the District Court in the Third Judicial District; approved April 5th, 1856.	83
“ 71. An Act concerning Official Advertisements and to provide for their Payment; became a Law by operation of the Constitution, April 7th, 1856	84
“ 72. An Act making an Appropriation of Money to Defray the Expenses of the State Prison from the first day of January, 1856, to the twenty-	

Page.

	eighth day of March, 1856, and to Pay the Salaries of the State Prison Directors; approved April 7th, 1856.....	86
CHAPTER	73. An Act to amend an Act entitled "An Act concerning Fraudulent Conveyances and Contracts," passed April nineteenth, one thousand eight hundred and fifty; approved April 9th, 1856.....	87
"	74. An Act amendatory of, and supplementary to, "An Act concerning the Organization of the Militia," passed April twenty-fifth, one thousand eight hundred and fifty-five; approved April 10th, 1856.....	87
"	75. An Act to amend an Act entitled "An Act to provide for the Incorporation of Railroad Companies," passed April twenty-second, one thousand eight hundred and fifty-three, and amended May fifteenth, one thousand eight hundred and fifty-four, and amended April tenth, one thousand eight hundred and fifty-five; approved April 14th, 1856.....	89
"	76. An Act for the Relief of Selim E. Woodworth; approved April 14th, 1856	93
"	77. An Act amendatory of, and supplementary to, an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one; approved April 14th, 1856.....	93
"	78. An Act to authorize the State Treasurer to pay certain Coupons; approved April 14th, 1856.....	94
"	79. An Act supplemental to an Act entitled "An Act making Appropriations for the Civil Expenses of the Government of the State," approved March fifteenth, one thousand eight hundred and fifty-six; approved April 16th, 1856.....	95
"	80. An Act fixing the Salaries of the County Judge and of the District Attorney of the County of Tulare; approved April 16th, 1856.....	95
"	81. An Act to amend an Act entitled "An Act to Organize the County of Buena Vista," approved April thirtieth, A. D. one thousand eight hundred and fifty-five; approved April 16th, 1856.....	96
"	82. An Act supplemental to "An Act to Create the County of Tehama, to define its Boundaries and provide for its Organization;" approved April 16th, 1856.....	96
"	83. An Act fixing Traveling Fees in Tulare County; approved April 16th, 1856.....	97
"	84. An Act amendatory of, and supplementary to, an Act entitled "An Act to Incorporate the City of Marysville," approved March fifth, one thousand eight hundred and fifty-five; approved April 18th, 1856.....	97
"	85. An Act for the better Protection of the State Treasury; approved April 16th, 1856.....	100
"	86. An Act to grant to the Sheriffs of Stanislaus, Sonoma and Mariposa Counties additional Time to make their Annual Settlement for the Collection of State and County Taxes for the Year 1855; approved April 17th, 1856.....	101
"	87. An Act entitled "An Act to submit the Question of the removal of the County Seat of El Dorado County to the qualified Voters thereof; approved April 17th, 1856.....	102
"	88. An Act to Incorporate the Town of Eureka; approved April 18th, 1856.	103
"	89. An Act amendatory of an Act entitled "An Act concerning County Judges," passed April fourth, one thousand eight hundred and fifty-four; and also, an Act which passed April thirtieth, one thousand eight hundred and fifty-five, amendatory of the above recited Act; approved April 18th, 1856.....	106

	Page.
CHAPTER 90. An Act fixing the Time of holding the Court of Sessions, County Court and Probate Court, in and for the County of Santa Clara; approved April 18th, 1856.....	106
“ 91. An Act to authorize the Board of Supervisors of Merced County to audit the Account of J. W. Fitzhugh, for Services as County Judge of said Court since its Organization; approved April 18th, 1856.....	107
“ 92. An Act relating to the Thirteenth Judicial District, and to define the Time of holding the Courts in said District; approved April 18th, 1856....	107
“ 93. An Act concerning County Officers in the County of Nevada; approved April 18th, 1856.....	108
“ 94. An Act to create a Board of Commissioners to examine the Claims of the Citizens of the Counties of Klamath, Siskiyou and Humboldt, and report to the Governor of this State the amount of just Claims held by the Citizens of those Counties for Services rendered, or Supplies furnished, to the Troops and the Volunteers engaged in the suppression of Indian Hostilities, in the Years 1852, 1853, 1854 and 1855; approved April 18th, 1856.....	109
“ 95. An Act to provide for the Construction of the State Capitol in the City of Sacramento; approved April 18th, 1856.....	110
“ 96. An Act to Fund the Debt of the County of Santa Clara and to provide for the Payment of the Same; approved April 9th, 1856.....	114
“ 97. An Act amendatory of, and supplementary to, an Act entitled “An Act to provide Revenue for the Support of the Government of this State,” passed May fifteenth, one thousand eight hundred and fifty-four; approved April 9th, 1856.....	116
“ 98. An Act to change the Time of holding the Probate Court of the County of Merced; approved April 9th, 1856.....	116
“ 99. An Act fixing the Time of holding the Several Courts authorized to be held by the County Judge in the County of Sonoma; approved April 9th, 1856.....	117
“ 100. An Act to create the County of Tehama, to define its Boundaries and provide for its Organization; approved April 9th, 1856.....	118
“ 101. An Act to provide for the erection of a Jail in the County of Tuolumne; approved April 18th, 1856.....	120
“ 102. An Act to amend “An Act granting Joseph R. Beals and others the right to Construct a Toll-Bridge across the Pajaro River,” passed May thirteenth, one thousand eight hundred and fifty-four, and supplementary thereto; approved April 19th, 1856.....	123
“ 103. An Act to amend “An Act concerning the Independent Order of Odd Fellows;” approved April 19th, 1856.....	123
“ 104. An Act to appropriate Six Thousand Dollars for Payment of Salaries of Officers and Attaches of the Senate; approved April 19th, 1856....	124
“ 105. An Act to alter and define the Boundary Lines of Colusa County; approved April 19th, 1856.....	124
“ 106. An Act to Legalize and Confirm the Election of certain Officers; approved April 19th, 1856.....	125
“ 107. An Act to regulate the Fire Department of the City of Sacramento....	126
“ 108. An Act granting the privilege to Robert Haley and Others, to erect and build a Wharf on the Ranch of San Pablo in Contra Costa County; approved April 19th, 1856.....	129
“ 109. An Act to enable the County of Placer to take and hold Stock in any Company having for its Object the Extension of the Sacramento Valley Railroad to the Town of Auburn; approved April 19th, 1856.....	130

	Page.
CHAPTER 110. An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty; approved April 19th, 1856.....	131
" 111. An Act to amend an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three; aproved April 19th, 1856....	133
" 112. An Act to appropriate Forty Thousand Dollars for the Completion of the State Insane Asylum; approved April 19th, 1856.....	134
" 113. An Act to Pay the Lieutenant-Governor for Services as Member of the Board of State Prison Commissioners; approved April 19th, 1856....	135
" 114. An Act to authorize the Board of Supervisors of Sonoma County to Levy a Special Tax for the redemption of certain Outstanding Warrants; approved April 19th, 1856.....	136
" 115. An Act concerning County Officers in the County of Klamath; approved April 19th, 1856.....	136
" 116. An Act relative to Escheated Estates; approved April 19th, 1856.....	137
" 117. An Act agreeing to the proposed Amendments to the Constitution, and providing for its submission to the People; approved April 19th, 1856.	138
" 118. An Act concerning the Records of Butte County; approved April 19th, 1856	139
" 119. An Act to repeal an Act entitled "An Act to amend 'An Act to provide for the Protection of Foreigners and to define their Liabilities and Privileges,' passed March thirtieth, one thousand eight hundred and fifty-three," approved April thirtieth, one thousand eight hundred and fifty-five, and to revise the Original Act; approved April 19th, 1856..	141
" 120. An Act for the Relief of David Newsom; approved April 19th, 1856....	141
" 121. An Act to submit the Question of the Location of the County Seat of Sutter County to a Vote of the People of said County; approved April 19th, 1856	142
" 122. An Act to amend Sec. Twenty of "An Act dividing the State into Counties and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one; approved April 19th, 1856	143
" 123. An Act concerning the Courts authorized to be held by the County Judge in the County of Humboldt; approved April 19th, 1856.....	144
" 124. An Act to amend an Act entitled "An Act concerning Roads and Highways," passed April twenty-eight, one thousand eight hundred and fifty-five; approved April 19th, 1856.....	144
" 125. 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 19th, 1856..	145
" 126. An Act concerning the Debt and Current Expenses of the County of Monterey and to provide for the Funding and the Payment of the same; approved April 19th, 1856.....	179
" 127. An Act to Create the County of Frezno, to define its Boundaries and to provide for its Organization; approved April 19th, 1856.....	183
" 128. An Act concerning Estray Animals; approved April 19th, 1856.....	186
" 129. An Act amendatory of, and supplementary to, an Act approved April twentieth, one thousand eight hundred and fifty-two, entitled "An Act to provide for Funding the Debt of San Joaquin County, for the Payment of the Interest thereon and for the gradual Liquidation of the Debt;" approved April 19th, 1856.....	189

	Page.
CHAPTER 130. An Act amendatory of "An Act to provide Revenue for the Support of the Government of this State," passed April twenty-seventh, one thousand eight hundred and fifty-five; approved April 19th, 1856.	191
" 131. An Act to Fund the Debt of the County of Napa and provide for the Payment of the same; approved April 19th, 1856.	192
" 132. An Act to provide for the Appointment of a Reporter of the Supreme Court, and to define his Duties and Compensation; approved April 19th, 1856	196
" 133. An Act to provide for the Incorporation of Towns; approved April 19th, 1856	198
" 134. An Act for securing Liens to Mechanics and others; approved April 19th, 1856.	203
" 135. An Act concerning the War Debt of this State, and providing for the Redemption thereof; approved April 19th, 1856.	206
" 136. An Act to authorize the Funding of the Debt of the City of San José, and to Provide for the Payment of the same; approved April 19th, 1856.	211
" 157. An Act to Fund the Indebtedness of the State now existing in the Form of Controllers' Warrants drawn on the General Fund, or that may be Outstanding on the 1st of January, 1857, or Warrants issued for Indebtedness Accruing prior to the 1st of January, 1857; approved April 19th, 1856.	213
" 138. An Act to Incorporate the City of Nevada; approved April 19th, 1856.	216
" 139. An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty; approved April 19th, 1856.	219
" 140. An Act providing for Funding the Debt of Contra Costa, not heretofore Provided; approved April 19th, 1856.	221
" 141. An Act supplemental to, and amendatory of, an Act entitled "An Act to create the County of Tehama, to Define its Boundaries and Provide for its Organization;" approved April 21st, 1856.	222
" 142. An Act to aid the Officers of the Indian Department, appointed by the General Government for the State of California, in the Discharge of their Duties; approved April 21st, 1856.	223
" 143. An Act to reduce and establish the Salaries of Officers and Pay of Members of the Legislature; approved April 21st, 1856.	224
" 144. An Act for the Relief of Cyrus Rowe and his Sureties; approved April 21st, 1856.	225
" 145. An Act concerning the Transportation of Prisoners to the State Prison, and to Appropriate Money for the Same; approved April 21st, 1856.	226
" 146. An Act appropriating Moneys for Translating Certain Documents; approved April 21st, 1856.	227
" 147. An Act to amend an Act entitled "An Act to create a Board of Supervisors for the County of San Diego, and to define their Duties," passed May third, one thousand eight hundred and fifty-two; approved April 21st, 1856.	227
" 148. An Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara; approved April 21st, 1856.	229
" 149. An Act to amend an Act entitled "An Act concerning the Office of Treasurer of State," approved March sixteenth, one thousand eight hundred and fifty-five; approved April 21st, 1856.	230

	Page.
CHAPTER 150. An Act to amend an Act entitled "An Act dividing the State into Counties and establishing Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, and amended March thirty-first, one thousand eight hundred and fifty-four; approved April 21st, 1856.	231
“ 151. An Act to create Inspectors of Pork, Beef and Salt Provisions in this State; approved April 21st, 1856.	232
“ 152. An Act to establish the Pay of the Officers and Employees of the Senate and the Assembly, and to Repeal the existing Laws relating thereto; approved April 21st, 1856.	235

JOINT RESOLUTIONS.

1. Resolution relative to Removal of certain Naval Officers of United States; approved February 28th, 1856.	237
2. Joint Resolution relative to Manifests of Vessels.	237
3. Resolution relative to apportionment of School Moneys to Santa Barbara County.	238
4. Resolution relative to the Postage Laws.	238
5. Resolution relative to apportionment of School Moneys to Placer County.	239
6. Resolution for Land District in Humboldt County.	239
7. Joint Resolution in regard to the Establishment of a Daily Line of Mail Communication between Shasta City, in this State, and Marysville, Oregon Territory.	240
8. Resolution relative to Appropriation for Books, etc.	240
9. Resolution relative to Indian Titles to Lands.	240
10. Joint Resolution relative to Wagon Road across the Plains.	241
11. Resolution relative to Mail Route from Petaluma to Russian River.	242
12. Joint Resolution relative to the Establishment of a Land District at Visalia.	242
13. Resolution relative to Carson Valley.	243
14. Resolution relative to Balance of War Debt.	243
15. Resolution concerning Mails from New Orleans.	244
16. Resolution relative to Amount due T. F. W. Price.	244



STATUTES

OF THE

STATE OF CALIFORNIA,

PASSED AT THE

SEVENTH SESSION OF THE LEGISLATURE, BEGUN ON THE SEVENTH
DAY OF JANUARY AND ENDED ON THE TWENTY-FIRST DAY
OF APRIL, ONE THOUSAND EIGHT HUNDRED AND
FIFTY-SIX, AT THE CITY OF SACRAMENTO.

CHAPTER I.

AN ACT

To Provide for a Special Term of the Fourteenth Judicial
District Court in the County of Sierra. .

[Approved January 26, 1856.]

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

SECTION 1. It shall be lawful for the Judge of the Fourteenth
Judicial District to hold a special term of said court in the County
of Sierra, commencing on the second Monday of February, A. D. one
thousand eight hundred and fifty-six; and said special term shall be
continued, if necessary, until the commencement of the next regular
term thereof.

Special Term of
District Court to
be held on
second Monday
of February,
1856.

CHAPTER II.

AN ACT

To Amend an Act concerning the Office of County Recorder of San Francisco County.

[Approved January 26, 1856.]

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

Recorder's office to be kept open every day.

Exceptions.

Office hours.

Former Acts repealed.

SECTION 1. The office of County Recorder of San Francisco County, shall be kept open for the transaction of business, every day in the year, except Sundays, Christmas, New Year's and the Fourth of July, between the hours of nine o'clock A. M. and four o'clock P. M.

SEC. 2. Each and every Act prior to this, concerning the office hours of said County Recorder, be and the same are hereby repealed.

CHAPTER III.

AN ACT

To Cancel the Registration and Indorsement of certain Warrants, and Prohibiting the Payment of the same.

[Approved January 30, 1856.]

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

Registration and indorsement of presentation of Controllers' Warrants for erection of State Prison wall, canceled and annulled.
Warrants declared void.

Treasurer prohibited paying.

SECTION 1. The registration of and the indorsement of presentation upon all the Controllers' Warrants drawn upon the Treasurer of State, which were issued, or purport to have been issued, for the payment of property, labor or material used, or supplies furnished in the building or erection of a wall around the State Prison, are hereby canceled and annulled, and the said registration and indorsements shall be deemed as though they had never been made, and are hereby declared void.

SEC. 2. The Treasurer is hereby prohibited from paying the aforesaid warrants, or any part or portion thereof, and from the registra-

tion or indorsement of any such warrants that may hereafter be presented.

SEC. 3. Said Treasurer is hereby directed to pay all warrants drawn upon him according to law by the State Controller, except those first above-mentioned, in the same manner as if the first aforesaid warrants had never been drawn, registered, indorsed or presented to him.

All other Warrants to be paid in their order as though these had never existed.

SEC. 4. That the registration and the indorsement of any and all warrants drawn, or purporting to have been, for the expenses of the said State Prison other than those drawn for the salaries of officers of said prison, as by law provided, is hereby declared canceled and annulled, and the said Treasurer is hereby prohibited from the payment of any and all such warrants.

Warrants for expenses of State Prison, except for salaries of officers, canceled and annulled.

Payment prohibited.

SEC. 5. If the Treasurer shall neglect or refuse to comply with the provisions of this Act, he shall be deemed guilty of a felony in office, and on conviction thereof shall be punished by a fine of not less than fifty thousand dollars, or imprisonment in the State Prison for not less than one year nor more than two years, or by both such fine and imprisonment.

Penalty, if Treasurer neglects or refuses to comply with provisions of this Act.

SEC. 6. None of the aforesaid warrants shall be received in payment for school lands, nor for swamp and overflowed lands, and all State and county officers are prohibited from receiving any of the aforesaid warrants in payment of any indebtedness due the State, or in payment for any lands sold by the State.

Said Warrants not receivable for public dues, or for sale of State Lands.

SEC. 7. All laws or parts of laws in conflict with this Act are hereby repealed, and this Act shall take effect immediately upon its passage.

Repealing clause.
Act takes effect immediately.

CHAPTER IV.

AN ACT

To Amend an Act entitled "An Act to Fix the Times of Holding the District Courts throughout this State," passed May 18th, 1853.

[Approved January 31, 1856.]

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

SECTION 1. That portion of section first of an Act entitled "An Act to fix the times of holding the Terms of the District Courts throughout this State," passed May eighteenth, one thousand eight hundred and fifty-three, which refers to the Fifth Judicial District, shall be so amended as to read as follows:

Fifth Judicial District Court.

In the Fifth Judicial District, in the County of Calaveras, on the first Mondays of February, June and October. In the County

Terms of said Court.
Calaveras.

Amador. of Amador, on the third Mondays of February, June and October.
 Tuolumne. In the County of Tuolumne, on the first Mondays of March, July
 Stanislaus. and November. In the County of Stanislaus, on the third Mon-
 days of March, July and November, and in the County of San
 Joaquin. on the first Mondays of April, August and December; *pro-*
 vided, that nothing herein contained shall be so construed as to pre-
 vent the Judge of said Fifth Judicial District from holding a term of
 the District Court in the County of San Joaquin on the third Mon-
 day of January instant.

CHAPTER V.

AN ACT

To Amend an Act entitled "An Act to Regulate the Settlement of the Estates of Deceased Persons," passed May 1st, 1851.

[Approved February 1, 1856.]

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

SECTION 1. The one hundred and seventy-first section of an Act, passed May first, one thousand eight hundred and fifty-one, entitled "An Act to Regulate the Settlement of the Estates of Deceased Persons," is hereby amended to read as follows:

*Estates of
 deceased persons.*

*When sum bid
 at sale of
 property is not
 disproportionate
 to its value, or a
 greater sum
 cannot be
 realized, Court
 directed to
 confirm sale.*

*Certified copy of
 order of sale
 shall be
 recorded.*

SECTION 171. If it appear to the court that the sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property sold, or if disproportionate, that a greater sum as above specified cannot be obtained, the court shall make an order confirming the sale, and directing conveyances to be executed; and such sale from that time shall be confirmed and valid, and a certified copy of the order authorizing the sale, and of the order confirming the same and directing conveyances to be executed, shall be recorded in the office of the Recorder of the county within which the land sold is situated.

SEC. 2. The one hundred and seventy-second section of the said Act is hereby amended to read as follows:

*By whom
 conveyances
 shall be made.*

*Reference to be
 made to the
 orders of Court,
 and the records
 thereof.*

*Conveyance
 made by such
 reference shall be
 deemed valid.*

SECTION 172. Such conveyances shall thereupon be executed to the purchaser by the executor or administrator. They shall refer to the orders of the Probate Court authorizing and confirming the sale of the property of the testator or intestate, and directing conveyances thereof to be executed, and to the record of such orders in the office of the County Recorder, and such reference shall have the same effect as if the said orders were at large inserted in the conveyance. The conveyances so made shall be deemed to convey all the right, title, interest and estate of the testator or intestate in the premises at the time of his death.

SEC. 3. This Act shall take effect from and after its passage, and shall also apply to all cases wherein either an order of sale or an order confirming a sale and directing a conveyance to be executed, or both, may have been heretofore made, and wherein the conveyance has not been executed at the date of the passage of this Act.

When Act takes effect, and to what cases it applies.
Exception.

CHAPTER VI.

AN ACT

Concerning Evidence.

[Approved Feb. 5th, 1856.]

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

SECTION 1. Whenever the public records, books or papers, in the custody of any Collector of Customs of the United States, or of the Register or Receiver of any Land Office of the United States within this State, or in the office of the Surveyor-General of the United States for the State of California, shall be required as evidence in any court of this State, copies of such records, books or papers, duly certified by the proper officer, shall be received in evidence with the same force and effect as the originals.

Certified copies of records, books and papers of Federal Officers in this State, receivable in evidence with same force and effect as the originals.

CHAPTER VII.

AN ACT

To Authorize the Board of Supervisors of Mariposa County to Levy a Special Tax for certain Purposes.

[Approved February 5, 1856.]

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

SECTION 1. The Board of Supervisors in and for the County of Mariposa, are hereby authorized and empowered to levy and cause to be collected in the manner and at the same time as other State and

Board of Supervisors empowered to levy additional

tax of one-half of one per cent. on all taxable property.

Said tax to constitute a Building Fund.

How to be applied.

When this Act shall cease and be of no effect.

Takes effect from date of passage.

county taxes, the following annual tax to wit: A sum not to exceed one-half of one per cent. upon all property subject to taxation in the said county.

SEC. 2. The said tax, when collected, shall constitute a special fund to be called the Building Fund, and shall be applied, first, to the payment of the balance due Fox and Shriver, or their heirs or assignees, for building the court-house at Mariposa, and the residue thereof to the erection and furnishing a county jail for the said county, and shall be applied to no other purpose.

SEC. 3. Whenever the said balance shall be paid to the said Fox and Shriver, or their heirs or assignees, and likewise the debt which may be contracted for the erection of the county jail, this Act shall then cease and be of no effect.

SEC. 4. This Act shall take effect from the date of its passage.

CHAPTER VIII.

AN ACT

Concerning the Office of District Attorney for the County of Los Angeles.

[Approved February 6, 1856.]

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

SECTION 1. From and after the date of the passage of this Act, the District Attorney for the County of Los Angeles, shall receive for his services annually, the sum of two thousand five hundred dollars.

Salary of District Attorney. Amount.

CHAPTER IX.

AN ACT

To Provide for Funding the Floating Debt of the City of Marysville, and for the Extinguishment thereof and other Purposes.

[Approved February 8, 1856.]

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

SECTION 1. The Mayor and the Common Council of the City of Marysville, are hereby authorized to fund its floating debt in the manner hereinafter provided; and to that end, the Mayor, Treasurer and Clerk of said city, and their successors in office, shall constitute a Board of Commissioners, to be styled "The Funding Commissioners of the City of Marysville," and shall have and exercise the powers and perform the duties hereinafter provided.

To fund the city debt.
Mayor, Treasurer and Clerk, to constitute a Board of Commissioners.
Style of Board.

SEC. 2. All persons having demands against the city, payable on or before the first day of July, A. D. one thousand eight hundred and fifty-six, in judgments, in warrants drawn in accordance with any ordinance or ordinances of the city, or in audited and certified accounts, shall be entitled to the privilege of funding the same by virtue of this Act.

Nature of indebtedness to be funded, and up to what time.

SEC. 3. Certificates of stock shall be issued at one hundred cents on the dollar for an equal amount of demands surrendered, the vouchers of which shall be canceled upon the issuance of the certificates. The certificates of stock shall be in form prescribed by said Commissioners, and shall be signed by each of them holding office, and each certificate shall purport in substance as follows: The City of Marysville is indebted to the holder thereof, a sum to be expressed therein, which sum and certificate shall be for the sum of either one hundred dollars, or five hundred dollars, or one thousand dollars, at the option of the creditors. The stock shall bear an interest of ten per cent. per annum, payable semi-annually, on the first day of January and July of each year. The interest shall be made payable in the City of New York or Marysville, at the option of the creditor to whom the certificate is issued. The principal shall be made payable in the City of New York or Marysville, at the option of the person or persons to whom the certificate is issued. Said stock shall be dated on the first day of July, A. D. one thousand eight hundred and fifty-six, the principal thereof to be payable in fifteen years after date. The interest on the said stock shall be made payable in coupons annexed to each certificate, the first coupon being payable on the first day of January, A. D. one thousand eight hundred and fifty-seven, and thereafter semi-annually. Said coupons shall be signed by the Mayor and Treasurer of the city, and shall be equally binding with the certificates. The certificates shall be signed under the corporate seal of the city.

Certificates to be issued.

Canceling of vouchers.

Form of certificate and by whom signed.

Denomination at option of creditor.

Interest when payable and where.

Principal where payable.

When payable.

Coupons.

When payable.

By whom signed.

Corporate Seal of city to be attached.

Commissioners to notify City Assessor of amount necessary for payment of interest.

Duties of Assessor.

Duty of City Treasurer.

Payment to whom, and for what purpose.

Restrictions on Common Council.

Inspection of books.

Duties of Commissioners.

Surplus of Interest Fund to be invested.

Inspection of books.

Verified statement to be made to the Common Council.

Statement to be published forthwith.

Sinking Fund. How composed. Amount to be collected annually.

SEC. 4. The said Commissioners, previous to the making out of the general assessment list for said city in each and every year, shall certify and deliver to the City Assessor the amount which shall be necessary to be raised for the payment of the interest of the debt herein funded, and which has been heretofore funded, pursuant to an Act, entitled "An Act to Provide for Funding the Floating Debt of the City of Marysville, and for the Extinguishment thereof," approved April thirtieth, one thousand eight hundred and fifty-five; and the said Assessor, in completing said assessment list, shall add to the amount which may be authorized by law to be raised for other purposes, the amount so certified, for the payment of such interest and of the Sinking Fund when due, as hereinafter specified; and the first moneys collected on the whole of such general assessment list which shall remain in the hands of the City Treasurer shall be paid by said Treasurer into the hands of the Commissioners created by this Act, as fast as the same shall be collected, and no payment of other than that shall be directly or indirectly made out of the moneys assessed or collected in said assessment list for any other purpose, until the amounts authorized by this section to be assessed and collected shall have been actually paid over to said Commissioners. The Common Council of said city shall not have power to enact any provisions which shall prevent or hinder the immediate collection, in current coin, of the amounts authorized to be raised by this section, or otherwise contravene the provisions of this section; and if any such provisions are attempted to be enacted, it shall be the duty of the City Collector to disregard the same, and to collect and pay over the current coin as authorized in this section. Said Commissioners shall have the right, at all times, to inspect the books of the Assessor and Collector of the city.

SEC. 5. The said Commissioners shall receive into their custody all the moneys which shall be levied and collected for the purposes of this Act. Out of the same they shall pay the interest of the said stock, and the residue thereof they shall securely invest, and reinvest the proceeds thereof under good security, until they shall be able to apply the same to the extinguishment of the debt herein created as hereinafter provided. They shall keep regular books of accounts, minutes of their proceedings, which shall be open at all times to the inspection of the Common Council of the city, and shall, within one month before the expiration of the fiscal year of said city, transmit to the Common Council thereof a statement, verified by oath of one or more of said Commissioners, showing the amount of moneys received and paid out by them, the expenditures by them made, the amount of stock outstanding and the amount redeemed within the current year, with the condition of the moneys and funds in their hands, and how the same are invested and secured, which statement the Common Council shall cause to be published forthwith in the newspaper published in said city.

SEC. 6. Seven years from and after the passage of this Act there shall commence to be collected annually and paid over by the Collector of the city to the Commissioners, in addition to, and in the same manner as the interest is specified herein, to be assessed and paid over, ten per cent. upon the aggregate amount of the whole funded debt of the city as a sinking fund for the payment of the principal sum thereof at maturity, the same shall be devoted to the purchase of the stock, for which proposals shall be invited from the pub-

lic, annually, with at least thirty days' notice, and the best offer of sale be accepted; *provided, however*, that no bid shall be accepted at a higher rate than the par value. When said stock cannot be purchased, the Commissioners shall invest and reinvest, under good security, all the moneys which shall come into their hands, not required for the payment of interest; and said investment and reinvestment shall continue until sufficient shall be in their hands to redeem said principal at maturity. If any portion of said stock be purchased, it shall be effectually canceled and filed away in the office of the Commissioners. At the time when the principal of said stock becomes payable, the Commissioners shall devote the moneys in their hands to the redemption of the same, and shall pay over the surplus, if any, to the Treasurer of the city.

Proposals for purchase of stock. Proviso.

Duties of Commissioners under proviso.

Surplus to be paid to City Treasurer.

SEC. 7. The said Commissioners shall, before entering upon their duties, take and subscribe an oath for the faithful performance of their duties as such Commissioners.

Oath.

SEC. 8. The said Commissioners shall be allowed for the first year, after the passage of this Act, as compensation for their services, three per centum upon the amounts funded as provided in this Act, but after the first year their duties as Commissioners shall be deemed a part of their official duties as Mayor, Treasurer and Clerk respectively, and shall be performed without extra compensation; and nothing herein contained shall be construed as authorizing either one of said Commissioners, to receive or charge any other commission or percentage upon any moneys received or disbursed in the performance of the duties enjoined upon them, or either of them, by this Act than that mentioned in this section.

Compensation of Commissioners.

No compensation after first year.

SEC. 9. The Common Council of said City of Marysville may, by ordinance, submit to a vote of the qualified electors of said city, a proposition to borrow a sum not exceeding thirty thousand dollars, to be expended in the erection of engine-houses for the use of the Fire Department of said city, and for the erection of school-houses for said city. If two-thirds of the qualified electors of said City of Marysville, as required by the charter of said city, shall vote affirmatively upon said proposition, then the Common Council shall, by ordinance, authorize the Board of Fund. Commissioners to issue bonds similar to those described in the third section of this Act, not to exceed the above-named amount; *provided*, that none of the proceeds of said bonds shall be appropriated or used for any other purposes than those mentioned in this section.

Authority to Common Council to borrow money.

Conditions.

SEC. 10. Each of the Commissioners appointed under this Act, shall give a good and sufficient bond in the penal sum of fifteen thousand dollars, conditioned for the faithful performance of their duty, said bond to be approved by the Common Council of said city, and filed in the office of the County Clerk of Yuba County.

Bonds of Commissioners.

How appointed.

SEC. 11. The powers and duties of the Funding Commissioners of the City of Marysville, created by the Act entitled "An Act to Provide for Funding the Floating Debt of the City of Marysville and for the Extinguishment thereof," approved April thirtieth, one thousand eight hundred and fifty-five, are hereby vested in the Funding Commissioners created by this Act.

Power of old Commissioners vested in the new.

CHAPTER X.

AN ACT

To Locate the Seat of Justice of Alameda County, and Amendatory of "An Act to Create the County of Alameda and Establish the Seat of Justice therein, to Define its Boundaries and to Provide for its Organization."

[Approved February 8, 1856.]

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

San Leandro the
Seat of Justice.

SECTION 1. The town or place known as San Leandro, in the County of Alameda, shall be and remain the Seat of Justice of said county.

Repealing
clause.

SEC. 2. The thirteenth section of "An Act to Create the County of Alameda and establish the Seat of Justice therein, to define its Boundaries, and to Provide for its Organization," approved March twenty-fifth, one thousand eight hundred and fifty-three, which reads as follows: "The County Seat of Alameda County shall be at the Town of New Haven," and all other parts of said Act conflicting with the provisions of this Act, are hereby repealed.

CHAPTER XI.

AN ACT

Concerning Appeals in certain Cases.

[Approved February 14, 1856.]

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

Judgments
against
municipal
corporations.

SECTION 1. When judgment has been rendered in the Court of a Justice of the Peace, in a County Court, a District Court, or the Superior Court of the City of San Francisco, against any organized or incorporated city or town in this State, said city or town, or county, against which such judgment was rendered may appeal therefrom to any court of competent jurisdiction, by filing a notice of appeal with

the said Justice of the Peace, or Clerk of either of the other courts as above-mentioned, and serving a copy thereof on the opposite party or his attorney, within the time and manner provided for appeals in other cases; and said appeals shall be effectual for all purposes, and shall operate as a supersedeas to any execution that has been or may be issued on said judgment without the filing of a bond or the payment of costs to the Justice or other courts, by the said city, or town, or county so appealing.

Said corporations may appeal.

Appeal to operate as a supersedeas.

Bond and payment of costs not necessary.

SEC. 2. The Mayor, Attorney, or chief officer of any city, or District Attorney, or the President of the Board of Supervisors of any county, shall have power to give the notice herein required to be given, and to perfect such appeal on behalf of their respective corporations or counties.

Who empowered to file notice and perfect appeal.

SEC. 3. "An Act Concerning Appeals in Certain Cases," approved February sixteenth, one thousand eight hundred and fifty-five, and all laws or parts of laws in conflict with the provisions of this Act, are hereby repealed.

Repealing clause.

CHAPTER XII.

AN ACT

Making an Appropriation for the Temporary Support of the State Prison.

[Approved February 14, 1856.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the relief of the State Prison.

SEC. 2. The appropriation herein made shall be expended by the Directors of the State Prison for the subsistence of the officers and prisoners, and to supply the necessary clothing of the prisoners, and for no other purpose; *provided*, that no part of the appropriation hereby made shall be expended to pay for any provision, supplies or clothing heretofore purchased or contracted for, nor for the salaries of officers or employees; *and, provided further*, that the Directors of the prison shall report, in detail, the items of expenditure under this appropriation to the Legislature within one month after the passage of this Bill [Act.]

How appropriation to be applied.

Proviso.

Proviso.

CHAPTER XIII.

AN ACT

To Amend an Act entitled "An Act to Fund the Debt of the County of San Diego, and to Provide for the Payment of the same," approved May 4th, 1855.

[Approved February 14, 1856.]

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

SECTION 1. The third section of said Act is hereby so amended as to read as follows :

Persons holding
County Warrants
to have privilege
of exchanging
them for Ten-per
Cent. Bonds.

Duty of
Treasurer.

Proviso.

Section 3. Any person holding true and lawful warrants against the County of San Diego, as provided in the second section of this Act, shall have the privilege of receiving in exchange therefor, ten per cent. bonds, as provided for in the first section of this Act, and the Treasurer is hereby authorized and directed to issue said bonds to the persons holding said warrants, at the rate of one hundred cents for each dollar of principal and interest accrued on said warrants, on the first day of July, A. D. one thousand eight hundred and fifty-five; *provided*, that said warrants be presented at the County Treasurer's Office within twelve months after the said first day of July, A. D. one thousand eight hundred and fifty-five.

CHAPTER XIV.

AN ACT

To Amend an Act entitled "An Act to Amend an Act entitled 'An Act to Fix the Time for Holding the Terms of the District Courts throughout this State,' " approved May 4th, 1855.

[Approved February 14, 1856.]

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

SECTION 1. The ninth section of "An Act to amend an Act, entitled 'An Act to Fix the Times for holding the Terms of the District Courts throughout this State,' " approved May the fourth, one thousand eight hundred and fifty-five, is hereby amended to read as follows :

Ninth Judicial
District Court.

Section 9. In the Ninth Judicial District, in the County of Butte, on the second Mondays of March and June, on the fourth Monday of August, and on the third Monday of December. In the County of Shasta, on the fourth Mondays of March and June, on the second Monday of September, on the fourth Monday of November. In the County of Colusi, on the first Mondays of March and June, on the third Monday of August, and on the second Monday of November.

Time for holding
Terms of District
Court in the
County of Butte.
In the County
of Shasta,
In the County
of Colusi.

CHAPTER XV.

AN ACT

Providing for the Confinement of Prisoners of the United States.

[Approved February 14, 1856.]

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

SECTION 1. The authorities of the State Prison are hereby authorized and required to receive and keep in solitary confinement, or at hard labor, all prisoners of the United States, pursuant to the

State Prison
Authorities to
keep U. S.
prisoners.

United States to pay expenses of the same.

judgment of any court of the United States, in this State, the United States paying the expenses attendant on the execution of all such sentences.

CHAPTER XVI.

AN ACT

To Incorporate the Town of San Luis Obispo.

[Approved February 19, 1856.]

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

Town of San Luis Obispo made a corporation.

SECTION 1. The district of country in the County of San Luis Obispo hereinafter described, and the inhabitants residing therein, shall be a corporation under the name and style of the "Town of San Luis Obispo," and by that name shall be known in law, have perpetual succession, sue and be sued in all courts; grant, purchase, hold and receive property, real and personal, within said town, and may lease, sell, and dispose of the same for the benefit of said town; and may have a common seal, and alter the same at pleasure, and exercise all other powers and functions conferred upon towns by "An Act to Provide for the Incorporation of Towns," passed March 27th, 1850.

Rights of corporation.

Boundaries of corporation.

SEC. 2. The boundaries of said town shall be as follows: Commencing in the center of the River of San Luis, at the junction of the Arroyo de la Huerta with the same; thence at right angles with the course of said river southerly one-half mile; thence at right angles easterly parallel with the said river two miles; thence at right angles northerly one mile; thence at right angles westerly parallel with said river two miles; thence in a straight line to the place of beginning, and containing two square miles.

Corporate powers and duties vested in three Trustees.

SEC. 3. The corporate powers and duties of said town shall be vested in a Board of Trustees, to consist of three members, who shall be elected by the qualified electors of said town, on the first Monday of May in each year, and shall hold their offices for the term of one year, and until their successors are chosen and qualified; *provided*, that the first Board of Trustees, and the other town officers provided for in the Act aforesaid, shall be chosen in like manner, and at some place to be designated by the County Court of San Luis Obispo County, which time shall not exceed twenty days from the date of such order, and the trustees and officers so chosen shall hold office until the first Monday of May next, and until their successors are elected and qualified; *provided further*, that no salary or compensation shall be allowed to said Board of Trustees.

When elected. Term of office. Proviso.

County Court to designate time and place of election.

Proviso.

Provisions of general Act to apply.

SEC. 4. The provisions of "An Act to provide for the Incorporation of Towns," passed March, 1850, so far as the same do not con-

flict with the provisions of this Act, shall apply to and govern the Town of San Luis Obispo. Exception.

SEC. 5. Said Board of Trustees shall not have power to contract any debts or liabilities under the corporate name of said town of San Luis Obispo, to exceed the sum of five hundred dollars, without first submitting the same to a vote of the qualified electors of said town, nor without the concurrence of two-thirds of such legally qualified electors. No debts to exceed five hundred dollars to be contracted, etc.

CHAPTER XVII.

AN ACT

Concerning the Corporate Name of the City of Los Angeles.

[Approved February 19th, 1856.]

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

SECTION 1. The corporate name of the City of Los Angeles is hereby declared to be "The Mayor and Common Council of the City of Los Angeles." Corporate name of the City of Los Angeles.

SEC. 2. All Acts done by the competent authorities of said city, whether under the name of the "Mayor, Recorder and Common Council of the City of Los Angeles," or under the name of "The Mayor and Common Council of the City of Los Angeles," are hereby legalized, so as to have the same effect and force as if done under the legal name and style of said city. Legalizing all acts done by competent authorities.

CHAPTER XVIII.

AN ACT

To Amend an Act entitled "An Act to Punish Vagrants, Vagabonds and Dangerous and Suspicious Persons," approved April 30th, 1855.

[Approved February 19th, 1856.]

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

Vagrant Act
amended.

Armed vagrants
may be disarmed.

By whom.

SECTION 1. Section two of an Act entitled "An Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons," approved April 30th, 1855, is hereby amended so as to read as follows :

SECTION 2. All persons who may come within the provisions of the first section of this Act, and who go armed, and are not known to be peaceable and quiet persons, and who can give no good account of themselves, may be disarmed by any Sheriff, Constable, or Police Officer, and punished otherwise, as provided in the foregoing section.

CHAPTER XIX.

AN ACT

Entitled an Act to Change the County Seat of Klamath County.

[Approved February 19th, 1856.]

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

Orleans Bar
made the County
Seat.

Official acts done
at Orleans Bar
ratified and
confirmed.

SECTION 1. *Whereas*, at the general election held on the fifth day of September, A. D. 1855, a large majority of the voters of Klamath County declared themselves in favor of removing the County Seat of said county from Crescent City to Orleans Bar; *Be it therefore enacted*, That from and after the passage hereof, Orleans Bar shall be, and is hereby declared to be, the County Seat of Klamath County.

SEC. 2. *Be it further enacted*, That the order of the County Judge of Klamath County, removing the County Seat of said county to Orleans Bar, from and after the fourth day of December, A. D.

one thousand eight hundred and fifty-five, is hereby ratified and confirmed, and the official acts of officers of said county, done at Orleans Bar, in conformity therewith, be, and the same are declared to be, of full force and validity from the date of the performance thereof.

CHAPTER XX.

AN ACT

To Authorize the Board of Supervisors of Calaveras County to Pay the Current Expenses of said County.

[Approved February 21st, 1856.]

*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 to set apart a certain portion of the annual revenue of Calaveras County, including the present year, to pay the annual current expenses of said county.

Supervisors authorized to set apart portion of Annual Revenue.

SEC. 2. The Board of Supervisors shall not have power to set apart an amount exceeding two-thirds of the revenue of the year for which they were elected; and all moneys over and above the amount so set apart, which may remain in the treasury, shall be used for paying the former indebtedness of the county.

Amount set apart not to exceed, etc.

Surplus, to pay former indebtedness.

SEC. 3. The moneys set apart pursuant to the foregoing sections, for paying the current expenses of the county, shall not be subject to any execution or writ issued for, or on account of, any debt which may be due, or which may become due, from said county.

Amount set apart not subject to execution.

CHAPTER XXI.

AN ACT

To Provide for Settling the Boundary Line between the Counties of Marin and Sonoma.

[Approved February 23d, 1856.]

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

Surveyor-General required to survey boundary line.

SECTION 1. For the purpose of establishing and settling the boundary line between the Counties of Marin and Sonoma, the Surveyor-General is hereby authorized and required to survey, or cause to be surveyed, the boundary line between said counties, in accordance with the statute, or statutes, providing for their organization and boundaries.

How boundaries to be marked. Three copies of survey.

SEC. 2. Said lines shall be marked with suitable marks, devices and monuments, so that they may be easily known and traced, and a copy of such survey or plat, or map, shall be made out in triplicate, one copy of which shall be deposited with the County Clerk of Marin, one copy with the County Clerk of Sonoma, and the other copy in the office of the Surveyor-General.

Where deposited.

CHAPTER XXII.

AN ACT

To Fix the Times of Holding the Terms of the District Court of the Seventh Judicial District.

[Approved February 23th, 1856.]

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

Terms of Seventh Judicial District Court. Counties of—Contra Costa. Marin. Napa.

SECTION 1. The terms of the District Court of the Seventh Judicial District shall begin and be holden in the several counties comprising the said district, as follows: In the County of Contra Costa, on the first Tuesday of March, June, September and December; in the County of Marin, on the fourth Tuesday of April, July and November; in the County of Napa, on the third Tuesday of February, May and August, and on the second Tuesday of November; in the

County of Solano, on the third Tuesday of March, June, September Solano. and December; in the County of Sonoma, on the first Tuesday of Sonoma. February, May and August, and on the fourth Tuesday of October.

SEC. 2. The seventh subdivision of the first section of "An Act ^{Repealing} to fix the times of holding the Terms of the District Court through- ^{clause.} out this State," passed May eighteenth, one thousand eight hundred and fifty-three, and all laws and parts of laws conflicting with any of the provisions of this Act, are hereby repealed.

SEC. 3. This Act to take effect and be in force from and after ^{When Act} the first Monday of March, one thousand eight hundred and fifty-six. ^{takes effect.}

CHAPTER XXIII.

AN ACT

In relation to the Sureties on the Official Bond of Henry K. Swope, late Sheriff of Tuolumne County.

[Approved February 27th, 1856.]

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

SECTION 1. Upon the payment of three thousand two hundred and seventy-eight dollars and three cents, to the Treasurer of Tuolumne County, by Leander Quint, or his proportion, after deducting payments already made, of the amount of the defalcation of Henry K. Swope, late Sheriff of said county, the said Leander Quint shall be released from all obligations upon the official bond of said H. K. Swope, as Sheriff of Tuolumne County. ^{Conditions of release from liability of Leander Quint.}

SEC. 2. Upon the payment of the sum of money mentioned in section first of this Act, or his proportion as provided in said section, the proportion to be ascertained by the District Attorney of said county, all actions against said Leander Quint, as surety upon the official bond of H. K. Swope, shall cease, and the District Attorney of the proper county is hereby directed to discontinue all actions commenced against said Quint; *provided*, the release hereby granted to Leander Quint shall not be construed as a release to the other sureties upon the official bond of said H. K. Swope. ^{When actions against Leander Quint, as surety, shall cease.} ^{Proviso.}

CHAPTER XXIV.

AN ACT

To Release John Van Arnam of Washington, Yolo County, from any further Liability as Surety on the Official Bond of Alexander Chisholm, late County Treasurer of Yolo County.

[Approved March 1st, 1856.]

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

Arnarn released
and discharged,
as surety.

SECTION 1. John Van Arnam, of Washington, Yolo County, California, is hereby released from any and all liabilities incurred by him as surety on the official bond of Alexander Chisholm, late County Treasurer of Yolo County, and is hereby fully discharged from any and all judgments recovered against him upon said official bond.

Other sureties
not released.

SEC. 2. One-fourth of the liability of the sureties on the official bond, referred to in section first, of this Act, is hereby declared satisfied, but nothing in this Act shall be construed so as to operate as a release of the other sureties, on said official bond, from the obligation to pay the remaining three-fourths of the same.

CHAPTER XXV.

AN ACT

To Fix the Time for Holding the Terms of the District Court of the Tenth Judicial District of this State.

[Approved March 8th, 1856.]

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

Tenth Judicial
District Court.
Terms.
County of Yuba.
Sutter.

SECTION 1. The several terms of the District Court of the Tenth Judicial District of this State, during each year, shall commence as follows: In the County of Yuba, on the third Monday of January, April, August and November, and in the County of Sutter, on the first Monday of March, June, October and December.

Repealing
clause.

SEC. 2. So much of "An Act to fix the times for holding the terms of the District Courts throughout this State," passed May fourth, one thousand eight hundred and fifty-five, as relates to the Tenth Judicial District, is hereby repealed.

CHAPTER XXVI.

AN ACT

To Establish the County Seat of Humboldt County.

[Approved March 10th, 1856.]

*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 May, one thousand eight hundred and fifty-six, the town of Eureka, in the County of Humboldt, shall be the County Seat of said County, and all Acts, and parts of Acts, inconsistent with this Act, are hereby repealed.

Town of Eureka
to be the County
Seat.

Repealing
clause.

CHAPTER XXVII.

AN ACT

Entitled an Act to Change and Fix the County Seat of Butte County.

[Approved March 10th, 1856.]

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

SECTION 1. The qualified electors of Butte County are hereby authorized, within forty days after the passage of this Act, to determine, by a vote to be taken thereon, the question of the removal and location of the county seat of said county; whether the same apply to the choice of the county seat at its present location, or to the choice of any other place in said county, for the county seat of said county; and the Clerk of said county shall fix a certain day, on or within the period of said forty days, on which a special election for the purpose aforesaid shall be held; and said Clerk shall cause to be published, in each newspaper printed in said county, consenting to publish the same, due notice of the day of election, so fixed upon by him, and the purpose for which said election is to be held, at least twenty days before the day of said election. The said Clerk shall also cause to be published as aforesaid, a correct list of the election precincts in said county, with the names of the Inspector and Judges of each, as established and appointed by the Board of Supervisors,

Location and
removal of
County Seat, etc.

County Clerk to
fix day of
election.

Notice by
publication.

Publication of
list of precincts
and election
officers.

Duty of Supervisors.	who shall, immediately upon the passage of this Act, establish and appoint the same.
Manner of conducting election.	SEC. 2. This election shall be conducted in strict conformity with the Act entitled "An Act to Regulate Elections," except as is herein specified.
Ballots.	SEC. 3. The ballot, to be used at said election, shall be written or printed, and shall read thus: For County Seat _____, naming in the blank the place voted for.
Duty of Board of Canvassers.	SEC. 4. The Board of Canvassers, of the returns of the election, shall declare the result of the same, and shall cause to be published, in tabular form, the name of each place voted for, and the number of votes cast for each place voted for, and the same shall be entered by the proper officer on the records of the county, and the place receiving a majority of all the votes cast, shall be the county seat of Butte County, and shall be declared by the said Board to have been chosen for the county seat of said county; it being, nevertheless, provided by this Act, that no place, thus receiving a majority of all the votes cast for the county seat of said county, except the present location of the county seat of said county, shall finally be or become the county seat of said county, until a lot of land, in the form of a square, not less than one-fourth of an acre, with a court house, a jail and offices, of as good and substantial build and material, and in every respect as ample and commodious as the present county buildings, shall have been erected thereon, by two or more inhabitants of the place thus chosen, and the said land and buildings shall have been by them conveyed, and delivered by a deed well executed, free and unencumbered by any lien or claim whatever, free of any charge to the said County of Butte, and the said deed filed in the office of the Clerk of said county for record; nor shall any place, receiving a majority of all the votes cast as aforesaid, except the present location of the county seat as aforesaid, finally be or become the county seat of said county, unless the said land and buildings shall be deeded and completed in a manner and form as aforesaid, to the acceptance and satisfaction of the Board of Supervisors of said county, and delivered by deed as aforesaid within the space of two hundred and forty days after the passage of this Act. It shall be specified in said deed, that the land and buildings therein mentioned are deeded for the sole use and benefit of the said county, for the use of the county and the transaction of county business; and it shall be conditional in said deed, that if, at any time within the space of five years, the county seat shall be by law removed from such place thus chosen and becoming the county seat as aforesaid, then, and in that case, all the right, title and interest of said county in said land and buildings deeded as aforesaid, and vested in it by said deed, shall revert to the grantor, or grantors of said deed, wholly and absolutely to their sole use and benefit.
Majority of all votes cast, necessary.	
Proviso.	
Lot of land and county buildings to be conveyed, etc.	
Deed to be recorded.	
Conditions.	
Time of conveyance and delivery.	
Specifications of deed.	
Deed conditional.	
Supervisors to approve.	SEC. 5. When the provisions and conditions of the preceding section have been fulfilled and complied with, to the satisfaction of the Board of Supervisors of said county, the said Board shall, by an order entered on the records, required by law to be kept by them, declare such place chosen as aforesaid, to be the county seat; and said place shall thereafter be and remain the county seat until changed by law, and the official business of the county shall be there transacted, and the books, papers and office furniture belonging to the county, shall be removed to said place.
To declare County Seat.	

SEC. 6. In case the present location of the county seat of Butte County be chosen by a majority of all the votes cast for the county seat, then and in that case said place shall be and remain the county seat in the same manner as though this Act had never been passed.

Present location
of County Seat.

SEC. 7. It shall be the duty of the Clerk of said county to cause to be published, for three consecutive weeks prior to the day of election, in each newspaper printed in said county, consenting to publish the same, this Act, as the same shall be passed by the Legislature.

Duty of
County Clerk.
Publication.

SEC. 8. No pay shall be allowed for services rendered, to any person serving as Inspector, Judge or Clerk of this election, nor for the bringing in of the returns to the Clerk of the county.

No compensa-
tion, etc.

CHAPTER XXVIII.

AN ACT

To Amend an Act entitled "An Act to Fix the Time of Holding the District Court in the Third Judicial District," approved March 14th, 1855.

[Approved March 11th, 1856.]

*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:

Third Judicial
District Court.

Section 1. The District Court in the Third Judicial District shall be held as follows:

Terms.

First. In the County of Santa Clara, on the third Monday of January, April, July and October.

County of
Santa Clara.

Second. In the County of Alameda, on the third Monday of February, May, August and November.

Alameda.

Third. In the County of Monterey, on the second Monday of March, June, September and December.

Fourth. In the County of Santa Cruz, on the fourth Monday of March, June, September and December.

Santa Cruz.

CHAPTER XXIX.

AN ACT

To Authorize the State Treasurer to Issue a Duplicate Land Warrant to George W. Coffee.

[Approved March 11th, 1856.]

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

Treasurer
authorized to
issue duplicate
Land Warrant.

SECTION 1. The Treasurer of State is hereby authorized to issue a school land warrant to George W. Coffee, to be numbered four hundred and seventy, and the word "duplicate" to be marked or written across the same.

Of same validity
as the original.

SEC. 2. The said duplicate land warrant shall be of the same force and effect, and any location of land under the same shall be of the same validity as the original land warrant and the location thereof could be, *provided* the same had not been lost or destroyed; *and, provided*, if the said original land warrant, numbered four hundred and seventy, issued to George W. Coffee, under the provisions of the Act of May third, eighteen hundred and fifty-two, shall hereafter be found or procured from the hand of any *bona fide* assignee of the same from George W. Coffee, then the duplicate warrant granted by this Act shall have no force, effect, or validity whatever; *provided*, that before the issuance of such duplicate land warrant, the said George W. Coffee shall execute and deliver to the Treasurer a bond, with good and sufficient sureties in the penal sum of three hundred and twenty dollars, conditioned to be paid if the original shall ever be located or presented for payment.

Provisos.

When duplicate
to become
invalid.

Proviso.

Bond.

CHAPTER XXX.

AN ACT

To Authorize the Issue of a School Land Warrant to Thomas Baker.

[Approved March 11th, 1856.]

*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 to issue to Thomas Baker, a school land warrant for one hundred and sixty acres, upon the surrender of warrant numbered five hundred and ninety-five, issued to George H. Brankham, and by him assigned without the usual acknowledgment before a Notary or Justice.

Treasurer
authorized to
issue School
Land Warrant.

Conditions.

CHAPTER XXXI.

AN ACT

To Authorize the Board of Supervisors of Placer County to Levy a Special Tax.

[Approved March 11th, 1856.]

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

SECTION 1. The Board of Supervisors for the County of Placer shall have power, and it is hereby made their duty, to levy a special tax annually, in addition to other taxes provided for by law upon the taxable property in the county, of not more than 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.

Supervisors
required to levy
Special Tax.

Amount.
Time and
manner of
collection.

SEC. 2. The special tax provided for in section first of this Act, shall be appropriated as follows: One-half of said tax shall be subject to the order of the Board of Supervisors, in payment for stationery, books, fuel, lights, board of prisoners, furnishing and repairing of public buildings of said county, public printing, and in payment of the sum of twenty-four hundred dollars to Murphy & Holmes, due them for labor and material on the county jail of said county; and the remaining one-half shall be paid into the General Fund of said county, and become a part of the same.

Appropriation
of Special Tax.

Same.

CHAPTER XXXII.

AN ACT

To Amend "An Act Fixing the Time of Holding the Courts Authorized to be Held by the County Judges in the Counties of Shasta, Santa Clara and Monterey," approved March 9th, 1855.

[Approved March 11th, 1856.]

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 :

Business in
Court of Sessions
to have priority.
County Court,
Probate Court.

May all sit on
same day.

SECTION 2. At said terms, the business pertaining to the Court of Sessions shall first be disposed of, and after that the business of the County Court, and then of the Probate Court, in such order as the Judge may determine ; this order of business shall be held as a rule of precedence only, and after the business of one court is disposed of for the time being, the business of the other courts may on the same day be acted upon.

CHAPTER XXXIII.

AN ACT

Entitled an Act to Call out a Company of Volunteers for the Suppression of Indian Hostilities in Klamath County, and to Make an Appropriation for the same.

[Approved March 12th, 1856.]

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

Authority to
Governor.

SECTION 1. The Governor of this State is hereby authorized and required to call into the service of the State, for the suppression of Indian hostilities in Klamath County, a Mounted Volunteer Company, consisting of not more than fifty men ; said company shall be mustered into the service of the State, under the provisions of the Act entitled "An Act concerning the Organization of the Militia," passed April twenty-fifth, A. D. one thousand eight hundred and fifty-five.

SEC. 2. The Governor is hereby authorized to appoint a suitable person to enroll and organize said company; he shall also appoint and commission some suitable person to act as Quartermaster and Commissary of said company, with the rank of Lieutenant, who shall transmit to the Quartermaster and Adjutant-General of this State at the end of each and every month during the time said company shall be continued in service, a statement of all moneys expended, and a copy of each and every voucher made.

Same,
Quartermaster
and Commissary.
Duties of.

SEC. 3. The sum of fifteen thousand dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the purpose of defraying the expenses of said company while in service.

Appropriation.

SEC. 4. The Governor shall continue the said company in service for such length of time as the emergencies of the case may require.

Time of service.

CHAPTER XXXIV.

AN ACT

To Authorize the Guardian of Minna C. Buchanan to Sell and Dispose of her Real Estate and Chattels Real.

[Approved March 14th, 1856.]

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

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 quitclaim, and grant and convey any and all interest said Minna C. Buchanan may have with others, as joint tenant, or tenant in common or otherwise, and to any lands, tenements and hereditaments situated in said Yuba County, or in and to any part or parcel thereof; *provided*, that such guardian shall make no such sale or disposal thereof, without the same being joined in with the 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.

Authorization
to Guardian.

Proviso.

Division and
partition of
property.

SEC. 2. The Probate Court of said county may, at any time require the bond or bonds of such guardian or guardians, to be increased in such sum or sums as to that court may seem necessary to protect the interest of said Minna C. Buchanan.

Bond.

SEC. 3. Such guardian or guardians shall be required to account for the proceeds of such sales, and to make such disposition of said proceeds as required by law, in cases of sales of real estate by guardians, made under an order of the Probate Court.

Guardian to
account.

How.

CHAPTER XXXV.

AN ACT

Supplemental to, and Amendatory of, an Act entitled "An Act to Amend an Act entitled 'An Act to Fix the Times of Holding the District Courts throughout this State,' passed May 18th, 1853," passed January 31st, 1856.

[Approved March 14th, 1856.]

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

Amending
clause.

SECTION 1. The first section of an Act entitled "An Act to amend an Act, entitled 'An Act to Fix the Times of holding the District Courts throughout this State,'" passed May eighteenth, A. D. one thousand eight hundred and fifty-three, passed January thirty-first, A. D. one thousand eight hundred and fifty-six, is hereby amended so as to read as follows :

Section 1. That portion of section first of an Act entitled "An Act to Fix the Times of holding the District Courts throughout this State," passed May eighteenth, A. D. one thousand eight hundred and fifty-three, which refers to the Fifth Judicial District, shall be so amended as to read as follows :

Fifth Judicial
District Court.
Calaveras.
Amador.
Tuolumne.
Stanislaus.
San Joaquin.

In the Fifth Judicial District, in the County of Calaveras, on the first Mondays of February, June and October. In the County of Amador on the third Mondays of February, June and October. In the County of Tuolumne, on the first Mondays of March, July and November. In the County of Stanislaus on the fourth Mondays of March, July and November. And in the County of San Joaquin on the first Mondays of April, August and December, and the first Monday of January.

Repealing
clause.

SEC. 2. All parts of the above-named Act, which conflict with the provisions of this Act, are hereby repealed.

CHAPTER XXXVI.

AN ACT

Making Appropriations for the Civil Expenses of the Government of the State.

[Approved March 15, 1856.]

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

- SECTION 1. That the following sums be and are hereby appropriated out of any money in the treasury not otherwise appropriated, for the objects hereinafter expressed, for the year commencing February first, one thousand eight hundred and fifty-six, and ending January thirty-first, one thousand eight hundred and fifty-seven, namely:
- | | |
|--|---------------------------------------|
| For the compensation of the Governor of this State, ten thousand dollars. | Appropriation of moneys.
Governor. |
| For the compensation of the Controller of State, four thousand five hundred dollars. | Controller. |
| For the compensation of the Treasurer of State, four thousand five hundred dollars. | Treasurer. |
| For the compensation of the Secretary of State, three thousand five hundred dollars. | Sec'y of State. |
| For the compensation of the Superintendent of Public Instruction, four thousand five hundred dollars. | Superintendent of Public Instruction. |
| For the compensation of the Surveyor-General, two thousand dollars. | Surveyor-General. |
| For the compensation of the Quartermaster-General, three thousand dollars. | Quartermaster-General. |
| For the compensation of the Attorney-General, two thousand dollars. | Attorney-General. |
| For the compensation of the Governor's Private Secretary, two thousand five hundred dollars. | Governor's Private Sec'y. |
| For the compensation of the Secretary of the Supreme Court, one thousand three hundred and fifty dollars. | Secretary of Supreme Court. |
| For the compensation of the Justices of the Supreme Court, twenty-six thousand dollars. | Judges of Supreme Court. |
| For the compensation of the District Judges in this State, fifty thousand dollars. | District Judges. |
| For the compensation of Clerks in the Controller's Office, twelve thousand nine hundred and sixty dollars. | Controller's Clerks. |
| For the compensation of Clerks in the State Treasurer's Office, six thousand four hundred and eighty dollars. | Treasurer's Clerks. |
| For the compensation of Clerks in the Secretary of State's Office, nine thousand seven hundred and twenty dollars. | Secretary of State's Clerks. |
| For the compensation, per diem, and mileage, of the Lieutenant-Governor, and Senators, fifty thousand dollars. | Lieut. Governor and Senators. |
| For the compensation, per diem, and mileage of Assemblymen, one hundred and ten thousand dollars. | Assembly. |

Senate Officers.	For the compensation of Officers and Clerks of the Senate, twenty thousand dollars.
Assembly Officers.	For the compensation of Officers and Clerks of the Assembly, thirty thousand dollars.
Contingents of— Senate.	For the contingent expenses of the Senate, seven thousand dollars.
Assembly.	For the contingent expenses of the Assembly, thirteen thousand dollars.
Supreme Court.	For the contingent expenses of the Supreme Court, six thousand dollars.
Controller.	For the contingent expenses of the Controller's Office, three thousand dollars.
Treasurer.	For the contingent expenses of the Treasurer's Office, three thousand dollars.
Sec'y of State.	For the contingent expenses of the Secretary of State's Office, three thousand dollars.
Public Instruction.	For contingent expenses of the Superintendent of Public Instruction's Office, two thousand dollars.
State Library.	For the contingent expenses of State Library, one thousand dollars.
Surveyor-General.	For the contingent expenses of the Surveyor-General's Office, two thousand five hundred dollars.
Quartermaster-General.	For the contingent expenses of the Quartermaster-General's Office, two thousand dollars.
Attorney-General.	For contingent expenses of the Attorney-General's Office, two thousand five hundred dollars.
Governor's Office.	For contingent expenses of the Governor's Office, two thousand five hundred dollars.
Executive Department.	For Special Contingent Fund of the Executive Department of State, to be used at the discretion of the Governor, five thousand dollars.
Insane Asylum.	For the support of the Insane Asylum, sixty thousand dollars.
	For the salaries of the Physicians of the Insane Asylum, eight thousand dollars.
Laws and Journals.	For distributing laws and journals, one thousand dollars.
Translating.	For translating laws, three thousand dollars.
State Reporter.	For payment to State Reporter, for three hundred volumes of the Reports of the Supreme Court for the year one thousand eight hundred and fifty-four, being volume four, three thousand dollars.
Delinquents.	For prosecuting delinquents, four thousand dollars.
Printing.	For printing, paper and official advertisements, ninety thousand dollars.
Surveyor-General.	For instruments, furniture, and platting expenses in the Surveyor-General's Office, two thousand five hundred dollars.
Stationery, etc.	For stationery, fuel, lights, etc., for the Legislature, fifteen thousand dollars.
State House.	For the rent of State House, twelve thousand dollars.
Verified statement of expenditures.	SEC. 2. It is hereby provided that all officers to whom contingent expenses are allowed under this Act, shall at the expiration of the time for which they are made, make a statement to the Legislature, verified under oath, or affirmation, of the manner in which the various contingent funds allowed them have been expended, specifying item by item; and all officers as above recited, going out of office previous to the expiration of the year for which contingent expenses are allowed them, shall make a statement as above provided, up to the time of their going out of office.
Duties of Controller and Treasurer.	SEC. 3. Warrants drawn by the Controller on the Treasury, under the appropriations made by this Act, shall not be registered, counter-

signed, or paid by the Treasurer, unless such warrants state definitely and specifically, for which of the purposes above enumerated said warrants are to be paid; and the Treasurer shall keep in a book provided for that purpose, a separate account of all moneys paid, and warrants drawn for each of the purposes above specified, and he shall in no instance register or pay drafts, or warrants, drawn for any of the purposes above enumerated beyond the amount herein specified for such purpose, and the appropriation made by this Act shall in no case, directly or indirectly, be applied to any other purposes than those above enumerated.

Separate account
to be kept.

CHAPTER XXXVII.

AN ACT

Relative to the Court of Sessions and Board of Supervisors
of San Joaquin County.

[Approved March 17th, 1856.]

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

SECTION 1. The Court of Sessions or County Court of San Joaquin County, shall hold no more than three sessions during the year, which shall be on the first Mondays of February, second Monday of May, and first Monday in October of each year.

Three Sessions
annually.

Terms.

SEC. 2. That the compensation of the Board of Supervisors of San Joaquin County shall be six dollars per day, for every day the business of the county may require their attendance; *provided*, their compensation per annum shall not exceed the sum of three hundred dollars.

Compensation
of Supervisors.

Proviso.

CHAPTER XXXVIII.

AN ACT

To Authorize the Board of Supervisors of San Joaquin County to Appropriate Money towards Completing the Artesian Well on the Public Square in the City of Stockton.

[Approved March 17th, 1856.]

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

Supervisors
authorized, etc.

SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized to appropriate any sum not exceeding five thousand dollars, towards the completion of the Artesian Well now commenced on the Public Square in the City of Stockton.

CHAPTER XXXIX.

AN ACT

Creating a Board of State Prison Commissioners and Defining their Duties.

[Approved March 21st, 1856.]

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

Board of
Commissioners.
To lease State
Prison.
How long.
Price.

SECTION 1. The Lieutenant-Governor, Controller and Treasurer are hereby constituted a Board of Commissioners, whose duty it shall be to lease the State Prison grounds and property, together with the convict labor of this State, for a period of five years, at a price not to exceed fifteen thousand dollars per month, and in conformity with the provisions of this Act.

Contract.
Provisions for
erection of
buildings.
At expense of
Lessee.
Duties of Lessee.

SEC. 2. In any contract entered into by said Board, provision shall be made for the erection of such buildings, and for making such improvements on the property owned or leased by the State, at the expense of the lessee, for such purposes as will conduce to the safety and convenience of keeping, working, clothing, feeding and providing medicine and medical attendance for the convicts of the State, and without subjecting the State, in any way, to any payment of any amount whatever for the same. Such work to be done in accordance with a plan to be approved by the Board of Commissioners, and

at such time and place, and of such material as they may order; *provided*, that no sum of money whatever shall at any time be allowed or audited by the said Board of Commissioners, for any extras in the way of work or materials used in building, or for the support and maintenance or medical attendance upon the prisoners or convicts; *and, provided further*, that no relief for the recapture of escaped convicts, or for damages of any nature whatever incident upon the taking care of and working said convicts, shall be at any time allowed to the said Lessee, but he shall be individually responsible for all losses and damages, and shall receive no compensation or remuneration whatever except that which shall be stipulated in the contract entered into between the said Lessee and Board of Commissioners.

Time and place.
Material.
Proviso.

No allowance
for extras.

Proviso.

Lessee Individu-
ally liable for
losses and
damages.

SEC. 3. The Board of Commissioners shall make such rules and regulations governing said prison, alter and amend the same at pleasure, and cause them to be observed by the infliction of such penalties as they may deem proper.

Rules and
regulations of
Prison.

Penalties.

SEC. 4. The State Prison Directors are hereby required to give their daily attention to the enforcement of such rules and regulations as are provided for in the preceding section, to see that all buildings and improvements are made in accordance with the contract, and upon any delinquency on the part of the Lessee, to report the same to the Board of Commissioners, whose duty it shall be to investigate the same, and if the charge be true and the party culpable, they shall, by ordering suit to be commenced on his official bond or otherwise, correct the abuse.

Duties of State
Prison Directors.

To report
delinquencies.

Suit on official
bond.

SEC. 5. The Board of Commissioners shall, from time to time, visit the prison and examine into its government, and from personal observation and conference with the Directors, change, alter or abolish such rules and regulations as may in their judgment be found necessary. The sum of five hundred dollars per annum is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenses of said Board of Commissioners, and the Controller is hereby authorized and required to draw warrants on the Treasurer, and the Treasurer of State is hereby directed to pay the same on application of the President of said Board.

Commissioners
to visit and
examine.

Appropriation
to pay
traveling
expenses of
Commissioners.

SEC. 6. The Board of Commissioners shall require the Lessee to execute bonds in the penal sum of not less than two hundred thousand dollars, with two or more good and sufficient securities to be approved by said Board, for the faithful performance of his contract.

Bond of Lessee.

Amount.

SEC. 7. The sum of fifteen thousand dollars per month, or such sum per month less than that amount, in accordance with the contract to be made by said Board of Commissioners, as specified in sections first and second of this Act, is hereby appropriated out of any money in the treasury not otherwise appropriated, and the Controller of State is hereby authorized and required to draw his warrants on the Treasurer of State for said sum; and the Treasurer of State is hereby directed to pay the said warrants on application of said Lessee, in writing, on the last day of each month.

Monthly
appropriations.

Warrants.

When payable.

SEC. 8. An Act entitled "An Act for Securing the State Prison Convicts," passed April twenty-fifth, one thousand eight hundred and fifty-one, and so much of section first of an Act entitled "An Act for the Government of the State Prison," passed May seventh, one thousand eight hundred and fifty-five, as relates to the future election of State Prison Directors, and so much of the other sections of said Act as conflicts with the provisions of this Act are hereby repealed.

Repealing
clauses.

CHAPTER XL.

AN ACT

To Authorize John H. Hill (Guardian of the Person and Estate of William R. Burns, a Lunatic), to Sell and Convey by Private Sale, the Real Estate of his said Ward.

[Approved March 22d, 1856.]

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

Authority to sell
and convey.

SECTION 1. It shall be lawful, and the said John H. Hill is hereby authorized to sell and convey any or all his ward's estate, at private sale, upon such terms and conditions as to him may seem for the best interest of his said ward.

To make report
to Probate
Judge.

SEC. 2. And the said Hill shall, from time to time, make a report of all sales made by him of said estate to the Probate Judge of the County of Sonoma, and it shall not be lawful for said Hill to execute

Approval of
Probate Court.

any conveyance for any part of said estate without the approval of the Probate Court of the County of Sonoma.

CHAPTER XLI.

AN ACT

To Amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases," passed May 1st, 1851.

[Approved March 22d, 1856.]

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

SECTION 1. Section six hundred and ninety-two is hereby amended to read as follows :

Fees to District
Attorney.

Section 692. The District Attorney shall receive on each conviction for felony, where the punishment is death, fifty dollars; for each conviction for other felony, twenty-five dollars; on each conviction for misdemeanor, the sum of fifteen dollars; which said sums shall be assessed against the one convicted; and if the same cannot be collected from the defendant, then it shall be considered a county charge and be audited by the Board of Supervisors. And the said District

When chargeable
to county.

Attorney shall receive ten per cent. upon all moneys collected upon Commissions.
forfeited recognizances.

SEC. 2. The same fees shall be allowed and paid in the same Allowance to
manner where the offense may be prosecuted by any other Attorney other Attorneys.
under the direction of the court, or by the request of the District
Attorney.

CHAPTER XLII.

AN ACT

Extending the Time for the Presentation and Allowance of
Claims against the Estate of S. A. Booke, Deceased, in the
County of Sonoma.

[Approved March 22d, 1856.]

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

SECTION 1. The time for the presentation of claims against the
estate of S. A. Booke, deceased, is hereby extended to the first day
of June, A. D. one thousand eight hundred and fifty-six; and the
Administrator of said estate is hereby authorized and required to ex-
amine and pass upon all claims presented to him for allowance within
said time, and to allow or reject the same as he may find the same
just or unjust, in the same manner as is now authorized by law, with
the same rights to either party upon such examination, allowance or
rejection, as if the said claim had been presented within ten months
from the publication of notice to creditors.

Time for
presentation
extended.

Instructions to
Administrator.

Rights of parties.

CHAPTER XLIII.

AN ACT

To Change the Name of Lewis Schletchway to that of Lewis
Robinson.

[Approved March 25th, 1856.]

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

Name changed. SECTION 1. The name of the person heretofore known as Lewis
Schletchway, is hereby changed to that of Lewis Robinson.

CHAPTER XLIV.

AN ACT

To appropriate the Sum of Three Thousand Five Hundred
and Ninety-Seven Dollars to meet Deficiencies of an
Appropriation for the Support of the Insane Asylum of
California, for the Year 1855.

[Approved March 25th, 1856.]

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

Warrant in favor of Trustees of Insane Asylum. Amount. SECTION 1. The Controller of State is hereby authorized and
required to draw his warrant on the Treasurer of State in favor of
the Trustees of the Insane Asylum of California, for the sum of three
thousand five hundred and ninety-seven dollars, and the Treasurer of
State is hereby required to pay the same out of any moneys in the
treasury not otherwise appropriated.

Special Fund set apart. SEC. 2. The sum of three thousand five hundred and ninety-seven
dollars is hereby set apart as a special fund to meet the appropriation
mentioned in the first section of this Act.

CHAPTER XLV.

AN ACT

To Amend an Act entitled "An Act to Establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to Define the Time for Holding Courts in said Districts," approved April 28th, 1855.

[Approved March 26th, 1856.]

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

SECTION 1. The third section of the above entitled Act is amended so as to read as follows:

Section 3. The terms of the District Court of the Fourteenth Judicial District shall be held as follows: In the County of Nevada, on the third Mondays of April and July, and the second Mondays of October and December in each year. In the County of Sierra, on the second Mondays of March and June, and the third Mondays of September and November of each year. In the County of Plumas, on the first Mondays of February and the third Mondays of May, and the first Mondays in August and November of each year.

Terms of
District Court.
Nevada.

Sierra.

Plumas.

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

Takes effect.

CHAPTER XLVI.

AN ACT

Amendatory of an Act entitled "An Act Dividing the State into Counties and Establishing the Seats of Justice therein," passed April 25th, 1851.

[Approved March 26th, 1856.]

*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 Dividing the State into Counties and Establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows:

Section 3. County of Los Angeles, beginning on the coast of the

Boundaries of
County of Los
Angeles.

Pacific at a point parallel with the northern boundary of the rancho called Malaga; thence in a direction so as to include said rancho to the north-west corner of the rancho called Triumfo, running on the northerly line of the same to the north-east corner; thence to the summit of the ridge of hills called Santa Susanná; thence in a direct line to the north-westernmost corner of the tract of land called Castec, where it approaches nearer to, or touches, the tract of land called Tejon; thence along the limits of the rancho or tract of land called the Tejon, up and along its western to the north-westernmost corner thereof; thence along the northern line of the said tract of land called the Tejon, to its north-easternmost corner; thence in a north-east line to the eastern boundary of the State; thence along said boundary line to the junction of the northern boundary line of San Diego County with the Colorado River; thence along the boundary line of San Diego County to the Coast Range, to the boundary line of San Bernardino County; thence down and along the boundary line of said San Bernardino County to the boundary line of San Diego County; thence to the Pacific Ocean; thence along the coast of said ocean to the point of commencement, including the islands upon said coast.

Islands.

Provisions as to
lands and taxes
in said
boundaries.

SEC. 2. All lands within the above limits shall be taxable and redeemable only in the County of Los Angeles, and all uncollected taxes shall be only collectable therein, and the Sheriff thereof shall only execute the tax deeds for lands sold for delinquent taxes within the above limits. •

CHAPTER XLVII.

AN ACT

For the Protection of Actual Settlers, and to Quiet Land
Titles in this State.

[Approved March 26th, 1856.]

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

Public Lands.

SECTION 1. All lands in this State shall be deemed and regarded as public lands until the legal title is shown to have passed from the Government to private parties.

Actual
possession.

SEC. 2. Actual and peaceable possession of land shall be *prima facie* evidence of a right to such possession in the person so in possession.

The patent.

SEC. 3. In all cases when lands are claimed under or by virtue of a patent from the United States, or from this State, the right of the party claiming under the patent to the land shall be deemed to begin at the date of the patent, and he shall not be entitled to recover

When right
begins under
patent.

for the use or enjoyment of such land prior to the date of such patent.

SEC. 4. In all actions of ejections or other actions, involving the right to land or the right to the possession of lands hereafter to be commenced or hereafter to be tried in any court in this State, the defendant may deny the plaintiff's right to such land or to its possession, and he may also set up and aver in his answer that he and those under whom he claims, have made lasting and valuable improvements on such land, stating in what the improvements consist, and their value, and if a growing crop is upon said land, the defendant may state that fact also, and the court before which the action shall be tried shall direct the jury in their verdict to find—

Actions of ejection.

Improvements.
Growing crop.

Issue before jury.

First. Whether the plaintiff is entitled to the land or to the possession of the land, and if he is entitled to the land or to its possession.

Second. To find the value of the land in controversy without the improvements placed thereon by the defendant or by his grantors.

Value of—Land.

Third. The value of the improvements, and,

Improvements.

Fourth. The value of the growing crops then on said land.

Crops.

Fifth. The value of the use and occupation of such land from the time when the patent issued.

Use and occupation.

SEC. 5. If the verdict is in favor of the plaintiff's right to the land, or to the possession of the same, the court shall cause the verdict to be entered on its minutes, and the plaintiff shall, within six months, pay the defendant or his lawful agent, or he may pay to the Clerk of the court in which such action was tried, for the use of the defendant, the value of his improvements as found by the jury, and of the growing crops on the land, if the same at the time of payment still remain uncut on the land, or the plaintiff may, within the time allowed him to make such payment, notify the defendant or his attorney, that he will not pay for said improvements and growing crops, and that he will accept the value of the land as assessed by the verdict of the jury; and the defendant shall have six months from the time of giving such notice within which to pay the plaintiff the value of the land as the same shall have been assessed by the jury, also the amount of the rents and profits as assessed by virtue of the preceding section, together with interest on said amount at the rate of ten per cent. per annum on said amount from the time he received such notice.

Verdict.

Plaintiff to pay defendant in six months.

Improvements and growing crops.

May notify that he will not pay.

Alternative.

Rents and profits.

Interest.

SEC. 6. Service of the notice provided for in the fifth section of this Act shall be made by the Sheriff of the county where the party entitled to such notice, or his Attorney, is found, or by his deputy; the notice shall be returned with the certificate of the officer of its service, with the date thereof, to the office of the Clerk of the court in which the action was tried. The notice shall be served by delivering a copy thereof to the party entitled to the same, or his attorney, or in case neither can be found, then with the Clerk of the court in which the action was tried, who shall cause the same to be published in some newspaper of general circulation in the county wherein said action was tried, and if there is no newspaper published therein, then in a newspaper published nearest thereto, and it shall be the duty of the Sheriff to serve such notice when requested, for which he shall receive the same fees as for similar services in other cases.

Service of the notice.

Return of notice.

How served.

Publication.

Sheriff's fees.

SEC. 7. If the plaintiff pay into court or pay to defendant the amount of the value of his improvements as assessed by the jury,

If plaintiff pay.

- Judgment. and also of the growing crops, judgment shall be entered on the verdict of the jury immediately, and he shall have process for his costs, and the Sheriff, unless the defendant quits voluntarily, shall put him in possession of the land, the improvements and growing crops.
- Sheriff to put in possession. SEC. 8. If the defendant shall fail to pay the plaintiff, or to pay into court, within the time allowed by this Act, the value of the land as assessed by the jury, when he shall have been notified by the plaintiff, as is provided by the fifth section of this Act, the plaintiff may apply to the court, if in session, and if the court is not in session, to the Clerk, to have judgment entered in his favor on the verdict and have execution, as is provided in section six of this Act; in which case, defendant shall be deemed to have waived, and shall forfeit all right to value as assessed by the jury, of his improvements and growing crops.
- If defendant fail to pay. SEC. 9. If the plaintiff shall fail to pay the defendant or his agent, or to the Clerk of the court, the amount of the value of defendant's improvements and growing crops, as assessed by the jury, within the time allowed by this Act, and shall fail to notify the defendant that he will not pay for said improvements, and that he will accept the value of the land as assessed by the verdict of the jury, as it is provided by the fifth section of this Act, the court if in session, and the Clerk in vacation, may, on application of the defendant, enter judgment against the plaintiff for costs and have execution therefor, and the plaintiff shall be deemed to waive all right to judgment on the verdict of the jury, and shall be estopped from maintaining any other action for the same land.
- Forfeiture. SEC. 10. The provisions of this Act shall extend to all litigation for lands, or for the possession of lands, claimed under or by virtue of any Spanish or Mexican Grant, or any grant made by the Governors of California, unless the said grants shall have been surveyed, and the boundaries plainly and distinctly marked out and kept so plainly and distinctly marked, that said boundaries could at any time when improvements were being made on said lands, be easily seen and certainly known, and unless said grant and the plat, and the field notes of the survey of the same shall have been recorded in the office of the Recorder of the county in which the lands lie before such improvements shall have been made.
- If plaintiff fail to pay. SEC. 11. No action of ejectment or other actions to recover the possession of lands, shall hereafter be sustained unless such action shall have been commenced within two years after the cause of action accrued; and the cause of action shall be construed to commence at the date of the issuance of a patent as against all persons settled upon and occupying any part of the land patented, unless such persons hold or claim to hold under the patentee or his grantees; *provided, however*, that infants and married women shall have the same time allowed them to begin their action, after their disability shall be removed, as is by this section allowed.
- Spanish Grants. SEC. 12. No person or persons shall claim the benefits of this Act for any improvements made on private lands after the confirmation of such lands by the Board of the United States Land Commissioners, or the United States Courts, where the occupant, or those under whom he claims, obtained possession of the land after such confirmation.
- Governors' do. SEC. 13. The provisions of this Act shall not apply to the lands of the State lying below tide water mark; nor shall any person who has entered upon land of another through actual force or fraud, or
- Restrictions. Boundaries and survey. Record of survey. Ejectment. When to be sustained. When cause of action commences. Proviso. Who not entitled to benefits of this Act. Lands below tide water.

who has entered upon inclosed land claimed by another under the Governments of Spain or Mexico, be entitled to the benefit of the provisions of this Act. Not shall the provisions of this Act apply to actions between landlord and tenant when there is a contract of renting or lease.

Force or fraud.
Inclosed land.
Landlord and
tenant.

CHAPTER XLVIII.

AN ACT

Entitled "An Act to Regulate the Fees of Certain County Officers, in and for the Counties of Klamath and Colusi."

[Approved March 28th, 1856.]

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

SECTION 1. Such fees are allowed the county officers hereinafter named in the Counties of Klamath and Colusi, for their services rendered in discharging the duties imposed upon them by law, and such officers may lawfully charge and demand, and receive the same.

Fees of—
County Officers.

SEC. 2. The Clerk of the District Court shall be allowed for each execution or writ of possession, one dollar.

Clerk of
District Court.

For docketing each execution, fifty cents.

For entering return of each execution, fifty cents.

For every writ under seal, one dollar and fifty cents.

For entering appearance, discontinuance, nonsuit, default, motion, rule or order, one dollar.

For every certificate under seal, one dollar and fifty cents.

For certificate of issuing or filing, one dollar.

For each calling or swearing a jury, one dollar.

For swearing each witness, fifty cents.

For entering each cause in a calendar and making a copy for the court or bar, one dollar.

For entering every cause, two dollars.

For receiving and entering a verdict, one dollar.

For filing each paper, fifty cents.

For entering every final judgment, for each folio, two dollars.

For entering satisfaction of judgment, two dollars.

For copy of record or paper, for each folio, forty cents.

Searching records (not charging parties to suit), fifty cents.

For administering oath and certifying same, one dollar.

For taking testimony of witness in court, for each folio, forty cents.

SEC. 3. The Clerk of the County Court shall be allowed for filing all papers sent at one time from a Justice's Court, two dollars. For all other services, the same fees as are allowed in the District Court for similar services, as specified in section second of this Act.

Clerk of
County Court.

SEC. 4. The Clerk of the Court of Sessions, shall receive the same fees as are allowed in the District Court for similar services.

Clerk of Court
of Sessions.

Fees of—
Clerk of
Probate Court.

SEC. 5. The Clerk of the Probate Court shall be allowed for drawing letters testamentary, or of administration, or a certificate of the appointment of appraisers, two dollars.

For each notice given by posting, two dollars.

For each notice given by publication, three dollars.

For all other services, the same fees as are allowed to the Clerk of the District Court for similar services, as specified in section second of this Act.

County
Recorder.

SEC. 6. The County Recorder shall be allowed for recording any instrument, paper or notice, and for copies of any records, papers or notices, when required, for every folio, forty cents.

For filing or receiving every instrument for record, and making the necessary entries therein, fifty 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, fifty 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, one dollar.

For searching records and files of each year in his office, when required, one dollar.

For abstract or certificate of title when required, for each conveyance or incumbrance certified, one dollar.

For recording every town plat, for every course, fifty cents.

For figures and lettering plats and maps, per folio, one dollar.

For taking and writing acknowledgments, including seal for each signature, one dollar.

For filing and entering a minute of certificate of Sheriff's sale, one dollar.

For filing and entering a certificate of tax sale, one dollar.

For recording marriage certificate, one dollar.

For filing and keeping each paper not required to be recorded and indorsing same if required, fifty cents.

Sheriff.

SEC. 7. The Sheriff shall be allowed for serving a summons and complaint, or any other process by which action or proceeding is commenced, on every defendant, three dollars.

For traveling and making such service per mile, to be computed from the court-house in all cases, fifty cents; *provided*, that if any two or more papers in the same suit require to be served, one mileage only shall be charged.

For taking bond or undertaking in any case in which he is authorized to take the same, three dollars.

For copy of any writ, process or other paper when demanded or required by law, for each folio, fifty cents.

For serving every notice, rule or order, one dollar.

For serving a subpoena, for each witness summoned, one dollar, and fifty cents for each mile traveled; but when two or more witnesses live in the same direction, traveling fees shall be charged for the most distant only.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for delivery of personal property and with traveling fees as on a summons, five dollars.

For serving an attachment upon any ship, boat or vessel in proceeding to enforce any lien thereon, created by law, ten dollars. Fees of—
Sheriff.

For making and posting notices, and advertising for sale on an execution, or any judgment or order of sale, not to include the cost of publication in newspaper, three dollars.

For commissions for receiving and paying over money on execution or process where lands or personal property has been levied on, advertised and sold, on the first five thousand dollars, five per cent.; on all sums above that amount, three 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 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, eight dollars.

For serving a writ of possession or restitution, putting any person entitled into possession of premises and removing occupant, five dollars.

For travel in the service of any process not hereinbefore mentioned, for each mile traveled, to be computed from the court-house, fifty cents.

For attending on any court in person or by deputy, for each day, to be paid out of the County Treasury, five dollars.

For bringing up a prisoner on *habeas corpus*, to testify or answer in any court, or for examination as to the cause of his detention or arrest, or to give bail, three dollars.

He shall also be allowed such further compensation for his trouble and expense in taking possession of property under execution or attachment or other process, and of preserving the same, as the court from which the writ or order may issue shall certify to be reasonable and just.

For holding each inquest or trial of right of property when required, to include also service in the matter, except mileage, ten dollars.

For making every arrest in a criminal proceeding, five dollars.

For serving each subpoena in a criminal proceeding, one dollar.

For executing every sentence of death, fifty dollars.

For summoning every grand jury of twenty-five, twenty dollars.

For summoning each trial jury of twelve persons, six dollars.

For each additional juror, one dollar.

For service of any process in criminal cases, for each mile necessarily traveled, fifty cents; and the same mileage for taking a prisoner before a magistrate or to prison.

In serving subpoenas and venirens in criminal cases, he shall receive mileage for the most distant only, when witnesses or jurors live in the same direction.

For all services in Justice's Court, the same fees allowed to constables.

SEC. 8. That so much of the fifth, sixth, seventh, eighth, ninth and tenth sections of an Act entitled "An Act to Regulate Fees of Office," passed April tenth, one thousand eight hundred and fifty-five, applicable, and only as it is applicable, to the Counties of Klamath and Colusi, is hereby repealed. Repealing
clauses.

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

CHAPTER XLIX.

AN ACT

To Provide for the Better Maintenance of the Indigent Sick of Shasta, Siskiyou and Placer Counties.

[Approved March 23th, 1856.]

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

Supervisors may levy Special Tax.	SECTION 1. That the Board of Supervisors in and for the Counties of Shasta, Siskiyou and Placer, are hereby empowered to levy annually, and cause to be collected in said counties, such special <i>per capita</i> tax as they may deem necessary, not to exceed the sum of two dollars for each taxable inhabitant thereof, to be appropriated to the maintenance of the indigent sick of said counties.
Amount.	
Purpose.	
Additional Annual Tax.	SEC. 2. The Board of Supervisors of said counties are also empowered to levy and cause to be collected annually, in addition to the amount allowed to be collected by the provision of the eighth section of an Act entitled "An Act to Provide for the Indigent Sick in the Counties of this State," approved April the eleventh, one thousand eight hundred and fifty-five, such taxes, not exceeding one-fourth of one per cent. on the value of all taxable property of said counties, as may by them be deemed necessary and sufficient for the support of the resident indigent sick of said counties.
Amount.	
Purpose.	
Time and manner of collection.	SEC. 3. The taxes specified by this Act shall be collected in the same manner and at the same time as other taxes, and by the same officers who are or may be appointed to collect county revenue. And the said taxes, when collected, shall be paid into the County Treasury, and the Treasurer shall receipt therefor; and the money thus collected shall constitute and be known as a part of the Special Hospital Fund of the Counties of Shasta, Siskiyou and Placer, and shall be used for the care and protection of the indigent sick, and shall be appropriated for no other object. The Treasurer of the county shall cause to be provided blank receipts for the tax herein provided for for their respective counties, which receipt shall be signed by the Treasurer and countersigned by the County Recorder, and by the Treasurer delivered to the County Assessor, taking his receipt for the same and making a registry of the same with the number thereof in a book to be kept by him for that purpose.
Hospital Fund.	
Duties of County Treasurer.	
Registry.	
How money to be drawn.	SEC. 4. No money set apart, under the provisions of this Act, for the benefit of the indigent sick, shall be drawn from the hands of the officer or officers having the charge of the same according to law, except upon the presentation of the order of the Board of Supervisors, drawn on the Hospital Fund.

CHAPTER L.

AN ACT

Fixing the Times for Holding the Court of Sessions, County Court and the Probate Court, in and for the County of Solano.

[Approved March 28th, 1856.]

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

SECTION 1. The Court of Sessions, the County Court and the Probate Court, in and for the County of Solano, shall hereafter be held as follows, to wit: The terms of the Court of Sessions shall commence on the first Monday of the months of April, July, October and January, and continue for two weeks, or until all the business of said court shall be disposed of. The terms of the County Court shall commence on the third Monday of the months of April July, October and January, and continue one week, unless all the business of said court be sooner disposed of. The terms of the Probate Court shall commence on the fourth Monday of April, July, October and January, and continue for one week, or until all the business before said court is disposed of.

Terms of
Court of
Sessions.

County Court.

Probate Court.

SEC. 2. The County Judge of said county may call and hold special terms of the Court of Sessions whenever, in his opinion, the public interest requires it. He may also call and hold special terms of the Probate Court for the purpose of admitting wills to probate, for making final settlements of administrators, executors and guardians, and confirming sales of real estate made by orders of said court, and for all other business which is required by law to be done at a regular term of said court, whenever in his opinion it shall be necessary.

Special Terms.

SEC. 3. Whenever the County Judge shall call a special term of the Court of Sessions or Probate Court, he shall cause an order to be entered up in the records of the respective courts, calling said special term, which order shall fix the time and place for holding the said special term. And the Clerk of said court shall cause notices to be posted in three public places in said county, of the time and place of holding said special term, for at least ten days before the commencement thereof.

Order of Judge,
etc.

Notices.

Time.

SEC. 4. All laws and parts of laws conflicting with the provisions of this Act are hereby repealed.

Repealing
clause.

CHAPTER LI.

AN ACT

To Establish Pilots, and Pilot Regulations for the Port and Harbors of Benicia and Mare Island.

[Approved March 29th, 1856.]

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

- Board of Commissioners.** SECTION 1. That it shall be the duty of the Governor to appoint two *bona fide* residents of the County of Solano, who, with the Commandant of the United States Navy Yard, at Mare Island, shall constitute a Board of Pilot Commissioners for the Port and Harbors of Benicia and Mare Island.
- Term of office.** SEC. 2. That the persons so appointed shall take an oath for the faithful discharge of their duty, and shall hold their office during the pleasure of the Governor.
- Rules and By-Laws.** SEC. 3. That the Commissioners may make by-laws and rules for their own government, not inconsistent with the provisions of the laws of this State or of the United States.
- Duties of Secretary of Board.** SEC. 4. That the Commissioners may appoint a Secretary, whose duty it shall be to keep correct minutes of all the proceedings of the Commissioners, in books to be provided by them for that purpose; to receive all money and pay out the same when ordered to do so by the Board, and shall register the name of all Pilots, with the date of their licenses and places of residence. The books and register to be always open to public inspection.
- Moneys.**
- Registry.**
- Appointment of Pilots.** SEC. 5. That the Commissioners shall have power to appoint, in the manner prescribed in this Act, such number of Pilots for said port and harbors as they may deem necessary; *provided*, that such number shall not exceed three, and that none of such Pilots shall hold any license, commission or appointment as Pilots for any other port or harbor while holding his branch commission or appointment for said Port or Harbors of Benicia and Mare Island.
- Proviso**
- Restrictions.**
- Qualifications and eligibility of Pilots.** SEC. 6. That persons applying for license to act as Pilots for the said Port and Harbors of Benicia and Mare Island, shall be American citizens, not under the age of twenty-one years, and shall be rigidly examined by the Commissioners, in the presence of one or more licensed Pilots, touching their qualifications and knowledge of the management of square rigged vessels, and of the tides, soundings, bearings and distances of the different shoals, rocks, bars and points of land and night-lights of the harbors and bays, and if deemed qualified shall thereupon receive a license as Pilot.
- How examined.**
- License.**
- Bond.** SEC. 7. That every licensed Pilot, previous to entering upon his duties, shall give bond to the amount of two thousand dollars, payable to the State of California, for the faithful discharge of his duty, which bond shall be approved by the said Commissioners and filed in their office.

SEC. 8. That the Commissioners shall have full power to suspend Pilots for misconduct or inattention to their duty; and on due proof of such misconduct or inattention, shall revoke their license; *provided*, due notice be given to the Pilot, and an opportunity be given him to be heard in his own defense.

How license
revoked.

Proviso.

SEC. 9. That every Pilot on boarding a vessel shall, at the request of the master, exhibit his license, and on refusing to do so shall be liable to a penalty of fifty dollars.

Penalty for
refusing to
exhibit license.

SEC. 10. That every Pilot who shall absent himself from his duty for more than two months, except on leave granted by the Commissioners, or by sickness, shall be considered as having forfeited his license.

Absence from
duty.

SEC. 11. That if any licensed Pilot shall be intoxicated while having charge of any vessel as Pilot, he shall be suspended or dismissed as the Commissioners may elect.

Intoxication.

SEC. 12. That the Commissioners may require Pilots to renew their bonds whenever they may deem it necessary.

Renewal of
bonds.

SEC. 13. That for carelessly or negligently running a vessel on shore, on conviction thereof, the Pilot having charge of the vessel at the time shall be suspended or removed at the discretion of the Commissioners, and moreover, shall be liable on his bond.

Carelessness
and negligence.

SEC. 14. That it shall be the duty of every Pilot in charge of a vessel arriving in the aforesaid harbors, to have the vessel safely moored in such position as the master of the vessel or the Harbor Master may direct, within twenty-four hours of the arrival of said vessel, weather permitting, without extra charge; but should the Pilot be called on after the expiration of twenty-four hours to haul any vessel into the wharf, he shall be entitled to receive twenty-five dollars for his services; and a Pilot shall be entitled to receive the same for taking a vessel from the wharf into the stream; *provided*, said vessel shall not proceed to sea within twenty-four hours of her anchorage in the stream.

When extra
charges may be
allowed.

SEC. 15. That when complaint is lodged with the Commissioners for misbehavior, neglect of duty or other cause, contemplated by this Act, such complaint shall be reduced to writing and sworn to, notice thereof must then be given to the Pilot, and he shall be notified to appear within fifteen days to answer the complaint. If the answer be not satisfactory, he may be fined five hundred dollars or deprived of his license, at the discretion of the Commissioners.

How tried for
neglect of duty.

SEC. 16. That no person, except those licensed by the Commissioners, shall pilot vessels in or out of said Port or Harbors of Benicia or Mare Island, under the penalty of five hundred dollars for each and every offense, the same to be recovered from the offending party by action at law in any competent court of this State, at the suit of the people, and on recovery of the same it shall be paid to the county where recovered. This penalty is not to be incurred when the master of a vessel acts as his own pilot, or in case of distress. This Act shall not be construed so as to prevent Pilots of the Port of San Francisco from bringing vessels from sea to that port which may be bound for Mare Island or Benicia.

Penalties.

None but
licensed Pilots
to act as such.

Penalty.

Exceptions from
penalty.

SEC. 17. That application for Pilots for vessels outward bound shall be made at the office of the Pilot, and the amount of outward pilotage shall then and there be paid.

Applications
for pilotage.

SEC. 18. That Pilots blown off or carried to sea against their will, when a boat is in attendance to receive them, shall be entitled

Fees of Pilots
when carried to

sea by contrary winds, etc.

to receive eight dollars per day while absent, which sum shall be paid by the master or owner of the vessel by which the Pilot was taken away. And should any Pilot be detained on board any vessel more than twenty-four hours by contrary wind, bad weather or other cause, not the fault of said Pilot, he shall receive the sum of eight dollars per day for each day's detention, in addition to his regular pilotage.

Pilots to render account every three months.

SEC. 19. That every branch Pilot of said port and harbors shall, once in three months, render to the Pilot Commissioners an account of all moneys received by him or by any other person for him or his account, and shall pay to said Commissioners five per centum on the amount thereof, which shall be taken in full for such Commissioners' official services and all expenses of their office, and the Pilots may add five per centum to the rates established at the time of performing their services of piloting any vessels, and may collect the same in the manner in which they are authorized to collect pilotage fees; and if any Pilot shall make a false return of moneys so received, he shall forfeit a sum not exceeding five hundred dollars. No Commissioners shall be interested in any pilot boat, or in the earnings of any Pilot beyond the above commission of five per centum.

Per centage to Commissioners.

How collected.

Penalty for false return.

Restrictions on Commissioners.

Lien on vessel for fees.

Rates of pilotage fees.

SEC. 20. That the hull and appurtenances of all vessels shall be held liable for pilotage fees.

SEC. 21. That the following shall be the rates of pilotage in and out of said port and harbors, viz.:

For incoming vessels, under fifteen feet draught, eight dollars per foot.

For incoming vessels, of fifteen feet and under eighteen, ten dollars per foot.

For incoming vessels of eighteen feet and over, twelve dollars per foot.

For outgoing vessels, eight dollars per foot.

Proviso.

Provided, that the rate for all American and foreign national vessels shall be twelve dollars per foot.

Coasting vessels exempted.

SEC. 22. That all vessels employed in the coasting trade within this State shall be exempted from this law.

When vessel liable to pay fees.

SEC. 23. That all vessels arriving at or leaving the said port or harbors shall be liable for the rates of pilotage when a Pilot is employed, or when a vessel is spoken and the services of the Pilot are refused, the Pilot first offering his services, shall be entitled to receive one-half of the above rates; *provided*, that all vessels in the coasting trade of this State, or between this State and Oregon or Washington Territory, and all vessels engaged in the whaling trade or business that may put into a port of this State for repairs or supplies, shall not be liable to any charge for any pilotage except when the services of a Pilot shall have been actually accepted; *provided*, that if the vessel accepting those services be a whaling vessel, she shall only pay one-half the usual rates.

Proviso and exceptions.

Duty of District Attorney.

SEC. 24. That it shall be the duty of the District Attorney of Solano County to prosecute for any fines or penalties incurred under this Act, when the same shall be brought to his notice.

Repealing clause.

SEC. 25. An Act entitled "An Act in Relation to the Appointment of Pilots for the different Ports and Harbors of California," passed January eighth, one thousand eight hundred and fifty, is hereby repealed so far as it relates to Pilots of said Port and Harbors of Benicia and Mare Island.

CHAPTER LII.

AN ACT

To Increase the Number of Fire Companies in the City of
Marysville.

[Approved March 29th, 1856.]

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

SECTION 1. The Fire Department of the City of Marysville shall at no time be allowed more than ten companies. Number of Companies.

SEC. 2. So much of section eight of an Act entitled "An Act to exempt Firemen from Militia Service and Jury Duty," passed March twenty-fifth, one thousand eight hundred and fifty-three, as conflicts with this Act, is hereby repealed. Repealing clause.

CHAPTER LIII.

AN ACT

To Authorize the Courts of Record of this State to Admit
Alfred W. Harcombe as an Attorney and Counselor at
Law.

[Approved March 29th, 1856.]

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

SECTION 1. It is hereby made lawful for any or all of the Courts of Record of this State, to admit Alfred W. Harcombe to practice as an Attorney and Counselor at Law in the same manner as though he were a citizen of the United States and of this State. Licensed to practice law.

CHAPTER LIV.

AN ACT

To Fund the Debt of Sierra County and to Provide for the Payment of the Same.

[Approved March 29th, 1856.]

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

Bonds.	SECTION 1. With a view to fund the debt of Sierra County in this State, and to provide for the payment thereof, the Treasurer of said county shall cause to be prepared bonds for an amount equal to the present county indebtedness, together with all indebtedness that shall have accrued on or before the first day of June, one thousand eight hundred and fifty-six. Said bonds shall be of the denomination of one hundred and five hundred dollars each; and each and every bond shall purport, in substance, that the County of Sierra owes to the holder thereof, a sum to be expressed therein, bearing an interest of ten per cent. per annum, from the date of issue; the interest to be paid on presentation at the office of the County Treasurer of said county on the first day of July, one thousand eight hundred and fifty-six, and on the first day of January and July of every year thereafter, until said bonds shall be paid and liquidated. 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, one thousand eight hundred and sixty-six. Said bonds shall be signed by the Funding Commissioners, hereinafter named, countersigned by the County Auditor and indorsed by the County Treasurer, and shall have the seal of the county annexed thereto.
What debts fundable.	
Denomination of bonds.	
Interest.	
Where payable. When.	
Where bonds payable. When.	
How signed. Countersigned and indorsed.	
Seal.	
Commissioners.	SEC. 2. Henry Critcher, of St. Louis, A. P. Chapman, of Downieville, and W. Fleming, of Forest City, are hereby appointed Commissioners for the funding of the indebtedness of Sierra County, by the name and style of "The Funding Commissioners of Sierra County."
Duties of— Commissioners.	SEC. 3. It shall be the duty of said Commissioners, to keep an account of the number, denomination and amount, of all bonds signed by them, in accordance with the provisions of this Act; it shall be the duty of the County Auditor to furnish the Commissioners, aforesaid, a certified copy of the record of warrants issued from his office since the origination of the county, and this, within thirty days after the passage of this Act. It shall be the duty of said Commissioners to examine all warrants presented for funding, and ascertain if they are the true and correct ones issued, according to the County Treasurer's and Auditor's books, corresponding with the entries therein; and no others than those, shall be considered true and lawful warrants to be funded; and it shall be the duty of the Commissioners, aforesaid, and the County Auditor, each, to keep a separate record of all such bonds, together with the coupons, as may be issued, showing
County Auditor.	
True and lawful warrants.	
Record of bonds and coupons.	

the number, date and amount of said bonds and coupons, and to whom the same were issued.

SEC. 4. Said bonds shall have coupons annexed thereto; said coupons shall express the amount of interest due at the respective periods, herein named, when payable, and shall be signed by said Commissioners, Auditor and Treasurer, as prescribed for the bonds.

SEC. 5. When any coupon shall be paid, under the provisions of this Act, it shall be the duty of the County Treasurer to cancel the same, in the presence of the County Judge and County Auditor; and said Auditor shall make a certificate thereof, and record the same, which shall be signed by the said County Judge, Auditor and Treasurer.

SEC. 6. The County Treasurer shall pay out of the County Treasury, out of any moneys not otherwise appropriated, any and all expenses he may incur in having said bonds prepared; the sum so paid out, not to exceed five hundred dollars.

SEC. 7. From and after the passage of this Act, all persons having any indebtedness of said County of Sierra which accrued prior to the first day of June, one thousand eight hundred and fifty-six, shall, upon the presentation to said Commissioners, receive in exchange therefor, county warrants, a bond or bonds, of the County of Sierra, with coupons annexed thereto, as provided for in this Act; *provided*, that for any fractional sum less than amount of bonds authorized to be issued, said Commissioners shall issue to the holders of the county warrants, a certificate of such fractional sum, and upon the presentation of the same to the County Auditor, he shall draw a warrant upon the County Treasurer for the amount so certified.

SEC. 8. The County Treasurer shall indorse on the back of each bond redeemed by him, the date on which he redeemed the same and from whom received, and shall also keep a record of the same, giving the number, date and amount of the bond, and shall cancel the same in the same manner as hereinbefore provided for the cancellation of coupons.

SEC. 9. In addition to the ordinary taxes for general county purposes, there shall, the present year, and annually thereafter, until the principal and interest of said bonds to be issued, shall be fully provided for, (by payment or otherwise, as provided in this Act,) be collected in the same manner with ordinary revenues of said county, and by the same officers, a Special Tax, to be called the "Interest Tax," of twenty-five cents on each one hundred dollars of taxable property; which tax shall be collected and paid into the County Treasury in the legal currency; 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, said surplus shall be paid into the Sinking Fund, herein provided for.

SEC. 10. It shall be the duty of the Board of Supervisors of Sierra County, to make certain arrangements for the payment of the interest on said bonds, when the same shall fall due, at least twenty days before the time of payment; and in the event that the said Interest Fund is insufficient, the Board of Supervisors shall draw a warrant on the County Treasurer of Sierra County, on the General Fund of said county, for such purposes; and said County Treasurer

Coupons.

How signed.

Cancellation of coupons.

How expense of preparing bonds paid.

Indebtedness prior to June 1st, 1856.

Proviso.

Fractional sums.

Redemption of bonds.

Cancellation.

Additional taxes, annually.

How collected.

Interest tax. Amount.

Payment of Interest.

Proviso.

Surplus.

How applied.

Duty of Supervisors.

When Interest Fund is insufficient.

- shall forthwith pay such warrants; and in the event those funds prove inadequate, the Board of Supervisors is hereby authorized, empowered and required, to make such contract and agreements, in the name, behalf, and for said county, as may be necessary for the payment of said interest and the protection of the faith of the County of Sierra; *provided*, that said Board of Supervisors shall have first drawn from the County Treasurer, such sums as may be in the County Treasury, subject to, and provided for the payment of said interest, by the provisions of said Act.
- Supervisors empowered to make payment.**
How.
- Proviso.**
- Sec. 11.** There shall also be levied and collected in said county, this year and every year thereafter, until the principal and interest of said bonds to be issued, shall be fully provided for, by payment or otherwise, for the purposes of this Act, a poll tax of one dollar. Said poll tax to be levied upon all persons not by law exempted from such tax, and shall be levied and collected at the time and in the manner provided by law for the levying and collecting poll tax for State purposes. Said poll tax, levied and collected, as herein provided, to be paid into the County Treasury and turned over to the Sinking Fund, hereinafter provided for.
- Poll tax.**
- How collected.**
- How disposed.**
- Sec. 12.** It shall be the duty of said Treasurer, to set apart a fund, to be called the "Sinking Fund" of the County of Sierra. Into this Fund shall be paid:
- Sinking Fund.**
- First. Any and all surplus of the Interest Fund, as aforesaid.
- Second. Whatever surplus may remain in the Treasury of the County of Sierra, on the fifteenth day of April, one thousand eight hundred and fifty-six, and on the fifteenth day of April, every year thereafter, after paying the ordinary yearly expenses of the county, each of such payments to be continued until the Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds, as aforesaid; and when these shall be paid and liquidated, the payment shall cease; and all surplus remaining in said Sinking Fund, shall be paid into the General Fund of said county.
- Surplus of Interest Fund.**
Surplus over and above county expenses.
- Surplus of Sinking Fund.**
- Sec. 13.** Whenever, at any time there shall be in the Sinking Fund, a sum of money amounting to one thousand dollars, or upwards, the County Treasurer shall advertise in a public newspaper, published in the County of Sierra, for the space of thirty days, for sealed proposals for the redemption of said bonds; after the expiration of the publication, the Treasurer shall open sealed proposals in presence of the County Judge, and shall pay and liquidate bonds presented, at the lowest value at which they may be proposed to be liquidated; *provided*, no bid shall be received exceeding the par value and interest on said bonds; *provided, however*, 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 Treasurer to advertise in some public newspaper in said county, for the space of four weeks, for the redemption of the outstanding bonds of said county, as herein-before provided; after which time, said bonds shall cease to bear interest.
- When County Treasurer to advertise, etc.**
- How opened.**
- Bids not to exceed par value.**
Proviso.
- When Interest ceases.**
- Sec. 14.** It shall not be lawful for the County Treasurer to pay or liquidate any of the indebtedness of said County of Sierra, which accrued prior to the first day of June, one thousand eight hundred and fifty-six, in any other manner than herein provided.
- Restrictions on County Treasurer.**
- Sec. 15.** The Commissioners, Treasurer and Auditor, shall receive, as a compensation for their services, ten dollars each, for
- Compensation of officers.**

every day actually engaged in the performance of the duties herein required.

SEC. 16. This Act shall take effect from and after its passage. Takes effect.

CHAPTER LV.

AN ACT

To Extend the Time of Collecting Taxes in the Counties of San Bernardino and Los Angeles.

[Approved March 29th, 1856.]

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

SECTION 1. The time of collecting taxes in the Counties of San Bernardino and Los Angeles is hereby extended to the first of June, one thousand eight hundred and fifty-seven. Extended to
June 1st, 1857.

CHAPTER LVI.

AN ACT

To Provide for the Support of the Indigent Sick in Yuba County.

[Approved March 31st, 1856.]

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

SECTION 1. There shall be assessed for the year one thousand eight hundred and fifty-six, and for each year hereafter, by the Assessor of Yuba County, in addition to the general taxes provided for by law, a tax of thirty-five cents on each one hundred dollars' worth of all real and personal property in said county, to be collected in the same manner, at the same time and by the same officer, as provided by law for the collection of State and county revenue in said county. Special Tax.
Amount.
Manner of
collection.

SEC. 2. The moneys collected under the provisions of this Act shall be paid into the County Treasury of said county, and the County Duty of County
Treasurer.

Hospital Fund. Treasurer shall receipt therefor, and hold the same as a Special Hospital Fund of the county, to be used for the care and protection of the indigent sick of said county and for no other object.

Restriction. SEC. 3. The tax hereby authorized to be levied shall be the only tax levied and collected in Yuba County for the support of the indigent sick of said county.

CHAPTER LVII.

AN ACT

Amendatory of an Act entitled "An Act to Regulate Fees of Office," approved April 10th, 1855.

[Approved April 1st, 1856.]

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

Fees of County Surveyors.

SECTION 1. The thirty-seventh section of an Act entitled "An Act to Regulate Fees of Office," approved April tenth, one thousand eight hundred and fifty-five, is amended so as to read as follows:

Section 37. For the first mile actually run with compass and chain, five dollars; for each succeeding mile, four dollars.

For each mile run with the compass alone, three dollars.

For each lot laid out and platted in any city or town, two dollars.

For recording a survey, two dollars.

For calculating the quantity of each division made in a tract of land, town lots excepted, one dollar.

Mileage.

For traveling to the place of survey, for each mile in going only, fifty cents; the distance shall be computed from his place of residence or from where his office is kept to the place of survey. And if the County Surveyor shall be required and duly notified, verbally or otherwise, to make other surveys while in the discharge of his official duty in the field, he shall only be entitled to mileage from the place last surveyed by him; but, if the distance shall be greater from the place last surveyed to the place where his services are required, he shall only be entitled to mileage from the county seat of the county in which he lives, and in no case shall constructive mileage be allowed.

Constructive mileage not allowed.

For ascertaining the location of every town lot in an old survey, and measuring and marking the same, three dollars.

For copies and certificates, per folio, thirty cents.

For erecting a monument at the corner of any survey when required, three dollars.

For copy of a plat of any survey, and certificate required by law to be transmitted to the Surveyor-General, three dollars, to be paid by the party requiring the survey.

Additional charge for Assistants.

Expenses of Assistants shall be an additional charge, to be agreed

upon between the parties; *provided*, that in Humboldt County, for surveying town lots, the County Surveyor shall only be allowed such compensation as the corporate authorities of the town may agree upon. Proviso. Humboldt County excepted.

CHAPTER LVIII.

AN ACT

Amendatory of an Act entitled "An Act to Provide for the Incorporation of Wagon Road Companies," passed April 22d, 1853.

[Approved April 1st, 1856.]

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

SECTION 1. The first section of the Act entitled "An Act to Provide for the Incorporation of Wagon Road Companies," passed April twenty-second, one thousand eight hundred and fifty-three, is hereby so amended as to read as follows:

Section 1. All the provisions of "An Act to Authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads," passed May twelfth, one thousand eight hundred and fifty-three, wherein the same do not conflict with the provisions of the following sections of this Act, shall apply to the corporations of companies formed for the purpose of constructing common wagon roads.

How amended.

CHAPTER LIX.

AN ACT

To Provide for the Payment of the Debt of Santa Barbara County.

[Approved April 2d, 1856.]

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

SECTION 1. The Board of Supervisors, in and for the County of Santa Barbara, in addition to other taxes they may levy under author- Supervisors to levy an annual Special Tax.

Amount. ity of law, shall annually levy a special tax of twenty-five cents on the hundred dollars on the real and personal property subject to taxation in said county, or at their discretion may increase it to any sum not exceeding seventy-five cents, to be collected in the same manner as other taxes, and payable in legal currency of the United States, and the money derived from said special tax, together with one-third of any and all amounts of money received into the County Treasury for county purposes derived from licenses, shall constitute a Sinking Fund for the extinguishment of the public debt of said county, and shall be held and disbursed in pursuance of the provisions of this Act.

When collections amount to. SEC. 2. Whenever there shall accumulate in the County Treasury, from proceeds of the special tax and of the licenses, as provided for in the foregoing section, the sum of five hundred dollars, it shall be the duty of the County Treasurer to give notice, by posting three public notices in English, and three public notices in Spanish, in three public places in said county, of the amount of money in the said Sinking Fund as above provided, and that sealed proposals for the redemption of county warrants drawn on a day previous to the first day of March, one thousand eight hundred and fifty-six, directed to him and the County Auditor, will be received and opened by them on a day and hour named, which shall not be less than twenty-one, nor more than thirty days from the posting of said notices; and upon the day and hour designated in the notice, the County Auditor and County Treasurer shall attend at the office of the latter, and then and there open said proposals, and accept the lowest bids for the redemption of warrants as aforesaid; *provided*, that no bid for more than the par value of said warrants, or no bid, unless accompanied by a responsible guaranty, shall be considered.

Duty of Treasurer and Auditor. SEC. 3. Whenever any bids are accepted, it shall be the duty of the County Auditor and County Treasurer to take the number and description of the warrants to be redeemed, and make a several record thereof in their respective offices, and thereupon the County Treasurer is authorized and directed to purchase the warrants designated in the accepted bids as aforesaid, and to pay for the same out of the money in the Sinking Fund upon the production and cancellation of said warrants, and said cancelled warrants shall be the only vouchers to the County Treasurer of the payment as aforesaid in the settlement of his accounts. The bids being at equal rates, the preference shall be given to the person offering the smallest amount of warrants, and the bids and amount of warrants offered being equal, each shall be accepted *pro rata*.

When proposals opened.

Award.

Proviso.

Duty of Treasurer and Auditor.

Cancelled warrants.

Vouchers.

Preference in making award.

Treasurer to keep separate account.

SEC. 4. The County Treasurer shall keep a separate account, under the head of Sinking Fund, of all moneys received from the sources specified in the first section; and the said money shall be never used or mixed with other funds except as herein provided for, and on final settlement of his accounts, he shall be chargeable with all the money as received, subject to credits in his favor equal to the amount, or amounts of canceled warrants produced by him and recorded in the office of County Auditor and County Treasurer as herein directed.

Warrants drawn prior to March 1st, 1856.

SEC. 5. Warrants drawn on the County Treasurer, and bearing date previous to the first of March, one thousand eight hundred and fifty-six, shall be paid and discharged only in the manner designated in the foregoing sections, and warrants drawn as aforesaid bearing

date, subsequent to the date last aforesaid, shall be paid out of any money in the County Treasury not in said Sinking Fund; *provided*, nothing in this section shall be construed so as to authorize any change in existing laws concerning the various funds received or to be received by the County Treasurer, except so far as warrants drawn on a day previous to the said first of March, one thousand eight hundred and fifty-six.

Subsequent warrants how paid.
Proviso.

Exception to proviso.

SEC. 6. This Act shall continue in force until all county warrants, issued prior to the first day of March, one thousand eight hundred and fifty-six, shall be redeemed and paid, and no longer.

Limitation of Act.

CHAPTER LX.

AN ACT

To Define the Time when the County Officers of Sierra County shall enter upon the Discharge of their Duties.

[Approved April 2d, 1858.]

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

SECTION 1. It shall be lawful for the county officers of Sierra County, elected at the general election held in September, one thousand eight hundred and fifty-five, to enter upon the discharge of their duties on the second Monday [of] June, one thousand eight hundred and fifty-six, and shall hold their offices until the general election in September, one thousand eight hundred and fifty-eight; *provided*, said officers file a bond, with at least two sufficient sureties, on or before the second Monday of June.

To hold until September, 1858.
Proviso.
Bond.

SEC. 2. The county officers required by law for Sierra County (except to fill vacancies), shall be elected at the general election in the year one thousand eight hundred and fifty-eight, and at the general election of every succeeding two years thereafter, and shall enter upon the discharge of the duties of their respective offices on the first Monday in the month next succeeding such election.

When to be elected.

When to take office.

SEC. 3. All Acts or parts of Acts conflicting with the provisions of this Act, so far as the County of Sierra is concerned, are hereby repealed.

Repealing clause.

CHAPTER LXI.

AN ACT

Authorizing David Girky and Others to Build a Wharf at Santa Cruz.

[Approved April 3d, 1856.]

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

Terminus and dimensions.

SECTION 1. David Girky, and such others as he may associate with him, and their assigns, are hereby authorized to construct a wharf at Santa Cruz, commencing at the foot of Jefferson Street and running into the Bay of Monterey seven hundred feet from ordinary low water mark ; said wharf to be sixty feet wide.

Rights of State to land released.

SEC. 2. All right of the State of California to the land on which said wharf may be built, is hereby released to the aforesaid parties for the term of twenty years ; *provided*, that said wharf be completed within two years from and after the passage of this Act.

Proviso.

CHAPTER LXII.

AN ACT

To Authorize the Sheriff of Alameda County to Collect the Delinquent Taxes Assessed during the Years 1854, 1855 and 1856.

[Approved April 3d, 1856.]

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

Collection of delinquent taxes.

SECTION 1. The Sheriff of the County of Alameda is authorized, and it shall be lawful for him to proceed and collect all the delinquent taxes, assessed in and for said county, which remain unpaid on any assessment ; *provided*, such collections shall be made and enforced in like manner as provided by law for the collection of taxes in other cases, by or before the first day of August, one thousand eight hundred and fifty-six ; *and, provided*, that nothing in this Act shall be so construed as to affect the present official bond of the Sheriff of said county ; and before entering upon the duties imposed upon him in this section, he shall make and file with the County Recorder, a bond in

How.

When.

Proviso.

Sheriff to give additional bond.

accordance with the law, providing for Sheriff's bonds in other cases, conditional for the faithful performance of his duties as Tax Collector during the extension of time specified in this section, and that he shall pay over to the Treasurer of said county all State and county funds in his hands as such Tax Collector. Conditions.

CHAPTER LXIII.

AN ACT

Amendatory to an Act entitled "An Act to Provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County," passed April 27th, 1855.

[Approved April 3d, 1856.]

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

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

Section 1. The public lands, not being mineral lands, occupied as towns and villages in the County of Humboldt, at any time after the passage of this Act, shall be entered at the proper land office by the corporate authorities of any such town, if the same be incorporated, and if not incorporated, by the Judge of the County Court of Humboldt County, in trust for the several use and benefit of the occupants of such town according to their respective interests, in accordance with the provisions of an Act of Congress, entitled "An Act for the Relief of Citizens of Towns upon the Public Lands of the United States, under Certain Circumstances," approved May twenty-third, one thousand eight hundred and forty-four, as amended by an Act entitled "An Act to Provide for the Survey of Public Lands in California, the Granting of Pre-Emption Rights Thereon and for other Purposes," approved March third, one thousand eight hundred and fifty-three. Corporate authorities of towns, etc.
Act of Congress.

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

Sec. 2. It is hereby made the duty of the County Surveyor of said county, when called upon by said County Judge or corporate authorities, as the case may be, and under his or their direction, to proceed to lay out such town lots in said county, numbering the lots and blocks in such town, conforming as far as possible to the original plan thereof, and reserving for the public use, ornament and health, as many lots or blocks as may be deemed necessary for such purposes. And it shall also be the duty of the County Surveyor to make, or cause to be made, two maps or plats of each of the towns in said county surveyed by him as aforesaid, one to be deposited with Duty of County Surveyor.
Reservation for public use.
Maps.

Where deposited. said County Judge or corporate authorities of the town for the use of the town, and one with the County Recorder of said county.

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

Publication of notice to claimants.

Sec. 3. Immediately after the entry of the lands at the proper land office, as provided by the first section of this Act, the County Judge or corporate authorities, as the case may be, shall cause notice to be put in the newspapers published in said county, or if none be published therein, then in a newspaper published most convenient thereto, to be inserted once a week for the term of three months, requiring every claimant or claimants of any town lot or lots or parcel of land, to file in the office of the County Clerk of said county, in case the town is unincorporated, or with the corporate authorities thereof if the town be incorporated, within three months from the date of the first publication of the notice, a statement of his or their claim, describing particularly the lot or lots, or parcels of land, setting forth the grounds upon which it is founded, and within sixty days after the expiration of the notice as aforesaid, proof of such claim, and payment of the price fixed on the lot or lots or parcels of land claimed as hereinafter provided, must be made ; and no claim shall be filed, or any proof shall be permitted to be made after the terms respectively prescribed in this section.

Where and when statement of claim to be filed.

Proof of claim and payment.

Limitation.

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

Expenses of survey, etc.

Sec. 4. The expenses incurred in entering and surveying the lands, as provided in this Act, and the amount required to be paid for said land at the proper land office, shall be by the said County Judge in case the town be unincorporated, and by the proper corporate authorities of the town if the same be incorporated, assessed and apportioned with equality upon all the lots or parcels of land in said town ; and no claim shall be allowed, or certificate awarded to any claimant or claimants unless payment be made, if required, of the proportion due from such claimant or claimants.

How assessed and apportioned.

Certificate.

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

Evidence to establish claim.

Sec. 5. The evidence required to establish any claim to any lot or lots or parcels of land in any town in said county, under the provisions of this Act, shall be that the claimant thereof is a citizen of the United States, or has declared his intention to become such previous to the filing of his claim as hereinbefore provided, and is a resident of said county, and that the claimant was one of the original occupants and locators of such town, or holds his right to such lot or lots or parcels of land from such original occupant and locator, or his assignees ; *provided*, no right to any unimproved lot or lots or parcels of land, as last above-mentioned, acquired after the passage of the Act to which this is amendatory shall be respected, unless the person from whom the same be acquired be at the time a resident of said county ; *and, provided further*, that any person or persons who has been in peaceable possession of any lot or lots or parcels of land in such town for one year next preceding the passage of the Act of which this is amendatory, and has improved the same, shall be deemed to have prior right to said lots or parcels of land.

Provisos.

Prior rights.

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

Sec. 6. The said County Judge or corporate authorities, as the

case may be, shall proceed to dispose of the lots or parcels of land claimed, as provided for in this Act, and for that purpose shall, as soon as practicable, examine each and every claim filed, as herein provided, and any papers in support of the same, and hear such proof as the claimant or claimants may submit to establish his or their right thereto; and if the same shall be found to comply with the provisions of this Act, and no conflicting claim shall have been filed, the said County Judge or corporate authorities, as the case may be, shall issue a certificate confirming his or their claim, which certificate may be recorded in the Recorder's Office of said county in like manner and with the same effect as deeds are recorded.

How lots to be disposed of.

Certificate and record thereof.

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

Sec. 7. In all cases where there shall be a dispute or contest in regard to the title to any lot or lots or parcels of land in the said town, the County Judge or corporate authorities, as the case may be, shall hear the testimony relating thereto, and shall give their certificate to such person or persons as may seem to be justly entitled to the same; *provided, however,* nothing contained in this Act shall be so construed so as to prevent any person or persons aggrieved by the decision of said County Judge or corporate authorities, from pursuing his, her or their right, to any such lot or lots or parcels of land at law or equity.

How conflicting claims to be adjusted.

Proviso.

SEC. 8. Section eighth of said Act is amended so as to read as follows:

Sec. 8. The certificate herein mentioned, or certified copies of the same, under the hand of the County Recorder, shall be deemed and taken in all courts of justice as *prima facie* evidence of the facts stated therein and as conveying a title to the holder, or person or persons in whose favor the same may be issued; *provided,* that when there shall have been a dispute or contest, as provided in section seventh of this Act, and the party aggrieved shall, within sixty days, prosecute his or their rights in the proper tribunal, the provisions of this section, as to the effect of a certificate, shall not be applicable, but the rights of the parties before such tribunal shall be adjudicated on their original claims as though no confirmation had been made.

Certificate *prima facie* evidence of title.

Proviso.

SEC. 9. Section ninth of said Act shall be amended so as to read as follows:

Sec. 9. All lots or parcels of land remaining unproved at the expiration of the time specified in section third of this Act, shall be deemed as property of the town or village in which they are situated, and shall be held as such in trust by the corporate authorities, or if there be none, by the County Judge, and shall be disposed of in a manner as such authorities may direct; *provided,* such lots shall be sold by auction to the highest bidder, after giving public notice for the space of at least thirty days, the proceeds of such sale to be appropriated to the exclusive benefit of such towns or villages.

Unproved lots to be disposed of by authorities.

Proviso.

Proceeds.

SEC. 10. Section tenth of said Act is amended so as to read as follows:

Sec. 10. Whenever a patent shall issue to said town or village, under the existing laws of Congress, it shall inure to the several benefit of those whose claims have been confirmed, and to whom certificates have issued, to every intent 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 or the County

Patent to inure to benefit of certificate holders.

Record of patent. Judge, as the case may be, to cause said patent when so issued to be recorded in the Recorder's Office of said county.

CHAPTER LXIV.

AN ACT

To Repeal an Act entitled "An Act to Create a Board of Supervisors for the County of Alameda," and to Provide for the Government of said County.

[Approved April 3d, 1856.]

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

Repealing
clause.

How county to
be governed.

Proviso.

Vacancy how
filled.

SECTION 1. An Act entitled "An Act to Create a Board of Supervisors for the County of Alameda," approved March ninth, A. D. one thousand eight hundred and fifty-five, is hereby repealed, and that said county shall, in all respects, be subject to the provisions of "An Act to Create a Board of Supervisors in the Counties of this State and Define their Duties and Powers," approved March twentieth, A. D. one thousand eight hundred and fifty-five; *and, provided also,* that the Supervisors now in office in said county, shall continue in office under said last-mentioned Act until the expiration of the term for which they were elected; and in case of the happening of any vacancy during said term, the same shall be filled by the voters of the district in which said vacancy occurred.

CHAPTER LXV.

AN ACT

Authorizing J. E. Davis and A. P. Jordan and Others to
Construct a Wharf at Santa Cruz.

[Approved April 3d, 1856.]

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

SECTION 1. J. E. Davis and A. P. Jordan, and such others as they may associate with them and their assigns, are hereby authorized to construct a wharf at Santa Cruz; commencing at a point where Davis & Jordan's wharf now stands, and running into the Bay of Monterey, in a southerly direction, to twelve feet water at low tide, the same being one hundred feet wide.

Who authorized.

Terminus.

Dimensions.

SEC. 2. All right of the State of California to the land on which said wharf may be constructed, is hereby released, for the period of twenty years from and after the passage of this Act, unto the aforesaid parties; *provided*, said wharf is completed within two years from and after the passage of this Act.

Right of State
to land released.

Proviso.

CHAPTER LXVI.

AN ACT

To Legalize the Incorporation of the Town of Santa Clara.

[Approved April 3d, 1856.]

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

SECTION 1. The incorporation of the town of Santa Clara, in accordance with an order or decree of the County Court of Santa Clara County, made at a regular term of said court, begun and held at the court-house in Jan José, on the fifth day of July, A. D. one thousand eight hundred and fifty-two, the same order or decree having been made by virtue of an Act of the Legislature, passed March twenty-seventh, one thousand eight hundred and fifty, is hereby declared a valid and legal incorporation, save and except that the Board of Trustees of said town shall not have power to order an assessment of the property in said town, for any purposes, unless first submitting

Incorporation
by County
Court, etc.

Exception.

Power to order assessments, etc.

the matter of assessment to the legal voters of said town, under the same rules as other elections, at such time and place as said Board may designate, after five days' notice first given; and if it shall appear that a majority of all the legal votes cast at said election have been in favor of an assessment, then in that case the said Board of Trustees shall order an assessment to be made of all the taxable property in said town.

SEC. 2. In addition to the powers conferred on the said Board of Trustees by the Act referred to in section one of this Act, they shall have power to pass ordinances prohibiting persons from vending wine or distilled liquors within the incorporation without first obtaining a license for the same, which shall not be more than ten dollars per month. They shall have power to pass ordinances prohibiting hawkers or peddlers from vending any goods, wares or merchandise within said incorporation without first obtaining a license, which shall not be more than ten dollars per month.

SEC. 3. Whenever it may become necessary to order an election to fill a vacancy of any town officer, or at a regular election, and there shall not be a majority of the Trustees present, two members may order the election, canvass the polls and declare the result.

CHAPTER LXVII.

AN ACT

Concerning the Office of Public Administrator in the Counties of Nevada, Sacramento, Monterey and Amador.

[Approved April 5th, 1856.]

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

Providing amount of fees.

SECTION 1. The Public Administrator of the Counties of Nevada, Sacramento, Monterey and Amador, shall hereafter be entitled to receive for his services the same fees as are allowed Executors and Administrators by an Act entitled "An Act to Regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.

CHAPTER LXVIII.

AN ACT

Making Appropriations to Meet Deficiencies in Appropriations Heretofore Made to Defray the Civil Expenses of Government, from the 1st Day of February, 1855, until the 1st Day of February, 1856.

[Approved April 7th, 1856.]

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

SECTION 1. That the following sums be and the same are hereby appropriated for the objects hereinafter expressed, and to meet deficiencies in appropriations heretofore made to defray the civil expenses of Government, from the first day of February, one thousand eight hundred and fifty-five, until the first day of February, one thousand eight hundred and fifty-six :

For compensation of State Printer, sixty-two thousand dollars. State Printer.

For purchase of paper for State Printer, four thousand six hundred dollars. Paper.

For transportation of prisoners, twelve thousand dollars. State prisoners.

For transportation of insane, two thousand three hundred and twenty-five dollars. Insane.

For fitting up Capitol and articles furnished for use of Legislature, by J. C. Doherty, two thousand three hundred and thirty-eight dollars. Capitol.

For fitting up Capitol and articles furnished for use of Legislature, by Young, two thousand two hundred and five dollars and thirty-three cents.

For fitting up Capitol and articles furnished for use of Legislature, by B. Wattles, one thousand nine hundred and twenty-one dollars and eighty-seven cents.

For stationery, by D. S. Lord, four thousand and four hundred and eleven dollars. Stationery.

For cost of suit where the State was party, two thousand four hundred dollars. State suits.

For rent of room for State Library, one thousand three hundred and fifty dollars. State Library.

For translating laws, executive and legislative documents, two thousand six hundred and fifty-nine dollars. Translating.

For indexing journals of one thousand eight hundred and fifty-four, three hundred dollars. Indexing Journals.

For pay of President *pro tem.* for one thousand eight hundred and fifty-two, one thousand eight hundred and fifty-three and one thousand eight hundred and fifty-four, one thousand five hundred and thirty-two dollars. President *pro tem.*

For contingent expenses of Supreme Court, nine thousand dollars. Supreme Court.

- State Library. For contingent expenses of State Library, one hundred and thirty-eight dollars.
- Contingents of Office of—
Governor. For contingent expenses of Governor's Office, six hundred and fifty dollars.
- Controller. For contingent expenses of Controller's Office, two thousand eight hundred and thirty-five dollars.
- Treasurer. For contingent expenses of Treasurer's Office, two thousand one hundred and fifty-one dollars.
- Sec'y of State. For contingent expenses of Secretary of State's Office, five hundred and seventy dollars.
- Superintendent of Public Instruction. For contingent expenses of Superintendent of Public Instruction, one thousand dollars.
- Attorney-General. For contingent expenses of the Attorney-General's Office, eight hundred dollars.
- Surveyor-General. For township plats and copying the same, and contingent expenses of the Surveyor-General's Office, five thousand dollars.
- Quartermaster-General. For contingent expenses of Quartermaster-General's Office, eight hundred and ninety-three dollars.
- Expert. For compensation of Paul Morrill, as expert, six hundred and fifty dollars.
- Senators. For per diem of Senators, two thousand and two hundred and seventy-five dollars.
- Rent of Capitol. For rent for Capitol, three thousand dollars.
- Lithographing. For Brittan & Rey, for lithographing State Bonds of one thousand eight hundred and fifty-five, one thousand dollars.
- Marine Hospital. For expenses of State Marine Hospital at San Francisco, nine thousand six hundred and eighty-four dollars and eighty-three cents.
- Assemblymen. For per diem of Assemblymen, one hundred and eighty dollars.
- State Reporter. For payment to State Reporter, for three hundred volumes of the Reports of the Supreme Court, for the year one thousand eight hundred and fifty-three, being volume third, three thousand dollars.
- Arrest of fugitives. For the payment of William M. Low, reward offered by Governor Bigler for arrest of prisoners, one thousand dollars.
- Expenses. For the payment of Wells, Fargo & Co., for expressing packages in one thousand eight hundred and fifty-five, five thousand seven hundred and eighty-three dollars.
- For the payment of James Langley, for services in the Governor's Office, in one thousand eight hundred and fifty-five, eight hundred and fifteen dollars.
- For the payment of William P. Henry for work on the water-pipes at the Capitol building, one hundred and ninety-three dollars.
- For the payment of the City Water Works, for water furnished for eight months, at twenty-five dollars per month, two hundred dollars.

CHAPTER LXIX.

AN ACT

To Amend "An Act to Regulate Fees in Office," Approved April 10th, 1855.

[Approved April 5th, 1856.]

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

SECTION 1. The Clerks of the District Courts of the Fourth Judicial District, of the Twelfth Judicial District and of the Superior Court of the City of San Francisco, shall be entitled to charge and receive the same rate of fees in civil cases, as are allowed to the Clerk of the District Court of the Sixth Judicial District, (or County Clerk of Sacramento County,) for similar services. Fees of Clerk of Fourth and Twelfth Districts.

SEC. 2. All Acts or parts of Acts in conflict or inconsistent with the provisions of this Act are hereby repealed. Repealing clause.

CHAPTER LXX.

AN ACT

To Fix the Time of Holding the District Court in the Third Judicial District.

[Approved April 5th, 1856.]

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

SECTION 1. The District Court of the Third Judicial District shall be held as follows : Terms.

First. In the County of Santa Clara, on the fourth Mondays of March, July and November. Santa Clara.

Second. In the County of Alameda, on the third Mondays of April, August and December. Alameda.

Third. In the County of Monterey, on the first Mondays of March, July and November. Monterey.

Fourth. In the County of Santa Cruz, on the third Mondays of March, July and November. Santa Cruz.

SEC. 2. An Act entitled "An Act to Fix the Time of Holding the District Court in the Third Judicial District," approved March fourteenth, one thousand eight hundred and fifty-five, is hereby repealed. Repealing clause.

CHAPTER LXXI.

AN ACT

Concerning Official Advertisements and to Provide for their Payment.

[Became a Law by operation of the Constitution, April 7th, 1856.]

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

Governor to
order, etc.

SECTION 1. All advertisements, notices and proclamations by the Governor and other officers, on behalf of the State, shall be ordered published by the Governor in one newspaper only, and the State shall not be liable to pay for any other publication, and every officer is prohibited paying for such other publication out of any moneys belonging to the State; *provided*, that Governor's proclamation of a reward may by him be ordered published in not to exceed four newspapers, and notices by the Treasurer, for the redemption of State Warrants or Bonds, may be published as now required by law.

Proviso.

Appropriation.

SEC. 2. The following sums are hereby appropriated out of any moneys in the State Treasury, not otherwise set apart, for the objects and purposes and payment of official advertisements herein expressed and unpaid before the first day of February last :

Publishing
amendments to
Constitution.
Proviso.

For publishing amendments to the Constitution, proposed by the last Legislature, twenty-five thousand dollars; *provided*, payment for the same shall be made only for such length of time as said amendments were published previous to the last general election, but not subsequently; and no payment shall be made at greater rates than those allowed the State Printer.

For publishing notices of sales by the State Land Commissioners and the publication of other matters relating to them :

To the *State Journal*, two thousand three hundred and one dollars, thirty-seven cents.

To the *San Joaquin Republican*, two thousand two hundred and sixty-five dollars, seventy-five cents.

To the *San Francisco Evening News*, two thousand two hundred and twenty-seven dollars, fifty cents.

To the *San Francisco Herald*, two thousand three hundred and eight dollars, fifty-one cents.

To the *San Francisco Times and Transcript*, three thousand one hundred and eight dollars, twenty-five cents.

To the *California Express*, two thousand and fifty-two dollars.

To *San Francisco Citizen*, two thousand one hundred and twenty dollars.

To *El Eco del Pacifico*, one thousand dollars.

To the *San Francisco Sun*, two thousand one hundred and twenty dollars.

Notices, etc.

For publishing notices and advertisements concerning the Immigrant Wagon Road, swamp and overflowed lands, rewards and adver-

tising election proclamations, and for other advertisements and notices on behalf of the State, thirteen thousand six hundred and forty-nine dollars.

SEC. 3. The Controller shall not draw his warrants on the Treasurer for any advertising, except in cases of advertising the proposed amendments to the State Constitution, unless the officer or officers ordering the same shall first have certified that he or they ordered the publication to be made in the newspaper claiming pay for the same, and that he or they ordered it published for the number of times specified in the account rendered against the State, nor unless such officer or officers so certifying were the proper ones to make such orders; *and, provided*, that no new certificate of the fact of publication, which does not state that an order for publication was given for a definite number of times, shall be deemed a sufficient voucher on which to draw warrants under this Act.

What necessary
to issuance of
warrants.

Proviso.

SEC. 4. The Controller shall not pay the appropriations made in this Act for publishing notices of sales by the State Land Commissioners, without the parties first make oath that they have performed the service, that the rates charged for advertising are not more than those established as advertising charges in their respective papers, and that they have not increased the account from what it was originally written out.

Claimants for
publishing, etc.

SEC. 5. All Acts or parts of Acts, in any manner conflicting with the provisions herein contained, are hereby repealed.

Repealing
clause.

EXECUTIVE DEPARTMENT, }
Sacramento, April 7th, 1856. }

The foregoing Act was presented to me on the twenty-fifth day of March, one thousand eight hundred and fifty-six, and this day returned *without approval*, and has by operation of the Constitution become a law; this course has been pursued in this instance because a small portion of the appropriations are for purposes, and in a manner not recognized by the Constitution of the State, and a much larger amount is without sanction of law. Wherefore, I could not *approve* the Act, yet, as the services had been rendered, they existed as equitable claims against the State for payment, and it would be an act of great hardship to refuse it.

Statement of
Governor.

J. NEELY JOHNSON.

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

Certificate of
Sec'y of State.

DAVID F. DOUGLASS,
Secretary of State.

CHAPTER LXXII.

AN ACT

Making an Appropriation of Money to Defray the Expenses of the State Prison from the 1st day of January, 1856, to the 28th day of March, 1856, and to Pay the Salaries of the State Prison Directors.

[Approved April 7th, 1856.]

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

- Appropriation. SECTION 1. The sum of thirty-two thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to defray the expenses of the State Prison from the first day of January, one thousand eight hundred and fifty-six, to the twenty-eighth day of March, one thousand eight hundred and fifty-six.
- Controller authorized to audit accounts of, etc. SEC. 2. The Controller of State is hereby authorized and directed to audit the claims of A. M. Hay, D. R. Matheson, J. F. McCauley, D. S. Lord and C. E. Rand, for supplies and materials furnished at the State Prison, under the direction of the State Prison Directors, during the time in this Act specified, and to draw his warrants on the money hereby appropriated for the payment of the amounts found due on the said claims, respectively; *provided*, that in any warrants which may issue in pursuance of this Act, the same shall not be estimated at less than eighty cents on the dollar.
- Proviso. Value of warrants. SEC. 3. The sum of seven thousand eight hundred and seventy-five dollars is hereby appropriated to pay the salaries of the State Prison Directors, from the first day of April, one thousand eight hundred and fifty-six, to the thirty-first day of January, one thousand eight hundred and fifty-seven; the Controller of State is hereby authorized to draw his warrant, quarterly, upon any money in the treasury, not otherwise appropriated, for the payment of said salaries.
- Salaries of State Prison Directors. SEC. 4. No person shall receive any pay under this Act, for supplies of any kind, furnished under any contract or contracts made by or with the present Board of Directors of the State Prison, until such person shall surrender his contract, or contracts, and release the State from all liability for any supplies, whatever, furnished after the leasing of said prison by the Board of Commissioners, under an Act passed at this session of the Legislature.
- Contractors to surrender, etc.

CHAPTER LXXIII.

AN ACT

To Amend an Act entitled "An Act Concerning Fraudulent Conveyances and Contracts," Passed April 19th, 1850.

[Approved April 9th, 1856.]

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

SECTION 1. Section seventeen of the above-recited Act, is hereby amended so as to read as follows :

Section 17. No mortgage of personal property hereafter made, shall be valid against any other person than the parties thereto, unless possession of the mortgaged property be delivered to, and retained by, the mortgagee ; *provided*, that a mortgage upon growing crops, executed, acknowledged and recorded, like mortgages upon real estate, shall be valid as against third parties without such delivery of possession, but the lien of such mortgage shall cease as against subsequent purchasers, unless possession of such crops, when harvested, be delivered to the mortgagee, as required in other cases of mortgage of personal property.

Possession by the mortgagee necessary, etc.
Proviso.
When lien ceases.

CHAPTER LXXIV.

AN ACT

Amendatory of, and Supplementary to, "An Act Concerning the Organization of the Militia," passed April 25th, 1855.

[Approved April 10th, 1856.]

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

SECTION 1. Section thirty-five of "An Act Concerning the Organization of the Militia," passed April twenty-fifth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows :

Section 35. It shall be the duty of the County Assessor of each county in this State, annually, at the time of assessing the taxable property of his county, to assess each and every person designated

Special Tax.

in the preceding section, the sum of fifty cents, which said sum shall be collected, returned and paid over in the same manner as the poll tax is by law required to be collected and returned. The Assessor shall be allowed to retain for his services, ten per cent. upon all amounts collected under the provisions of this Act. He shall have power to question, under oath, any person whom he may believe liable to do military duty, but who denies the same. And if any person refuses to be sworn, the Assessor shall enroll his name and assess him, and collect the amount assessed in the same manner as though he shall have admitted his liabilities; *provided*, that no fee be allowed for taking such oath.

Commission.

Power of Assessor. Proviso.

Controller to issue blank receipts, etc.

SEC. 2. The Controller of State shall, immediately after the passage of this Act for the present year (and thereafter before the first day of March of each year), cause proper blank receipts for the military tax to be printed by the State Printer, of a uniform appearance (changing the style thereof each year), and shall cause a number thereof, equal to the probable number of inhabitants in each county, liable to do military duty, to be immediately forwarded to the County Treasurer of each county, who shall sign and number 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 thereon deliver them to the Clerk of the Board of Equalization, who shall in turn likewise sign them and make an entry thereof in a book to be kept by him for that purpose. The Clerk of the Board of Equalization shall issue to the Assessor so many of such executed receipts as may be needed, taking his receipts for the same. The Board of Military Auditors shall audit and pay out of the Military Fund all expenses incurred for printing said receipts.

Printing.

Repeal.

SEC. 3. Section thirty-nine of said Act is hereby repealed.

SEC. 4. Sections twenty-three and twenty-four of "An Act Concerning the Organization of the Militia," passed April twenty-fifth, one thousand eight hundred and fifty-five, shall not be construed to apply to, or in any manner affect, any volunteer company organized prior to the passage of said Act; but all such organized companies who have complied with the remaining provisions of said Act, shall be entitled to all its benefits.

Who entitled to benefits of this Act.

Commissions of officers.

SEC. 5. All battalion, regimental and staff officers, who shall be hereafter elected or appointed, shall be commissioned by the Governor, as prescribed in the thirtieth section of said Act.

Tax on officers.

SEC. 6. Each and every military officer of this State, who shall be commissioned by the Governor, shall, on receipt of his commission, before entering upon the duties of his office, pay to the Secretary of the State Board of Military Auditors, the sum of five dollars. The Secretary of the State Board of Military Auditors shall exhibit an account of, and pay, to the Treasurer of State, at the end of each quarter, the moneys collected under this section, and the same shall be set apart, credited and appropriated to the Military Fund of the State of California.

Disposition of moneys.

Repeal.

SEC. 7. So much of section first of an Act entitled "An Act Providing a Fund for the Use of the State Library," passed May first, one thousand eight hundred and fifty-two, as conflicts with section six of this Act, is hereby repealed.

Military Tactics to be distributed.

SEC. 8. It shall be the duty of the Quartermaster and Adjutant-General of this State, to issue to the commanding officer of each and every duly organized volunteer company, upon due requisition, a

number of copies of the Military Tactics now in use in this State, equal to the number of commissioned and non-commissioned officers required by law to be appointed or elected, and to hold office at the same time in such company, such copies to be issued but once to the commanding officer of any duly organized company during the existence of the same, the copies to be received for and held subject to the same orders as other property of the State issued to volunteer companies. The Board of Military Auditors shall audit and pay out of the Military Fund, the sum of two dollars for each and every copy of said work issued under the provisions of this section.

SEC. 9. The Generals of the respective divisions and brigades established by law in this State, and the Quartermaster and Adjutant-General, are hereby authorized to appoint a staff, to consist of such officers as are authorized to be appointed for officers of the same grade in the army of the United States, such staff officers to be residents of the respective divisions and brigades for which they are appointed, and shall take such rank as may be designated by the Commander-in-Chief.

Staff Officers.

CHAPTER LXXV.

AN ACT

To Amend an Act entitled "An Act to Provide for the Incorporation of Railroad Companies," passed April 22d, 1853, and Amended May 15th, 1854, and Amended April 10th, 1855.

[Approved April 14th, 1856.]

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

SECTION 1. Section nine of an Act entitled "An Act to Provide for the Incorporation of Railroad Companies," passed April twenty-second, one thousand eight hundred and fifty-three, and amended May fifteenth, one thousand eight hundred and fifty-four, and amended April tenth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows:

Amendment.

Section 9. The Directors acting previous to the subscription of the entire capital stock, shall have no power as such to borrow money or moneys, nor to assess the stockholders to an amount exceeding in all ten per cent. on their respective shares, except as provided as follows: In case it may be deemed expedient or necessary by said company to proceed to construct and build a portion or division of their road before proceeding to construct the whole of it, which portion shall be of such a length as to require at least one-tenth part of the entire stock, or if not costing one-tenth of the whole stock, then said

Power of Directors to borrow money limited.

Exception.

Election of Directors, etc.	<p>portion shall be at least ten miles in length, and upon there being subscribed an amount of stock so proportionate to the whole amount of capital stock as the length of said division is proportionate to the entire length of the road, thereupon a meeting of stockholders may be called, who shall elect from among their number not less than nine nor more than thirteen Directors to manage the business of the construction of said division and the general business of the road, who shall hold their office during the construction of said division, or until others are elected at the annual meeting for the election of Directors, as provided by section eleven of the Act to which this is amendatory. Any vacancy occurring in said Board of Directors by death, resignation or otherwise, shall be filled in the same manner as is provided in section fourteen of the Act to which this is amendatory. The Directors herein provided for shall have no power as such to borrow money or moneys until the full amount of capital stock, proportionate to the length of such division, shall have been subscribed and ten per cent. thereon paid into the treasury of the company, as is provided in section fifteen of this Act. Whenever it is deemed advisable to proceed to the construction of any other or remaining division or divisions of the road, and upon the subscription of a proportionate amount of stock for such other or remaining division or divisions, a new meeting shall be called for the election of Directors to manage the business of the company in the construction of such road so extended. The Directors chosen under the provisions of this section, for the management and construction of any specific portion of a road, shall have power to assess, and call in at their discretion, the whole or any part of that proportion of the entire stock of the company pertaining to the specific portion under their control.</p>
Term of office.	
Vacancy, how supplied.	
Limitation to power of Directors.	
New divisions or extensions of road.	
New Directors to be elected.	
Power of, to levy assessments.	
Meeting of stockholders.	
Notices.	
Where meeting to be held.	
Publication of notice.	
How Directors to be chosen.	
Must be a stockholder.	

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

Section 11. As soon as practicable, not exceeding six months after such capital stock shall have been subscribed, the Commissioners to receive subscriptions thereto shall distribute the same as aforesaid, shall appoint a time and place for a meeting of the stockholders to choose Directors, select newspapers for the publication of notices and transact other business; such meeting shall be held in one of the counties in or through which said railroad is proposed to be constructed, and notice thereof shall be given by said Commissioners by public notice, to be published not less than twenty days previous thereto in two or more newspapers published in said counties into or through which the said road is proposed to run, if there are newspapers published in either of said counties; if not, in two or more newspapers published in the next adjoining counties. Not less than nine nor more than thirteen Directors shall be chosen at such meeting by ballot, and by a majority of the votes of the stockholders being present in person or by proxy; and every such stockholder being present in person or by proxy at such election, or any subsequent election of Directors, shall be entitled to give one vote for every share of stock which he shall have owned for thirty days preceding such election, but no stockholder shall vote at any such election upon any stock except such stock as he shall have owned for such thirty days. No person shall be a Director unless he shall be a stockholder, owning such stock absolutely in his own right, and qualified to vote for Directors at the election of which he shall be chosen.

At least three of the Directors shall, at the time of their election, be residents of the counties in or through which the route of said railroad shall run; two-thirds of the Directors shall be residents of this State, and at least nine of the Directors shall be citizens of the United States. The Directors thus chosen shall be Directors for one year and until others are duly elected in their places. The Commissioners mentioned in the last preceding section, shall be Inspectors of the first election of Directors, shall openly count the votes and declare the result, and shall within ten days thereafter file a certificate thereof, subscribed by them, or a majority of them, in the office of the Secretary of State, and in the office of the Clerk of each county in or through which such railroad shall be proposed to be constructed, and shall also deliver to the Treasurer of said company all moneys received by such Commissioners on subscription to such capital stock not already paid over to the Treasurer; and they shall also deliver to the Directors, declared by them to be elected, all books and papers relating to such subscription or belonging to said company in the possession of said Commissioners. Subsequent elections shall be held annually, at such time and place, in one of the counties into or through which such railroad shall pass, as shall be directed by the by-laws of the company. In case it shall happen, at any time, that an election of Directors shall not be made on the day designated by the by-laws of said company when it ought to have been made, the company for that reason shall not be dissolved, if within ninety days thereafter they shall hold an election for Directors in such manner as shall be provided by such by-laws. At all meetings of the stockholders, when two-thirds of all the shares that may have been previously subscribed are represented in person or by proxy, those so representing the same shall constitute a quorum for the transaction of business. Should the Commissioners fail to perform their several duties as set forth in this and the foregoing section, said Commissioners, or any of them, may be removed by the Board of Directors, who may elect others in their places by a two-third vote of said Board, notice of the meeting for such purpose having been first given by the Secretary of the company, not less than ten days previous thereto, in one or more of the newspapers provided for in section five of the Act to which this is amendatory.

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

Section 15. Such companies, after at least ten per cent. on all their capital stock has been paid in cash into the treasury of the corporation, shall have power to borrow from time to time on the credit of the corporation, and under such restrictions as two-thirds in interest of the stockholders may impose, such sum or sums of money, not exceeding in all the amount of its capital, as may be necessary for the construction and equipment of their road, at a rate of interest not exceeding ten per cent. per annum, and to execute bonds or promissory notes therefor, in sums of not less than one thousand dollars in any one note or bond, and to secure said notes or bonds may mortgage their corporate property, and franchise and pledge the income of the company. But in case it may be deemed expedient or necessary on the part of said company to construct and build a portion or division of their road before proceeding to construct the whole of it, then it shall not be necessary that the whole amount of capital stock be subscribed and ten per cent. thereon paid, but there shall be subscribed such an amount as is proportionate to the length of the

Qualifications and residence of Directors.
Term of office.

Inspectors of election.

Certificate.

Where filed.

Directors to receive books and papers.

Elections to be held annually.

When election not held on appointed day.

Quorum to transact business.

When Commissioners fail to perform duties.

Power to borrow money.

Amount.

Interest.

Bonds.
Denomination.

May mortgage.

Providing for constructing divisions of road.

Remaining
divisions of road.

division, taking the entire length of road as a basis for such proportion; and upon ten per cent. thereon having been paid upon such proportionate amount of stock subscription, the said Directors, acting as such, may borrow such sum or sums of money, and subject to the same restrictions as above provided, as may be necessary to provide for the construction and equipment of such division, not exceeding in amount the proportional amount of capital stock apportioned to said division. Whenever it may be deemed expedient or necessary on the part of the company to proceed to construct and build the remaining division or divisions of the road, and upon the subscription of the proportionate amount of stock for that division or divisions, and upon the payment of ten per cent. thereon into the treasury of the company, the Directors, acting as such, may borrow such sum or sums of money as may be necessary for the construction and equipment of such remaining division or divisions, in the same manner, and subject to the same restrictions as are above provided, not exceeding in amount the proportional amount of stock for such remaining division or divisions. Should any such debt, or contract for such debt, be made not in accordance with the above-mentioned provisions, the Directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the Board of Directors at the time, and except those who were not present when the same did happen, shall, in their individual and private capacities, be liable, jointly and severally, to the said corporation, or to any of the creditors thereof, for the full amount of such debt, or contract for such debt, and moreover be deemed guilty of a misdemeanor, and upon conviction thereof before any court having competent jurisdiction, be fined any sum not exceeding ten thousand dollars, or imprisoned in the County Jail any time not exceeding one year, or both, at the discretion of the court.

When Directors
to be, etc.

Misdemeanor.

Penalty.

Sec. 4. Section forty-one of said Act shall be amended so as to read as follows:

When Act of
incorporation
becomes void.
Proviso.

Companies prior
to April, 1856.

Section 41. If such corporation shall not, within two years after the filing of its original articles of association, begin the construction of its road, and expend thereon five per cent. on the amount of its capital, and finish the road and put it in full operation in six years, its act of incorporation shall be void; *provided*, that the limitations of time in this section shall not be construed to work a forfeiture of the act of incorporation of any railroad company incorporated prior to the first day of April, one thousand eight hundred and fifty-six, under the provisions of this Act, or those of any former Act, if such company shall have commenced the construction of its road, and shall have expended thereon five per cent. of its capital stock previous to the first day of April, one thousand eight hundred and fifty-seven, and shall have finished its road previous to the first day of April, A. D. one thousand eight hundred and sixty-two.

Sec. 5. Section forty-three of said Act is amended so as to read as follows:

How to have
benefits of this
Act.

Section 43. Any railroad company, incorporated under any former Act, may have the benefit of the provisions and limitations of this Act by filing with the Secretary of State new articles of association, as set forth in section eight of this Act, and the filing of such articles by such company shall have the same effect upon the original articles of association of said company as if said company had been originally incorporated under this Act.

CHAPTER LXXVI.

AN ACT

For the Relief of Selim E. Woodworth.

[Approved April 14th, 1856.]

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

SECTION 1. The Controller of State is hereby authorized and required to draw his warrants on the Treasurer of State, in favor of Selim E. Woodworth, for the sum of five hundred and fifty-one dollars and seventy cents, for the principal and interest of a State bond for two hundred and twenty-five dollars, bearing three per cent. a month interest, which was lost and destroyed by fire in the month of May, one thousand eight hundred and fifty; and the State Treasurer is required to pay the same out of any money remaining in the treasury belonging to the fund of Three per Cent. Temporary State Loan, passed February first, one thousand eight hundred and fifty. The said Selim E. Woodworth shall file, with the Controller of State, a bond, to be approved by the Treasurer, of indemnity to the State of California, to the amount of one thousand dollars, conditioned for the faithful refunding to the State of the said sum; *provided*, the State shall ever hereafter be required to pay the said bond, before receiving said warrant or payment from the Treasurer.

Controller to
issue warrant.State Treasurer
directed to pay.Bond of
indemnity.

CHAPTER LXXVII.

AN ACT

Amendatory of, and Supplementary to, an Act entitled "An Act to Regulate the Settlement of the Estates of Deceased Persons," Passed May 1st, 1851.

[Approved April 14th, 1856.]

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

SECTION 1. Any Probate Judge may present a claim against the estate of any deceased person, for allowance, to the Executor or Administrator of such estate; and if the Executor or Administrator,

Probate Judge
may present
claim, etc.

Authority to
Probate Judge.

Right of
claimant, etc.

allows such claim, he shall, in writing, designate some Probate Judge of an adjoining county; and the Probate Judge, so designated by the Executor or Administrator, shall, upon the presentation of such claim to him, have the same power to allow or to reject it, as he would have if the will had been proved or administration granted in his own county; and the Probate Judge presenting such claim, shall, in case of its rejection by the Executor or Administrator, or by such Probate Judge, as shall have acted upon it, have the same right to sue in a proper court for its recovery, as other persons have when their claims against an estate are rejected.

CHAPTER LXXVIII.

AN ACT

To Authorize the State Treasurer to Pay Certain Coupons.

[Approved April 14th, 1856.]

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

State Treasurer
to pay certain
coupons.

Description.

Proviso.

Bond of
indemnity.

SECTION 1. The Treasurer of State is hereby authorized to pay Enslin & Shroebin, or their agents, for the following coupons of the State of California Bonds, viz: Numbers eight, six hundred and thirty-six and six hundred and forty-six, at thirty dollars each; seven coupons of State of California Bonds, numbers three hundred and ten, three hundred and eleven, three hundred and forty-one, three hundred and forty-eight, three hundred and sixty-eight, eight hundred and fifty-six and eight hundred and fifty-eight, at seventeen dollars and fifty cents each; *provided*, that the parties herein named, or either of them, will execute a bond, with at least two good and sufficient sureties, payable to the State of California, to be approved by the State Treasurer, in a sum double the amount so paid, conditioned that they will indemnify and save harmless the said State of California, in the event the said coupons should be presented for payment and paid.

CHAPTER LXXIX.

AN ACT

Supplemental to an Act entitled "An Act Making Appropriations for the Civil Expenses of the Government of the State," Approved March 15th, 1856.

[Approved April 16th, 1856.]

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

SECTION 1. The sum of three thousand two hundred dollars, is hereby appropriated out of the treasury, for the purpose of defraying the expenses of indexing journals, copying laws, marginal notes and indexing laws of one thousand eight hundred and fifty-six. The following sums are also appropriated: For contingent expenses of the Senate, nine thousand dollars. For contingent expenses of the Assembly, ten thousand dollars. For fees and costs of suits, prosecuted or defended by the Attorney-General when the State is a party, three thousand dollars; but none of this sum shall be paid for fees of assistant counsel. The moneys herein appropriated shall not be used to pay any accounts prior to February first, one thousand eight hundred and fifty-six, except for official reporter.

Indexing, etc.

Contingents of—
Senate.
Assembly.

Fees in State
cases.

Restriction.

CHAPTER LXXX.

AN ACT

Fixing the Salaries of the County Judge and of the District Attorney of the County of Tulare.

[Approved April 16th, 1856.]

*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 Tulare County shall be five hundred dollars per annum; *provided*, that nothing in this Act shall be so construed as to relate to the present incumbent.

Salary of—
County Judge.
Proviso.

SEC. 2. The salary of the District Attorney of Tulare County, shall be two hundred and fifty dollars per annum; *provided*, that nothing in this Act shall be so construed as to relate to the present incumbent.

District
Attorney.
Proviso.

CHAPTER LXXXI.

AN ACT

To Amend an Act entitled "An Act to Organize the County of Buena Vista," approved April 30th, A. D. 1855.

[Approved April 16th, 1856.]

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

Boundary of
county.

SECTION 1. Section first of an Act entitled "An Act to Organize the County of Buena Vista," approved April thirtieth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows :

Section 1. All that portion of the County of Tulare, situated south of the township line dividing townships number twenty and twenty-one, south, shall constitute a new county by the name of Buena Vista.

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

Salary of—
County Judge.

District
Attorney.

Section 9. The salary of the County Judge of said county shall be five hundred dollars per annum, and the salary of the District Attorney of said county shall be two hundred and fifty dollars per annum.

CHAPTER LXXXII.

AN ACT

Supplemental to "An Act to Create the County of Tehama, to Define its Boundaries and Provide for its Organization."

[Approved April 16th, 1856.]

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

Counties of
Tehama and
Colusi to form
one Assembly
District.

SECTION 1. The Counties of Colusi and Tehama shall form one Assembly District, and the qualified electors thereof shall at the next general election, and each succeeding general election thereafter, vote for one Member of Assembly, to represent both counties in the State Legislature.

CHAPTER LXXXIII.

AN ACT

Fixing Traveling Fees in Tulare County.

[Approved April 16th, 1856.]

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

SECTION 1. The traveling fees of Sheriffs, Constables, Supervisors, Jurors, Witnesses, Carriers of election returns and all other persons allowed mileage by law, shall be for each mile necessarily traveled, in going only, at the rate of twenty-five cents per mile. Mileage of officers.

CHAPTER LXXXIV.

AN ACT

Amendatory of, and Supplementary to, an Act entitled "An Act to Incorporate the City of Marysville," Approved March 5th, 1855.

[Approved April 18th, 1856.]

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

SECTION 1. Section one of article second of the Act entitled "An Act to Incorporate the City of Marysville," approved March fifth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows:

Section 1. The officers of the City of Marysville shall consist of Style of officers. one Mayor, one Recorder, one Clerk, twelve Aldermen, one Treasurer, one Assessor, one Marshal, one Attorney and such other officers as are hereinafter authorized to be appointed.

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

Section 11. There shall be annually elected at the general city election, by the qualified electors of the city, one Assessor of the city, who shall hold his office for one year and until his successor is elected and qualified. It shall be the duty of the City Assessor to prepare, before the first Monday in August in each year, a list of all the tax- Election of City Assessor. Term. Duties of Assessor.

able property, real and personal, within the city, with a valuation thereof, and a list containing the names and occupation of all residents within the city who are tax payers, and furnish the same to the Common Council, which list, subject to the approval and correction of said Common Council, shall be the Assessment Roll and basis of taxation for said city. Within ten days after the reception of said list, the Common Council shall hold one or more meetings for the correction of any errors in the said assessment, of which meeting notice shall be given in one of the newspapers published in said city of at least five days; and no Assessment Roll shall be delivered to the Marshal for the collection of the taxes until such meeting or meetings shall have been held. The Assessor of the city shall receive for compensation for his services, the sum of one thousand dollars per annum. The election of the first City Assessor shall take place on Monday, the twelfth day of May, one thousand eight hundred and fifty-six, and the Assessor elected at such election shall enter upon the duties of his office upon the first Monday of June, and hold his office until his successor is elected and qualified. It shall be the duty of the Mayor, at least ten days before such election, to issue his proclamation, designating the day of the election and the office to be filled. A copy of such proclamation shall be published in one of the newspapers published in said city.

SEC. 3. Section eight of article fourth of the Act entitled "An Act to Incorporate the City of Marysville," approved March fifth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows :

Section 8. The Recorder shall have jurisdiction over all violations of city ordinances, and may hold to bail, fine and commit to prison offenders, in accordance with the provisions of such ordinances, of all proceedings for the recovery of any penalty, fine or forfeiture imposed by ordinance; *provided*, the amount thereof shall not exceed five hundred dollars. Of all cases of misdemeanor and willful injury to property committed within the city limits, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding three months, and shall have final jurisdiction in all cases of petit larceny and of assault and battery not charged to have been committed on a public officer, or with an intent to commit a felony; *provided*, in all such cases the defendant shall have the right of trial by jury. He shall exercise the powers of a Justice of the Peace in regard to public offenses committed within the city limits, subject to all the rules governing Justices of the Peace in the aforesaid cases. He may issue all writs and process, and administer all oaths necessary to the exercise of the jurisdiction hereby conferred. The place of holding said Recorder's Court shall be designated by ordinance. The Recorder shall receive for his services a salary of three thousand dollars per annum, payable quarterly; and all moneys collected by him for fines and fees, shall be paid by him into the City Treasury at the end of each week. The Marshal, or other peace officer, for making an arrest under a warrant, may receive two dollars, together with twenty cents for every mile necessarily traveled by him in rendering such service, and in taking the prisoner before a court or Magistrate, or carrying him to prison. For serving a subpoena, fifty cents, with twenty cents for every mile necessarily traveled in making such service. Whenever the Marshal or other peace officer mentioned in this Act receives a salary from said city, he shall account for and pay

Assessment roll.

Correction of roll.

Delivery of roll to Marshal.

Salary of Assessor.

When to be elected.

When to take office.

Proclamation of Mayor.

Jurisdiction of Recorder.

Limitation.

Trial by jury.

Place of holding Court.

Salary.

Disposition of fines.

Fees of Marshal. Mileage.

Disposition of fees, etc.

over to the Treasurer of said city all fees collected by him under this Act for services as such peace officer; *provided*, that nothing in this section shall be construed in such a manner as to diminish the salary of the Recorder until the next general city election.

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

Section 17. The Common Council, at their first meeting after their election, and at any other meeting, when from any cause it becomes necessary, shall elect by ballot a President and Vice-President from their own body, and the President 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 from any other cause to discharge the duties of his office, the President shall act as Mayor, and possess all the power and perform all the duties of the Mayor during such vacancy or disability. In the absence of the Mayor and President, the Vice-President shall preside at all the meetings of the Council.

President and
Vice President
of Council.

When President
to act as Mayor.

SEC. 5. The fiscal year of the city shall commence on the first day of April of each year. The lien of the city for taxes for municipal purposes, shall attach on all real and personal property, on the first day of May annually; and such lien, to the absolute exclusion of other liens, shall continue until all such taxes thereon shall be paid.

Fiscal year.

Lien for taxes.

SEC. 6. From and after the passage of this Act, the city printing shall be done by contract, to be awarded to the lowest bidder, and for that purpose the City Clerk shall cause a notice to be published at least two weeks in March of each year, in one or more newspapers published in said city, for sealed proposals for such printing, designating the time and place when such proposals will be opened. At their last meeting in March, the Board of Aldermen shall open all the proposals that shall be made and filed with the City Clerk, and shall award the city printing for the fiscal year to the lowest bidder, giving sufficient surety for the faithful execution of the work; *provided*, that for such part of the present fiscal year as shall be unexpired, such notice shall be given and the printing awarded in the month of May.

City printing.

Notice.

Proposals for
printing.

Award.

Proviso.

CHAPTER LXXXV.

AN ACT

For the Better Protection of the State Treasury.

[Approved April 16th, 1856.]

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

Board of
Examiners.

SECTION 1. The Governor of the State, the Secretary of State and the Attorney-General, are hereby constituted a Board of Examiners of the books of the Controller and Treasurer of State, and of the money in the Treasury of the State.

Duty of Board.

SEC. 2. It shall be the duty of said Board, as often as it may be deemed proper, to examine the books of the Controller and the Treasurer, the accounts and vouchers in their office and to count the moneys in the treasury belonging to the various funds; *provided*, that said examination and counting shall take place at least once a month.

Proviso.

Warrants for
salaries of
officers.

SEC. 3. The Controller shall be authorized to draw his warrants on the Treasurer, for the salaries of officers, when there are appropriations made therefor in the manner now provided for by law; but in all other cases, previous to drawing his warrants in liquidation of any claim or demand whatever, the said claim or demand must have indorsed thereon, the previous approval of the said Board of Examiners, who shall hold semi-monthly sessions for the purpose of auditing and approving legal claims, the payment whereof has been provided for by appropriation by the Legislature.

Other claims to
be approved by
Board.Meetings of
Board.Duties of
Controller and
Treasurer.

SEC. 4. It shall be the duty of the Controller and Treasurer, to permit the said Board of Examiners to examine the books and papers in their respective offices, and of the Treasurer to permit the moneys in the treasury to be counted, whenever the said Board may wish to make said examination or counting, without delaying said examination or counting, on any pretense whatever.

Violating of
this Act a
felony.

Penalty.

SEC. 5. Any violation of the provisions of this Act, by the Controller or Treasurer, shall be deemed a felony, and upon conviction thereof in a court of competent jurisdiction, the party convicted, shall be sentenced to imprisonment in the State Prison for a term not exceeding three years, and to a fine of not less than five hundred dollars nor more than twenty thousand dollars; and whenever any indictment under this Act shall be found against either of the last said officers, said indictment shall temporarily suspend the indicted officer from his office until his final acquittal, and said office may be temporarily filled by the Governor; and any final conviction obtained under this Act, shall, *ipso facto*, vacate the office held by the party so convicted [which] shall be filled in the manner provided for by law.

Effect of
indictment.Governor may
fill vacancy,
temporarily.Quorum of
Board.

SEC. 6. A majority of said Board of Examiners, shall be competent to discharge all the duties imposed on said Board by this Act;

and said Board, once in each month, shall file in the office of Secretary of State a statement, under oath, of the amount of moneys in the State Treasury, as found by them, after actually counting the same; said statement shall be once published in one daily newspaper published in San Francisco, and one daily newspaper published in Sacramento, and one daily newspaper published in Stockton.

SEC. 7. The Secretary of State and the Attorney-General shall receive an annual salary of six hundred dollars, and the Private Secretary of the Governor shall be Clerk of said Board and shall receive an annual salary of six hundred dollars.

SEC. 8. The sum of eighteen hundred dollars is hereby appropriated to pay the salaries herein provided for, and two hundred and fifty dollars to defray the contingent expenses of the said Board, payable out of any money in the treasury not otherwise appropriated.

SEC. 9. And whenever, hereafter, the Controller shall by law be directed to draw his warrant upon the Treasurer of the State for any purpose whatsoever, said direction shall be construed to be subject to the provisions of this Act, unless said direction be accompanied by a special provision, exempting it from the operations of this Act. All Acts and parts of Acts contrary to this Act, are hereby repealed.

Statement to be filed with Sec'y of State.

Publication of statement.

Salary of—Board.

Clerk.

Appropriation for salaries and contingents.

Controller subject in all cases to provisions of this Act.

Repealing clause.

CHAPTER LXXXVI.

AN ACT

To Grant to the Sheriffs of Stanislaus, Sonoma and Mariposa Counties Additional Time to Make their Annual Settlement for the Collection of State and County Taxes for the Year 1855.

[Approved April 17th, 1856.]

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

SECTION 1. The Sheriffs of the Counties of Stanislaus and Sonoma are hereby granted two months, and the Sheriff of the County of Mariposa three months, from the first Monday of March, A. D. one thousand eight hundred and fifty-six, to make their annual settlement for the collection of State and county taxes for the year one thousand eight hundred and fifty-five; *provided*, that nothing in this Act shall be so construed as to release, in any way, the sureties on the official bonds of the Sheriffs of Stanislaus and Sonoma Counties; *and, provided further*, that the sureties on the official bond of the Sheriff or Ex-Sheriff of Mariposa County shall execute and deliver in the form to be approved by the County Judge, an instrument in writing, declaring their assent to the extension of time granted in

Extension of time.

Proviso.

Sheriff of Mariposa to file assent, etc.

this Act, and that the same shall not discharge or affect their liability on such official bond, which instrument in writing shall be filed and preserved in the office of the County Clerk.

Supervisors may
require
additional bonds.

SEC. 2. The Board of Supervisors of the respective counties may require of the Sheriff to give additional bonds, if they shall deem it necessary, for the security of the public moneys to be collected by the extension granted in this Act.

CHAPTER LXXXVII.

AN ACT

Entitled "An Act to Submit the Question of the Removal of the County Seat of El Dorado County to the Qualified Voters Thereof.

[Approved April 17th, 1856.]

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

Election to
determine
County Seat.

SECTION 1. Thirty days after the passage of this Act, an election shall be held in the County of El Dorado 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 Coloma, or be removed to the City of Placerville. The ballots used at said election shall be written or printed, and shall read thus: "For County Seat—Coloma," or, "For County Seat—Placerville." The Board of Supervisors of said county, or a majority of them, shall cause notices of said election to be posted in each of the election precincts at least six days previous to the day of holding said election, and the Inspectors and Judges shall conduct said election, count and make return of the votes cast in strict accordance with the provisions of an Act entitled "An Act to Provide for Elections."

Ballots

Notice of
election.

Duty of Judges
and Inspectors.

Supervisors to
declare result.

SEC. 2. After the votes shall have been canvassed, the Board of Supervisors of said county 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.

Provisions for
removal.

SEC. 3. If it shall appear from the returns of said election, that the City of Placerville has been chosen the County Seat of said county, the Board of Supervisors of said county shall immediately make the necessary provisions for the removal of all books, papers, furniture and moveable property of said county, and to secure suitable buildings and offices in which to transact the business of the county, at Placerville, until the court-house and other county buildings shall be erected.

SEC. 4. In the event of removal of the County Seat from the

town of Coloma, in pursuance of this Act, the Board of Supervisors shall have power, and it shall be their duty, to levy a direct tax upon the property of said county, rateably, as it shall appear on the Assessment Roll, 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 equal to fifty thousand dollars, to be appropriated and expended by, and under the direction of, the Board of Supervisors of said county, exclusively for the erection of public buildings necessary for the holding of courts, county offices and the confinement of prisoners.

In case of removal Supervisors to levy, etc.

Amount.

How appropriated.

SEC. 5. When the Board of Supervisors of said county have declared the City of Placerville to be the County Seat of said county, the District Court, the County Court, the Court of Sessions and Probate Court for said county shall thereafter be held at the County Seat; and all process which may, at the time of said removal, be made returnable at Coloma, shall be deemed returnable at the City of Placerville.

Place for holding courts.

SEC. 6. No contract for the erection of permanent county buildings shall be made until after proposals for such contract shall have been published by the Board of Supervisors of said county for at least twenty days in each newspaper printed in said county consenting to publish the same, which proposals shall state the time and manner of construction and material to be used; and no member of the Board of Supervisors or other county officer shall be interested in any manner in the contracts made.

County buildings.

Proposals to build.

Restrictions on officers.

SEC. 7. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

Repealing clause.

CHAPTER LXXXVIII.

AN ACT

To Incorporate the Town of Eureka.

[Approved April 18th, 1856.]

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

SECTION 1. The inhabitants of the town of Eureka, in the County of Humboldt, are hereby declared incorporated under the name and style of the town of Eureka, and by that name they shall have perpetual succession, may sue and be sued, and may acquire, purchase, receive and hold property within the corporate limits of said town for their common benefit, and sell or otherwise dispose of the same.

Incorporation.

SEC. 2. The boundaries of said town shall be as follows: Commencing at a point one hundred yards north of the corner of A and First Streets, in Humboldt Bay, and running south to the corner of

Boundaries.

A and First Streets; thence southerly along A street to Sixteenth Street; thence easterly along Sixteenth Street to S Street; thence northerly along S Street to the corner of S and First Streets; thence north one hundred yards to a point in Humboldt Bay; thence westerly to the place of beginning.

Board of Trustees.

Term of Trustees.

Compensation.

Journal.

President and Clerk.

Powers and duties of Board of Trustees.

Licenses.

Streets.

Wharfs, etc.

Wharfage.

Obstructions to sidewalks.

Corporate property. Proviso.

Public auction.

Deeds.

Contra bonos mores.

Schools.

Fires.

Fines and penalties. Proviso.

Taxes.

How appropriated.

SEC. 3. The corporate powers of said town shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of said town, on the third Monday of June in each year, and shall hold office for the term of one year and until their successors are elected and qualified; and they shall receive a compensation for their services which shall not exceed ten cents per day for each day's actual service, except the Clerk, who shall receive such compensation as the Board may prescribe, not exceeding two hundred dollars per annum. Their sittings shall be public, and they shall keep a journal of their proceedings, and the yeas and nays on any question shall be taken and entered on said journal at the request of any member. Said Board shall elect from their own number a suitable person as President, also, one of said number who shall act as Clerk.

SEC. 4. The Board of Trustees shall have power—

First. To make by-laws and ordinances not in conflict with the Constitution of the United States or of this State; to prevent and remove nuisances; to provide for licensing and regulating theatrical and other amusements, shows or exhibitions, and billiard tables, in the town; to provide for licensing any or all business not prohibited by law, and to apportion such licenses according to the capital invested.

Second. To open, construct, grade and repair streets, alleys, lanes, public places and sidewalks, and to construct and repair wharfs, bridges, fences and public places, and to authorize the same to be done; to regulate the rates of wharfage and tolls.

Third. To have obstructions removed from streets, alleys, lanes, public places or sidewalks, at the expense of the owners of lots or lands adjacent thereto.

Fourth. To improve, appropriate, sell, lease or otherwise dispose of the corporate property; *provided*, that all sales, leases, franchises or privileges, shall be made by public auction, after ten days' notice posted in three of the most public places within said town, and publication thereof made in a newspaper in said town, if any shall be published there; and all deeds, leases or grants made by said town shall be signed by the President and Clerk of the Board of Trustees.

Fifth. To prohibit and suppress gambling-houses, rooms or tables, dram-shops or houses of ill-fame, and all occupation, places, houses and exhibitions which are against good morals and contrary to public order and decency.

Sixth. To organize and support common schools and academies, and to provide for the preventing and extinguishing of fires.

Seventh. To impose and appropriate fines, penalties and forfeitures for the violation of ordinances; *provided*, that no fine be imposed of over five hundred dollars, or offender imprisoned more than three months.

Eighth. To authorize the assessment and levy of taxes on real and personal property within said town, not exceeding one-half of one per centum per annum on the assessed value thereof; and the amount of taxes so collected shall be appropriated in defraying the

ordinary expenses of said town, including the erection and repair of wharves and the support of free schools; but said Trustees shall not, in any manner, loan the credit of said town, neither shall they borrow money or contract any indebtedness which, singly or in the aggregate, together with any previous indebtedness or liability of said town, shall exceed the sum of three thousand dollars, neither shall they authorize the payment of interest exceeding three per cent. per month.

Limitation.

Interest.

SEC. 5. Any Justice of the Peace within said town or township, in which the same is situated, shall have jurisdiction—

Justices of the Peace.

First. On action or proceeding for fine, penalty or forfeiture by breach of any ordinance of the Board of Trustees. And,

Second. For proceedings respecting vagrants or disorderly persons.

Proceedings.

SEC. 6. All proceedings and actions, under this Act, before Justices' Courts, as herein provided, shall be commenced by complaint, setting forth the violation of the ordinance, or the act of vagrancy or disorderly conduct complained of, or the offense charged, with such particulars as to time and place, person or property as to enable the defendant to understand distinctly the nature of the offense charged and to answer the complaint. All such complaints shall be verified by oath of the parties making them to the complaint; the answer may be oral or in writing, and immediately thereafter the case shall be tried, unless for good cause shown an adjournment be granted; in all cases, the defendant shall be entitled to a trial by jury of six persons.

Complaint.

Answer.

Trial by jury.

SEC. 7. Any Constable within said town or township, is authorized to serve any process under any proceeding so instituted, and shall receive such fees as are provided by law for similar services in civil and criminal cases.

Fees of Constables.

SEC. 8. Said Board shall have power to provide for the election of an Assessor to assess property and collect taxes in such manner as said Board may determine.

Assessor.

SEC. 9. No member of the Board of Trustees shall be directly or indirectly interested in any contract entered into by said town authorities, or any work or business ordered to be executed by such Board.

Restriction.

SEC. 10. The election and returns of such Trustees shall be regulated in the same manner as prescribed by "An Act to Provide for the Incorporation of Towns," passed May twenty-seventh, one thousand eight hundred and fifty.

Election of Trustees.

CHAPTER LXXXIX.

AN ACT

Amendatory of an Act entitled "An Act Concerning County Judges," Passed April 4th, 1854; And also, an Act which Passed April 30th, 1855, Amendatory of the above recited Act.

[Approved April 18th, 1856.]

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

Plumas
excluded.

SECTION 1. The County of Plumas is hereby excluded from the operations of an Act amendatory of an Act entitled "An Act Concerning County Judges," passed April thirtieth, one thousand eight hundred and fifty-five.

CHAPTER XC.

AN ACT

Fixing the Time of Holding the Court of Sessions, County Court and Probate Court, in and for the County of Santa Clara.

[Approved April 18th, 1856.]

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

Terms of courts.

SECTION 1. There shall be held, annually, in and for the County of Santa Clara, on the second Monday of March, July and November, a term of the Court of Sessions, County Court and Probate Court, and shall continue from day to day, until the business of said courts shall be disposed of.

Repealing
clause.

SEC. 2. So much of the Act entitled "An Act Fixing the Time of Holding the Several Courts Authorized to be held by the County Judges of Shasta, Santa Clara, [and] Monterey," approved March ninth, one thousand eight hundred and fifty-five, as applied to the time of holding said courts in and for the County of Santa Clara, is hereby repealed.

CHAPTER XCI.

AN ACT

To Authorize the Board of Supervisors of Merced County to Audit the Account of J. W. Fitzhugh, for services as County Judge of said County, since its Organization.

[Approved April 18th, 1856.]

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

SECTION 1. The Board of Supervisors of Merced County are hereby authorized to audit the account of J. W. Fitzhugh for services as County Judge of said county since its organization. Supervisors authorized to audit.

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

CHAPTER XCII.

AN ACT

Relating to the Thirteenth Judicial District and to Define the Time of Holding the Courts in said District.

[Approved April 18th, 1856.]

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

SECTION 1. The County of Stanislaus, for judicial purposes, shall be attached to the Thirteenth Judicial District. Stanislaus attached to, etc.

SEC. 2. The terms of the District Court of the Thirteenth Judicial District shall be held as follows: Terms,

In the County of Merced, on the first Monday of February, June and October. Merced.

Of Mariposa, on the second Monday of February, June and October, of each year. Mariposa.

In the County of Tulare, on the first Monday of March, July and November, of each year. Tulare.

In the County of Stanislaus, on the fourth Monday of February, June and October, of each year. Stanislaus.

SEC. 3. All Acts or parts of Acts, so far as they are inconsistent with the provisions of this Act, are hereby repealed. Repealing clause.

CHAPTER XCIII.

AN ACT

Concerning County Officers in the County of Nevada.

[Approved April 18th, 1856.]

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

When certain
county officers
take office.

SECTION 1. All county officers, who shall hereafter be elected in and for the County of Nevada, except those who shall be elected at the general election in the present year, shall enter upon the duties of their respective offices on the first Monday of October next succeeding their election.

What officers to
be elected at
general election.

SEC. 2. There shall be elected in and for the County of Nevada, at the general election in the present year, one County Clerk, one Sheriff, one County Treasurer, one County Assessor, one Public Administrator, one District Attorney, one County Surveyor and one Coroner, who shall enter upon the duties of their respective offices at the expiration of the terms of their predecessors, and shall continue to hold their respective offices until the first Monday of October next succeeding the general election, in the year one thousand eight hundred and fifty-nine.

Term of office.

SEC. 3. The successors of the officers whose term of office is prescribed in the second section of this Act, shall be elected at the general election in the year one thousand eight hundred and fifty-nine, and at the general election every two years thereafter.

SEC. 4. The present incumbents of the offices of Sheriff, County Clerk, County Treasurer, County Assessor, County Surveyor, Coroner, Public Administrator and District Attorney, in and for the said County of Nevada, shall continue to hold their respective offices until the twenty-sixth day of May, in the year one thousand eight hundred and fifty-seven, on which day their respective terms of office shall expire.

CHAPTER XCIV.

AN ACT

To Create a Board of Commissioners to Examine the Claims of the Citizens of the Counties of Klamath, Siskiyou and Humboldt, and Report to the Governor of this State the Amount of Just Claims held by the Citizens of those Counties for Services Rendered or Supplies Furnished to the Troops and the Volunteers Engaged in the Suppression of Indian Hostilities, in the Years 1852, 1853, 1854 and 1855.

[Approved April 18th, 1856.]

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

SECTION 1. The Governor of the State of California shall appoint two Commissioners to examine all claims held by the citizens of Klamath, Siskiyou and Humboldt Counties for services rendered and for supplies furnished in the suppression of Indian hostilities, in the years one thousand eight hundred and fifty-two, one thousand eight hundred and fifty-three, one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, and report the same to his Excellency by the first day of December, one thousand eight hundred and fifty-six.

Governor to
appoint
Commissioners.

Commissioners
to report to
Governor.

SEC. 2. The Commissioners so appointed, shall enter upon their duty, under oath, to be administered by any one qualified, within twenty days after they receive their appointment, and shall publish in the newspapers printed in the said Counties of Klamath, Siskiyou and Humboldt, a notice to all parties holding claims for services rendered, or for supplies or ammunition furnished to the troops or volunteers engaged in the suppression of Indian hostilities in the said counties, in the years one thousand eight hundred and fifty-two, one thousand eight hundred and fifty-three, one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, to come forward and present them. Said Commissioners shall have full discretion to determine the justice of said claims, and for that purpose shall have full power to send for persons and papers, and to administer oaths to any parties or witnesses who may be examined by them; *provided*, that no claim or claims which have been allowed or canceled by the State shall be presented, considered or adjudicated upon by said Commissioners, as constituting any just claim for the purposes above-mentioned.

When to take
office.

Notice to
claimants.

Commissioners
to have full
discretion.

Proviso.

SEC. 3. The publication of said notices shall be at the expense of the parties holding said claims, and in no manner whatever shall any cost, claims or compensation be demanded from or paid by the State of California, either for services, costs or expenses attending the labor or duty of such commission.

Publication of
notice.

SEC. 4. Each Commissioner shall receive the sum of three thou-

Compensation of Commissioners. Proviso.

sand dollars as compensation for discharging the duties imposed upon him by this Act; *provided*, that Congress shall allow the said amount in addition to the appropriation for the payment of said claims for services rendered and supplies furnished as aforesaid.

Governor to transmit report to Legislature.

SEC. 5. When the Commissioners have completed their labors they shall report to the Governor, who shall transmit to the next Legislature the report of said Board of Commissioners, setting forth all the facts and amount of claims as ascertained and allowed by said Commissioners, and recommend to the Legislature such means as he may think proper to secure the same by appropriation from the General Government.

CHAPTER XCV.

AN ACT

To Provide for the Construction of the State Capitol in the City of Sacramento.

[Approved April 18th, 1856.]

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

Commissioners. SECTION 1. That the Secretary of State, being *ex officio* the Superintendent of Public Buildings, Gilbert Griswold, of the City of Sacramento, and the Controller of State, be and they are hereby appointed Commissioners, whose duty it shall be to contract for and superintend the work necessary to erect a State Capitol upon the public square in the City of Sacramento, donated to the State for that purpose.

Plan, etc. SEC. 2. The capitol to be erected shall be constructed upon such plan and of such dimensions as to furnish not only suitable chambers for holding the sessions of the Senate and Assembly of this State together with the necessary committee rooms not exceeding twenty in number for the use of the committees thereof, but also other appropriate rooms not exceeding twenty-five in number, for the use and accommodation of the various State officers, Supreme Court and library.

Materials, etc. SEC. 3. Said capitol shall be constructed of brick, granite or stone, with such other material as may be necessary for the erection thereof, and shall be erected in a neat, substantial and economical manner. In its erection, regard shall be had to its future extension and enlargement, and the plans shall be so laid, that it will be completed and ready for use on or before the first day of January, eighteen hundred and fifty-eight.

When to be completed.

Superintendent.

SEC. 4. Said Commissioners may employ a General Superintendent, whose duty it shall be, under their direction and control, to aid in the selection and adoption of plans, judge of the quality and dura-

bility of materials that may be used by contractors in the erection of said capitol, and take special care that all work be done in neat, substantial and workmanlike manner, and according to the specifications contained in their respective contracts. The said Commissioners shall allow the Superintendent a reasonable salary, not exceeding three thousand five hundred dollars per annum, to be paid at the end of each month in warrants, similar to the other payments under this Act, and he shall give a bond in the penal sum of twenty-five thousand dollars, conditioned for the faithful performance of the duties of his office, the same to be approved by the Board of Commissioners herein created.

Salary of.

Bond of.

SEC. 5. Said Commissioners shall, immediately after their appointment, advertise in one newspaper of general circulation in this State, for three months, for appropriate plans, drawings and designs for said capitol, and pay for such as may be by them selected, whatever sum the same in their opinion may be reasonably worth, not exceeding three thousand dollars.

Commissioners to advertise for plans.

Provisions for payment for plans.

SEC. 6. Said Commissioners shall, as soon as practicable, after they have obtained all the information they may deem necessary, decide upon the style and manner in which said work shall be done, and prepare such drawings and specifications as will enable builders and contractors to frame bids therefor, and such plans, drawings and specifications shall be accessible to all persons desirous of bidding; *provided*, the plans and specifications shall be such, that the building constructed under this Act shall not cost more than three hundred thousand dollars herein appropriated.

Commissioners to prepare drawings, etc.

Limitation as to cost of building.

SEC. 7. Said Commissioners shall advertise in four newspapers of general circulation in this State, for a period of two months, which advertisement shall contain a minute description of the work to be done, together with a proposition to secure bids according to the specifications thus proposed, also information where the plans, drawings and specifications may be seen.

Advertisement for proposals, etc.

SEC. 8. Bids may be received by the Commissioners for the entire completion of the whole work, or they may divide it into separate contracts, as to them may seem best, and the contract or contracts shall be given to the person or persons who shall make the lowest bids, and who shall give sufficient security for their performance, or may reject all bids and advertise for further proposals; *provided*, that all the bids accepted and the contracts made, shall not exceed the three hundred thousand dollars herein appropriated; *provided further*, that no convicts whatever, shall be employed to perform any of the labor or service contracted for under the provisions of this Act, and all contracts made shall include this last prohibition.

Bids may be received, etc.

Convicts shall not be employed.

SEC. 9. All bids made as above specified, shall be sealed up and delivered to the Commissioners, and shall be opened, by said Commissioners publicly, in the Assembly Chamber of the present Capitol, on such day as such Commissioners may designate in the advertisement for proposals. No person or firm shall be allowed to deposit more than one bid; if more than one appear, on the opening of said bids by the Board of Commissioners, all bids of such persons or firms shall be set aside without consideration.

Opening of bids.

Only one bid to be made by the same party.

SEC. 10. All contracts made under the provisions of this law shall be carefully drawn, under the supervision of the Attorney-General of the State, and shall contain detailed specifications of the character of the work to be done, the manner in which it shall be

Attorney-General to supervise contract.

Specifications in contract.	executed, the quality of the materials, and the time within which the contractors shall complete the same, with such penalties for the non-performance of such contract as the Commissioners may deem just and reasonable.
Copy of contracts to be filed with Sec'y of State.	SEC. 11. A copy of every such contract entered into by the Commissioners under the provisions of this Act, together with the plans and specifications of the work to be done, shall be carefully preserved and filed in the office of the Secretary of State.
Payment to contractors.	SEC. 12. The Commissioners shall be at liberty to make payments to the contractors from time to time as the work shall progress; <i>provided</i> , that at no time shall such payment exceed three-fourths of the value of the labor performed, or materials furnished, as ascertained and determined by the General Superintendent.
Restriction.	
Commissioners and Superintendent not to be interested, etc.	SEC. 13. The Commissioners appointed by this Act, and the General Superintendent selected by them, shall not, nor shall either of them, be interested, either directly or indirectly, in any contract for work and labor, or for materials furnished in the construction of said capitol, or in the plans or specifications for the same; they shall also make and subscribe, before some officer by law authorized to administer oaths, a declaration under oath, that they will not, during their continuance in such office, be so interested, which declaration shall be filed in the office of the State Controller; and a violation of such declaration, under oath, shall subject the party so violating, to a prosecution for perjury, and upon conviction, shall be punished accordingly, and in addition thereto, shall be liable on his official bond for the sum of ten thousand dollars, for each offense, to be prosecuted as suits on either official bonds of State officers. Each of said Commissioners shall receive the sum of one thousand dollars per annum, in full compensation for their services as such, and said Commissioners shall give bonds, separately, in the penal sum of twenty-five thousand dollars, with sufficient sureties, to be approved by the Governor of the State, and said bonds shall be filed in the office of the State Controller.
To make oath that they have no interest.	
Penalty on conviction of perjury.	
Salary of Commissioners.	
To give bond.	
Appropriation.	SEC. 14. The sum of three hundred thousand dollars is hereby appropriated to carry this Act into effect, and all payments herein provided for, shall be made as follows:
Payments, how made.	Said Board of Commissioners shall, from time to time, as the services herein provided for are performed, and labor done, draw their orders on the Controller of State, specifically describing the services rendered, or labor performed, together with the amount, and to whom payable, a correct register of which shall be kept by them in a book for such purpose; whereupon the Controller of State shall draw his warrants on the State Treasurer for such amount, specifying the services rendered, and to whom, all of which said Controller shall keep a concise registry of, in a separate book to be used for such purpose.
Register.	
Controller to keep separate book.	
Warrants to be redeemed by bonds.	SEC. 15. Said warrants shall be redeemed only, in the following manner: By the bonds of the State of California, in sums of five hundred dollars, and one thousand dollars, bearing a yearly interest of seven per cent., interest payable semi-annually, on the first days of July and January, in each year; said bonds to be redeemable in thirty years, both principal and interest, payable in the City of New York, State of New York, or at the State Treasury, as may be optional with the parties: <i>provided</i> , that no payment of interest shall be made thereon until the first day of July, one thousand eight hun-
Interest. When payable.	
When bonds redeemable. Where.	
Proviso.	

dred and fifty-seven, and said bonds shall be dated as of the first day of January, eighteen hundred and fifty-seven. It shall be lawful for the State, at any time after five years, to call in and redeem said outstanding bonds, by due advertisements and proclamation made for a period of six months, after which they shall cease to bear interest, if they should not be presented for redemption. Said bonds shall be signed by the Governor, and countersigned by the Controller, with the Seal of State affixed; also, shall have interest coupons attached, indicating the semi-annual interest for the same.

Date of bonds.

How bonds
redeemable, etc.

How signed.

Seal.
Coupons.

SEC. 16. The proceeds of the sales and leases of any lands donated to the State of California by the United States Government, or which may be hereafter, for the purpose of erecting public buildings, or so much thereof as may be necessary, are hereby set apart as a fund for the payment of the interest and principal of said bonds. If such proceeds of leases or sales should not, on the first day of January and July of each year, commencing on the first day of January, eighteen hundred and fifty-seven, amount to enough to pay the interest due on the next ensuing payment; also, if on the first day of November of each year, commencing with the first day of November, eighteen hundred and fifty-seven, the proceeds as aforesaid, should not, in addition to the interest aforesaid, equal the sum of ten thousand dollars, then it shall be the duty of the State Treasurer to set apart from any moneys in the General Fund of the State Treasury, or as soon as so much moneys necessary for such purpose shall be received in such General Fund of the State, an amount sufficient to make up such sum of interest, and the additional ten thousand dollars, as herein provided.

Proceeds of
lands, etc.State Treasurer
to set apart, etc.

SEC. 17. The aforesaid sum of ten thousand dollars, shall be a Sinking Fund for the gradual redemption of said bonds, and for thirty days prior to the first day of January in each year, commencing with the first day of January, eighteen hundred and fifty-eight. The State Treasurer shall advertise for proposals for the redemption of such bonds, and shall accept such bids as will secure the redemption of the greatest amount of such bonds, not to exceed their par value, with the sum set apart for such purpose, and the same shall be taken up and canceled.

Sinking Fund.

Treasurer to
advertise, etc.

SEC. 18. The sum of two thousand dollars is hereby set apart as a fund, for the payment of the incidental expenses of said Board, which shall be paid as the foregoing amounts specified.

Appropriation
for incidental
expenses.

CHAPTER XCVI.

AN ACT

To Fund the Debt of the County of Santa Clara and to Provide for the Payment of the Same.

[Approved April 9th, 1856.]

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

Authority to fund debt prior to March 1st, 1856.

Commissioners. Style.

Bonds. Interest

Denomination. When and where payable.

Signed. Seal.

Coupons.

Interest, when and where payable.

Evidences of debt exchanged for bonds. At what rate.

Duty of Commissioners.

To keep separate record.

SECTION 1. The County of Santa Clara is hereby authorized to fund its debt as it existed on the first day of March, A. D. one thousand eight hundred and fifty-six; and to that end, the Auditor, Treasurer and County Clerk of said county, shall constitute a Board of Commissioners, to be styled "The Commissioners of the Funded Debt of the County of Santa Clara," and shall have and exercise the powers and perform the duties hereinafter provided.

SEC. 2. The said Commissioners shall cause to be prepared bonds bearing twelve per cent., per annum, interest from March first, one thousand eight hundred and fifty-six, of the denomination of one hundred and five hundred dollars each, payable at the Treasurer's office in said county, on or before the first day of March, one thousand eight hundred and sixty-seven. Every bond shall be signed by all of said Commissioners and be authenticated with the seal of the County Court and shall purport that the County of Santa Clara owes the holder thereof, the sum named in the bond payable and bearing interest as aforesaid.

SEC. 3. Said bonds shall have ten coupons annexed thereto, and shall express thereon, the amount of interest due each year, when payable, where payable, and shall be signed by all of said Commissioners; the interest shall be paid by the Treasurer of said county, at his office, annually, on the first day of March, on presentation of the respective coupons therefor.

SEC. 4. From and after the passage of this Act, all persons having any indebtedness of said County of Santa Clara, which accrued prior to the first day of March, A. D. one thousand eight hundred and fifty-six, and which shall have been decided by the Board of Supervisors of said county as equitable indebtedness of said county, shall upon presentation to said Commissioners, of such evidences of indebtedness, receive in exchange therefor a bond or bonds of the County of Santa Clara, with coupons annexed thereto, as provided for in this Act at the rate of one dollar in bonds for ninety-five cents indebtedness.

SEC. 5. It shall be the duty of the Commissioners to keep an account of the number, denomination and amount of all bonds signed by them, and, also, an account of all blank bonds; they shall, also, keep a separate record of all such bonds, together with the coupons as may be issued, showing the number, date and amount of said bonds and coupons, and to whom the same were issued.

SEC. 6. The said Commissioners' duties, under the provisions of this Act, shall be deemed to be a part of their official duties as Auditor, Treasurer and County Clerk, respectively; and upon any dereliction of the duties imposed upon them by the provisions of this Act, they shall be liable, individually and upon their official bonds. Said Board shall be entitled to receive for their duties herein prescribed, the sum of one hundred dollars each, which sum, together with all expenses incurred by them in the preparation and issue of said bonds, shall be allowed by the Board of Supervisors and shall be paid out of the current Expense Fund of said county.

Duties of Board under this Act, etc.

Dereliction.

Liability.

Compensation and expenses, how paid.

SEC. 7. On the first day of July next, the said Board of Commissioners shall file in the County Recorder's office, all their books, papers, vouchers, etc; they shall destroy the plates upon which the bonds were printed, and their office as such Commissioners shall cease and expire.

To file books, vouchers etc., with County Recorder. To destroy plate.

SEC. 8. On the first Monday of July, one thousand eight hundred and fifty-six and thereafter, annually, on or before the first Monday of March, the Auditor of the County of Santa Clara shall present to the Board of Supervisors of said county, a certified statement of the amount required to pay the annual interest on all the bonds outstanding and also the amount required to redeem the one-tenth part of the principal of said funded debt, in each year.

Duty of County Auditor.

Certified statement.

SEC. 9. In addition to the taxes now authorized by law to be levied in the County of Santa Clara, there shall be levied and collected by the proper officers of said county, a tax, to be called "The Funded Debt Tax," to meet the requirements mentioned in section eight. The manner of levying and collecting said tax, shall be the same as that provided by law for levying and collecting the State taxes.

Funded Debt Tax.

SEC. 10. On the first day of March, one thousand eight hundred and fifty-seven, and annually thereafter, it shall be the duty of the Treasurer of said county, from the moneys in his hands raised by said Funded Debt Tax, to pay the annual interest on the bonds outstanding; and, also, redeem one-tenth part of the principal of said bonds, or such amount of said bonds as the surplus money in his hands will redeem, at the lowest value at which they may be proposed to be liquidated, after advertising for two weeks in some public newspaper, published in the County of Santa Clara, 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 accept only of such as shall cancel the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a greater sum than one hundred cents on the dollar.

When and out of what fund Treasurer to pay interest.

Redemption of bonds.

Advertising, etc.

Opening of proposals.

Acceptance of bids.

Proviso.

SEC. 11. Whenever the County Treasurer shall pay any coupons or bonds, under the provisions of this Act, he shall cancel the same and preserve said canceled 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 "canceled by me," and sign his name thereto, as Treasurer.

Cancellation of bonds and coupons.

SEC. 12. It shall not be lawful for the County Treasurer to pay or liquidate any of the indebtedness of said County of Santa Clara, which accrued prior to the first day of March, one thousand eight hundred and fifty-six, in any other manner than herein provided.

Restriction as to payment, etc.

CHAPTER XCVII.

AN ACT

Amendatory of, and Supplementary to, an Act entitled "An Act to Provide Revenue for the Support of the Government of this State," passed May 15th, 1854.

[Approved April 9th, 1856.]

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

SECTION 1. Section nineteen of article five of "An Act to Provide Revenue for the Support of the Government of this State," passed May fifteenth, one thousand eight hundred and fifty-four, is hereby repealed.

Revenue Act of 1854 repealed.

CHAPTER XCVIII.

AN ACT

To Change the Time of Holding the Probate Court of the County of Merced.

[Approved April 9th, 1856.]

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

SECTION 1. The Probate Court in and for the County of Merced shall be held at the County Seat of said county on the first Monday of January, March, May, July, September and November of each year.

Terms of Probate Court of Merced County.

SEC. 2. The business of the County Court and Probate Court may be disposed of in such order as the Judge shall determine.

Order of business.

SEC. 3. Section sixty-five of an Act entitled "An Act Concerning the Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, so far as the same relates to the County of Merced, is hereby repealed.

Repealing clause.

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

Takes effect.

CHAPTER XCIX.

AN ACT

Fixing the Time of Holding the Several Courts Authorized to be Held by the County Judge in the County of Sonoma.

[Approved April 9th, 1856.]

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

SECTION 1. The courts authorized to be held by the County Judge in the County of Sonoma, shall hereafter be held at the same time, viz: On the first Monday of January, April, July and October of each year, and shall continue from day to day until a disposition is made of all the business. Term of courts held by County Judge of Sonoma.

SEC. 2. At said terms the business pertaining to the Court of Sessions shall be first disposed of unless otherwise ordered, and after that the business of the County Court and Probate Court in such order as the Judge may determine; *provided, however,* that the business of each of said courts may be taken up and disposed of on the same day. Business of Court of Sessions to have priority. County and Probate Court. Proviso.

SEC. 3. The records of each of said courts shall be kept separately as required by law. Records.

SEC. 4. The County Judge of said county may call and hold special terms of the Court of Sessions and Probate Court whenever the public interest may require. Special Terms.

SEC. 5. An Act entitled "An Act Concerning the Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, so far as the same conflicts or is inconsistent with the provisions of this Act, are hereby repealed. Repealing clause.

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

CHAPTER C.

AN ACT

To Create the County of Tehama, to Define its Boundaries and Provide for its Organization.

[Approved April 9th, 1856.]

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

- Out of what counties formed.** SECTION 1. The Counties of Colusi, Butte and Shasta, shall be divided so as to form a new county out of the northern portion of Colusi and Butte and the southern portion of Shasta County, which shall be called Tehama. .
- Boundaries.** SEC. 2. The County of Tehama shall be bounded as follows, to wit: Beginning at the Prairie House, ten miles above Red Bluffs, running west to the summit of the Coast Range, down the summit of the Coast Range to a point five miles south of Thome's Creek; thence in a direct line to a point one hundred yards south of the ranch known as Regan's Ranch, on the Sacramento River; thence down the middle of the Sacramento River to the mouth of Mud Creek, up the middle of Mud Creek to the boundary line that divides the Counties of Butte and Plumas; thence north along said boundary line to Shasta County; thence west to the mouth of Iron Cañon, on the Sacramento River; thence to the place of beginning.
- Election.** SEC. 3. There shall be an election held for county officers, in the County of Tehama, on the first Monday in May, one thousand eight hundred and fifty-six, at which election the qualified voters of said county shall choose one County Judge, one District Attorney, one County Clerk, who shall be *ex officio* County Recorder, one Sheriff, one County Surveyor, one County Assessor, one Coroner, one County Treasurer and three Supervisors.
- Officers.**
- Commissioners.** SEC. 4. A. G. Toomes, N. Hall and Dennis Dunn, are hereby appointed Commissioners to designate the necessary election precincts in the County of Tehama for said election, and to appoint the Judges and Inspectors of Election at the several precincts designated; to receive the returns and to issue certificates of election to the parties receiving the highest number of legal votes; and in all other respects said election shall be conducted according to law.
- Duties of.** SEC. 5. For the purpose of designating the several precincts in said county, said Commissioners shall meet at least ten days previous to the day of election, and after having been duly sworn by a competent officer to well and truly discharge their duties, shall designate the Judges and Inspectors for such precincts; the Commissioners shall appoint one of their number as Chairman and one as Clerk, who shall keep a record of their proceedings, which record shall be deposited in the Clerk's Office after the Commissioners shall have closed their labors. A majority of said Commissioners shall at all times constitute a quorum for the transaction of business.

Sec. 6. The Commissioners shall, immediately after said meeting, give notice of such election and the names of the officers appointed to conduct the same by notices to be posted at each of the precincts at least ten days before the election.

Notice of election.

Sec. 7. Sealed returns from the officers of election shall be delivered to the President of said Board. The Commissioners shall meet at the house of Garland & Cushing, in the town of Tehama, on the tenth day subsequent to the day of election, and the returns shall then be opened and canvassed by said Commissioners, and the persons having the highest number of legal votes for the several offices to be filled shall be declared elected; and the President shall immediately make out and deliver to each person chosen a certificate of election, signed by him as President of the Commissioners, and attested by the Clerk.

Returns of election.

Sec. 8. Each person elected shall qualify and enter upon the discharge of the duties of his office within ten days after the receipt of his certificate of election. The County Judge elect shall qualify before the President of the Commissioners; persons elected to other offices may qualify before the County Judge or before said President.

Qualification of officers.

Sec. 9. The President of the Commissioners shall transmit without delay, an abstract of said election returns to the Secretary of State, and retain the original returns until the Clerk shall qualify, when he shall file the same in the Clerk's Office.

Abstract of returns.

Sec. 10. The officers elected under this Act shall hold office until the next general election and until their successors are qualified according to law. The County Judge and two Associate Justices, to be chosen as provided by law, shall form the Court of Sessions for the transaction of business within their jurisdiction.

Term of office.

Sec. 11. The County Judge of Tehama County, shall receive for his services as Judge of said county, such sums annually, as shall be determined by the Board of Supervisors.

Court of Sessions.

Salary of Judge.

Sec. 12. The Seat of Justice of Tehama County, shall be at the town of Tehama.

Seat of Justice.

Sec. 13. The County of Tehama shall be and remain a part of the Ninth Judicial District.

Judicial District.

Sec. 14. The Board of Supervisors of Tehama County shall have power to levy a special tax, not to exceed fifty cents on each one hundred dollars of valuation of the taxable property of said county, to be assessed and collected as other taxes; and the fund arising from said special tax shall be applied, solely for the erection of a jail and court-house for said county.

Tax for jail and court-house.

Sec. 15. The Board of Supervisors of Tehama County shall appoint two Commissioners to meet a corresponding number from each, Colusi, Butte and Shasta Counties, to ascertain the indebtedness of each county; and upon ascertaining the amount of indebtedness of each county, the County of Tehama shall assume and become responsible for, when certified by the Commissioners or a majority of them, its proper proportion of indebtedness of each county in ratio of the taxable property as ascertained by the Commissioners.

Apportionment of debt.

Sec. 16. Twenty per cent. of all moneys received in the County Treasury of Tehama County, shall be set apart as a Sinking Fund to liquidate the debts due from Tehama County to Colusi, Butte and Shasta Counties; and shall be paid over to Colusi, Butte and Shasta, every six months, each county receiving the amount in ratio of its dues, until the debt is paid.

Sinking Fund.

CHAPTER CI.

AN ACT

To Provide for the Erection of a Jail in the County of Tuolumne.

[Approved April 18th, 1856.]

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

Supervisors to
authorize, etc.

Amount.

Proviso.

Classification of
bonds.

First class.

Second.

Third.

Fourth.

Fifth.

Auditor to keep
register of
bonds.

When and
where payable.

SECTION 1. The Board of County Supervisors in and for the County of Tuolumne, are by this Act empowered to authorize the County Auditor of said county to issue certain bonds, to be denominated "Tuolumne County Jail Bonds;" which issue shall not, in the aggregate, exceed the sum of twenty thousand dollars, and shall be in strict conformity with the provisions of this Act; *provided*, the bonds issued in accordance with, or by authority of, this Act, shall not be used or applied for any other purpose than that contemplated by the provisions of this Act.

SEC. 2. The Tuolumne County Jail Bonds shall be, by the County Auditor, divided into five classes :

The first class shall comprise all those composing the first four thousand dollars issued.

The second class shall include all those comprised between four and eight thousand dollars.

The third class shall embrace all those between eight thousand and twelve thousand dollars.

The fourth class shall compose all those between twelve thousand and sixteen thousand dollars.

And the fifth class shall be all those between sixteen thousand and twenty thousand dollars.

SEC. 3. It shall be the duty of the County Auditor, in order to facilitate the classifying of said Jail Bonds, to procure a book for the express purpose of making an entry of the number, date and amount of such bonds, as he may issue them; and it shall also be his duty to indorse upon the back of each bond, its number and class, as shown by his register.

SEC. 4. The said Tuolumne County Jail Bonds, shall be made payable at the office of the County Treasurer of said county, as herein provided :

First. The bonds of the first class shall become due, one year and six months from date of issue.

The bonds of the second class shall become due, two years and six months after date of issue.

The bonds of the third class shall become due, three years and six months after date of issue.

The bonds of the fourth class shall become due, four years and six months after date of issue.

And the bonds of the fifth class shall become due, five years and six months from date of issue.

And the above-named Tuolumne County Jail Bonds shall bear interest at the rate of seven per cent. per annum until paid; *provided however*, that no interest shall be paid on any such bonds after maturity, unless they shall, at the time of becoming due or within three months thereafter, have been presented to the Treasurer of the County of Tuolumne, at his office, for payment, and by him indorsed in accordance with the requirements of the sixth section of this Act.

Interest
Proviso.

SEC. 5. The County Treasurer and Tax Collector shall receive in payment for county taxes or dues, other than fines, forfeitures, or the liabilities of county officers, the said Tuolumne County Jail bonds, at par; *provided*, the said bonds shall come within the provisions of this Act, to wit:

When bonds
receivable for
taxes and dues.

The first class of said bonds shall not be received within six months after its date.

The second class shall not be received within one year and six months after its date.

The third class shall not be received within two years and six months from its date.

The fourth class shall not be received within three years and six months from its date.

And the fifth class shall not be received within four years and six months after its date.

SEC. 6. The County Treasurer of said County of Tuolumne shall set aside so much of the said county revenue, if any be there, not otherwise appropriated, as will be necessary to meet the payment of said Tuolumne County Jail Bonds as they may become due.

Treasurer to set
apart portion of
county revenue.

SEC. 7. It shall be the duty of the Board of County Supervisors, in and for said county, as soon as practicable, and after the passage of this Act, to advertise for the period of two consecutive months for plans, estimates and specifications, for the construction of said County Jail.

Payment of
bonds.

Supervisors to
advertise for
plans, etc.

SEC. 8. Said Board shall, at their first regular term next succeeding the expiration of said advertisement, adopt such plans and specifications as the majority of said Board shall deem best for the interest of said county, reference being had to the probable expense.

Adoption of
plans, etc.

SEC. 9. The said Board shall then give notice, by advertising for four consecutive weeks in two of the county newspapers, and by posting notices at some convenient places in Sonora, Columbia, Jamestown, Chinese Camp and Jacksonville, within the said county, that sealed proposals will be received at the court house (Sonora) by the Clerk of the Board of County Supervisors of said county, for the building of and completing of said County Jail, in conformity with the plan adopted.

Notices for
proposals.

SEC. 10. The said Board of Supervisors of said county shall meet at the expiration of four weeks of the advertisements for said proposals, in the court house of said county, of which meeting the President of said Board shall notify the Treasurer, Auditor, Sheriff and County Judge of said county, requesting them to be present at the opening of said proposals.

Meeting for
opening
proposals.

SEC. 11. It shall be the duty of the Clerk of said Board, when the Board has been organized, the day of said meeting, to open each and all bids, proposals or offers made for constructing, building, and completing said County Jail according to the specifications and plans adopted by said Board of Supervisors, and within such reasonable time as the Board may designate.

Clerk of Board to
open proposals.

Award.

Bond of Contractor.

SEC. 12. Said Board of Supervisors shall award the contract to the lowest bidder, who shall give a good and sufficient bond, in a sum not less than fifteen thousand dollars, conditioned for the faithful performance of said contract, but this section shall not be so construed so as to compel said Board of Supervisors to accept any bid, proposal or offer, which in the judgment of a majority of said Board is higher than a just and fair compensation for the performance of the undertaking.

Payments for work, etc., to be made in bonds only.

SEC. 13. No payments shall be made for any work made necessary by this Act, either for printing, giving notices, or any other services rendered in conformity with, or consequent upon, the effective operation of this Act, in any other funds but the said Tuolumne County Jail Bonds, nor shall any payments be made or salaries allowed to any officer or other person, or for any other purpose than such as is by this Act designated.

President of Board and Sheriff to examine work and make estimate.

Certified estimate to be filed with Auditor.

SEC. 14. No payments shall be made for any work done upon said County Jail, or materials furnished, except as herein provided. Before any payments are made either upon the building or materials furnished or prepared for said County Jail, it shall be the duty of the President of said Board of Supervisors and the Sheriff of said county, conjointly, to examine the work, or materials, as the case may be, and make a fair and just estimate thereof, and certify in their official capacity, as county officers, to such estimate, which shall be by one of them, in person, handed to the County Auditor of said county, to be by said Auditor placed upon file in his office.

Twenty-five per cent. of estimate withheld until completion of work.

SEC. 15. Upon the filing of such estimate, as prescribed in the preceding section, it shall be the duty of said Auditor to issue an amount of said Tuolumne County Jail Bonds, not to exceed seventy-five per cent. upon the amount set forth in the certified estimate, withholding twenty-five per cent. upon all estimates, until the completion of the work, as additional security for the faithful performance of said contract.

Compensation of President of Board.

Provisos.

SEC. 16. The President of said Board of Supervisors shall receive for his services, in examining, inspecting and making estimates, the same per diem he is entitled to as a member of said Board; *provided*, he shall not be entitled to pay for his services in attending to his jail duties at the same time the Board may be in session; *and, provided further*, that the President of said Board shall not receive pay for more than two days in any one week, unless, by order of the said Board, other duties should be imposed upon him.

Compensation of Sheriff.

Restriction.

SEC. 17. The Sheriff of said county shall receive as compensation for the duties imposed upon him by the fourteenth section of this Act, the same per diem as may be paid to the President of the Board of Supervisors for like services. But this Act shall not be so construed as to allow the Sheriff of said county pay for more than one day in any one week.

CHAPTER CII.

AN ACT

To Amend "An Act Granting Joseph R. Beals and Others the Right to Construct a Toll-Bridge Across the Pajaro River," Passed May 13, 1854, and Supplementary thereto.

[Approved April 19th, 1856.]

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

SECTION 1. Section fifth of said Act named in the title hereto is hereby amended so as to read as follows :

Section 5. A list of the rates of tolls, as fixed by the Board of Supervisors of said Monterey County, shall be posted up in some conspicuous place on said bridge. Posting of lists of rates of toll.

Sec. 2. Said bridge shall be constructed and completed within one year after the passage of this Act, or the right to construct said bridge shall be forfeited, and said Act, passed May thirteenth, one thousand eight hundred and fifty-four, shall become null and void. When bridge to be completed.
Forfeiture.

CHAPTER CIII.

AN ACT

To Amend "An Act Concerning the Independent Order of Odd Fellows.

[Approved April 19th, 1856.]

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

SECTION 1. The Act entitled "An Act Concerning the Independent Order of Odd Fellows," passed May fourth, one thousand eight hundred and fifty-two, is amended so as to read as follows : Order of Odd Fellows.

Section 1. The Grand Encampment of the Independent Order of Odd Fellows of the State of California, the Grand Lodge of the Independent Order of Odd Fellows of the State of California, and each of the Subordinate Lodges thereof are severally empowered to acquire and hold such property, real and personal, as may be deemed necessary to carry out the charitable purposes of said Institution, and To have same general rights as Corporations.

may sue and be sued, and shall have such other general powers as are granted to corporations under the law entitled "An Act Concerning Corporations," passed April twenty-second, one thousand eight hundred and fifty.

CHAPTER CIV.

AN ACT

To Appropriate Six Thousand Dollars for Payment of Salaries of Officers and Attaches of the Senate.

[Approved April 19th, 1856.]

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

Appropriations
for Senate
officers.

SECTION 1. The sum of six thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the payment of the salaries of the officers and attaches of the Senate; and the Controller of State is hereby authorized to draw his warrants on the State Treasurer for an amount not exceeding the sum above specified.

CHAPTER CV.

AN ACT

To Alter and Define the Boundary Lines of Colusi County.

[Approved April 19th, 1856.]

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

Boundaries of
Colusi County.

SECTION 1. The County of Colusi shall be bounded as follows, to wit: Beginning at the middle of the Sacramento River on the line between township twelve and thirteen north, in Yolo County; thence west along said line to the first ridge of the Coast Range, up said ridge to the summit of the Coast Range, up said summit to a point five miles south of Thames Creek; thence easterly to a point one hundred yards south of Regan's Ranch, on the Sacramento River;

thence down the middle of the Sacramento River to Placer City; thence easterly to Watson's Bridge, on Butte Creek, and in Butte County; thence down the middle of Butte Creek to its junction with Butte Slough; thence down Butte Slough to its mouth on the Sacramento River; thence down the middle of the Sacramento River to the place of beginning; *provided*, that nothing in this Bill [Act] shall be so construed as to permit the eastern line of said County of Colusi to extend further south on the east side of the Sacramento River than a point known as Winter's Ferry.

SEC. 2. The Board of Supervisors of Colusi County shall appoint two Commissioners to meet a corresponding number from each, Butte, Sutter and Yolo Counties, to ascertain the indebtedness of each county; and upon ascertaining the amount of indebtedness of each county, the County of Colusi shall assume and become responsible for, when certified by the Commissioners, or a majority of them, its proper proportion of indebtedness of each county in ratio of the taxable property as ascertained by the Commissioners.

Commissioners to apportion indebtedness of certain counties.

SEC. 3. Twenty per cent. of all moneys received in the County Treasury of Colusi County, shall be set apart as a Sinking Fund to liquidate the debts due from Colusi to Butte, Sutter and Yolo Counties, and shall be paid over to Butte, Sutter and Yolo Counties every six months, each county receiving the amount in ratio of its dues until the debt is paid.

Sinking Fund.

Semi-annual payments.

CHAPTER CVI.

AN ACT

To Legalize and Confirm the Election of Certain Officers.

[Approved April 19th, 1856.]

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

SECTION 1. The election of county officers in the County of Trinity, at the general election in one thousand eight hundred and fifty-four, is hereby legalized and confirmed, and the said election, and all subsequent proceedings in relation thereto, shall have the same force and effect, and the present officers of said county shall hold their respective offices to which they were elected at said election, for the term of two years from the day of entering on the discharge of the duties of said offices, except the County Judge, who shall hold his office for the term of four years, and their successors shall hold their offices until the first day of October, one thousand eight hundred and fifty-nine, except the County Judge, who shall hold his office until the first day of October, one thousand eight hundred and sixty-one.

County officers of the County of Trinity.

Term of office. County Judge.

CHAPTER CVII:

AN ACT

To Regulate the Fire Department of the City of Sacramento.

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

Oaths and affirmations.

SECTION 1. The President and Secretary of the Fire Department shall, in all business relating thereto, have power to administer oaths and affirmations.

Fire Warden.
Salary.

SEC. 2. The Secretary of the Fire Department shall be *ex officio* Fire Warden, and shall have a yearly salary of six hundred dollars, payable monthly, out of the City Fire Department Fund, and he shall also be *ex officio* Clerk of the Board of Trustees.

Ex officio Clerk.
Officers of companies.

SEC. 3. The officers of a company shall consist of a Foreman and at least one Assistant Foreman, a Secretary and a Treasurer. It shall require at least fifteen persons, twenty-one years of age, to compose a company, all of whom must have signed the constitution of the same previous to their petition for admission, and they shall forward a copy of their constitution, together with the names of their officers and men, and their residences, the situation in which they wish to locate, and a petition for admission into the Fire Department to the Board of Delegates, whose duty it shall be to determine whether such addition is required by the Department. Whenever the Board, by a majority vote of all its members, shall decide to recommend the admission of a company, it shall be the duty of the Secretary of the Board to forward to the Common Council a certificate of such recommendation, together with the petition of the company, the constitution of the same, the names of the officers and men, and their residences and location desired. If such recommendation shall receive the approval of the Common Council, the company shall be declared admitted into the Fire Department, and shall be furnished with an engine or fire apparatus, and a house suitable for receiving the same by the city; and no petition for admission of any company shall be entertained by the Common Council until it shall have received the recommendation of the Board of Delegates.

How companies constituted.

Duty of Board of Delegates.

Duty of Secretary of Board.

Common Council to approve of company.
Apparatus.

When company becomes reduced in number.

SEC. 4. Whenever an engine or hook and ladder company, by reason of deaths, resignations or expulsions, shall have reduced its roll to less than fifteen certificate members, and a hose company to less than ten certificate members, it shall be the duty of the Secretary to notify the Chief Engineer and Foreman of the company of the fact at the first regular meeting of the Board; after such notice has been given, it shall be the duty of the Chief Engineer to report to that body the condition of such company, 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. 5. There shall be an election, annually, on the first Monday

in August, for Chief Engineer and First and Second Assistant Engineers; said election to be called by the Mayor, by giving ten days' notice in two or more of the daily newspapers; and if the Mayor should fail to call said election within the stated time, it shall be lawful for the President of the Board of Delegates to call such an election, by giving five days' notice in two or more of the daily newspapers. The polls to be held at such place as the Board of Delegates may designate; to be kept open from twelve o'clock, M. until six and a half o'clock, P. M., under the inspection of three Judges, each from a different company, who shall have power to administer oaths and affirmations to voters at said election, and shall be appointed by the Board of Delegates. The person having the highest number of votes for Chief Engineer, shall be declared elected. For Assistant Engineer, the person having the highest number of votes shall be declared elected, and shall rank as follows: The person having the highest number of votes, shall be the First Assistant Engineer; the next highest number of votes, shall be the Second Assistant Engineer. When a vacancy occurs in the office of Chief Engineer, the Mayor shall call an election, as heretofore provided; and in case the Mayor should fail so to do, it shall be the duty of the President of the Board of Delegates to call such an election, as heretofore provided, to fill such vacancy; but when a vacancy occurs in the office of First Assistant Engineer, the office next below in rank shall take the vacant office, and an election shall be ordered, as above, to fill such vacancy in the lower office. All contested elections for Engineers shall be decided by a vote of the Board of Delegates, and should a tie vote occur in the office of Assistant Engineer, the rank of the same shall be decided by a vote of the said Board. The election term for each Engineer shall be for one year, or until his successor is elected and qualified. The salary of the Chief Engineer shall be two thousand dollars per annum, and that of the Assistant Engineers six hundred dollars each, per annum, and they shall be, *ex officio*, Fire Wardens.

SEC. 6. Each and every company, at its stated meetings in July, in every year, shall elect two of its members as Delegates to the Board of Delegates of the Fire Department of Sacramento, which Board shall consist of two representatives from each Fire Company. They shall make laws for the government of the Fire Department, and all laws made by them shall be binding on every company and member of the Department; and any Engineer, company officer, or member of the Department, who shall violate any of said laws, or who shall refuse to obey the lawful orders of the Chief, or other Engineers, shall, upon complaint, be tried by the Board, and if found guilty, be censured, suspended, removed from office, or expelled from the Fire Department, as the judgment of the Board may direct. They shall examine the returns, and declare the result of all Engineers' elections, and give them their certificates of office.

SEC. 7. The Common Council shall have sole power to order work and supplies for the Fire Department; all proposals for the same shall be opened by the Chief Engineer in presence of a majority of the Committee on Fire and Water of the Common Council, and by them, without unreasonable delay, awarded to the lowest responsible bidder or bidders. All work done for, and supplies furnished, said Department, shall be under the supervision of the Chief Engineer, and he shall certify all bills for such work and supplies.

Annual elections
of Chief
Engineer and
Assistants.

Salary of
Chief Engineer.

Salary of
Assistants,
Fire Wardens.

Board of
Delegates, how
elected.

To make laws.

Penalty for
violation of
said laws.

Election
certificates.

All contracts to
be made by
Common
Council.

Proposals.

Award.

Chief Engineer
to approve and
certify accounts.

Chief to report
quarterly to
Common
Council.

SEC. 8. The Chief Engineer shall report to the Common Council quarterly, in the months of October, January, April and July, the number, location and condition of cisterns, hydrants, fire engines and other fire apparatus, and the state of fire company houses, and all property of the city in the keeping of the said Department; also, all accidents by fire that may have taken place in the city, with the causes thereof as well as they can be ascertained, and a description of the property destroyed or injured, with the names of the owners of the same, also such other information and such recommendations as he may deem proper.

Fines appropri-
ated to Charitable
Fund.

SEC. 9. All fines collected under all fire ordinances, shall be appropriated to the Fire Department Charitable Fund. They shall be paid to the City Treasurer, who is hereby authorized and instructed to pay over the same to the Treasurer of the Fire Department Charitable Fund Association, taking his receipt therefor, which shall be deposited in the office of the Clerk of the Common Council.

Mayor to draw
warrants for
salaries, etc.

SEC. 10. It shall be, and it is hereby made, the duty of the Mayor of the City of Sacramento to draw his warrants on the first day of each month, on the City Treasurer, for the sum or sums which then may be due to any officer or member of the Fire Department under this Act; and it shall be, and is hereby made, the duty of the Treasurer of said city to register and pay such warrants in the same manner as other warrants drawn upon the City Treasurer are registered and paid.

Registry and
payment of
warrants.

Repealing
clause.

SEC. 11. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed. This Act shall take effect on the first Monday of August next, the day provided in section fifth for the election of Chief Engineer and other officers, except that prior to that day the Mayor shall give the ten days' notice of the election as provided for in that section.

Takes effect.

Notice of
election.

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

R. M. ANDERSON,
President of Senate.

J. T. FARLEY,
Speaker of Assembly.

EXECUTIVE DEPARTMENT, }
April 19, 1856. }

I do hereby certify that the foregoing indorsement on the within bill is correct.

CHAPTER CVIII.

AN ACT

Granting the Privilege to Robert Haley and Others, to Erect and Build a Wharf on the Ranch of San Pablo in Contra Costa County.

[Approved April 19th, 1856.]

*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 wharf, from the high land on the Ranch of San Pablo, out to ten feet water at low tide, is hereby granted to Robert Haley and others with whom he may associate, or his or their assigns, at the most practicable point between the points known as Gill's Landing and the south-western side of the south-western point of the San Pablo Potrero, on the Bay of San Francisco, for the space of twenty years from the passage of this Act.

Location and extent of wharf.

Term of privilege.

SEC. 2. The State hereby grants to the said Robert Haley, his associates or assigns, upon the payment of one dollar, per annum, to the Treasurer of State, all the overflowed lands on both sides of said wharf, for the distance of one hundred feet on each side, for twenty years.

Grant of Domain.

SEC. 3. The said Robert Haley and his associates or assigns, shall within one year after the passage of this Act, erect and build 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 said wharf and keep the same in good repair. They may collect only such wharfage or toll as may be directed by the Board of Supervisors of Contra Costa County.

Time of completion.

Supervisors to regulate toll.

SEC. 4. At the expiration of the said twenty years, said wharf shall become the property of the State.

Reversion to State.

CHAPTER CIX.

AN ACT

To Enable the County of Placer to Take and Hold Stock in any Company having for its Object the Extension of the Sacramento Valley Railroad to the Town of Auburn.

• [Approved April 19th, 1856.]

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

Whether County of Placer take stock, etc.	SECTION 1. At the general election to be held in and for the County of Placer, for the year of our Lord one thousand eight hundred and fifty-six, a poll shall be opened at each of the legally established precincts in said county, at which the qualified electors thereof shall be required to vote either "Railroad, Yes," or "Railroad, No." All electors voting, railroad, yes, shall be held to have voted in favor of the said county purchasing, taking and holding stock in any company organized for the purpose of extending the construction of the Sacramento Valley Railroad to the town of Auburn, in said county; and all electors voting, railroad, no, shall be held to have voted against the purchasing, taking and holding of such stock by the said county. The ballots thus given shall be received, kept, counted and disposed of, and the returns of such votes shall be made, opened and declared, in the same manner as other votes given at said election. If a majority of said electors shall vote, railroad, no, then this Act shall become inoperative, and all further proceedings thereunder shall determine; but if a majority of said electors shall vote, railroad, yes, then this Act shall continue in force and effect.
Wording of ballot and explanation.	
Return and count of ballots.	
When Act inoperative.	
When of effect.	
Recommendation to next Legislature, etc.	SEC. 2. If, at said election, a majority of said electors shall vote, railroad, yes, then it shall be recommended to the Legislature of said State, for the year one thousand eight hundred and fifty-seven, to pass an Act enabling the said county, by and through the Board of Supervisors thereof, to purchase, take and hold stock in any company organized for the purpose of extending the construction of the Sacramento Valley Railroad, as aforesaid, and for the purposes thereof, to issue bonds of the said county to any aggregate amount, not exceeding one hundred thousand dollars; such bonds to be in the sum of five hundred dollars each, to be signed by the Chairman of said Board of Supervisors and countersigned by the County Treasurer of said county. The principal therein expressed, shall be made payable to the holder, twenty years from the date thereof, at the office of the said County Treasurer; such principal shall bear interest at the rate of ten per centum, per annum, payable in the City of New York on the first day of January in each year, upon coupons to be annexed to said bonds; such coupons shall be signed by the said County Treasurer and delivered with the bonds to which they belong. The said Board of Supervisors shall cause the said bonds to be properly prepared and issued; <i>provided, however,</i> that no bonds aforesaid,
Bonds.	
Amount.	
Denomination.	
How signed.	
When and where payable.	
Interest.	
Coupons.	
Duty of Supervisors.	

shall in any event be issued until after the route of the said railroad shall have been duly surveyed and established to the said town of Auburn, and the work thereupon duly commenced. Survey.

SEC. 3. It shall also be recommended, as aforesaid, that for the payment of the interest accruing upon the said bonds, and the redemption and payment of said principal; the said Board of Supervisors shall be required to cause to be annually levied and collected, an additional and special tax of the one-half of one per centum upon the assessed value of all taxable property within said county, and that such additional and special tax shall be levied and collected as other county taxes; and that the Act to be recommended, as aforesaid, shall also contain proper provisions for the keeping of the moneys arising from the said additional and special tax and for the payment of the interest and principal of the said bonds. Payment of interest and redemption of bonds.
Supervisors to levy Special Tax.
Keeping and disbursement of moneys.

CHAPTER CX.

AN ACT

Amendatory of, and Supplementary to, an Act entitled "An Act Concerning Crimes and Punishments," Passed April 16th, 1850.

[Approved April 19th, 1856.]

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

OFFENSES AGAINST THE PERSONS OF INDIVIDUALS.

SECTION 1. Every person who shall take any woman unlawfully, against her will, and by force, menace or duress, compel her to marry him, or to marry any other person, or to be defiled, and shall be thereof convicted, shall be punished by imprisonment in the State Prison for a term not less than two, nor more than fourteen years. Abduction, etc. of females.
Penalty.

SEC. 2. Every person who shall maliciously, forcibly or fraudulently lead, take or carry away, or decoy or entice away any child under the age of ten years, with intent to detain and conceal such child from its parent, guardian or other person having the lawful charge of such child, shall, upon conviction thereof, be punished by imprisonment in the State Prison not exceeding ten years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment. Abduction, etc. of children under ten years.
Penalty.

SEC. 3. Every person who shall willfully poison any spring, well or reservoir of water, shall, upon conviction thereof, be punished by imprisonment in the State Prison for a term not less than one, nor more than ten years. Poisoning springs, etc.
Penalty.

OFFENSES AGAINST HABITATIONS AND OTHER BUILDINGS.

Burning occupied dwellings declared arson in first degree.

Penalty.

Arson in second degree.

Penalty.

Murder.

Definition of dwelling-house.

Qualified.

Burning of insured property

Penalty.

SEC. 4. Every person who shall willfully and maliciously burn, or cause to be burned, in the nighttime, any dwelling-house in which there shall be at the time some human being, shall be deemed guilty of arson in the first degree, and upon conviction thereof, shall be punished by imprisonment not less than two years, and which may extend to life, in the State Prison.

SEC. 5. Every person who shall, willfully and maliciously, burn or cause to be burned, any dwelling-house, the property of another, in the daytime, or in the night or daytime, willfully burn, or cause to be burned, any kitchen, office, shop, barn, stable, storehouse, warehouse or other building, or stacks or stocks of grain, or standing crops, the property of any other person or corporation, or any church, meeting-house, school-house, state-house, court-house or other public building, or any ship, vessel, boat or other water craft, or any bridge of the value of fifty dollars or more, erected across any of the waters of this State, such person so offending shall be deemed guilty of arson in the second degree, and upon conviction thereof, shall be punished by imprisonment in the State Prison for a term not less than one year nor more than ten years; and should the life or lives of any person or persons be lost in consequence of such burning as aforesaid, such offender shall be deemed guilty of murder, and shall be indicted and punished accordingly.

SEC. 6. Every house, prison, jail or other edifice, which shall have been usually occupied by persons lodging therein at night, shall be deemed a dwelling-house of any person so lodging therein; but no warehouse, barn, shed or other out-house, unless used as a dormitory, shall be deemed a dwelling-house or part thereof within the meaning of the two preceding sections, unless the same be joined to, and immediately connected with, a dwelling-house.

SEC. 7. Every person who shall willfully burn, or cause to be burned, any building, ship, vessel, or other water craft, or any goods, wares, merchandise or other chattel, which shall be at the time insured against loss or damage by fire, with intent to injure or defraud such insurer, whether the same be the property of such person or of any other, shall, upon conviction, be adjudged guilty of arson in the second degree, and punished accordingly.

GENERAL PROVISIONS.

Of attempts to commit public offenses.

Penalty, etc.

When misdemeanor.

SEC. 8. Every person who shall attempt to commit a public offense, and in such attempt shall do any act toward the commission of such offense, but shall fail in the perpetration thereof, or shall be prevented or intercepted in executing the same, upon conviction thereof, shall, in cases where no provision is made by law for the punishment of such attempt, be punished as follows:

First. If the offense so attempted to be committed, be such as is punishable by death, or by imprisonment in the State Prison for a term which may extend to life, the person convicted of such attempt shall be punished by imprisonment in the State Prison not exceeding ten years.

Second. If the offense so attempted is a misdemeanor, the per-

son so convicted of such attempt shall be punished by a fine not exceeding one-half of the largest amount, or by imprisonment in the County Jail for a term not exceeding one-half of the longest time prescribed by law upon a conviction of the offense so attempted.

Third. If the offense so attempted is a felony, not punishable by death, or imprisonment which may extend to life, the person convicted of such attempt shall be punished by imprisonment in the State Prison for a term not exceeding one-half the longest time which may be imposed upon a conviction of the offense so attempted.

When a felony not punishable by death.

SEC. 9. Sections fifty-six and fifty-seven of the said Act, and all laws and parts of laws in conflict with any of the provisions of this Act are hereby repealed; *provided*, nothing contained in this Act shall apply to the trials of persons indicted for offenses committed prior to the passage of this Act, in all such cases the punishment shall be fixed in accordance with the laws heretofore existing.

Repealing clause.

Proviso.

CHAPTER CXI.

AN ACT

To Amend an Act entitled "An Act Concerning the Courts of Justice of this State and Judicial Officers," passed May 19th, 1853.

[Approved April 19th, 1856.]

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

SECTION 1. Section sixty-seven of an Act entitled "An Act Concerning Courts of Justice in this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, is amended so as to read as follows:

Section 67. Justices' Courts shall have jurisdiction of the following actions and proceedings:

Jurisdiction of Justices' Courts.

First. Of an action arising on contracts for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed two hundred dollars.

Amount.

Second. Of an action for damages for injury to the person, or for taking or detaining personal property, or for injuring real or personal property, if the damages claimed do not exceed two hundred dollars.

Actions for damages.

Third. Of an action for a fine, penalty or forfeiture not exceeding two hundred dollars, given by statute or the ordinance of an incorporated city.

For fines and penalties.

Fourth. Of an action upon a bond conditioned for the payment of money not exceeding two hundred dollars, though the penalty exceed that sum the judgment to be given for the sum actually due;

On bonds.

when the payments are to be made by installments, an action may be brought for each installment as it becomes due.

Surety bonds. Fifth. Of an action upon a surety bond or undertaking taken by them though the penalty exceed, if the amount claimed does not exceed two hundred dollars.

Liens and mortgages. Sixth. Of an action for the foreclosure of any mortgage, or the enforcement of any lien on real or personal property when the debt secured does not exceed, exclusive of interest, two hundred dollars.

Possessory actions. Seventh. Of an action to recover the possession of personal property when the value of such property does not exceed two hundred dollars.

Confessions of judgment. Eighth. To take and enter judgment on the confession of a defendant when the amount confessed does not exceed two hundred dollars.

Forceible entry. Ninth. Of an action for a forcible or unlawful entry upon, or a forcible or unlawful detention of, lands, tenements or other possession.

Mining claims. Tenth. Of an action to determine the right to a mining claim, and for damages for injury to the same when the damages claimed do not exceed two hundred dollars.

Vagrants. Eleventh. Of proceedings respecting vagrants and disorderly persons.

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

Restrictions. Section 68. The jurisdiction conferred by the last section shall not extend, however,

Title to real property. First. To a civil action in which the title to real property shall come in question.

Seamen's wages without State waters. Second. Nor to an action or proceeding against ships, vessels or boats, or against the owners or masters thereof, when the suit or proceeding is for the recovery of seamen's wages for a voyage performed in whole or in part without the waters of this State.

CHAPTER CXII.

AN ACT

To appropriate Forty Thousand Dollars for the Completion of the State Insane Asylum.

[Approved April 19th, 1856.]

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

Trustees to advertise, etc.

SECTION 1. The Trustees of the State Insane Asylum shall, within thirty days from the time that this Act takes effect, advertise ten days in one paper published in each of the Cities of Stockton, Sacramento and San Francisco for sealed proposals for the building of an addi-

tional wing to the Insane Asylum, situate in Stockton, in conformity to the plan and specifications of said building heretofore adopted, and they shall accept the proposals of the lowest responsible bidder; *provided*, the whole cost of the work shall not exceed forty thousand dollars; *and, provided*, that the Governor shall approve said contract; *and, provided further*, that said Contractors be required to give bond for the faithful performance of their contracts in the sum of eighty thousand dollars; *and, provided further*, that all bids for the building of said extended Asylum shall be accompanied with two or more sureties, that if their bids are accepted they will enter into bonds for the performance of their contract or contracts.

Plan and specifications.
Limit to cost.
Governor to approve contract
Bond of contractors.
Amount.
Sureties on bids.

SEC. 2. The sum of forty thousand dollars is hereby set apart and appropriated out of any moneys in the treasury, not otherwise specially appropriated, for the purposes hereinbefore set forth.

Appropriation.

SEC. 3. All vouchers for expenditures shall first be examined and approved by the Board of Trustees, and when audited, the Controller of State is hereby directed to draw his warrant, and the Treasurer of State to pay the same from the fund hereinbefore provided.

Trustees to approve vouchers.
Directions to State Controller and Treasurer.

SEC. 4. This Act shall take effect on the first day of June, A. D. one thousand eight hundred and fifty-six.

Takes effect.

CHAPTER CXIII.

AN ACT

To Pay the Lieutenant-Governor for Services as Member of the Board of State Prison Commissioners.

[Approved April 19th, 1856.]

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

SECTION 1. The Lieutenant-Governor, while attending to his duties as one of the Board of State Prison Commissioners, shall be allowed the same per diem as he receives as presiding officer of the Senate; and for travel to attend the meetings of the Board he shall receive the same mileage as allowed a member of the Legislature.

Per diem to Lieut. Governor.
Mileage.

SEC. 2. A sum sufficient for the payment of the said allowances, is hereby appropriated for the present year.

Appropriation.

CHAPTER CXIV.

AN ACT

To Authorize the Board of Supervisors of Sonoma County to Levy a Special Tax for the Redemption of Certain Outstanding Warrants.

[Approved April 19th, 1856.]

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

Supervisors to levy Special Tax.	SECTION 1. The Board of Supervisors in and for the County of Sonoma, 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 taxes are levied and collected, a sum not to exceed twenty-five cents, per annum, on each one hundred dollars of taxable property in said county, for the redemption of the outstanding warrants drawn upon the Special Building Fund for the building of a jail and court-house and certain bridges in said county.
Amount.	
Purpose of tax.	
How long Act to have force.	SEC. 2. This Act shall be in force until said warrants are redeemed; and should any surplus then remain in said Special Fund, the Board of Supervisors may order it turned over into any fund they may deem proper.
Surplus.	
Repealing clause.	SEC. 3. An Act entitled "An Act to Provide for the Erection of a County Jail and Certain Bridges in the County of Sonoma," passed March ninth, one thousand eight hundred and fifty-five, is hereby repealed.

CHAPTER CXV.

AN ACT

Concerning County Officers in the County of Klamath.

[Approved April 19th, 1856.]

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

When county officers to take office and exception.	SECTION 1. All county officers who shall hereafter be elected in and for the County of Klamath, except those who shall be elected at the general election in the present year, shall enter upon the duties of their respective offices on the first Monday of October next succeeding their election.
--	---

SEC. 2. There shall be elected in and for the County of Klamath, at the general election in the present year, one County Clerk, one Sheriff, one County Treasurer, one District Attorney, one County Surveyor and one Coroner—who shall enter upon the duties of their respective offices at the expiration of the terms of their predecessors and shall continue to hold their respective offices until the first Monday of October next succeeding the general election in the year one thousand eight hundred and fifty-nine.

Enumeration of officers to be elected, 1856.

When to take office.

Term of office.

SEC. 3. The successors of the officers whose term of office is prescribed in the second section of this Act, shall be elected at the general election in the year one thousand eight hundred and fifty-nine and at the general election every two years thereafter.

Successors of officers as provided for in section second.

SEC. 4. The present incumbents of the offices of Sheriff, County Clerk, County Treasurer, County Surveyor, District Attorney and Coroner, in and for the said County of Klamath, shall continue to hold their respective offices until the eighteenth day of June in the year one thousand eight hundred and fifty-seven, on which day their respective terms of office shall expire.

When term of present officers expires.

CHAPTER CXVI.

AN ACT

Relative to Escheated Estates.

[Approved April 19th, 1856.]

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

SECTION 1. Aliens shall hereafter inherit and hold by inheritance real and personal estate in as full a manner as though they were native born citizens of this or the United States; *provided*, that no non-resident foreigner or foreigners shall hold or enjoy any real estate situated within the limits of the State of California five years after the time such non-resident foreigner or foreigners shall inherit the same; but in case such non-resident foreigner or foreigners do not appear or claim such estate within the period in this section before-mentioned, then such estate shall be sold upon information of the Attorney-General according to law, and the proceeds deposited in the Treasury of said State for the benefit of such non-resident foreigner or foreigners or their legal representatives, to be paid to them by the Treasurer of said State at any time within five years thereafter, when such non-resident foreigner or foreigners, or their representatives, shall produce evidence to the satisfaction of the Treasurer and Controller of State that such foreigner or foreigners are the legal heirs to, and entitled to inherit such estate, which evidence, together with the joint order of the said Treasurer and Controller, shall be placed on file in

Aliens may inherit and hold property.

Proviso.

When not claimed.

To be sold.

Proceeds.

May be paid to heirs within five years after sale.

Voucher or
State Treasurer.

the office of the Treasurer, and shall be to him a voucher for any payments made by him under the provisions of this Act; and in the event that such non-resident foreigner or foreigners do not appear or claim said estate or proceeds, and produce said evidence within said extended term of five years, then said estate or proceeds shall be and become the property of the State, and shall be by the Treasurer of State placed to the credit of the School Fund.

When not
claimed, escheats
to State.

School Fund.

Repealing
clause.

SEC. 2. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

CHAPTER CXVII.

AN ACT

Agreeing to the Proposed Amendments to the Constitution,
and Providing for its Submission to the People.

[Approved April 19, 1856.]

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

Preamble.

SECTION 1. The Legislature of the State of California, at its sixth session, commenced on the first day of January, A. D. one thousand eight hundred and fifty-five, having, by the required constitutional majority proposed the amendment hereinafter set forth, and the same having been referred to the present Legislature, and having been published for three months, next preceding the late general election, as required by the Constitution—now, the Legislature of the State of California at its seventh session, commenced on the seventh day of January, A. D. one thousand eight hundred and fifty-six, does hereby agree to, and adopt, as an amendment to the present Constitution of this State, the following: Section two of Article ten, is amended so as to read as follows:

Amendments to
Constitution
agreed to.

Section two of
Article X.

Section 2. And if, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a Convention, and if it shall appear that a majority of the electors, voting at such election, have voted in favor of calling a Convention, the Legislature shall, at its next session, provide, by law, for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members, not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people, at a special election, to be provided for by law, for their ratification or rejection; each voter shall express his opinion by depositing in the ballot-box a ticket, whereon shall be

written or printed, the words "For the new Constitution," or "Against the new Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election, be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

SEC. 2. The foregoing proposed amendment to the Constitution, shall be submitted to the people, for their approval and ratification, at the next general election; the vote shall be by ballot, either written or printed, and shall be, "For the proposed amendment to the Constitution," or "Against the proposed amendment to the Constitution."

Submitted to people.

Ballots how worded.

SEC. 3. The votes shall be counted, and returns thereof be made, in the same manner, and within the same time, to the Secretary of State, as is provided for the canvass and return of votes for Governor and Lieutenant-Governor. Said returns shall, during the next session, commencing on the first Monday in January, A. D. one thousand eight hundred and fifty-seven, be published by the Speaker of the Assembly, in the presence of both Houses, in the same manner that the vote for Governor is published and declared; and if a majority of the votes cast, concerning the aforesaid amendment, are in favor of the same, then such amendment shall, forthwith upon said publishing, become a part of the Constitution, and the Governor shall make proclamation thereof.

Return and count of votes.

Speaker to declare result.

If adopted, Governor to make proclamation.

CHAPTER CXVIII.

AN ACT

Concerning the Records of Yuba County.

[Approved April 19th, 1856.]

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

SECTION 1. The County Recorder of Yuba County is hereby authorized and required, as soon as the same can be conveniently done, to transcribe, in such manner and into such books, as are prescribed by section twelve of the Act entitled "An Act concerning County Recorders," passed March twenty-sixth, eighteen hundred and fifty-one, the following Books of Record in his office of Deeds, Mortgages, Powers of Attorney, and other instruments, namely:

County Recorder to transcribe certain books of record.

First. The books which were kept by Stephen J. Field, as Alcalde of Marysville, or Yubaville.

Second. The books which were kept by Phelps W. Keyser, as Alcalde — of Eliza.

Third. The books which were kept by Alfred — Lawton, as Recorder of Yuba County.

Index.

And he shall make an index to the record thus transcribed, which shall conform, as near as possible, to the indices required by section fourteen of the Act concerning County Records, passed March twenty-sixth, eighteen hundred and fifty-one, and he shall note on the margin of each record transcribed, the name of the original volume, and the number of the original page.

Marginal Notes.

Certified copies from transcribed records shall be legal evidence.

SEC. 2. Copies of any of the records transcribed, as provided in the last section, certified to be full, true and correct copies, under the hand and seal of the Recorder, shall be legal evidence, and be received in all the courts of this State, and in all actions and proceedings therein, with like effect, as the original deed, mortgage, power of attorney, or other instrument could be, if presented and proved as required by law; and the records as transcribed shall, to all intents and purposes, impart and convey notice to all subsequent purchasers, mortgagees, assignees, attachment and judgment creditors.

Records so transcribed good, etc.

Compensation to Recorder.

SEC. 3. For service, under this Act, the Recorder shall receive pay out of the County Treasury, at the rate of twenty cents per folio of one hundred words, and he shall be allowed no further compensation whatever for services under this Act.

How transcripts denominated and designated.

SEC. 4. The said transcript shall be denominated the Transcribed Records of Deeds, Mortgages, Powers of Attorney and other Instruments, and be designated as Books No. One, and upwards, as may be necessary, as follows:

Transcribed Records of Deeds, No. One.

Transcribed Records of Mortgages, No. One.

Transcribed Records of Powers of Attorney, No. One.

Original records.

SEC. 5. The original records shall be carefully preserved in the office of said Recorder.

CHAPTER CXIX.

AN ACT

To Repeal an Act entitled "An Act to Amend 'An Act to Provide for the Protection of Foreigners, and to Define their Liabilities and Privileges,'" passed March 30th, 1853, Approved April 30th, 1855, and to Revise the Original Act.

[Approved April 19th, 1856.]

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

SECTION 1. The Act entitled "An Act to Amend 'An Act to Provide for the Protection of Foreigners and to Define their Liabilities and Privileges,'" passed March the thirtieth, one thousand eight hundred and fifty-three, approved April the thirtieth, one thousand eight hundred and fifty-five, is hereby repealed, and section six of said original Act is hereby re-enacted. Said section reads as follows:

Former Act
repealed.

Section 6. The amount to be paid for each license shall be at the rate of four dollars per month, and said license shall in no case be transferable.

Rate of monthly
license.

SEC. 2. This Act shall take effect from and after May the first, one thousand eight hundred and fifty-six.

Takes effect.

CHAPTER CXX.

AN ACT

For the Relief of David Newsom.

[Approved April 19th, 1856.]

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

SECTION 1. It shall be lawful for the Board of Supervisors of San Luis Obispo County to approve the bill of David Frank Newsom for services rendered as County Auditor, from June the first, one thousand eight hundred and fifty-five, up to the passage of this Act; *provided*, the rate does not exceed two hundred dollars per annum.

Supervisors to
approve bill of
Auditor.

proviso.

CHAPTER CXXI.

AN ACT

To Submit the Question of the Location of the County Seat of Sutter County to a Vote of the People of said County.

[Approved April 13th, 1856.]

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

Election for -
County Seat.

SECTION 1. An election shall be held in the County of Sutter, on the fifteenth day of May, A. D. one thousand eight hundred and fifty-six, to determine and locate the County Seat of said county.

Duty of
Supervisors.

SEC. 2. It shall be the duty of the Board of Supervisors of said county, at least ten days prior to the time of holding said election, as specified in section one of this Act, to post, or cause to be posted, in each election precinct of said county, a notice of the time and place of holding said election; it shall also be the duty of said Board of Supervisors to appoint, in each election precinct in said county, one Inspector and two Judges, who together shall constitute an Election Board, whose duty it shall be to see that the election is conducted fairly, and that none but legal residents of said county are permitted to vote at any such election precinct; and in case such Inspectors and Judges be not appointed for any precinct by the Board of Supervisors aforesaid, or should the Inspectors and Judges not attend at the time appointed for the election, or should they or either of them refuse to act after such appointment, the Board of Supervisors may appoint others; or the electors present on the morning of the election under this Act, at the place where the polls were opened on the day of the last general election, may appoint a Board of Judges and Inspectors for said precinct in like manner as provided for such appointment in the law regulating general elections.

Notices of
election.

Election Board.

How vacancy of
Judge of
Election filled.

Ballots.

SEC. 3. The form of ballot to be used at said election shall be as follows: "For County Seat," naming the place voted for; and the said ballots shall be counted in like manner as those cast for officers at general elections.

Count.

Returns.

SEC. 4. The returns of the votes so cast for a County Seat of said county, shall be made and canvassed in like manner as provided by law regulating general elections.

Majority of all
the votes
necessary to
choice.

SEC. 5. After the returns shall have been made and canvassed, any one point or place having a number of votes equal to a majority of all the votes cast, shall be declared the County Seat of said county. And it shall be the duty of the Board of Supervisors to cause to be removed to such place, all the public archives, records and moveable county property appertaining to the County Seat, also cause the same to be certified to the Secretary of State within twenty days thereafter.

Removal of
records.

Certificate to
Sec'y of State.

When no one
place gets a
majority.

SEC. 6. If at such election there shall not be a number of votes cast equal to a majority of all the votes cast for any one point or

place, the County Seat shall remain at its present location; and it shall be the duty of the Board of Supervisors, by proclamation as before, to cause the vote to be taken at the next general election, between the two points or places having received the highest number of votes; and at such election the point or place receiving a majority of votes, shall be the County Seat of Sutter County, as provided in section five of this Act.

Supervisors to call another election.

CHAPTER CXXII.

AN ACT

To amend Section Twenty of "An Act dividing the State into Counties, and establishing the Seats of Justice therein," Passed April 25, 1851.

[Approved April 19th, 1856.]

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

SECTION 1. Section twenty of "An Act dividing the State into Counties, and establishing the Seats of Justice therein," passed April twentieth, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Amending clause.

Section 20. County of Nevada, beginning at a point in the middle of the main Yuba River opposite the mouth of Deer Creek; thence running up the said main Yuba to the mouth of the Middle Yuba River; thence up said Middle Yuba River to the mouth of the South Fork of the same; thence up said South Fork to its source; thence due east to the eastern line of the State; thence south along said State line to the north-east corner of Placer county; thence westerly on the northern line of Placer county to the source of Bear River; thence down Bear River to a point due south of the junction of Deer Creek and the main Yuba River; thence north to the place of beginning. The Seat of Justice shall be at Nevada City.

Boundaries of Nevada County.

County Seat.

CHAPTER CXXIII.

AN ACT

Concerning the Courts authorized to be held by the County Judge in the County of Humboldt.

[Approved April 19th, 1856.]

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

Terms of courts. SECTION 1. The courts authorized to be held by the County Judge in the County of Humboldt, shall hereafter be held all at the same time, to wit: on the second Monday of February, April, June, August, October and December, of each year, and shall continue, from time to time, until the business is disposed of.

Order of business. SEC. 2. The order and precedence of business, and the mode of keeping the records of said Courts, shall be as prescribed in "An Act fixing the Time of holding the several Courts authorized to be held by the County Judges in the Counties of Shasta, Santa Clara and Monterey," approved March ninth, one thousand eight hundred and fifty-five, as said last-mentioned Act now stands amended.

CHAPTER CXXIV.

AN ACT

To amend an Act entitled "An Act concerning Roads and Highways," Passed April 28, 1855.

[Approved April 19th, 1856.]

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

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

Road tax. SECTION 6. The Board of Supervisors shall have power to levy a road tax on all bodied men between the ages of twenty-one and fifty years, which shall not exceed four dollars per annum, and a property tax which shall not exceed five cents on each one hundred dollars for road purposes, to be levied and collected at the same time, and in the same manner, as other property taxes are collected; *provided*, that the provisions of this section, so far as it relates to the

Not to apply in cities.

road tax, shall not apply to any of the incorporated cities of this State; *and, provided further*, that any person liable to pay road tax as herein provided, may, at his option, pay the same in labor on the road, under the direction of the Overseer, at the rate of two dollars per day.

Tax to be paid
in labor.

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

Section 10. Each Road Overseer shall report to the Board of Supervisors, quarterly, the amount of money collected and paid out by him, and to whom, and for what paid; the number of days he has been in actual service, and, also, a list of delinquents; and the said Overseers shall make an affidavit, before a Justice of the Peace, or some other officer qualified to administer oaths, that the said report and delinquent list are correct, to the best of his knowledge and belief; and any person refusing or neglecting to pay the road tax required by this Act, to the Overseer, within three days after the said tax shall have been demanded, in writing, of him, by such Overseer, shall be considered a delinquent, and the Overseer shall proceed to levy and sell, at public vendue, to the highest bidder, after giving public notice, as required by law on sales under execution, the property of such delinquents, or so much thereof as shall be necessary to satisfy such delinquents' road tax, and costs of making such sale.

Report of
Overseers.

Delinquent, who
considered.

Sale of
delinquent's
property.

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

Section 11. The Overseers shall each receive for their services, while in actual employment, such compensation as shall be allowed by the Board of Supervisors, not to exceed six dollars per day.

Compensation
to Overseer.

CHAPTER CXXV.

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 19th, 1856.]

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

ARTICLE I.

SECTION 1. The corporation or body politic and corporate, now existing and known as the City of San Francisco, shall remain and continue to be a body politic and corporate in name and in fact, by

Corporation.

Privileges.	the name of the City and County of San Francisco, and by that name shall have perpetual succession, may sue and defend in all courts and places, and in all matters and proceedings whatever, and may have and may use a common seal; and the same may alter at pleasure, and may purchase, receive, hold and enjoy real and personal property, and sell, convey mortgages and dispose of the same for the common benefit. The boundaries of the City and County of San Francisco, on all sides except the southern boundary, described in this section, shall be identical with those of the County of San Francisco as they exist at the time of the passage of this Act. The southern boundary of the City and County of San Francisco shall be as follows: Beginning in the boundary line of the County of San Francisco, as it now exists at a point due east from a rock in the Bay of San Francisco, south-westerly from Point Divisidero or Hunter's Point, which rock is designated on Wheeler's map of said county as Shag Rock; thence running due west to said Shag Rock; thence running westerly to a point in the county road, one-fourth of a mile, north-easterly in a straight line from the house known as the County House, kept and occupied by C. E. Lilly; thence in a straight line to the south-eastern extremity of the southern arm of the Laguna de la Merced; thence due west to the Pacific Ocean, and thence due west to the western boundary of the County of San Francisco as it now exists; <i>provided, however</i> , that all rights and liabilities of the corporation heretofore and now known as the City of San Francisco shall survive to, and continue against, the corporations continued by this Act.
Boundary.	
Proviso.	
Public buildings, lands, revenue.	SEC. 2. The public buildings, lands and property, all rights of property and rights of action, and all moneys, revenues and income belonging or appertaining either to the corporation of the City of San Francisco, or to the County of San Francisco, are hereby declared to be vested in, and to appertain to, the said City and County of San Francisco; and the moneys in the treasury of said city, and in the treasury of said County of San Francisco, and all the revenues and income from whatsoever source arising, including delinquent taxes upon persons and property appertaining to the said city or to the said county, shall be handed over, paid and received into the Treasury of the City and County of San Francisco as a part of the General Fund; or where the said moneys, revenues and income, or any part thereof, have been heretofore and still remain set apart and dedicated by lawful authority to the use of a Special Fund, the necessity and objects of which still continue, the same shall continue to be received, held and disbursed for the same use, unless it is otherwise provided in this or some other Act.
City Treasury.	
General Fund.	
Special Fund.	
Records to be handed over.	SEC. 3. The records, books and papers in the custody of the said City Treasurer, shall be handed over to, and received into, the custody of the Treasurer of the said city and county, and all other books, records and papers of the said corporation, shall be delivered and received into the custody of the Clerk of the Board of Supervisors of said city and county, and shall not be withheld under any claim of a lien thereon for arrears of salary, fees, services or advances, nor under any other pretense whatsoever. Suits and actions may be brought and maintained in the name of the City and County of San Francisco for the recovery of any property, money or thing belonging thereto, or the enforcement of any rights of, or contracts with, said city and county. And from any judgment rendered against
May bring suit.	

the said city and county in any court, an appeal may be taken by the said city and county, where such appeal is allowed by law, without the giving of any appeal bond or undertaking, on complying with the other requisites prescribed by law.

Appeal.

No bond required.

SEC. 4. All the existing provisions of law, defining the powers and duties of county officers, excepting those relating to Supervisors and Boards of Supervisors, so far as the same are not repealed nor altered by the provisions of this Act, shall be considered as applicable to officers of the said City and County of San Francisco, acting or elected under this Act. Provision shall be made from the revenues of the said city and county, for the payment of the legal indebtedness of the former city corporation and of the County of San Francisco. The taxes which may be levied and collected under the provisions of this Act, shall be uniform throughout the said City and County of San Francisco; but in case it should hereafter be found necessary, for the purpose of providing for the said city indebtedness, to increase taxation beyond the rate of the county tax levied upon property in said County of San Francisco, during the year one thousand eight hundred and fifty-five, such increased taxation, over and above the rate aforesaid, shall be levied and assessed exclusively upon the real and personal property situated within the limits defined in the second section of the Act entitled "An Act to Re-Incorporate the City of San Francisco," passed May fifth, one thousand eight hundred and fifty-five, and not upon such property situated without those limits.

Former laws applicable.

Indebtedness.

Increase of taxation.

SEC. 5. Immediately after the passage of this Act, the present City Attorney, Surveyor-General and C. K. Garrison, shall proceed to lay off the said city and county into twelve convenient districts, equal in population as near as conveniently may be, giving a distinct name to each district, the boundaries of which they shall accurately define by reference to public streets, roads or other permanent monuments, and shall cause a map to be made representing the said districts with their names and boundaries so fixed. The act of said officers establishing said districts, signed by them or a majority of them, shall be recorded in the office of the County Recorder of said city and county, and the original be deposited in the office of the County Clerk, and the map shall be deposited with the said County Surveyor. Each of said districts shall constitute an election precinct.

Districts and Election Precincts.

SEC. 6. There shall be elected, hereafter, for the said City and County of San Francisco, by the qualified electors thereof, at the times and in the mode prescribed by law for the election of State and county officers, one President of the Board of Supervisors, a County Judge, Clerk, Police Judge, Chief of Police, Sheriff, Coroner, Recorder, Treasurer, Auditor, Tax Collector, Assessor, Surveyor, Superintendent of Common Schools, Superintendent of Public Streets and Highways, District Attorney, and two Dock-Masters for the Port of San Francisco, who shall respectively continue in office for two years and until their successors shall be elected and qualified, and the office of Harbor-Master for the City of San Francisco is hereby abolished and repealed; and in and for each of said districts, by the qualified electors thereof, one Supervisor, one Justice of the Peace and one School Director, who shall continue in office for two years and until their successors are elected and qualified; also, one Constable and one Inspector, and two Judges of Election, who shall hold their offices for one year and until their successors are elected and quali-

Officers to be elected.

- Proviso. fed; *provided*, that all the present county officers of the County of San Francisco, making their official bonds conformable to the provisions of this Act, shall continue to exercise their respective functions as officers of the said City and County of San Francisco, and subject to all the provisions and restrictions in this Act contained, until their respective terms of office expire by law. And all Justices of the Peace [and] Constables in said county shall continue in office until their successors shall be elected and qualified in the several districts, as provided in this Act; *and, provided further*, that in all elections for Inspector and Judges of Election, each qualified voter shall vote for one Inspector and one Judge of Election only, and that the person having the highest number of votes for Inspector, shall be declared elected Inspector; and the two having the highest number of votes for Judges, shall be the Judges of Elections for the respective district.
- Justices and Constables.
- Judges of Election.
- Qualification of officers. SEC. 7. By the term "qualification of officers," as used in this Act, is to be understood, their having taken the oath of office, given the official bond, where it is required by law, and complied with all the requisites prescribed by the statutes of this State, to entitle and qualify them to exercise the functions of their offices.
- Offices and office hours. Sec. 8. The Sheriff, Clerk, Recorder, Treasurer, District Attorney, Auditor, Superintendent of Public Streets and Highways, and Dock-Masters of said city and county, shall keep public offices, which must be open, and kept open for the transaction of business, on all judicial days, during the following hours: From March twentieth to September twentieth, from nine, A. M., to five, P. M.; from September twentieth to March twentieth, from ten, A. M., to four, P. M. The Board of Supervisors shall have power, and it shall be their duty, to designate the places for keeping the said offices, except the Dock-Masters' offices, and to set apart for their use suitable apartments in the City Hall, or other public buildings. The apartments designated for the use of the Treasurer, Auditor and Assessor of said city and county, shall be as nearly contiguous as possible.
- Vacancy. SEC. 9. Whenever vacancies occur in any elective office of the said city and county, and provision is not otherwise made in this, or some other Act, for filling the same until the next election, the Board of Supervisors shall appoint a person to discharge the duties of such office, until the next election, when the vacancy shall be filled by election for the term, excepting vacancies in the office of Dock-Masters, which vacancies shall be filled by appointments by the Governor. All persons so appointed shall, before entering upon their duties, take the oath of office, and give bond as required by law. But in an action or proceeding where the Sheriff of said city and county is a party, or is interested, or otherwise incapacitated to execute the orders or process therein, the same shall be executed by a suitable person, residing in said city and county, to be appointed by the court, and denominated an "Elisor," who shall give such security as the court in its discretion may require, and shall execute the process and orders in the same manner as the Sheriff is required to execute similar process and orders in other cases.
- Supervisors to appoint.
- Governor to appoint.
- Vacancy in Sheriff's office, how filled.
- Salary and fees of officers. SEC. 10. The Sheriff, Clerk, County Judge, Recorder, Surveyor, Treasurer, Assessor and two Dock-Masters, of said city and county, and Justices of the Peace and Constables, shall continue to receive for their official services, such fees and compensation as are now, or may be hereafter, allowed by law; and the fees of the Dock-Masters

shall be the same as those heretofore allowed by law to the Harbor-Master; which fees, when collected, shall, every month, and before any allowance or payment is made on account of said Dock-Master's salary, be by them faithfully accounted for, under oath, and paid into the treasury of said city and county, as a part of the general fund; *provided*, that the allowance made to the Assessor shall not in any year exceed the sum of five thousand dollars, including Clerks, Deputies, and all other expenses and contingencies of that office; and that each Dock-Master shall receive a salary of four thousand dollars per annum, and no other compensation; *provided*, that the person now holding the office of Harbor-Master of said city, shall, after the appointment of Dock-Masters, be paid up to the first day of January next, the same amount that is allowed to a Dock-Master, as salary for the same period of time, and the duties of Harbor-Master shall be performed by the Dock-Masters herein provided for; *provided*, also, that the Treasurer shall be allowed the commissions or per centage now or hereafter specified by law, on the whole amount of money collected and paid into the treasury, only, but no commissions on payments, disbursements, or transfer of funds; which allowance shall be in full for salary, Clerks, Deputy, and all other expenses incidental to the office; and, *provided further*, that there shall be paid out of the treasury to the Surveyor of said city and county, the salary of one thousand dollars in full compensation for all surveys made for said city and county, when required by the proper authorities, under the provisions of law, or the regulations of the Board of Supervisors; and, *provided further*, that the compensation of the present Sheriff, District Attorney, Treasurer and Assessor, continued in office under this Act, shall be the same as is provided in the general laws, and the compensation of their successors, elected or appointed under this Act, shall be as is in this Act provided.

Proviso.

Assessor.

Dock-Masters.

Proviso.

Harbor-Master to be paid.

Proviso.

Treasurer.

Proviso.

Surveyor.

Proviso.

Salary of—
present Sheriff,
etc.

SEC. 11. The Auditor, Police Judge, District Attorney and Chief of Police, of said city and county, shall receive a salary of five thousand dollars, each; the Superintendent of Public Streets and Highways and Superintendent of Common Schools, shall receive a salary of four thousand dollars per annum, each; the President of the Board of Supervisors shall receive a salary of two thousand [dollars] per annum. No fees or salaries shall be allowed to School Directors or Supervisors. The Inspectors and Judges of Election shall be allowed, for each election held, the sum of twelve dollars, each, and no more, in full compensation for the discharge of all the duties imposed on them by law. No fees or compensation, other than as expressly allowed in this Act, shall be received by any officer of the said city and county, or of any district; nor shall any allowance be made to them, or any of them, beyond the fixed compensation aforesaid, under the name of office rent, fuel, lights, stationery, contingencies, or otherwise; but the necessary and proper books may be purchased and supplied for the offices of the Auditor, Assessor and Superintendent of Public Streets and Highways, the expense of which, when authorized and approved by the Board of Supervisors, may be paid out of the treasury.

Officers.

SEC. 12. Neither the Board of Supervisors, the Board of Education, nor any officer of the said city and county, or of any district, shall have any power to contract any debt or liability, in any form whatsoever, against the said city and county; nor shall the people or tax payers, or any property therein, ever be liable to be assessed for,

Officers not to
contract any
debt.

or on account of, any debt or liability hereafter contracted, or supposed, or attempted to be contracted, in contravention of this section.

First election.

Judges and Inspectors to be appointed.

SEC. 13. Balie Peyton, E. J. Moore, J. B. Crockett, Louis McLane, Jr. and E. R. Carpentier, shall appoint in each of the districts to be erected in said city and county as aforesaid, one Inspector and two Judges of Election, by whom the first election under this Act shall be held. The term of office of all officers elected under this Act, shall commence on the Monday following the day of election, unless otherwise already provided by law.

Official bonds.

Bankers not allowed to go security.

Surety to be worth double the bond.

Sureties.

Officers continued shall execute new bonds.

SEC. 14. All officers of the said city and county must, before they can enter upon their official duties, give bond as required by law. The bonds and sureties of such officers must be approved by the County Judge, Auditor and President of the Board of Supervisors. Where the amount of such official bond is not fixed by law, it shall be fixed by the Board of Supervisors. No banker residing, or doing business, in said city and county, nor any such banker's partner, clerk, employee, agent, attorney, father, son, or brother, shall be received as surety for the Treasurer, President of the Board of Supervisors, Sheriff, Auditor, nor any officer having the collection, custody, or disbursement of money. No person can be admitted as surety on any such bond, unless he be worth, in fixed property, including mortgages situated in said city and county, twice the amount of his undertaking, over and above all sums for which he is already liable, or in any manner bound, whether as principal, indorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, certain or contingent, due or to become due. All persons offered as sureties on official bonds, may be examined, on oath, touching their qualifications. The official bond of the Auditor shall be filed and kept in the office of the Clerk of said city and county. All other official bonds shall be filed and kept in the office of the Auditor. All officers continued in office under this Act, shall be required to execute new bonds, conformable to laws heretofore existing; and in case of default, on the part of any officer, of doing so, within two days after the first meeting of the Board of Supervisors, the said Board shall declare his office vacant.

ARTICLE II.

PUBLIC ORDER AND POLICE.

Chief of Police.

Powers of.

Police office.

SEC. 15. The Department of Police, of said city and county, shall be under the direction of the Chief of Police, in subjection to the laws of this State, and the rules and regulations, not in conflict therewith, which may be established by competent authority, under the powers granted in this Act. In the suppression of any riot, public tumult, disturbances of the public peace, or organized resistance against the laws, or public authorities, in the lawful exercise of their functions, he shall have all the powers that now are, or hereafter may be, conferred upon Sheriffs, by the laws of this State, and his lawful orders shall be promptly executed by all Police Officers, Watchmen and Constables, in the said city and county; and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order.

SEC. 16. The Chief of Police shall keep a public office, which shall be open, and at which he, or in case of his necessary absence, a

Captain of Police, or Police Officer by him designated for that purpose, shall be in attendance, at all hours, day and night. In case of his necessary absence from his office, it shall be made known to the Police Officer in attendance where he can be found, if needed, and he shall not absent himself from the city and county, without urgent necessity, and leave obtained, in writing, from the President of the Board of Supervisors, Police Judge and County Judge, or two of them, who shall, at the time of granting the same, appoint a person to act during his absence, with all his powers, duties and obligations. If such absence from the city and county be on any other than business immediately connected with his office, he shall lose his salary for the time of such absence, of which account shall be taken by the Police Judge.

Open at all hours.

Absence of Chief of Police.

SEC. 17. The Chief of Police shall designate one or more out of the number of police officers to attend constantly upon the Police Judge's Court to execute the orders and process of the said court; he may order to be arrested and to be taken before the Police Judge, any person guilty of a breach of the peace or a violation of the general regulations established by the Board of Supervisors under the authority granted in this Act; he shall supervise and direct the police force of said city and county, and shall observe and cause to be observed, the provisions of this Act and the regulations established by the Board of Supervisors in relation thereto; he shall see that the lawful orders and process, issued by the Police Judge's Court, are promptly executed; and shall exercise such other powers connected with his office as head of police, as may be prescribed in the general regulations adopted by the Board of Supervisors.

Powers and duties of Chief of Police.

SEC. 18. The Chief of Police shall acquaint himself with all the statutes and laws in force in this State, defining public offenses and nuisances and regulating criminal proceedings, and shall procure and keep in his office the Statutes of this State and of the United States, and all necessary elementary works on that subject; he shall give information and advice touching said laws, gratuitously, to all police officers and magistrates asking it.

Chief of Police, duties of.

SEC. 19. The Police Judge, throughout the city and county, shall have the same powers and jurisdiction in all cases, as are, or hereafter may be, conferred by law upon Recorders' Courts, and in all criminal cases, in addition thereto, the powers and jurisdiction of a Justice of the Peace; he shall also have jurisdiction to try and punish all offenses committed against the rules and regulations established in pursuance of the authority granted in this Act, by the Board of Supervisors, except where it is otherwise provided; and may commit or hold the offender to bail for trial in the proper court, or may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law; and shall have power to issue warrants of arrests, subpoenas and all other process necessary to the full and proper exercise of his powers and jurisdiction. All fines imposed by the Police Judge, not exceeding twenty dollars exclusive of costs, shall be final and without appeal; his court shall be a Court of Record; a Clerk shall be appointed therefor, by the Board of Supervisors, with a salary of twelve hundred dollars a year, who shall give bond as required by law and hold his office during the pleasure of the said Board.

Police Judge, powers and duties of.

Police Court. Clerk of.

SEC. 20. Proceedings in the Police Judge's Court, shall be conducted in conformity with the laws regulating proceedings in the

Proceedings in.

Absence of
Police Judge.

Vacancy in the
office of Police
Judge, how
filled.

Clerk of the
Police Court,
duties of.

Fines.

Police Fund.

Offenders to
labor on public
works.

Public works
defined.

Captains of
Police and
Police Officers
how appointed.

Qualifications of
Captains and
officers of police.

Recorder's Courts. The said court shall be open daily, Sundays excepted, and may be held by any Justice of the Peace of the city and county, in case of the temporary absence of the Police Judge or his temporary inability to act from any cause. In case of a vacancy in the office of Police Judge, the Board of Supervisors shall have power to appoint any Justice of the Peace of the said city and county to fill the vacancy until the next election, when the office shall be filled by election for a full term.

SEC. 21. The Clerk of the Police Judge's Court, shall keep a record of its proceedings, issue all process ordered by said court, receive and pay weekly into the treasury of the city and county, all fines imposed by said court, and render to the County Auditor, monthly, and before any amount can be paid him on account of salary or otherwise, an exact and detailed account, upon oath, accompanied with the exhibition of the said record of all fines imposed and moneys collected since his last account rendered.

SEC. 22. All fines imposed by the Police Judge's Court, Court of Sessions of said city and county, or any Justice's Court, shall be paid into the treasury thereof, as part of the Police Fund; in cases where for any offense, the said courts are authorized to impose a fine or imprisonment in the County Jail, or both, they may, instead thereof, sentence the offender to be employed in labor upon the public works of said city and county, for a period of time equal to the term of imprisonment which might be legally imposed, and may, in case of imposing a fine, embrace as a part of the sentence, that in default of payment of such fine, the offender shall be employed to labor on said public works at one dollar a day, till the fine imposed is satisfied. By the Public Works as used in this Act, is understood the construction, or repair, or cleaning, of any street, road, dock, wharf, public square, park, building or other works whatsoever, which is authorized to be done by and for the use of the said city and county, and the expense of which is not to be borne exclusively by the individuals or property particularly benefited thereby.

SEC. 23. The Chief of Police, in conjunction with the President of the Board of Supervisors and the Police Judge, the concurrence of two of them being necessary to a choice, shall appoint four Captains of Police, each from a different district, and as many police officers, not exceeding thirty, as the Board of Supervisors shall determine to be necessary. Thereof, an equal number in proportion to population, as near as may be, shall be selected from each district that shall be situated, wholly or partly, within the limits specified in section second of the Act now repealed, entitled "An Act to Re-Incorporate the City of San Francisco," passed May sixth, one thousand eight hundred and fifty-five.

SEC. 24. No person can be appointed Captain of Police or Police Officer, unless he be a citizen of the United States and of this State and a resident and a qualified voter of the city and county; and in case of each Police Officer, a resident of the district from which he is chosen and also before his appointment, shall produce to the said President of the Board of Supervisors, Chief of Police and Police Judge, a certificate signed by at least twelve freeholders and qualified voters of the said city and county, who in case of application for appointment of a Police Officer, must also be residents of the district from which he is to be appointed, stating that they have been personally and well acquainted with the applicant for one year or

more, next preceding the application, and that he is of good repute for honesty and sobriety, and they believe him to be, in all respects, competent and fit for the office. All the certificates so produced, shall be carefully preserved in the office of Chief of Police.

SEC. 25. Police Captains and Officers may be suspended from office by the Chief of Police, and, with the concurrence of the President of the Board of Supervisors and Police Judge, removed from office for official negligence, inefficiency, or misconduct, under such general rules and regulations, not contrary to law, as may have been established by the Board of Supervisors; they shall receive from the treasury of said city and county, payable out of the Police Fund, such compensation as may be fixed by the Board of Supervisors not exceeding one thousand eight hundred dollars a year, each, for Captains, and one thousand two hundred dollars a year, each, for Police Officers.

Police Captains and officers how suspended or removed.

Salaries of.

SEC. 26. Neither the Chief of Police, Captains or any Officer of Police, shall follow any other profession or calling, become bail for any person charged with any offense whatever, receive any present or reward for official services rendered, nor be allowed pay for any period during which they shall absent themselves from public duty, unless such absence necessarily result from indisposition or disability, occasioned by injuries suffered while in the discharge of official duty. Police Officers in subjection to the orders of the respective Captains, and all under the general direction of the Chief of Police, shall be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, frays, duels and disturbances of the public peace, the execution of process from the Police Judge's Court, in causing the abatement of public nuisances, the removal of unlawful obstructions from the public streets and the enforcement of the laws and regulations of police.

Police Chief and officers prohibited from following any other profession, etc.

Duties of.

SEC. 27. In case of great public emergency or danger, the Chief of Police may appoint an additional number of Policemen, of approved character for honesty and sobriety, who shall have the same powers as other police officers for twenty-four hours only, but without pay. The Chief of Police, Captains and every officer of the permanent force shall provide themselves with a uniform and badge of office, to be prescribed by regulations of the Board of Supervisors, which shall be worn by them upon all occasions, with such exceptions as may be permitted by the Chief of Police in the performance of detective duty.

Additional Policemen when and how appointed.

Police uniform and badge.

SEC. 28. Charges of oppression or official misconduct, when presented by any citizen of the said city and county, against any Police Captain or Officer and verified on oath, setting forth the specific acts complained of, shall be received and attentively considered and determined by the Police Judge, President of the Board of Supervisors and Chief of Police, giving to the accused due notice, and an impartial hearing in defense. The Chief of Police, Police Judge and all other officers now acting or hereafter to be elected or appointed under the provisions of this Act, may be accused, tried and removed from office in the mode prescribed by the laws of this State for the removal of civil officers otherwise than by impeachment.

Official misconduct of Policemen.

Removal from office.

SEC. 29. The Board of Supervisors shall from time to time establish a convenient number of police stations, determine within what districts the Police Officers and Captains shall usually be distributed and employed, designate the prisons to be used for the reception of

Police stations.

Distribution of Policemen.

Prison keepers. all persons arrested or convicted and sentenced for public offenses, in cases not provided for by law, appoint, during the pleasure of the Board, the Keeper of such prisons.

ARTICLE III.

PUBLIC INSTRUCTION.

Superintendent of schools, powers and duties of. SEC. 30. The Superintendent of Common Schools shall have the powers, and under the rules and regulations established by the Board of Education, perform the duties specified in the general laws of this State relating to that office, except where the same are altered by the provisions of this Act; and it shall be the duty of the said Superintendent to visit and critically to examine into the condition of each school in the said city and county at least once in three months. It shall also be the special duty of the Superintendent in the said city and county, and of each School Director in his district, to observe and cause to be observed, such general rules for the regulation of the schools, not inconsistent with the laws of the State, as may be established by the Board of Education of the said city and county. Sections nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of the Act entitled "An Act to Establish, Support and Regulate Common Schools, and to Repeal Former Acts Concerning the Same," passed May third, one thousand eight hundred and fifty-five, are hereby declared to be inapplicable to the City and County of San Francisco.

Certain sections of State law inapplicable.

Superintendent of schools to be Secretary of the Board of Education. SEC. 31. The said Superintendent shall attend the sessions, and act as Secretary of the Board of Education, inform them at each session of the condition of the common schools, school-houses, school funds and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city and county. He shall acquaint himself with all the laws, rules and regulations governing the public schools in the said city and county, and the judicial decisions thereon, and give advice on subjects connected with the public schools gratuitously to officers, teachers, pupils and their parents and guardians. In case of a vacancy in the office of Superintendent, the Board of Education may assemble and appoint a person to fill the vacancy until the regular election then next following, when the office shall be filled by election of the people.

Duties of.

Vacancy, how filled.

School Directors shall assemble. SEC. 32. The School Directors of the several districts shall assemble within five days after their election and qualification, and thereafter on the first Monday in June, September, December and March of each year, and at such other times as they may for urgent reasons be specially convoked by the Superintendent; and when so assembled, shall constitute a Board of Education for the City and County of San Francisco. A majority of all the School Directors, elected in the said city and county, shall constitute a quorum to do business, but a smaller number may adjourn from day to day. The Board shall elect a President from among its members, to continue during the pleasure of the Board, and in the absence of the Superintendent, a Secretary *pro tem*, determine the rules of its proceedings, keep a record of its acts and resolutions, and allow the same to be published. The sessions of the Board shall be public, and the record of its pro-

Board of Education, how organized.

ceedings shall remain in the custody of the Secretary, subject to the inspection, without charge, of all public officers and citizens of the said city and county.

SEC. 33. The Board of Education shall have power—

Powers and duties of.

First. To establish common schools and school districts in said city and county conformably with the laws, and to fix the boundaries of such school districts.

Second. To establish rules which shall not be contrary to law, for the government, improvement and progress of the public schools within the said City and County of San Francisco, and for carrying into effect the provisions of law relating and applicable thereto, and for the government of all school officers and teachers in the discharge of their duties.

Third. To determine annually the amount, not exceeding the rate of thirty-five cents on each hundred dollars' valuation upon the Assessment Roll, to be raised by tax upon the real and personal property within the city and county not exempt from taxation, for the support of free common schools therein, and for providing suitable school-houses, furniture, libraries and apparatus.

Tax.

Fourth. To establish regulations not inconsistent with law as aforesaid, for the safe custody, and just and equal disbursement of all moneys belonging to the Common School Fund of said city and county, from whatsoever source arising.

Fifth. To require that all Teachers, previous to their being employed in any of the said common schools, shall be rigidly examined before the said Board, or a committee of its members appointed for that purpose, or by the Superintendent, and being approved shall receive a certificate signed by such Committee and Superintendent of qualification in respect to moral character, ability and fitness to teach in the said schools, and to revoke such certificates for good cause, of which the said Board shall be the sole judge, giving to the parties interested reasonable notice and an opportunity to be heard; and any School Director, with the advice and consent of the Superintendent, may provisionally withdraw the certificate of any Teacher employed in the schools of his district till the next meeting of the Board of Education, and in the meantime such Teacher shall not be employed in any of the common schools.

Teachers to be examined.

SEC. 34. Upon the petition of fifty heads of white families, resident citizens in any district, the Board of Education may, in their discretion, establish a common school or additional common schools therein, subject in all respects to the laws and regulations governing the other common schools, awarding to such school or schools its proportionate share of the School Fund, but no sectarian doctrines shall be permitted to be inculcated in any of the public schools; nor shall any school within the said city and county which is not established and conducted in conformity with the laws of this State, and the rules and regulations not inconsistent therewith, established by the said Board of Education, be permitted to receive any share of the Common School Fund.

Additional schools, how established.

Sectarian doctrines not permitted.

SEC. 35. At every regular session of the Board of Education, before proceeding to other business, each School Director shall be called upon to report orally to the Board the condition of the schools in his district, the circumstances and wants of the inhabitants in respect to education, and to suggest any defect he may have noted and improvements he would recommend in existing regulations on the subject.

Board of Education. Duties of Directors.

ARTICLE IV.

PUBLIC STREETS AND HIGHWAYS.

Public streets,
how opened,
graded and
repaired.

SEC. 36. In the public streets already laid out by lawful authority, opened and graded within the limits of said City and County of San Francisco, or which shall hereafter be laid out, opened and graded, as provided in this Act, the paving, planking, sewerage and repairs of every kind, shall be assessed upon and done at the equal expense of the adjacent lots on each side of said streets, each distinct and separate owner being at liberty, and being required, under the direction of the Superintendent of Public Streets and Highways, to do, or cause to be done, at his own expense, the work, repairs and improvements in front of his own property to the center of the street.

Crossing of
streets, how
made and
repaired.

SEC. 37. The expense of all such work, improvements and repairs upon each street crossing, or the space formed by the junction of two or more streets, shall be assessed with equality upon each quarter block, adjoining and cornering upon the same; each distinct lot, or part of a lot, included in such quarter, being separately assessed for its equal proportion. For that purpose, all the blocks shall be considered as divided into quarters, by straight lines running through the centers of them, and running parallel with each of the streets bounding said blocks. In cases where the blocks are of irregular shape, and not bounded by parallel streets, so that they cannot be equally divided in that manner, the expense of constructing and repairing crossings, or that portion of them adjacent to such irregular-shaped blocks, shall be assessed, as aforesaid, with equality, upon the lots and buildings in the whole block. The space formed by the junction of two streets terminating at the same point, if such a case should occur, shall be planked, paved and kept in repair, at the equal expense of the lots fronting thereon and the contiguous quarter block.

Streets fronting
on the water or
on city property,
how opened and
improved.

SEC. 38. In all the streets constituting the water front of the city, or bounded on one side by the property of said city and county, the expense of construction and repairs of that portion of said streets, from the center line thereof to the said water front, or to such property of the city and county bounded thereon, 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 bidder, after an observance of all the formalities requisite in contracts for grading and planking or paving of streets, as hereinafter provided, so far as the same can be applied to the case.

New streets,
how laid out.

SEC. 39. The Board of Supervisors shall have power to lay out, and open, new streets within the former corporate limits of the City of San Francisco, and west of Larkin and south-west of Johnson streets, in accordance with the conditions of the Ordinance of the Common Council of said city, approved June twentieth, one thousand eight 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.

Board of
Supervisors may
order the grading
of streets.

SEC. 40. Where any street is located, but not yet graded, the Board of Supervisors, when they shall deem it expedient, may order the whole, or any portion thereof, to be graded, after notice of their intention published in some daily newspaper, printed in said city and

county, for the period of ten days, unless the owners of one-third in extent, of frontage of lands and lots, bounded on such street or portion of a street, so proposed to be graded, shall have made written objection thereto, and delivered the same to the Clerk of the said Board of Supervisors.

Objection of
land owners.

SEC. 41. If the owners of more than two-thirds in extent, of frontage of land and lots fronting on any street, or portion of a street not yet graded, or their duly authorized agent, shall petition the Board of Supervisors, in writing, to open and grade the same, the signatures of the petitioners being verified by their acknowledgment before a Justice of the Peace, in the form required by law for the acknowledgment of deeds, the said Board of Supervisors shall order the same to be done; but in such case, they may receive and consider remonstrances for the purpose only of ascertaining whether the petitioners truly comprehend more than two-thirds of the said owners, as in this section required. No order or permission shall be given to grade any street or portion of a street, without extending and completing such grading throughout the whole breadth of such street, up to the boundary of the lands and lots fronting thereon.

Supervisors
shall order
streets to be
graded on
petition of two-
thirds of the
property holders.

SEC. 42. The total amount of the expense of grading any street or portion of a street, under the provisions of this Act, shall be assessed upon and borne with absolute equality by all the lands fronting thereon and in proportion to the frontage, at a rate per foot sufficient to cover such total expense of the work; and the contract therefor and also all contracts for work authorized to be done upon street crossings shall in all cases be given to the lowest bidder offering adequate security, and shall be given, without security, to the owners of the lands and lots or of the greater part thereof, in extent of frontage, which are liable to be assessed therefor; *provided*, they offer to take the same at as low a rate as any others offering adequate security.

Expenses of
grading any
street to be
borne, etc.

Crossings.

SEC. 43. Before giving out any such contract, the Board of Supervisors shall cause notice to be conspicuously posted in the office of the Superintendent of Streets and Highways, and inserted in one of the daily newspapers published in said city and county, for a period of ten days, inviting sealed proposals for the work contemplated, to be handed in to the Superintendent of Public Streets and Highways. All proposals offered shall be delivered over by the said Superintendent, sealed, to the Board of Supervisors, who shall open, examine, and publicly declare them, in open session, and thereupon the contract shall be awarded at the lowest price offered; according to the provisions of the next preceding section; *provided*, that the lot owners, or the major part, as specified in said section, liable to be assessed therefor, shall not be required to present sealed proposals, but may, within five days after such award, elect to take the contract, for the price it has been awarded at. The Superintendent of Public Streets and Highways shall be authorized, in his official character, to enter into written contracts for work upon streets and street crossings, ordered to be done, and awarded, or taken by the said owners, according to the provisions of this article.

Contracts for
grading, etc.
How made.

Proviso.

SEC. 44. The grading, sewerage, planking, paving, repairing, or otherwise constructing or improving of streets and street crossings, must, in all cases, be done under the direction, and to the satisfaction, of the Superintendent; and all contracts made therefor, must contain this condition, and also express notice, that in no case, (except when it is otherwise provided in this Act,) will the said city and county be

The city and
county not
liable for cost of
certain
improvements.

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 works, in the mode herein provided, shall be made by the Superintendent of Public Streets and Highways.

Appeal to the Supervisors by any one aggrieved.

SEC. 45. If any party directly interested in any such work, contract or assessment, shall feel aggrieved by the acts or determination of the said Superintendent, in relation thereto, he may appeal to the Board of Supervisors, whose decision thereon, upon hearing, shall be final.

Title to lots for purposes of this Act.

SEC. 46. The person in possession of lands, lots and buildings, under claim, and exercising acts of ownership, shall be regarded, treated and deemed, to be the owner, according to the meaning of that term as used in this article; and in case of property leased, the possession of the tenant, or lessee, holding and occupying under him, shall be deemed to be the possession of such owner, so that such owner shall, in such case, be deemed to be in possession by his tenant.

Superintendent of Public Streets and Highways.

SEC. 47. The Superintendent of Public Streets and Highways shall make, and keep in his office, a record of all assessments which he is authorized by law to make, in well bound volumes, in which shall be entered diagrams, exhibiting each street crossing, the work upon which may have been duly contracted for, and each street, or portion of a street, for the grading, planking, or paving of which, contract may have been entered into, the amount or rate to be paid upon such contract, each distinct lot, or portion of a lot, assessed therefor, and the amount of such assessment. Every assessment made and recorded according to the provisions of this article, shall have the force and effect of a judgment in a court of record, and remain a lien upon the property assessed, and take precedence of all other liens prior, as well as subsequent, in date, for the period of two years unless sooner discharged.

Duties of.

Recorded assessments to have the effect of a judgment.

Contractors on streets, how paid.

SEC. 48. The Contractor for grading of streets, or work upon street crossings, having fulfilled his undertaking, and the work having been approved by the Superintendent or Board of Supervisors, on appeal, shall receive from the Superintendent a warrant, by virtue of which he 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 contract; which warrant shall refer to the contract, the work contracted for and performed, and the amount agreed to be paid therefor, and shall specify the amount of each assessment, with the name of the owner of the lot assessed, if known, and shall be signed by the Superintendent, and be 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.

Contractors shall demand payments of those assessed.

SEC. 49. The Contractor or his agent shall call upon the persons so assessed, or their agents, if they can conveniently be found, and if payment be not made shall demand payment upon the premises. If any payment be made, the Contractor or his agent shall receive the same upon the warrant, or a schedule affixed thereto, in presence of the person making such payment, and shall also give a separate receipt if demanded; 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; and if any of the assessments

Other duties and steps to be taken by contractor.

remain unpaid, verified upon oath, and stating that he has called upon the persons assessed, and whose assessments remain unpaid in whole or in part, and demanded payment, or that they could not conveniently be found, and that he has publicly demanded payment on the premises liable for such assessments, and that the same or the amounts thereof, specified in such return as delinquent, remain unpaid; thereupon the Superintendent shall record the said warrant with such sworn return, and also the original contract referred to therein if it has not been already recorded at full length in a book to be kept for that purpose in his office, and shall sign such record.

Sec. 50. If such delinquent assessment or assessments shall remain unpaid for five days thereafter, the Police Judge shall, on the application which it shall be the duty of the Superintendent to make, carefully examine the aforesaid record and also the record of assessments, and finding the proceedings to have been legal and free from fraud on the part of the Contractor, shall issue his warrant, to be signed by him and countersigned by the said Superintendent, directed to the Sheriff of said city and county, briefly setting forth the delinquent assessment or assessments, the amounts thereof remaining unpaid, the name or names of the owner or owners, if known, and an accurate description of the property liable therefor, and commanding the said Sheriff to collect the amount of such delinquent assessment so remaining unpaid, with costs, including his legal fees, and fifteen dollars, to be collected and paid over to the Superintendent for his services, and also five per cent. damages upon the amount remaining due to the Contractor by sale of the property liable therefor, and described in said warrant in the same manner as real estate is required by law to be sold upon execution, and out of the moneys made, to pay over the amount or amounts due to the Contractor, with the said five per cent. damages; which warrant, after having been recorded by the Superintendent in full in his office, shall be delivered to the said Sheriff.

Unpaid
assessments.
How collected.

Sec. 51. The warrant so issued, shall have the force and effect of an execution upon a judgment or decree entered up in a court of record, and the Sheriff, in his proceedings thereon, shall be governed by the laws regulating sales under execution; and the rights and remedies of the purchaser or purchasers at any sale made by virtue of such warrant, shall be the same as those of purchasers at Sheriffs' Sales under execution. The property sold may also be redeemed in the same manner as real estate sold under execution, by the owner or any person for him being duly authorized, or by any creditor having a lien thereon. The deed executed by the Sheriff shall briefly refer to the essential steps in the proceeding previous thereto, and shall be *prima facie* evidence of the facts so recited.

Manner of
enforcing the
collection of
unpaid taxes.

Sec. 52. Any tenant or lessee of the property liable, may pay the amount of the delinquent assessment to the Contractor or his agent, before the issuing of the warrant of sale, or may pay such amount with damages and costs afterward and before the sale, or may redeem the property sold 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; and for any sum so paid beyond the rents due, he shall have a lien upon, and may retain possession of, the said property until the amount so advanced be satisfied with legal interest from accruing rents or repayment by the owner.

Same.

Sec. 53. The Board of Supervisors, in the cases and with the

Board of Supervisors may order the replanking or paving of streets.

requisites prescribed in the sections forty and forty-one, may order the entire planking or replanking, paving or repaving (including sidewalks), of any street or portion of a street, or the construction of sewers therein, according to plans and specifications, and after a careful estimate of the cost of the work, which shall first be furnished them by the Superintendent of Public Streets and Highways, and all of which shall, before such order can be passed, be made public in the mode prescribed in section forty-three, and in the same manner as therein specified, proposals shall be received, and contracts given out, for the work ordered to be done; which contracts shall contain the condition and notice specified in section forty-four, and also, expressing that each owner will be at liberty to do or cause to be done, the work falling in front of his own property within a reasonable time, to be prescribed by the said Superintendent, shall obligate the Contractor to perform within a specified time thereafter, and at the rates per foot front at which the contract has been awarded, such portions of the work as the respective owners shall have failed to execute.

Owners to have the privilege.

Contracts to operate as a lien.

SEC. 54. Immediately after the contract or contracts referred to in the preceding section shall have been given out and recorded, it shall operate as an assessment and lien upon each lot for the amount which it would be liable to pay at the rates specified in such contract, and the Superintendent shall notify each owner, in writing, of the same, and of the rate and amount of his assessment, by causing such notice to be delivered to him personally, or, if he cannot be found, to be left upon the premises so assessed, and warn him that he must do the said work in front of his own property within a reasonable time, to be specified in such notice, or that the contractor will execute the same at his expense and that the property will be liable therefor. If such work should not be commenced and completed by the owner within the time so prescribed, it shall be performed by the contractor according to his contract and at the cost of the owner.

Assessments.
How collected.

SEC. 55. For the levying, collection and enforcement of such assessments, the same mode of proceeding shall be observed as prescribed in sections forty-seven, forty-eight, forty nine, fifty, fifty-one and fifty-two, and all the provisions of those sections shall be followed as far as applicable to the case.

Local repairs.
How made.

SEC. 56. The Superintendent of Public Streets and Highways shall require, by verbal or written notice, (to be delivered to them personally or left upon the premises,) all owners, tenants and occupants, of lots and buildings situated and fronting upon streets already graded and planked or paved, or which shall hereafter have been graded and planked or paved, where local repairs are needed in the planking, paving, sidewalks, sewers, or otherwise, to make such repairs forthwith, each one in front of the property of which he is the owner, tenant or occupant; and all repairs so made or expense therefor incurred by tenants, may be charged to the landlord, unless otherwise agreed between such landlord and tenant, and deducted from the rents, payable under their leases; and the said tenants shall have a lien upon the premises, therefor, and may retain possession thereof till the amounts, so advanced, shall be repaid, with interest, from accruing rents or otherwise.

Manner of enforcing local repairs.

SEC. 57. If such repairs be not commenced within three days after notice given as aforesaid, and diligently and without any interruption, prosecuted to completion, the said Superintendent shall employ any suitable person, applying, to do the work, at the expense

of the tenant, and owner, or occupant, at a reasonable price, to be determined by the said Superintendent; and such owner and tenant or occupant, shall be liable to pay the same. If the expense of such work and repairs, after the completion thereof, be not paid to the contractor so employed, on demand, the Police Judge, on application of the Superintendent, shall issue a warrant signed by him, and countersigned by the said Superintendent, directed to any Constable or Police Officer of said city and county, commanding him to seize and sell any personal property of the said owner, tenant or occupant, found upon the premises, that may be sufficient for the satisfaction of the amount due to the contractor, with costs, including three dollars for fees, to be allowed and paid to the Superintendent; and if sufficient personal property of the owner, tenant or occupant, cannot be found on the said premises, then to seize and sell the said premises and real estate, which shall be particularly described in the warrant.

SEC. 58. The officer executing such warrant, shall be governed Same. in his proceedings by the laws regulating levy and sale of property on execution from Justices' Courts, and be entitled to the same fees. But if the said real estate be levied on in defect of personal property, under the provisions of the two next preceding sections, it shall be sold for a term of years and struck off to the lowest bidder, or the person who will take it for the shortest time, and pay the amount of the assessment, with costs. A copy of the warrant, when returned, with the return thereon indorsed, certified by the Clerk of the Police Judge's Court, shall, when any real estate has been sold under it, be delivered to the Superintendent, and be recorded, in full, in his office. In addition, and as cumulative to the remedies above given in this and the next preceding section, the Board of Supervisors shall have Supervisors may prescribe penalties. power, by regulation, to prescribe the penalties that shall be incurred by any person liable and neglecting or refusing to make repairs when required, as provided in section fifty-six, which fines and penalties shall be recovered for the use of the city and county, and may be applied, if deemed expedient by the said Board, in payment of the expense of any such repairs, when not otherwise provided for.

SEC. 59. An action may be instituted and maintained before any court of competent jurisdiction, by the Contractor, for work done and materials furnished, upon streets or street crossings, under the provisions of this article, against the several owners assessed and liable therefor, for the recovery of the amounts of their respective assessments, which action shall be deemed a remedy concurrent with the proceedings for the enforcements of such assessments herein-before provided. Contractor may sue in any court of competent jurisdiction.

SEC. 60. Notices in writing which are required to be given by the Superintendent, under the provisions of this article, may be served by any private person, or by any police officer, with 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, 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. Notice as required by this Act. How given.

SEC. 61. The records kept by the Superintendent of Public Streets and Highways, in conformity with the provisions of this Act, Force and effect of the

records of the Superintendent. 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.

Office of, to be open. Superintendent. SEC. 62. 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.

Duties of SEC. 63. 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; that all nuisances and unlawful obstructions are removed therefrom; and that the penalties therefor are rigidly exacted by legal process. It is required that he shall keep himself informed of the condition of all public streets and highways in said city and county, by personal inspection. He shall also perform such other duties in the supervision of public streets and highways, and, also, of all public buildings, parks, lots and grounds 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 bond 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.

Bond. SEC. 64. 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 lawfully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damages 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 the damage 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, 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, be liable to the party injured for the damage sustained.

The city not liable for any damage to persons or property.

Property owners and officers liable for damages.

ARTICLE V.

SUPERVISORS.

Duties of Supervisors in their respective districts. SEC. 65. The Supervisors, in their respective districts, shall vigilantly observe the conduct of all public officers, and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration and disbursement of public funds and property; for which purpose the books, records and official papers, of all officers and magistrates of such districts, shall at all convenient times be open to their inspection. They shall take care that the books and records of all officers in their districts, are kept in legal and proper

form. They shall have power, and it shall be their duty, every month, to examine the accounts of any officer of their respective districts, having the collection and custody of public funds, to examine and count over the moneys remaining in the hands of such officers, and shall note any discrepancy or defalcation that may be discovered, or reasonably suspected, and report the same forthwith, together with any willful official negligence or misconduct on the part of any such officer, to the President of the Board of Supervisors.

Sec. 66. At every regular session of the Board of Supervisors, before proceeding to other business, each member shall be called upon to report, orally, upon the matters specified in the preceding section; to give information of the condition of his district, in regard to public schools, streets, roads and highways, health, police, industry and population; and to suggest any defects he may have noticed in the laws and regulations, or the administration thereof, and the means of remedying them.

Supervisors
to report to the
Board orally.

Sec. 67. The Supervisors shall meet, within five days after their election and qualification, and thereafter, on the first Monday of May, August, November and February, of each year, and at such other times as they may, for urgent reasons, be specially convoked by the President of the Board. A majority of all the Supervisors to be elected in the several districts, shall constitute a quorum to do business; but a smaller number may adjourn from day to day. All the sessions, acts and resolutions of the Board of Supervisors, shall be public. The President of the Board of Supervisors, elected by the city and county at large, shall preside at all the sessions of the Board, without the right to vote, except where the members present shall be equally divided on any question before them, in which case he shall have the casting vote. The Board of Supervisors shall appoint a Clerk, with a salary of six hundred dollars a year, who shall hold his office during the pleasure of the Board. In the absence of the President, during any session of the Board, they may appoint one of their own number, President *pro tem*. The Board of Supervisors shall be the judge of the election returns and qualifications of its members; shall determine the rules of its proceedings; keep a record of its acts and resolutions, and allow the same to be published; and the ayes and nays on any question shall, at the request of any member, be entered on its journal. The powers of the Board of Supervisors are those granted in this Act, and they are prohibited from exercising any others.

Organization of
the Board of
Supervisors.

Clerk of.

President *pro
tem*.

Power reserved.

Sec. 68. It shall be the duty of the President of the Board of Supervisors vigilantly to observe the official conduct of each Supervisor in his district, and of all public officers of the city and county, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration and disbursement of the public funds and property; for which purpose, the books, records and official papers, of all officers and magistrates of said city and county, shall at all convenient times be open to his inspection. He shall take especial care to see that the books and records of all such officers are kept in legal and proper form; and any official defalcation or willful neglect of duty, or official misconduct, which he may have discovered, or which shall have been reported to him by any Supervisor, shall, at the earliest opportunity, be laid before the Grand Jury, in order that the officer in default may be proceeded against according to law.

Duties of the
President.

Ordinance for specific purposes, etc.

Publication.

Veto power.

Contracts to be given to the lowest bidder.

Prisoners.

Power of Board of Supervisors to hear appeals.

Board of Education.

Power of the Board of Supervisors.

Taxes.

Every ordinance or resolution of the Board of Supervisors, providing for any specific improvement, the granting of any privilege, or involving the lease, or other appropriation of public property, or the expenditure of public moneys, (except for sums less than five hundred dollars,) or laying tax or assessment, and every ordinance or resolution imposing a new duty or penalty shall, after its introduction in the Board, be published, with the ayes and nays, in some city daily newspaper, at least five successive days, before final action by the Board upon the same; and every such ordinance, after the same shall pass the Board shall, before it takes effect, be presented to the President of the Board for his approval. If he approves, he shall sign it; if not, he shall return it, within ten days, to the Board, with his objections, in writing. The Board shall then enter the objections on the journals, and publish them in some city newspaper. If at any stated meeting thereafter, two-thirds of all the members elected to the Board, vote for such ordinance or resolution, it shall then, despite the objections of the President, become valid. Should any such ordinance or resolution not be returned by the President, within ten days after he receives it, it shall become valid the same as if it had received his signature.

SEC. 69. All contracts for building and printing to be done for the said city and county, and ordinary supplies for subsistence of prisoners, must be given by the Board of Supervisors to the lowest bidder offering adequate security, after due public notice published for not less than five days in at least two newspapers in said city and county. The contract for subsistence of all prisoners must be given out every three months at a fixed price per day, not exceeding twenty-five cents for each person connected with the prison; and the advertisement for proposals, to be published as aforesaid by the Board of Supervisors, shall specify each article that will be required, the quality thereof, the quantity for each person and the existing and probable number of prisoners to be supplied. All articles of food supplied for prisoners must be of a sound and wholesome quality, and subject to the inspection and approval of the Keeper of the prison, and also of the President of the Board of Supervisors and Police Judge of said city and county, all of which must be expressed in the contract therefor to be entered into.

SEC. 70. The Board of Supervisors shall have power to hear and determine appeals from the executive officers of said city and county, in the cases provided in this Act; and in all cases of an appeal taken to the Board of Supervisors or Board of Education, from the order or decision made by any other officer or officers, such officer or officers shall furnish the Board with a statement of his or their reasons for the order or decision so appealed from, and the party appealing shall be heard briefly, but without the observance of any technical or other formalities, not necessary, in the discretion of the Board, to a just decision, which shall, after ascertaining the true state of the case, be given without delay.

SEC. 71. The Board of Supervisors shall have power to levy and collect, in the mode prescribed by law, for assessment and collection of taxes, by tax each year, upon all property in said city and county, not exempt from taxation, such amount as they may deem sufficient to provide for the prompt payment of all demands upon the treasury thereof, authorized by this Act to be paid out of the same; provided, that such taxation, exclusive of State and school tax, shall in no case

exceed the rate of one hundred and twenty-five cents on each hundred dollars' valuation upon the Assessment Roll. The said Board shall also levy and collect in the same manner such amount, not exceeding the rate of thirty-five cents on each hundred dollars' valuation as aforesaid, as may be determined by the Board of Education to be necessary for the support of free common schools in said city and county.

SEC. 72. The said Board of Supervisors shall also constitute a Board of Equalization for said city and county, and as such shall have the powers conferred by the general laws regulating the assessment and collection of taxes, when not inconsistent with the provisions of this Act. Appointments of officers or public agents required by existing statutes, not repealed by this Act, to be made on the nomination of the Mayor, and confirmation by the Common Council of the City of San Francisco shall, after this Act takes effect, be made in like manner on the nomination of the President of the Board of Supervisors and a confirmation by said Board.

SEC. 73. It shall be the duty of the Auditor, the Superintendent of Common Schools, the Superintendent of Public Streets and Highways, Chief of Police and Chief Engineer of the Fire Department of said city and county, to report to the Board of Supervisors, on the first Monday in February of each year, the condition of their respective departments, embracing all their operations and expenditures during the preceding year, and recommending such improvements in them as they may deem necessary. The Auditor shall also present to the Board of Supervisors at each quarterly session, and must also publish the same, a statement of the exact condition of the finances of said city and county, which must show the receipts into, and disbursements made from, the treasury during the preceding quarter, the amount of money on hand and the amount of audited demands outstanding. Immediately after the first Monday in February, the Board of Supervisors shall make up and publish an abstract from these several reports and other sources of the operations, expenditures and condition of all departments of government of the said city and county.

SEC. 74. The Board of Supervisors shall further have power by regulation or order—

First. To regulate the police and police force of said city and county.

Second. To provide for the security, custody and administration of all public property of said city and county without any power to sell or incur the same, or to lease it for more than five years.

Third. To provide by regulation for the prevention and summary removal of nuisances to public health, the prevention of contagious diseases, the prevention and summary removal of all nuisances and obstructions in the public streets and highways.

Fourth. To provide in cases omitted in this Act, and in conformity with the principles adopted in it for opening, altering, extending, grading, planking, paving or repaving, or otherwise improving of public streets and highways at the expense of the property benefited thereby, without any recourse in any event upon the city and county, or the public treasury, for any portion of the expense of such works, or any delinquency of the property holders or owners.

Fifth. Providing for lighting and cleaning the streets.

Sixth. To regulate market-houses and market-places.

School tax.

Board of Supervisors shall constitute a Board of Equalization.

Other officers.

How appointed.

Certain officers required to report.

Auditor.

Supervisors to report and publish.

Powers of Board of Supervisors.

Police.

Public property.

Health.

Streets.

Lighting.

Market-houses.

- Wharfs and docks. Seventh. To provide for the erection, repair and regulation of wharves and docks, and fixing the rates of wharfage thereat.
- Wooden buildings. Eighth. To provide for inclosing, improving and regulating all public grounds of the city and county.
- Gunpowder. Ninth. To prohibit the erection of wooden buildings or structures within any fixed limits where the streets shall have been established and graded, or ordered to be graded; to regulate the sale, storage and use of gunpowder, or other explosive or combustible materials and substances, and make all needful regulations for protection against fire.
- Fines and forfeitures. Tenth. To make such regulations concerning the erection and use of buildings, as may be necessary for the safety of the inhabitants.
- How collected. Eleventh. To determine the fines, forfeitures and penalties that shall be incurred for the breach of the regulations established by said Board of Supervisors, and also for a violation of the provisions of this Act where no penalty is affixed thereto or provided by law; but no penalty to be imposed shall exceed the amount or value of one thousand dollars, or six months' imprisonment, or both; and all actions for the recovery of such fines, or the enforcement of such penalties, may be prosecuted before the Police Judge in the name of the said City and County of San Francisco.
- Prisoners. Twelfth. To regulate and provide for the employment of prisoners sentenced to the public work of said city and county, and if deemed necessary and expedient, to let out the labor of such prisoners, by contract, to the highest bidder.
- Coaches and carriages. Thirteenth. To license and regulate hackney coaches, carriages and other public vehicles, and to fix the rates to be charged for the transportation of persons, baggage and property therein, and also to license and regulate porters employed in conveying baggage for persons arriving in, and departing from, said city and county, and to prohibit the exercise of those employments without such license.
- Porters. Fourteenth. To license and regulate all such callings, trades and employments as the public good may require to be licensed and regulated, and as are not prohibited by law. And all licenses granted in pursuance of the provisions of this Act or the powers therein delegated, shall be signed and issued by the Auditor of said city and county on production to him of the Treasurer's receipt for the sum required to be paid therefor, which receipt shall also be entered and countersigned by the Auditor as in case of all other receipts for moneys paid into the treasury.
- Licenses. Fifteenth. To prohibit and suppress all houses of ill-fame and prostitution, and all occupations, houses, places, amusements and exhibitions which are against good morals, and contrary to public order and decency.
- Houses of ill-fame. Sixteenth. To provide for the erection of a work-house, house of refuge or house of correction, and for the regulation and government of the same.
- Work-house. Seventeenth. To direct and control the Fire Department of said city and county in conformity with the laws.
- Fire Department. Eighteenth. To fix the fees and charges to be made by the Surveyor of said city and county for certificates of surveys, for buildings or other purposes on the public streets.
- Surveyors' fees. Nineteenth. To provide by regulation, where it may be necessary, for carrying the provisions of this Act into complete effect.
- Indigent sick. Twentieth. To provide for the care and maintenance of the indi-

gent sick of said city and county, but not to incur any expense therefor exceeding the sum of three thousand five hundred dollars a month for the first six months after the passage of this Act, and two thousand eight hundred dollars a month thereafter.

Twenty-First. To provide for the construction and repair of hydrants, fire-plugs, cisterns and pumps in the streets for the public security and convenience. Cisterns and pumps.

Twenty-Second. To provide for the erection of all buildings necessary and proper for the use of the city and county upon lands belonging thereto, but without the power to purchase either lands, lots or buildings. Public buildings.

Twenty-Third. To provide ways and means for the prosecution of the claims, in the name of the City of San Francisco, to the pueblo lands now pending for the same. Pueblo lands.

ARTICLE VI.

FINANCE AND REVENUE.

SEC. 75. All fines, penalties and forfeitures, imposed for offenses committed within the said city and county, shall be received by the Clerk or Magistrate of the respective court and paid into the treasury thereof, as a part of the Police Fund; forty per cent. of all poll taxes collected in said city and county, or any other proportion of such poll taxes which may be hereafter assigned to said city and county, by law, shall also be paid and received into the treasury thereof, as a part of the Police Fund. All demands payable out of said fund, may, in case there be not sufficient money in the treasury arising from the sources specified in this section, be paid out of the General Fund of said city and county. Police Fund.

SEC. 76. The School Fund of said city and county, shall consist of all moneys received from the State School Fund; all moneys arising from taxes upon property which shall be levied each year for that use, by the Board of Supervisors, and which shall in no case exceed the rate of thirty-five cents on each hundred dollars' valuation of all property, real and personal, liable to be assessed. The General Fund consists of all moneys in the treasury not designated and set apart by law to a specified use, and of the overplus of any Special Fund remaining after the satisfaction of all demands upon it. The Surplus Fund consists of any moneys belonging to the General Fund remaining in the treasury after the satisfaction of all demands due and payable, which are specified in the first fourteen subdivisions in section ninety-five. The Fiscal Year shall be the same as that of the State. School Fund.

SEC. 77. All taxes assessed upon real and personal property, in said city and county, shall be payable and be paid directly to the Treasurer thereof; and in default of such payment before the time when the Tax Collector may be authorized by law to seize and sell the property therefor, the said Tax Collector shall proceed to collect said taxes, together with his legal fees, by seizure and sale of the property liable, in the mode prescribed by law for the collection of such State and county taxes. The taxes due, however, may be paid to the said Treasurer at any time before the property is sold, and on production to the Tax Collector of the proper receipt, and payment General Fund.
Surplus Fund.
Fiscal year.
Taxes.
How collected.
Sale of property for taxes.

of his legal fees for services rendered up to that time, such property shall be discharged.

The Collector to pay over full amount collected.

SEC. 78. The Tax Collector, upon the final settlement to be made by him as such Tax Collector, according to the requirements of the law, shall be charged with, and shall pay into the hands of the Treasurer, the full amount of all taxes by him collected and not previously paid over, without any deduction of commissions, fees or otherwise; he shall also be charged with and be deemed debtor to the treasury for the full amount of all taxes due upon the delinquent list delivered to him for collection, unless it be made to appear that it was out of his power to collect the same by levy and sale of any property, liable to be seized and sold therefor; if the impossibility to collect any portion of such delinquent taxes have resulted from any irregularity or defect in the assessment, then the Assessor whose duty it was to make the assessment, shall be liable and be deemed debtor to the treasury for the amount remaining uncollected for that cause.

Assessor liable.

Treasurer.

SEC. 79. The Treasurer of said city and county shall receive and safely keep in a secure fire-proof vault, to be prepared for the purpose, all moneys belonging to, or which shall be paid into, the treasury, and shall not loan, use, or deposit the same, or any part thereof, with any banker or other person, nor pay out any part of said moneys, except upon demands authorized by this Act, and after they have been duly audited; he shall keep the key of said vault and not suffer the same to be opened except in his presence. At the closing up of the same, each day, he shall take an account and enter in the proper book, the exact amount of money on hand, and at the end of every month shall make and publish a statement of all receipts into, and payments from, the treasury, and on what account. If he violate any of the provisions of this section, he shall be considered a defaulter and shall be deemed guilty of a misdemeanor in office, and be liable to removal and shall be proceeded against accordingly; if he loan or deposit said moneys, or any part thereof, contrary to the provisions of this section, or apply the same to his own use or to the use of any other person, in any manner whatsoever, or suffer the same to go out of his personal custody, except in payment of audited demands upon the treasury, he shall be deemed guilty of felony, and on conviction thereof, shall suffer imprisonment in the State Prison for a period not less than three or more than ten years.

When, defaulter.

Felony.

Treasurer.

SEC. 80. The Treasurer shall keep the moneys belonging to each fund separate and distinct, and shall, in no case, pay demands chargeable against one fund out of moneys belonging to another, except as otherwise provided in this Act, without an express order of the Board of Supervisors, which can only be made at or after the third regular session, held during the fiscal year, by a vote of two-thirds. The said Treasurer shall give his personal attendance at his public office during the office hours fixed in this Act; and if he absent himself therefrom, except on account of sickness or urgent necessity, during such office hours, he shall lose his salary for the entire day on which he was absent.

Certain funds receivable for taxes above par.

School bills.

SEC. 81. The following demands against the treasury, shall be receivable for taxes at one per cent. above their par value:

First. Audited bills of the current fiscal year for wages or salaries of teachers in the common schools, shall be receivable for school taxes due upon real estate, situated within the district where the schools have been taught, and the amount so received shall be de-

ducted from the amount or share of school moneys to be apportioned to such district or school.

Second. Coupons due, or to become due, during the current fiscal year, issued by the Commissioners of the Funded Debt, for the payment of interest upon the certificates known as the San Francisco City Stock, under the provisions of the Act entitled "An Act to Authorize the Funding of the Floating Debt of the City of San Francisco and to Provide for the Payment of the Same," passed May first, one thousand eight hundred and fifty-one; and all coupons, so received, must every week be handed over to said Commissioners to be canceled, and the receipt of said Commissioners taken therefor by the Treasurer. The coupons due, and to become due, during the current fiscal year, issued by the Board of Fund Commissioners, in pursuance of an Act entitled "An Act to Provide for the Funding the Legal and Equitable Debt of the City of San Francisco and for the final Redemption of the Same," passed May seventh, one thousand eight hundred and fifty-five.

Coupons of—
City Stock.

Third. Coupons due, or to become due, during the current fiscal year, issued for interest, by the Commissioners for funding the floating debt of the County of San Francisco, in pursuance of the Act entitled "An Act to Fund the Floating Debt of the County of San Francisco," passed May fourth, one thousand eight hundred and fifty-two.

Floating Debt.

Fourth. All lawful demands upon the treasury, duly audited, after having been presented for payment and registered, as provided in section eighty-eight, except those payable out of the Surplus Fund.

Audited
accounts, after
presentation.

SEC. 82. No payment can be made from the treasury or out of the public funds of said city and county, unless the same be specifically authorized by this Act, nor unless the demand which is paid, be duly audited, as in this Act provided, and that must appear upon the face of it. No demand upon the treasury shall be allowed by the Auditor in favor of any person or officer in any manner indebted thereto, without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required in this Act; nor in favor of any officer who shall have neglected to make his official returns or his reports, in writing, in the manner and at the time required by law or by the regulations established by the Board of Supervisors; nor to any officer who shall have neglected or refused to comply with any of the provisions of this or any other Act of the Legislature regulating the duties of such officer, on being required, in writing, to comply therewith, by the President of the Board of Supervisors or the Supervisor of the respective district; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed in this Act, and the Auditor may examine any officer receiving a salary from the treasury, on oath, touching such absence.

Payments from
the treasury.

How made.

SEC. 83. The term "audited," as used in this Act with reference to demands upon the treasury, is to be understood their having been presented to, and passed upon, by every officer and board of officers, and finally allowed as required by law; and this must appear upon the face of the paper representing the demand, or else it is not audited. The term "law or laws," as used in this Act, is never to be understood as applicable to any regulation of the Board of Education, or

"Audited," as
used in this Act,
defined.

of the Board of Supervisors, or Board of Delegates of the Fire Department, but only applicable to the Constitution and the laws made or adopted by the Legislature in pursuance thereof.

Demands on the treasury to be audited.

SEC. 84. Every demand upon the treasury, except the salary of the Auditor and, including salary of the Treasurer, must, before it can be paid, be presented to the Auditor of the city and county to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city and county 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; but the allowance or approval of the Auditor, or of the Board of Supervisors, or any other Board or officer, of any demand, which upon the face of it appears not to have been expressly made by law payable out of the treasury or fund to be charged therewith, shall afford no warrant to the Treasurer or other disbursing officer for paying the same. No demand can be approved, allowed, audited or paid, unless it specify each several item, date and value composing it, and refer to the law by title, date and section authorizing the same.

Allowed.
Fund.
Date.

Salary of Auditor.
How allowed.
All other salaries.
How allowed.

SEC. 85. The demand of the Auditor, on account of his monthly salary, may be audited and allowed by the President of the Board of Supervisors; all other monthly demands on account of salaries fixed by law, the monthly accounts and demands of the Sheriff, Justices of the Peace and Constables, for fees in criminal cases where such fees are fixed by law, and made payable out of the treasury of said city and county, may be allowed by the Auditor without any previous approval. Claims for wages or salaries of Teachers in the common schools, and all other demands payable out of the School Fund must, before they can be paid by the officer having the disbursement of the money therefor, be approved by the President of the Board of Education and Superintendent of Common Schools; or if they refuse to approve the same or can not agree, then by the Board of Education. Demands for Teachers' wages, or other expenses appertaining to any school, can not be so audited or approved to an amount exceeding the share of school moneys which such school will be entitled to have apportioned to it for the current year.

Demands on the Police Fund.

How audited.
How paid.

All other demands.
How paid.

Record.

SEC. 86. Demands for monthly pay of police officers, and all other specific amounts fixed by law and made payable out of the Police Fund, must, before they can be allowed by the Auditor, first be approved by the Police Judge and Chief of Police, or in case they refuse, or cannot agree, then by the Board of Supervisors; all other lawful demands payable out of the treasury, must, before they can be allowed by the Auditor or be paid, be first approved by the Board of Supervisors, or if the demand be under two hundred dollars, by the President and two members thereof, appointed by the Board for that purpose to act during its recess. The Auditor must number and keep a record of all demands allowed by him, showing the number, date, amount and name of the original holder, on what account allowed and out of what fund payable.

Auditor to be head of the financial department.

SEC. 87. The Auditor is the head of the Finance Department of the city and county, and as such is required to be constantly acquainted with the exact condition of the treasury and every lawful demand upon it. He shall keep a public office and give his personal attendance there daily, during the office hours fixed in this Act, and

shall not be permitted to follow or engage in any other occupation; office or calling while he holds said office; if he absents himself from his office during such office hours, except on indispensable official business or urgent necessity, he shall lose his salary for the day, and it shall be a part of his official duty to keep account of the times and occasions when he shall be so absent from duty.

SEC. 88. Every lawful demand upon the treasury duly audited, as in this Act required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable; and being so registered, shall be returned to the party presenting it with an indorsement of the word "registered," dated and signed by the Treasurer.

SEC. 89. Whenever any audited demand has been presented to the Treasurer and not paid, and it be made known to the President of the Board of Supervisors, he shall proceed immediately to investigate the cause of such non-payment; and if it be ascertained that the demand has been illegally and fraudulently approved or allowed, he shall cause the officer guilty of such illegal and fraudulent approval or allowance, to be proceeded against for misconduct in office. If he ascertain that the demand has been duly audited, and that the Treasurer has funds applicable to the payment thereof, which, without reasonable grounds for doubt as to the legality of such payment, he refuses to apply thereto he shall proceed against him as a defaulter; if it be ascertained that the demand was not paid for want of funds, then he shall cause the Sheriff or Tax Collector, or other officer or person or persons, who ought to have collected or to have paid the money into the treasury, if they have been grossly negligent therein, to be proceeded against according to law and without any delay.

SEC. 90. The salaries, fees and compensation of all officers, including Policemen and employees of all classes, and all teachers in common schools or others, employed at fixed wages, shall be payable monthly; and any demand whatsoever upon the treasury hereafter accruing, shall not be paid, but shall be for ever barred by limitation of time unless the same be presented for payment, properly audited, within one month after such demand became due and payable; or if it be a demand which has to be passed and approved by the Board of Supervisors or Board of Education, then within one month after the regular session of the proper Board, held next after the demand accrued, or unless the Board of Supervisors shall, within six months after the demand accrued as aforesaid, on a careful investigation of the facts, certify that the same is in all respects just and legal, and that the presentation of it as above required was not in the power either of the original party interested or his agent, or the present holder, in which case it shall be barred in the same manner, unless presented for payment within twenty days thereafter.

SEC. 91. The Treasurer, for money received into the treasury, and all other offices of said city and county receiving money from the Treasurer for disbursement, shall give receipt for all moneys by them received, which receipt shall be presented to, and countersigned by, the Auditor. The Auditor, before countersigning any such re-

Office hours.

Demands on the treasury if not paid to be registered.

Not paid.

Illegally allowed.

Sheriff or Tax Collector. When imble.

All salaries payable monthly

Limitation.

Treasurer and other officers to give receipts for moneys.

Auditor to countersign.

ceipt, shall number it, and make an entry in a book of record, to be kept in his office for that purpose, of the number, date and amount, by whom, and in whose favor, given, and on what account. No such receipt shall be valid as evidence in favor of the person or officer receiving it, till presented to the Auditor, and countersigned as aforesaid; and any person or officer using, or offering to use, such receipt as evidence, in favor of such person or officer, of the payment specified in it, without being first countersigned, as above required, shall forfeit to the said city and county double the amount of money specified in such receipt.

Penalty of passing receipts without the same be countersigned.

Appeal from the Auditor and other officers.

SEC. 92. If any person feel aggrieved by the decision of the Auditor, or other proper officer or officers of said city and county, except the Board of Education, in the rejection of, or refusal to approve or allow, any demand upon the treasury, presented by such person, he may appeal, and have the same passed upon by the Board of Supervisors, whose decision thereon shall be final; and if the said Board shall approve and allow the demand, it shall afterwards be presented to the Auditor, and entered in the proper book in like manner as other demands allowed by him, and an indorsement must be made, of its having been so entered, before it can be paid; *provided*, that from the decision of the President of the Board of Education and Superintendent of Common Schools refusing, or not agreeing to allow any demand, payable out of the School Fund, the appeal shall be taken to the Board of Education, whose decision thereon shall be final.

Proviso.

District Attorney to give his opinion in cases of appeal.

SEC. 93. In all cases of such appeals to the Board of Supervisors, or the Board of Education, the opinion of the District Attorney thereon, shall be required in writing, read and filed; and upon such appeal, and in all other cases upon the approval or allowance of any demand upon the treasury, or School Fund, the vote shall be taken by yeas and nays, and entered upon the records.

The President of the Board of Supervisors, County Judge and Auditor, to examine the books of certain officers.

SEC. 94. The President of the Board of Supervisors, in conjunction with the County Judge and Auditor of said city and county, shall, every month, examine the books of the Treasurer, and other officers of said city and county having the collection and custody of public funds, and shall be permitted and it shall be their duty, to see and count over all the moneys remaining in the hands of such Treasurer, or other officer. If they ascertain *clearly* that such Treasurer, or other officer, is a defaulter, they shall forthwith take possession of all funds, books and papers, belonging to such officer, and appoint a person to fill the same, until the said defaulting officer can be proceeded against according to law, which shall be done without delay. The person so appointed shall give bond and take the oath of office, in the same manner as was required of the officer whose place he is appointed to fill. If the Treasurer, or other officer so charged as a defaulter, be acquitted thereof, he shall resume his duties.

Defaulters.

Audited demands. How paid.

SEC. 95. Payment of demands on the Treasury of said city and county, duly audited, may be made for the following objects, and none others:

Police Fund.

First. The fixed salaries of Police Captains and Officers, Chief of Police, Police Judge and Clerk of the Police Judge's Court, may be paid out of moneys in the Treasury belonging to the Police Fund; and in defect thereof, out of the General Fund.

General Fund.

School Fund.

Second. The salaries or wages of teachers in the Common Schools, rents, repairs, building and furnishing of school-houses, may be paid out of the School Fund, as provided by law.

Third. The salaries and fees fixed by law of all officers and employees of said city and county, including salary of the Judge of the Superior Court of the City of San Francisco, and the legal fees of jurors, and witnesses in criminal cases, where the same are by law made payable out of the County Treasury. Salaries and fees.

Fourth. Coupons for interest due upon the San Francisco City Stock, duly issued in pursuance of the Act entitled "An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," passed May first, one thousand eight hundred and fifty-one. Coupons.

Fifth. Coupons for interest due on the bonds duly issued by the Board of Fund Commissioners, in pursuance of the provisions of the Act entitled "An Act to provide for Funding the Legal and Equitable Debt of the City of San Francisco, and for Final Redemption of the same," passed May seventh, one thousand eight hundred and fifty-five. On bonds.

Sixth. Coupons for interest due, duly issued by the Commissioners for Funding the Floating Debt of the County of San Francisco, in pursuance of the Act entitled "An Act to Fund the Floating Debt of the County of San Francisco," passed May fourth, one thousand eight hundred and fifty-two. Coupons.

Seventh. Coupons for interest due upon the bonds known as the "Fire Bonds," issued to the amount of two hundred thousand dollars by the corporate authorities of the City of San Francisco, and bearing date December the first, one thousand eight hundred and fifty-four. On Fire Bonds.

Eighth. The Certificate of Stock and Bonds, after maturity, which have been duly issued, referred to in the four next preceding subdivisions of this section. Certificates of Stock.

Ninth. Coupons for interest due upon the bonds known as the "School Bonds," dated May the fourth, one thousand eight hundred and fifty-four, and amounting in the aggregate to the sum of sixty thousand dollars, issued by the corporate authorities of the City of San Francisco, together with the sum of five thousand dollars, annually, as a Sinking Fund, for the redemption of said bonds; and the sum or sums due upon each and every of the said bonds, at maturity, may be paid out of the School Fund of said city and county. School Bonds.

Tenth. The sum of fifty thousand dollars, annually, for the redemption of the Certificates of Stock, mentioned in the fourth subdivision of this section, first applying to that use the money now belonging to said Sinking Fund; also, the sum of sixteen thousand six hundred and sixty-seven dollars, annually, for the redemption of the said "Fire Bonds," mentioned in the seventh subdivision of this section, first applying to that use the money now belonging to this Sinking Fund. Certificates of Stock.

Eleventh. Bills for subsisting of prisoners, previously authorized by the Board of Supervisors, as in this Act provided, and duly audited, may be paid out of the Police Fund, which bills must minutely specify each several item composing the demand. Prisoners.

Twelfth. The amount due upon the mortgage upon the City Hall shall be paid off immediately. City Hall.

Thirteenth. Bills audited for expenditures, in the care and maintenance of the indigent sick of the city and county, previously authorized by the Board of Supervisors, and not exceeding the amount in this Act limited for that purpose. Bills of the sick.

Fire
Department.

Fourteenth. Expenditures not exceeding the total amount of eight thousand dollars, exclusive of salaries, during any fiscal year, previously authorized by the Board of Supervisors, for the maintenance of the Fire Department, the construction and repair of cisterns, and other necessary works for the extinguishment of fires.

Fifteenth. Expenditures not exceeding the total amount of seventy thousand dollars, incurred during any one fiscal year, for objects other than those specified in the preceding fourteen subdivisions of this section, previously authorized by the Board of Supervisors, in the lawful exercise of the powers granted in this Act, may be paid out of the Surplus Fund, as specified in sections ninety-seven and ninety-eight, but not otherwise.

Certain demands
preferred.

SEC. 96. The demands specified in the first fourteen subdivisions of section ninety-five, shall be paid out of any moneys in the treasury, in preference to any and all other demands whatsoever; and in case of any deficiency of funds for the payment of any of the said demands, when presented, then all such demands, being presented and registered by the Treasurer, as in this Act required, shall be paid out of any moneys afterwards coming into the said treasury, applicable thereto, in the order in which the same are registered.

Surplus Funds.

How
appropriated.

SEC. 97. The Board of Supervisors, Board of Education, and each and every officer of the said city and county, being absolutely prohibited to contract any debt or liability, in any form; against the said city and county hereafter, the powers of the Board of Supervisors, enumerated in this Act, so far as the exercise thereof may involve the expenditure of money otherwise than for the objects and demands referred to in the preceding section, shall be deemed to extend only to authorizing the appropriation, and application of any surplus moneys remaining in the treasury, during any one fiscal year, to the objects specified in such enumeration of powers, after the demands mentioned in the first fourteen subdivisions of section ninety-five, due and payable during such fiscal year, shall have been paid, and the several Sinking Funds shall have been provided and reserved for the redemption of said bonds and certificates of stock, to the amount hereinbefore specified.

No expenditures
to be allowed,
etc.

SEC. 98. If any expenditures, not authorized by this Act, be incurred, they can never be paid out of the treasury, nor shall they be deemed to constitute, or lay the foundation of, any claim, demand, or liability, legal, equitable, or otherwise, against the said city and county. If expenditures be incurred, which are authorized by this Act to be paid out of the surplus funds in the treasury, but not for the preferred objects specified in section ninety-six, such expenditures can only be paid out of such surplus funds and revenues strictly appertaining to the fiscal year in which such expenditures have been ordered, or the contracts therefor entered into, and can not be carried forward and paid out of any revenues accruing and receivable into the treasury for any subsequent year; nor shall any demand for, or arising out of, any such expenditure, contract or consideration, be deemed to be a legal nor equitable claim or liability against the said city and county, or the treasury thereof, or the taxable property or tax payers, otherwise than as in this section provided; and no demand preferred against the said city and county, or the treasury thereof, which is not legally obligatory under the provisions of this Act, can be recognized, assumed, or legalized, so as to give it any validity, or authorize the payment thereof.

Sec. 99. The following Acts and Laws are hereby repealed :

The Act entitled "An Act to Re-Incorporate the City of San Francisco," passed May fifth, one thousand eight hundred and fifty-five. Certain Acts repealed.

The Act explanatory thereof, passed May seventh, one thousand eight hundred and fifty-five.

The Act entitled "An Act to Re-Incorporate the City of San Francisco," passed April fifteenth, one thousand eight hundred and fifty-one; and,

The Act entitled "An Act to Incorporate the City of San Francisco," passed April fifteenth, one thousand eight hundred and fifty.

The eighth section of the Act, passed April twenty-fifth, one thousand eight hundred and fifty-one, entitled "An Act Dividing the State into Counties and Establishing the Seats of Justice Therein."

The Act entitled "An Act to Create a Board of Supervisors for the County of San Francisco, and Define their Duties," passed April twenty-ninth, one thousand eight hundred and fifty-one.

The twenty-eighth section of the Act, passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled "An Act Concerning County Recorders," so far as it relates to San Francisco County.

All laws and parts of laws defining the powers and duties of Supervisors or Boards of Supervisors, are declared inapplicable to the said City and County of San Francisco, except such as are expressly referred to in and made applicable thereto by the provisions of this Act; also, all laws and parts of laws, so far as they conflict with the provisions of this Act.

SCHEDULE.

SECTION 1. The present County Auditor of the County of San Francisco, shall act as Auditor of the City and County of San Francisco until the next general election, with the powers, duties and compensation provided for in this Act. Present County Auditor to act, etc.

SEC. 2. The present Marshal of the City of San Francisco shall act as Chief of Police for the said city and county until the next general election, with the powers, duties and compensation as provided in this Act. Present Marshal to act, etc.

SEC. 3. Until the next general election, the present County Surveyor of the County of San Francisco shall act as Superintendent of Public Streets and Highways, with the powers, duties and compensation provided for in this Act, but without any further compensation for official services rendered to the city and county as Surveyor. Present Surveyor to act, etc.

SEC. 4. Until the next general election, and the election and qualification of a Police Judge, the present Mayor and *ex officio* Recorder of the City of San Francisco, shall act as Police Judge for the said City and County of San Francisco, with the powers, duties and compensation of Police Judge as provided in this Act. Present Mayor to act, etc.

SEC. 5. Until the next general election, the Justices of the Peace remaining in office in the said city and county when assembled, shall have the powers of the Board of Supervisors under the provisions of this Act, subject to all the restrictions therein contained, and shall elect a President of the Board of Supervisors and Clerk, to continue in office until the next general election, with the powers, duties and compensation as provided in this Act. Present Justices of the Peace to act, etc.

SEC. 6. The police force of the said city and county shall im- Police and Policemen.

diately be reduced to the number authorized by this Act, and the compensation of Captains and Policemen shall not exceed the amounts herein-before provided.

Present Board
of Education
to continue, etc.

SEC. 7. Until the next general election, the present Board of Education of the City of San Francisco shall continue in office, and constitute a Board of Education for said City and County of San Francisco.

Officers, how and
when elected.

SEC. 8. At the next general election, to be held as provided by law, there shall be elected for the city and county, a President of the Board of Supervisors, Police Judge, Chief of Police, Auditor, Tax Collector and Superintendent of Public Streets and Highways; and for the several districts therein, the Supervisors, School Directors, Justices of the Peace, Constables and Inspectors and Judges of Elections, provided for in this Act; and all vacancies that may occur or exist in the elective offices provided for in this Act shall be filled by election at the same time.

County of San
Mateo.

SEC. 9. Subdivision 1. There shall be formed out of the southern portion of the County of San Francisco a new county to be called San Mateo.

Boundary.

Sub. 2. The boundaries of the County of San Mateo, on all sides, except the north, shall be identical with those of the County of San Francisco as they existed on the eighteenth day of March, one thousand eight hundred and fifty-six; the said County of San Mateo shall be bounded on the north by the City and County of San Francisco.

County Seat.

Sub. 3. The Seat of Justice shall be at such place as may be determined by the qualified electors of the county at the election for county officers, as provided by this Act.

Election for
officers.

Sub. 4. There shall be an election held for county officers and to determine the County Seat in said County of San Mateo on the second Monday in May of the present year one thousand eight hundred and fifty-six.

Officers to be
chosen.

Sub. 5. At the election mentioned in the preceding subdivision of this section, there shall be chosen a Board of Supervisors, consisting of three persons, one County Judge, one County Attorney, one County Clerk, who shall be *ex officio* County Recorder, one Sheriff, one County Surveyor, one Assessor, one Treasurer, one Coroner and one Public Administrator, also a place to be the Seat of Justice.

County Seat.

Commission to
organize San
Mateo County.

Sub. 6. John Johnson, R. O. Tripp and Chas. Clark, are hereby appointed as a Board of Commissioners, to act without any compensation, in the organization of said County of San Mateo, with powers and duties as hereinafter provided.

Election
Precincts.

Sub. 7. The laws of a general nature now in force, regulating elections in this State, shall apply to the election ordered by this section; except that the above Board of Commissioners, in the preceding subdivision of this section appointed, shall designate the election precincts, appoint the Inspectors and Judges of Election, issue the several certificates to the persons elected, and declare what place receives the highest number of votes for County Seat.

Sub. 8. Said Board of Commissioners shall hold their first session for the transaction of business at the house of Edward Hancock, Redwood City, in said county.

Sub. 9. The said Board of Commissioners shall meet on the Monday two weeks previous to the election. At such meeting said Board shall appoint one of their number President, and one as Clerk. A record of their proceedings shall be kept. The attendance of a

majority of the members of the Board; shall be necessary for the transaction of business. At the said meeting, the Board shall designate the precincts of the county, and appoint Inspectors and Judges of such precincts, and give notice at each of the said precincts.

Sub. 10. Sealed returns from the officers of election may be delivered to any member of said Board. The said Board shall meet on the second day subsequent to the election, at the house of Edward Hancock, Redwood City, and the returns shall then be opened and read; and under their direction, and in their presence a tabular statement shall be made out, showing the vote given at each precinct of the county, for each person, and for each of the offices to be filled at the election and, also, the entire vote given for each person, and in the county for County Seat, and for what place, or places, cast. The statement made out by such Board, shall be signed by its President and Clerk. The place for which the highest number of legal votes shall be found to have been cast, shall be the County Seat. The persons having the highest number of legal votes for the several offices to be filled, shall be declared elected; and the President shall immediately make out and send, or deliver, to each person chosen, a certificate of election, signed by him as President of the Commissioners, and attested by the Clerk.

Election returns.

County Seat.

Certificates of election.

Sub. 11. The County Judge shall qualify before the President of the Board, and enter upon the discharge of the duties of his office on the day succeeding the meeting of the Board, as provided in the preceding subdivision. The persons elected as county officers, as provided in this section, shall qualify before the County Judge, within ten days thereafter, and enter upon the discharge of their duties.

Qualification of county officers.

Sub. 12. The President of the Board shall transmit, without delay, a copy of the tabular statement, prepared as provided for in the tenth subdivision of this section, to the Secretary of State. The election returns of the county, and a duplicate tabular statement, shall be furnished to, and retained by, the County Judge of the county until the person elect, as Clerk of said county, has qualified and entered upon his duties, after which they shall be filed in his office.

Election returns to be sent to the Sec'y of State.

County Judge.

Sub. 13. The County Judge chosen under the provisions of this section, shall hold office for four years from the next annual election for members of the Assembly, and until his successor is elected and qualified. The other officers elected under the provisions of this section, shall hold their respective offices for the term fixed by law, commencing from the next annual election for members of the Assembly.

Term of—
County Judge.

Other officers.

Sub. 14. The County Judge shall receive for his services, one thousand dollars per annum.

Salary of County Judge.

Sub. 15. The County of San Mateo shall be, and form a portion of, the Twelfth Judicial District of this State.

Judicial District.

Sub. 16. The Board of Supervisors of San Mateo County, shall have power to levy a special tax, not to exceed fifty cents on each one hundred dollars of valuation of taxable property of said county, to be assessed and collected as other taxes; and the fund arising from said special tax, shall be applied, solely, to the erection of a jail and court-house for said County of San Mateo. The Board of Supervisors shall also have power to levy and collect, each year, in the mode prescribed by law for assessment and collection of State and county taxes, upon all the taxable property therein, such amount as

Board of Supervisors.
Powers of.
Special Tax.

Court-House and Jail.

- County tax. they may deem sufficient to provide for the current expenses of the county; *provided*, that the amount so levied, exclusive of State and school tax, shall not, in any one year, exceed the rate of fifty cents on the hundred dollars upon all taxable property, real and personal, upon the assessment roll. But neither the Board of Supervisors, nor any officer, or officers, of the said County of San Mateo, shall have power to contract any debt or liability, in any form, against the said county; nor shall the said county, or any person or property therein, ever be liable for any debt or liability contracted, or attempted to be contracted. This prohibition, however, shall not be construed to prevent the said Board, or officers, from appropriating, and paying out, moneys actually existing in the treasury, to the various objects, as authorized by law.
- Supervisors not to contract debts.
- Present township officers continued.
- Sub. 17. All township officers chosen at the general election for San Francisco County, whose districts, by the provisions of this section, may be included within the present limits of San Mateo County, shall continue to hold their respective offices for said County of San Mateo, during the term for which they were elected, and until their successors are elected and qualified.
- Clerk and Recorder to furnish copies of records.
- Sub. 18. The Clerk and Recorder of San Francisco County, upon application by any person, and payment of the fees, shall furnish certified copies of all deeds, or other papers, recorded in their offices, wherein the subject matter of such deeds, or other papers, are situated in San Mateo County.
- Present legal rights not affected.
- Sub. 19. All actions pending, or proceeding, in the nature of actions, whether original or on appeal, civil or criminal, that were commenced by a party, or parties, now residing within the limits of San Mateo County, shall be disposed of by the tribunals and officers having jurisdiction of the same, in San Francisco County; and nothing in this section contained shall be so construed as to affect any such action.
- Boundary line.
- Sub. 20. It shall be the duty of the County Surveyor, under the instruction and direction of the Board of Supervisors, to mark the boundary line between [the] City and County of San Francisco and County of San Mateo, and for such services he shall receive such compensation as may be allowed by law. The said County of San Mateo shall remain connected with the City and County of San Francisco, as heretofore, for all purposes connected with representation in the Legislature and the election of members thereof, which shall remain as heretofore established by law.
- Representation in the Legislature.
- Time of taking effect.
- SEC. 10. This Act, excepting this section, and section five of article first, only, shall take effect on and after the first day of July next; and, in the meantime, the existing municipal government, or officers, of the City of San Francisco, or the Board of Supervisors, or other officers, of the County of San Francisco, shall not have power to contract any debt or liability against the said city or against the said county. But this prohibition, or any thing contained in the existing charter of said city, shall not be construed to prevent the appropriation, or payment out of the treasury, of any moneys actually existing therein, to the various objects and purposes, as authorized by law, or the drawing of any warrant, or order therefor. This section, and section five of article first, of this Act, shall take effect immediately after its passage.

CHAPTER CXXVI.

AN ACT

Concerning the Debt and the Current Expenses of the County of Monterey, and to Provide for the Funding and the Payment of the Same.

[Approved April 19th, 1856.]

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

SECTION 1. To fund the debt of the County of Monterey, the Treasurer thereof shall prepare bonds to an amount equal to the present indebtedness of said county with all indebtedness that shall accrue, or the consideration of which shall have accrued, on or before the first day of July, A. D. one thousand eight hundred and fifty-six. Said bonds shall be in sums of one hundred and of five hundred dollars each, and every bond shall purport in substance that the County of Monterey owes to the payee thereof or his order, the sum expressed therein, bearing interest at seven per cent. per annum from the time of issue, the interest to be paid on presentation at the office of said Treasurer, on the first day of January, A. D. one thousand eight hundred and fifty-seven, and on the first day of January of every year thereafter until said bonds shall be paid or redeemed, or the interest stopped as herein provided. Said bonds shall become due and payable at the office of said County Treasurer, on or before the first day of January, A. D. one thousand eight hundred and seventy-two. The bonds shall be signed by the County Treasurer, countersigned by the County Auditor and indorsed "approved" by the President of the Board of Supervisors, and shall have the seal of the Recorder of said county affixed thereto, and said seal may be used for this purpose without charge.

Sec. 2. The Auditor shall furnish to the Treasurer of said county, within thirty days after the passage of this Act, a certified copy of the register or record of all warrants issued from his office since the organization of the county. The Treasurer shall examine all warrants presented for funding, and ascertain if they are true and correct, issued according to the Treasurer's and Auditor's books, and corresponding with the entries therein and still remaining unpaid, and no others than those shall be deemed true and lawful warrants to be funded. The Treasurer and the Auditor aforesaid shall each keep a separate record of all such bonds as may be issued, showing the number, date and amount of each bond and to whom issued.

Sec. 3. Any person holding true and lawful warrants against the County of Monterey, shall have the privilege of receiving in exchange therefor seven per cent. bonds, as provided for in this Act; and the Treasurer is authorized and directed to issue said bonds to the person holding said warrants, to the amount of such warrants, including the interest due thereon up to the date as herein provided of issuing said

Treasurer to
prepare bonds.

Date.
Denomination.

Style.

Payment of
interest.
Time of.

Bonds.
When due.

Signed.

Seal.

Duties of—
Auditor.

Treasurer.

Separate record
by Auditor and
Treasurer.

Exchange of
warrants for
bonds.

Treasurer to
issue.

Proviso.	bonds; <i>provided</i> , that the warrants shall be presented in sums of not less than one hundred dollars; <i>and, provided further</i> , that said warrants shall be presented to the County Treasurer for funding within ninety days after this Act takes effect.
Presentation of warrants.	
Date of bonds.	SEC. 4. The bonds issued in exchange for warrants, shall bear date as from the taking effect of this Act for all warrants issued prior to such time; and in case any claims against said county which may be entitled to the benefit of this Act, shall not have been audited at the taking effect of this Act, but shall be audited thereafter, then the same shall be presented for exchanging as aforesaid within ninety days after such auditing; and upon presentation, bonds shall be issued in exchange therefor, bearing date as of the day of auditing said claims, and if not so presented, such claims and the warrants issued thereon, shall not be entitled to the provisions of this Act. The Treasurer shall indorse on the back of each warrant by him received for bonds, the date on which he received the same, from whom received and the amount of the warrant with interest as herein provided, and he shall file the warrant in his office and keep a redemption register, giving the number, date and amount of each warrant.
Same in certain cases.	
Indorsement of Treasurer.	
Redemption Register.	
Duty of Auditor and President.	SEC. 5. The County Auditor and the President of the Board of Supervisors shall attend, at least once in two months, on the day of the regular meeting of the Supervisors, for six months after taking effect of this Act, to examine all warrants redeemed by said Treasurer, and cause the same to be registered and canceled in such manner as to prevent their being reissued and put in circulation. At the meetings aforesaid, said officers shall compare their respective records of the date, number and amount of bonds and of warrants, and ascertain if any bonds have been wrongfully issued, or warrants wrongfully redeemed.
Cancellation of warrants.	
Comparing of records.	
Expenses. Amount.	SEC. 6. The County Treasurer shall keep a specific account of the expenses actually incurred by him in the preparation of bonds; and the Supervisors shall audit the same, but the total amount so audited or paid shall not exceed two hundred dollars; and the Supervisors may allow the Auditor not to exceed the same sum for all his services.
Fees of Auditor.	
When interest is paid upon any bond.	SEC. 7. When any interest shall be paid upon a bond issued under the provisions of this Act, the Treasurer shall indorse the same upon the bond; and shall take from the person drawing the interest a receipt for the same, which receipt shall be filed in his office, and be a voucher for said Treasurer and the county.
Voucher.	
Sinking Fund.	SEC. 8. The Treasurer of Monterey County shall set apart a Sinking Fund. Into this fund shall be paid: First. Any and all surplus of the interest tax annually, after providing for the yearly interest. Second. Whatever surplus may remain of the fund for current expenses on the first day of July, annually, after paying the current expenses of the year preceding.
Tax.	These payments into the Sinking Fund shall continue until it shall be sufficient for the payment of the principal and interest of the bonds aforesaid, and no longer. There shall also be paid into this fund the proceeds of a Sinking Fund Tax, not to exceed twenty-five cents on each one hundred dollars of taxable property in the county. This tax shall be levied at the discretion of the Board of Supervisors, annually, until said bonds are paid or provided for, and no longer;

but this tax shall not commence or be levied previous to the year one thousand eight hundred and sixty-six.

SEC. 9. If at any time there shall be in the Sinking Fund the sum of one thousand dollars or more, the County Treasurer shall advertise, for six weeks, for sealed proposals for the redemption of said bonds; the advertisement to specify the day, hour and place, the sealed proposals will be opened; at the time specified, the Treasurer shall open the sealed proposals at his office, in the presence of such persons as may choose to be present, and he shall redeem and pay the bonds offered at the lowest rates; but in no case shall the Treasurer redeem or pay said bonds at a higher rate than par value; and, *provided*, that when there shall be sufficient money in the Sinking Fund for the payment of all the outstanding bonds and interest due thereon, the Treasurer shall advertise for six weeks, for the redemption of outstanding bonds, as hereinbefore provided; and after that time said bonds shall cease to bear interest.

SEC. 10. The County Treasurer shall indorse on each bond redeemed, the date of redemption and from whom redeemed; and the County Auditor shall attend at the office of the Treasurer whenever bonds are redeemed, and see that the bonds are duly canceled. Full and particular account of the Sinking Fund shall be kept by the Treasurer, and shall at all times be kept open to inspection by the Auditor, Board of Supervisors and the Grand Jury. The Treasurer shall publish, in some newspaper published in the county, in January of each year, a concise statement of the amount of bonds issued, bonds redeemed, and interest paid, with the names of bidders, and the rates of bids for the redemption of bonds, made from time to time.

SEC. 11. The only taxes levied by the Board of Supervisors of said county, shall be—

First. The taxes required by law to be levied for State purposes.

Second. The interest tax, the current expense tax, and the county tax, as herein provided. And,

Third. Such school and road taxes as may be authorized by law.—All these taxes shall be levied by order of the Board of Supervisors, each year, between the first day of May and the fifteenth day of August following, inclusive.

SEC. 12. Until the principal and interest of the aforesaid bonds shall be fully provided for, by payment, or otherwise, the said interest tax shall be fifty cents on each one hundred dollars of taxable property in the county, and the proceeds shall be used only, and exclusively, as prescribed by this Act; *provided*, the Supervisors, in any year, may, by order, reduce the rate to not less than twenty-five cents on each one hundred dollars, if it will produce sufficient to pay the interest on said bonds for the year.

SEC. 13. The current expense tax shall be seventy-five cents on each one hundred dollars of taxable property; but if it is estimated by the Board of Supervisors that this rate of tax will produce more than is necessary for the payment of current expenses of each year, they may reduce the rate to such number of cents as they may deem proper and sufficient, to cover such current expenses. The money collected and paid into the fund for current expenses, shall be paid out, exclusively, for the necessary county expenses, accruing during the year commencing the first day of July next, and annually thereafter; and all warrants drawn on the "Fund for Current Expenses,"

When to be levied.

When Treasurer to advertise for proposals.

Opening of proposals.

Redemption.

Proviso.

Interest ceases.

Indorsement by County Treasurer on redeemed bonds.

Cancellation. Sinking Fund account.

Treasurer to publish statement.

Taxes to be levied by Supervisors.

When to be levied.

Amount of interest tax.

Proviso.

Current expense tax.

Warrants for current expenses

Unpaid warrants.	License and poll taxes.	must distinctly specify the liability for which they are drawn, and when it accrued, and shall be paid in the order of presentation to the County Treasurer; and if there be not sufficient money during the year in the fund for current expenses, to pay all such warrants, then the balance of such unpaid warrants shall be paid in the same manner as the warrants which may not be funded, as provided herein.
Numbering of warrants.		All license and poll taxes received into the County Treasury for county purposes, shall be paid into, and shall become part of, the fund for the payment of current expenses, during the year, as herein provided. The warrants of each year on the Current Expense Fund, shall be numbered, separately, from other years, commencing each year from July first, with Number One.
County tax.		
Purpose of.		Sec. 14. The county tax shall not exceed ten cents on each one hundred dollars of taxable property, and the proceeds shall be applied, exclusively, to the payment of warrants entitled to be exchanged for bonds, and funded under this Act, but which shall not be so funded; and, also, of such warrants drawn on the Current Expense Fund, each year, as may not be paid out of that fund, for want of money, during the year.
Taxes to be paid in legal currency.	Limitation to power of Supervisors, etc.	Sec. 15. The said interest tax, current expense tax and school taxes, shall be collected and paid in the legal currency of the United States. The Board of Supervisors of said county, and any person or authority, whatever, shall not have power to prevent, or hinder in any manner, the prompt collection of the taxes in this Act provided, or otherwise to contravene the provisions of this Act.
Advertisements.		Sec. 16. All advertisements, made necessary under the provisions of this Act, shall be published in a newspaper printed in the County of Monterey, if there be one; and if not, then in some newspaper of an adjoining county.
Restriction on Treasurer, etc.		Sec. 17. The County Treasurer, or other officers of said county, shall not, in any manner, pay or liquidate any of the indebtedness of said county, in any other manner than is herein provided.
Violation of this Act.	Penalty.	Sec. 18. Any public officer who shall willfully violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punished therefor; and he shall also be liable on his official bond for any damage, or loss, sustained by such violation.
Treasurer to advertise, etc.		Sec. 19. After the passage of this Act, said County Treasurer shall advertise, for four weeks, that on and after the first day of June next, the funding of said debt will commence; and after that time, the Treasurer shall pay and liquidate county indebtedness, only as herein provided; and after said first day of June next, all indebtedness of said county, authorized to be funded under this Act, shall be paid as herein provided, and in no other manner.
Repealing clauses.		Sec. 20. "An Act to provide for the Extinguishment of the Indebtedness, present and accruing, of the County of Monterey," approved April seventeenth, one thousand eight hundred and fifty-five, and all Acts and parts of Acts, and laws, whatever, in conflict or inconsistent with the provisions of this Act, are hereby repealed, so far as they apply to the County of Monterey.
Takes effect.		Sec. 21. This Act shall take effect, and be in force, on and after the first day of June next; but as to those Acts required, in terms or by proper implication, to be so before that time, it shall be effective after its passage.
If bonds are unpaid, etc.		Sec. 22. During the year when said bonds become due, if the same be not already paid, the Board of Supervisors shall levy such

tax on the taxable property of said county, as will fully provide for the payment of the bonds at the time they become due, or for the payment of such balance of the bonds as may be unpaid and not provided for.

CHAPTER CXXVII.

AN ACT

To Create the County of Fresno, to Define its Boundaries and to Provide for its Organization.

[Approved April 19th, 1866.]

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

SECTION 1. There shall be formed out of the Counties of Mari- Fresno County.
posa, Merced and Tulare Counties, a new county to be called Fresno.

SEC. 2. The boundary of Fresno County shall be as follows: Boundaries.
Beginning at a point where the Stockton Road to Millertown crosses the Chowchilla, known as Newton's Crossing; thence down said stream, on the north side, with the high water mark to the sink of the same at the lower molt of cottonwood timber; thence south, forty-five degrees west to the south boundary of Merced County; thence in a south-easterly direction with the present south-western boundary of Merced and Tulare Counties, to a point in the south-western boundary of Tulare County south, forty-five degrees west from the point on King's River, where the line dividing townships fifteen and sixteen south, crosses the same; thence north, forty-five degrees east to said point on King's River; thence east with the line dividing townships fifteen and sixteen south, to the dividing ridge between the waters of King's River and the Kawdah; thence with the said dividing ridge to the summit of the Sierra Nevada; thence north, forty-five degrees east to the eastern boundary of the State of California; thence in a north-western direction with said State line to a point north forty-five degrees east from the place of beginning; thence south, forty-five degrees west to the place of beginning.

SEC. 3. The seat of justice shall be at Millertown. County Seat.

SEC. 4. There shall be an election held for county officers in said Election for
county officers.
County of Fresno on the second Monday in June of the present year, one thousand eight hundred and fifty-six.

SEC. 5. At the election mentioned in the preceding section, there Officers to be
elected.
shall be chosen a Board of Supervisors consisting of three persons, one County Judge, one County Attorney one County Clerk, who shall be *ex officio* County Recorder, one Sheriff, one County Surveyor, one Assessor, one County Treasurer, one Coroner and one Public Administrator.

- Commissioners to designate precincts, etc. SEC. 6. Charles Hart, Ira McRae, James Cruikshanks, O. M. Brown, H. M. Lewis, H. A. Canal and J. W. Gilson, are hereby appointed and constituted a Board of Commissioners to designate the election precincts in the said County of Fresno for the said election; to appoint the Inspectors and Judges of the several precincts as designated, to receive the returns of election, and to issue certificates of election to the persons entitled to the same.
- Election laws. SEC. 7. The laws of a general nature now in force regulating elections in this State shall apply to the election ordered by this Act, except that the above Board of Commissioners herein appointed, shall designate the election precincts, appoint the Inspectors and Judges of Election, receive the returns of election, issue the several certificates to the persons elected.
- Exception.
- First meeting of Board. SEC. 8. Said Board of Commissioners shall hold their first session for the transaction of business, at the house of Ira McRae and Company in said county.
- Time of meeting. SEC. 9. The said Board of Commissioners shall meet on the Monday two weeks previous to the election; at such meeting said Board shall appoint one of their number President and one as Clerk. A record of their proceedings shall be kept. The attendance of a majority of the members of the Board shall be necessary for the transaction of business; at the said meeting, the Board shall designate the precincts of the county, and appoint Inspectors and Judges of such precincts, and give notice at each of the said precincts.
- Organization.
- Quorum: Object of meeting. SEC. 10. Sealed returns from the officers of election may be delivered to any member of said Board. The said Board shall meet on the fifth day after the election at the house of Ira McRae and Company, and the returns shall then be opened and read, and under their direction and in their presence, a tabular statement shall be made out, showing the vote given at each precinct of the county, for each person and for each of the offices to be filled at the election, and also the entire vote given for each person. The statement made out by such Board shall be signed by the President and Clerk. The persons having the highest number of votes for the several offices to be filled shall be declared elected, and the President shall immediately make out, and send or deliver to each person chosen, a certificate of election signed by him as President of the Commissioners and attested by the Clerk.
- Returns of election.
- Tabular statement.
- Certificate of election.
- County Judge. SEC. 11. The County Judge shall qualify before the President of the Board, and enter upon the discharge of the duties of his office on the day succeeding the meeting of the Board, as provided in the preceding section. The persons elected as county officers, as provided in this Act, shall qualify before the County Judge within ten days thereafter, and enter upon the discharge of their duties.
- Takes office.
- Other officers.
- President to send statement to Sec'y of State. Returns, etc. SEC. 12. The President of the Board shall transmit, without delay, a copy of the tabular statement, prepared as provided for in section ten, to the Secretary of State. The election returns of the county and a duplicate tabular statement shall be furnished to, and retained by, the County Judge of the county until the person elected as Clerk of said county has qualified and entered upon his duties, after which they shall be filed in his office.
- Term of— County Judge. SEC. 13. The County Judge, chosen under this Act, shall hold office for four years from the next annual election for members of the Assembly and until his successor is elected and qualified. The other officers elected under this Act, shall hold their respective offices for
- Other officers.

the term fixed by law, commencing with the next annual election for members of Assembly.

SEC. 14. The County Judge shall receive for his services such sum annually as shall be determined by the Board of Supervisors, not to exceed three thousand dollars, to be paid in the manner provided by "An Act to Fix the Compensation of County Judges and Associates of the Court of Sessions," approved May seventeenth, one thousand eight hundred and fifty-three.

Salary of County Judge.

SEC. 15. The County of Fresno, for representative purposes, shall be attached to Tulare County, and in conjunction with that county, elect one Representative, until otherwise provided by law.

Representative.

SEC. 16. The County of Fresno, for judicial purposes, shall be attached to, and form a part of, the Thirteenth Judicial District, and the terms of the District Court, in and for said County of Fresno, shall be on the second Mondays of February, May and September of each year.

Attached to Thirteenth Judicial District. Terms of court.

SEC. 17. The Board of Supervisors of Fresno County shall have power to levy a special tax, not to exceed fifty cents on each one hundred dollars' of valuation of the taxable property of said county, to be assessed and collected as other taxes, and the fund arising from said special tax shall be applied solely to the erection of a jail and court-house for said county.

Supervisors to levy special tax.

Jail and Court-House.

SEC. 18. The Board of Supervisors of Fresno County shall appoint two Commissioners to meet a corresponding number of Commissioners appointed, in like manner, by Mariposa, Merced and Tulare Counties, for the purpose of ascertaining and settling the amount of indebtedness said County of Fresno shall assume and become responsible for, of the debts of said Counties of Mariposa, Merced and Tulare; and when ascertained and certified to by said Commissioners, or a majority of them, to their respective counties, the Board of Supervisors of Fresno County shall cause to be issued, by the County Treasurer, in favor of the Counties of Mariposa, Merced and Tulare, the sum so agreed upon, payable out of any money that may come into the treasury of Fresno County.

Commissioners to apportion debt.

Treasurer to pay.

SEC. 19. All township officers chosen at the general election for Mariposa, Merced and Tulare Counties, whose district by this Act may be included within the present limits of Fresno County, shall continue to hold their respective offices for said County of Fresno during the term for which they were elected and until their successors are elected and qualified.

Township officers.

SEC. 20. The Clerk and Recorder of Mariposa, Merced and Tulare Counties, upon application by any person and payment of the fees, shall furnish certified copies of all deeds or other papers recorded in their offices, wherein the subject matters of such deed or other paper are situated in Fresno County.

Duty of Clerk and Recorder.

SEC. 21. All actions pending or proceedings in the nature of actions, whether original or on appeal, civil or criminal, that were commenced by a party or parties now residing within the limits of Fresno County, shall be disposed of by the tribunals and officers having jurisdiction of the same, in Mariposa, Merced and Tulare Counties, upon the organization of said Fresno County.

Pending actions.

How disposed of.

SEC. 22. It shall be the duty of the County Surveyor of Fresno County, under the instruction and direction of the Board of Supervisors, to survey and mark the limits and boundaries of Fresno County, in accordance with the provisions of this Act, and for said

Duty of County Surveyor.

services, he shall receive such compensation as may be allowed by law.

Sinking Fund.

SEC. 23. Twenty per cent. of all moneys received in the County Treasury of Fresno County, shall be set apart as a Sinking Fund, to liquidate the debt due from Fresno County to Mariposa, Merced and Tulare Counties, and shall be paid over by the Treasurer of Fresno County to the Treasurers of Mariposa, Merced and Tulare Counties, every three months; and the Treasurer of Fresno County shall take his receipt therefor.

How disposed of.

CHAPTER CXXVIII.

AN ACT

Concerning Estray Animals.

[Approved April, 19, 1856.]

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

Duty of citizens
on finding
estrays.

To go before
Justice of Peace.

Oath.

Notice.

Description.

Justice to
appoint
appraisers.

Duty of.

SECTION 1. Every citizen, resident householder, in any county in this State, on finding any estray horse, mare, mule, jack or jenny, or any neat cattle, or any number of such animals, upon his farm or premises, who shall desire to take up the same shall, at any time after the expiration of twenty days from the finding the same, if such animal or animals remain on his farm or premises, go before some Justice of the Peace of his township, or if there be no acting Justice therein, then before some Justice of a neighboring township, and make oath that he has made diligent inquiry throughout his neighborhood, to ascertain the ownership of such estrays, and that he has also put up, ten days previously, a written notice, in one or more of the most public places in his township, naming the place or places, setting forth all the information in his possession concerning the said animals, embracing a description of the marks and brands thereof, and that he was about to post the same. He shall also, at the same time, make oath that the marks and brands of said animals, have not been altered since they came to his farm or premises, and that the owner or owners are unknown to him.

SEC. 2. At the time the taker-up appears before the Justice, as aforesaid, the Justice shall appoint two disinterested Appraisers, who are resident householders of the county, to appraise and describe such animal or animals.

SEC. 3. The Appraisers so appointed, if they are not already able to describe and appraise such estray, shall, as soon as practicable, proceed to view the same, and make out a detailed description thereof, stating the marks, brands, supposed age, color, stature and value,

of each animal, which description and valuation shall be signed by the Appraisers, and sworn to before the Justice appointing them.

SEC. 4. It shall be the duty of said Justice immediately to record in a book, to be by him kept for that purpose, a statement of the taking up, as aforesaid, together with a description, as sworn to by the Appraisers, and their appraisement.

Justice to record description.

SEC. 5. The Justice shall, within twenty days, if the estrays have not previously been claimed and proven, by the true owner, make out and transmit a certified copy of the entry in his estray book, as aforesaid, to the County Recorder of the county, which shall immediately be by him recorded in a book to be kept for that purpose. Said record, and also the Justice's book, to be, at all proper times, subject to examination, by all persons making application, without charge or fee.

Transmit to County Recorder, etc.

SEC. 6. If the owner of any estray animal, posted as aforesaid, shall, within one year from the time the same was posted, appear and claim the same, he shall notify the taker-up thereof, and the owner shall establish his claim to such animals, before some Justice of the Peace of the proper township, by such evidence as shall be satisfactory to the Justice. In all cases, when the claimant shall make satisfactory proof of ownership, the Justice shall make an order that he have restitution of the animal so proven, upon his paying the costs; and, to the taker-up, the expenses and costs that may be awarded him by the Justice; *provided*, the Justice shall not allow any expenses for keeping an estray, which the taker-up, or any one under his authority, may have worked, ridden, or used, while in his possession.

If within one year owner claims, etc.

Provido.

SEC. 7. If the owner of any lost or stray animal shall not appear and prove his property therein, within one year after the same is posted, he shall forfeit his right thereto, and the property in such animal shall be vested in the taker-up, upon his paying into the County Treasury the one-half appraised value thereof, as fixed by the appraisers, as aforesaid.

How and when taker up of estray becomes owner.

SEC. 8. No person taking up any animal, under this Act, shall sell, exchange, or dispose of the same, in any manner, or remove the same from the county in which it was posted, until after the expiration of one year from the posting, and until he shall have paid the one-half appraised value into the County Treasury.

Not to sell, etc.

SEC. 9. If any estray animal die, or escape from the possession of the taker-up, at any time before the expiration of one year from the taking up, he shall not be held liable, in any manner, on account of such animal.

Escape or death of estray.

SEC. 10. In all cases where money has been paid into the County Treasury, pursuant to the seventh section of this Act, the same shall be kept in separate account by the Treasurer, and safely held in trust for the space of six months after it is so paid in, to be paid over to the true owner of the estray, upon such owner within the said time producing to the Treasurer the certificate of the proper Justice, setting forth that said owner had made satisfactory proof of ownership within the six months, as aforesaid, by a like proceeding as provided for in the sixth section of this Act. The Treasurer retaining out of said money his own per centage.

When money has been paid.

Treasurer's commissions.

SEC. 11. All moneys paid into the County Treasury under the provisions of this Act, if not legally withdrawn, as above provided, shall become a part, and belong to, the County School Fund, and be

Appropriation to School Fund.

drawn from the County Treasury on the warrant of the County Superintendent, and shall be, exclusively, appropriated to the County School Fund, and for no other purpose.

Owner not to take, etc.

SEC. 12. The owner of any estray animal which has been legally taken up, or for the taking up of which proceedings have been commenced under this Act, knowing the same to have been posted, shall not be permitted to take, lead, or drive the same from the premises, or possession, of the person legally possessed thereof, until proven, and the charges paid; and any person, knowingly and willfully, violating the provisions of this section, shall be subject to all the penalties that he would be subject to under the statute law; *provided*, he had no claim to said animal.

Penalty.

When taker up of estray deemed guilty of larceny.

SEC. 13. If any person shall take into use, or in any manner dispose of, any lost or estray animal, which may be found upon his farm or premises, or exercise any control over any such animal, except in case said animal has broken into his lawful inclosure, without having first posted the same, or having proceeded to post any such animal, shall use, or in any manner dispose of the same, contrary to, and in violation of, the provisions of this Act, he shall be deemed guilty of larceny, and punished accordingly.

Duty of Justice of Peace or District Attorney, in certain cases.

SEC. 14. If, at the expiration of one year from the taking up of any estray under this Act, the Justice before whom the same was posted, his successor in office, or the District Attorney of the county, has good reasons to believe the taker-up has not duly paid into the County Treasury the one-half appraised value, as herein required, it is hereby made the special duty of said Justice, in whose custody the record of the estray remains, or the District Attorney, to issue a notice to the delinquent, requesting him to appear before the Justice, on a day specified, and show cause, if any he can, why judgment shall not be entered against him, in favor of the county, for the sum. Such notice may be delivered to the Sheriff of the county, or any Constable of the proper township, and by him served on the party.

Service of notice.

Judgment against delinquent.

SEC. 15. If no sufficient cause be shown, the Justice shall enter judgment against the delinquent, for the amount due the county, with costs, which judgment shall be a lien upon all the property, real and personal, belonging to the delinquent, from the time the same is entered.

Fees of officers.

SEC. 16. In all cases wherein any services are performed by any officer, or officers, under this Act, their fees shall be allowed as follows, viz:

To the Justice, for all services connected with the posting the animal, or animals, which shall include the transcript for the Recorder, two dollars.

To the County Recorder, for recording the transcript, one dollar.

For all services performed by the Justice under this Act, other than the above, and for all services performed by other officers, the same fees as are allowed to civil officers in similar cases.

Repealing clause.

Proviso.

SEC. 17. An Act entitled "An Act concerning Estray Animals," passed May first, one thousand eight hundred and fifty-one, is hereby repealed; *provided*, that nothing in this Act be construed so as to apply to the Counties of San Diego, Santa Barbara, San Bernardino, Los Angeles, Monterey and San Luis Obispo.

CHAPTER CXXIX.

AN ACT

Amendatory of, and Supplementary to, an Act Approved April 20th 1852, entitled "An Act to Provide for Funding the Debt of San Joaquin County, for the Payment of the Interest thereon and for the Gradual Liquidation of the Debt."

[Approved April 19th, 1856.]

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

SECTION 1. All moneys accruing to the Treasurer of San Joaquin County on and after the first day of July, A. D. one thousand eight hundred and fifty-six, shall be, and the same are hereby, appropriated to the payment of the disbursements and expenses of the county, accruing on and after that date.

Appropriation of moneys after July 1st, 1856.

SEC. 2. The Supervisors of San Joaquin County are hereby authorized to fund all outstanding indebtedness of the County of San Joaquin, which accrued prior to the first day of July, one thousand eight hundred and fifty-six, including the amount of the bonds already issued, by issuing bonds in payment thereof, payable not less than one, nor more than ten years, bearing interest payable semi-annually, which shall not exceed the rate of ten centum per annum, to be issued in accordance with the provisions of this Act.

Supervisors to fund prior debt.

To issue bonds. Interest.

Rate.

SEC. 3. The income and revenue of said County of San Joaquin, of every nature and description whatever shall be, and the same are, hereby exempt from attachment, execution and proceedings, supplementary to execution.

Revenue exempt from execution.

SEC. 4. Within thirty days after the passage of this Act, the Board of Supervisors of said county shall cause to be made out bonds for the amount of said indebtedness; the said bonds to be in sums of fifty, one hundred, two hundred and fifty, five hundred and one thousand dollars, at the option of the parties accepting the same. Every holder of county warrants, scrip or bonds, and all persons owning or representing, as agent or attorney, any claim or debt against the county which has been audited and allowed on or before the first day of July, A. D. one thousand eight hundred and fifty-six, by the proper authority, may present the same to the Board of Supervisors of said county, within six months from the passage of this Act, in order that the same may be canceled, and that bonds to the amount of said bonds, warrants or other indebtedness, with interest due thereon, may be issued in lieu thereof, by the Board of Supervisors, to the holder, his agent or attorney; it shall be the duty of said Board of Supervisors to issue, as herein contemplated, bonds for the amount of all said warrants, scrip, bonds and other proper evidence of debt, properly audited and allowed, on or before the first day of July, A. D. one thousand eight hundred and fifty-six, or which

When bonds to be issued.

Denomination.

Claims presented within six months.

Style of bonds. Signed.	accrued prior to that date said bonds to be styled, "San Joaquin County Bonds," and to be signed by the President of the Board of Supervisors, Clerk of the Board and countersigned by the County Treasurer; it shall be the duty of said Board, to cause all such warrants, scrip, bonds and other evidence of debt for which bonds shall be issued, as herein provided, to be canceled immediately after issuing bonds therefor.
Cancellation of claims.	
Payment of interest. Sinking Fund.	SEC. 5. For the purpose of paying the interest on the bonds so issued, and also to constitute a Sinking Fund for the gradual redemption of the same, it shall be the duty of the Board of Supervisors of said county, to cause to be levied and collected, a special tax, on all real and personal property within the county, which shall not be less than twenty cents, nor more than thirty cents, on each one hundred dollars' valuation of such real and personal property; such tax to be assessed and collected in the legal currency of this State, at the same time and in like manner, as are assessed and collected State and county taxes for other purposes; and the amount of taxes so collected shall be applied, only, to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.
Special tax.	
Amount.	
Purpose.	
When and where interest payable.	SEC. 6. The interest on said bonds shall be paid at the Treasurer's office, on the first Monday of January, one thousand eight hundred and fifty-seven, and thereafter, semi-annually, on the first Monday of July and the first Monday of January, of each year.
Record of bonds.	SEC. 7. It shall be the duty of the County Treasurer 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.
Treasurer to advertise for bids.	SEC. 8. On the first day of January of each year, when there shall be as much as four thousand dollars in the County Treasury, collected by the provisions of this amendatory Act, over and above the interest due on such first of January and July next, it shall be the duty of the County Treasurer to advertise in some public newspaper, in the City of Stockton, for ten days, stating the amount of such surplus in the Sinking Fund, and inviting bids at such Treasurer's office, on a given day, specifying the hour for proposals to redeem bonds, by this amendatory Act authorized to be issued. Such bidding shall be in public, and it shall be the duty of the Treasurer to accept such bids, and in such amounts, as will be most advantageous terms to the county, and for such surplus will be able to redeem the greatest amount of bonds, and the same shall be applied to the redemption of such bonds for which bids were accepted, and the same taken up and canceled; but no bid shall be received at higher rate than principal and interest.
Award.	
Restriction on bids.	
Repealing clause.	SEC. 9. So much of section fifth of which this Act is amendatory, as authorized a special tax of twenty-five cents on each one hundred dollars' worth of real and personal property within the county, is hereby repealed.
Sheriff's commissions.	SEC. 10. The Sheriff of the county, as <i>ex officio</i> Tax Collector, shall be allowed the same per centage, and no more, in collecting the special tax hereby authorized, as are allowed to him by law in collecting State revenues for general purposes.

CHAPTER CXXX.

AN ACT

Amendatory of "An Act to Provide Revenue for the Support of the Government of this State," Passed April 27th, 1855.

[Approved April 19th, 1856.]

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

SECTION 1. Section two of "An Act to Amend an Act Entitled 'An Act to Provide Revenue for the Support of the Government of this State,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows:

Section 2. There shall be levied and collected a quarterly yearly license tax, as follows:

First. From each proprietor or a keeper of a billiard table, not kept for the exclusive use of the owner or his family, for each table, ten dollars per quarter. For a nine or ten pin or bowling alley, ten dollars for each alley, license to be granted for a term not less than three months, to be paid to the County Treasurer, one-half for the use of the State and one-half for the use of the county.

Second. From the manager or lessee of every theater, five dollars per day, if granted for a less time than one month. If granted for one month, one hundred dollars shall be paid. If granted for three months, two hundred dollars. If granted for one year, six hundred dollars. And for each exhibition of serenaders, or opera or concert singers, the same pay for license as is required for theatrical performances, to be paid to the County Treasurer, one-half for the use of the State and one-half for the use of the county.

Third. For each caravan, menagerie, the exhibition for pay of bull and bear, or any collection of animals for public amusement, twenty dollars for each exhibition; and for each show of any figures, and for each circus, rope or wire dancing, or sleight of hand exhibition for reward, ten dollars per day, to be paid to the County Treasurer, one-half for the use of the State, and one-half for the use of the county; *provided*, that any collections of animals and fowls, natives of California and the Sierra and Rocky Mountains be excluded from the provisions of this Act.

Fourth. From each and every insurance company, incorporated by laws of this State and transacting an insurance business therein, twenty-five dollars per quarter year, payable to the County Treasurer for State purposes.

Fifth. From each and every insurer or insurance company, foreign or otherwise, not chartered by this State, and transacting an insurance business therein, or agent or agents thereof, one hundred dollars per quarter, payable to the County Treasurer for State purposes.

Amending
clause.

License Tax.

Public billiard
tables.

Ten-pins.

Quarterly.

Theaters.

Concerts, etc.

Menageries.

Circus.

Proviso.

Insurance
companies.

Agencies.

CHAPTER CXXXI.

AN ACT

To Fund the Debt of the County of Napa, and Provide for the Payment of the Same.

[Approved April 19th, 1856.]

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

County of Napa. Treasurer to prepare bonds.	SECTION 1. With a view to fund the debt of the County of Napa, in this State, and provide for the payment of the same, the Treasurer of said county shall cause to be prepared bonds to the amount of the present county indebtedness, together with all the indebtedness that shall have accrued up to the first day of October, A. D. one thousand eight hundred and fifty-six. Said bonds shall be of the denomination of fifty, one hundred and five hundred dollars each, and each and every bond shall purport in substance, that the County of Napa owes to the holder thereof the sum expressed therein, bearing an interest at the rate of ten per centum per annum from date of issue. The interest to be paid on presentation at the office of the Treasurer of said county, on the first Monday in March, one thousand eight hundred and fifty-seven, and on the first Monday in March of each year thereafter until said bonds shall be paid. Said bonds shall be due and payable at the office of the County Treasurer, on or before the first of October, one thousand eight hundred and sixty-six, and they shall be signed by the Chairman of the Board of Supervisors, countersigned by the County Auditor and indorsed by the County Treasurer, and shall have the seal of the county annexed thereto.
Indebtedness up to Oct. 1st, 1856.	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. It shall be the duty of the County Auditor of said county to furnish the County Treasurer a certified copy 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 October, one thousand eight hundred and fifty-six.
Denomination. Purport.	SEC. 3. It shall be the duty of the 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 therein, and no others than those found to be true and lawful ones shall be funded.
Interest, when and where payable.	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.
Bonds, when and where payable.	SEC. 5. Any person holding true and lawful warrants against the County of Napa, as provided in the third section of this Act, shall have the privilege of receiving in exchange therefor ten per cent.
Signed.	
Indorsed.	
Seal.	
Duty of— Supervisors.	
Auditor.	
Duty of County Treasurer.	
Treasurer and Auditor to keep separate record.	
Lawful warrants to be exchanged for bonds.	

bonds, as provided for in the first section of this Act, and the Treasurer is hereby directed and authorized to issue said bonds to the persons holding said warrants, at the rate of dollar for dollar, including the interest which may have accrued on the said warrants, on the first day of October, one thousand eight hundred and fifty-six; *provided*, that said warrants be presented within ninety days after the said first day of October, one thousand eight hundred and fifty-six, to the Treasurer of said county.

Sec. 6. All bonds issued in exchange for warrants, shall bear date on the second day of October, one thousand eight hundred and fifty-six.

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 County Auditor together, to attend once in every four 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 canceled in such a manner as to prevent their being re-issued, or in any manner again put in circulation. At the monthly 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 no 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 actually incurred by him in the purchase of the necessary record books and other articles required to carry into effect the provisions of this Act, and the same shall be audited by the Board of Supervisors, and paid out of any money in the County Treasury not otherwise appropriated; *provided*, the same shall not exceed fifty dollars.

Sec. 10. Before any interest shall be due on the bonds issued in conformity with this Act, the County Treasurer shall procure a receipt book, and before he pays the amount of interest due as aforesaid on any of said bonds, he shall require of the person entitled to receive the same, to sign a receipt for the amount so received, which shall be written in said receipt book, which book shall be preserved by the Treasurer, and the receipts therein contained shall be sufficient evidence that the interest on the bonds to which they apply has been paid, and a voucher to the Treasurer for their respective amounts in his settlement with the County Auditor.

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 the amount of bonds authorized to be issued by this Act, the County Treasurer shall issue to the holder thereof a certificate for 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 now authorized by law to be levied for general county purposes, there shall this year, and every year thereafter until the principal and interest of the said bonds

Special Tax. Amount.	to be issued shall be fully provided for by payment as hereinafter specified, be assessed and collected at the same time, in the same manner and by the same officers as the ordinary county revenue, a special tax of twenty-five cents on each one hundred dollars' valuation of all taxable property in said county, one-half of said special tax shall be paid into and known as the Interest Fund of the County of Napa, the other half of said special tax shall be paid into and known as the Sinking Fund of the County of Napa, all of which shall be collected as aforesaid in the legal coin of the United States, and paid out by the County Treasurer of said county as hereinafter directed, but in no other way; neither shall it be used, directly or indirectly, for any other purpose than the liquidation of the principal and interest of the bonds hereinbefore authorized to be issued.
Interest Fund.	
Sinking Fund.	
Purpose.	
Interest Fund kept separate.	SEC. 13. The Interest Fund above provided for shall be kept separate and distinct from all other funds of the county, and shall be paid over by the County Treasurer to those entitled to receive the same, to each the amount of interest due on the several bonds issued in accordance with this Act, on the first Monday of March in each year until said bonds are redeemed; <i>provided</i> , that if the above-named Interest Fund shall be insufficient to pay the annual interest on the said bonds, then the County Treasurer shall use so much of the Sinking Fund for that purpose as will pay the balance of the annual interest on the aforesaid bonds; <i>provided further</i> , that if there shall be any of the Interest Fund in the treasury after paying all the interest due on the said bonds in each year, the same shall be turned over to, and remain a part of, the Sinking Fund before provided for.
Payment of interest.	
Provisos.	SEC. 14. If on the first day of October in any year until said bonds are all redeemed, there be any of the general county that has not been needed in paying the current expenses of the county for the year ending at that time, the same shall be paid into, and become a part of, the Sinking Fund aforesaid.
Disposition of surplus.	
Excess of county revenue.	SEC. 15. Whenever, at any time, there shall be on hand, belonging to the Sinking Fund, the amount of two hundred dollars and upward, the County Treasurer shall give notice, by posting written notices at each of the three most public places in the county for the space of ten days, for proposals for the redemption of the said bonds, said notices to name the day, hour and place said proposals are to be opened. After the expiration of the time so named, the County Treasurer shall open the said proposals at his office in presence of the County Judge, or one of the members of the Board of Supervisors and such other persons as may choose to be present, and proceed to pay the same to the person or persons making the greatest reduction on the bonds held by them, and issued as aforesaid; <i>provided</i> , that he shall in no case pay more than par value for any of said bonds; <i>and, provided further</i> , that if no person shall offer bonds for less than par value, then the Treasurer shall pay the amount <i>pro rata</i> on all bonds offered at par; <i>and, provided further</i> , that whenever, at any time, there is money enough in the Sinking Fund to pay all outstanding bonds issued as aforesaid, the County Treasurer shall post, at three of the most public places in the county, a notice for the redemption of the said bonds, after which time the said bonds shall cease to bear interest.
When Treasurer to give notices for proposals.	
Opening of proposals.	
Award and payment.	
Provisos.	
When fund sufficient, etc.	
Interest ceases.	
Duty of County Treasurer.	SEC. 16. 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 County Judge and County Auditor, whenever such bonds are so redeemed, to attend at the office of the Treasurer and see that said bonds are properly canceled so that they can not again be put in circulation.

Cancellation of bonds.

SEC. 17. 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.

Treasurer to keep accounts.

Open to inspection. Report of Treasurer.

SEC. 18. The Treasurer shall receive for his services aforesaid, the same per centage that he is allowed for the disbursement of other moneys out of the County Treasury, and no more, to be retained out of the money so disbursed. For the services performed by any other officer or officers, in accordance with the provisions of this Act, they shall receive such compensation as is allowed them for similar services in other cases, to be audited by the Board of Supervisors, and paid out of the County Treasury as other charges against the county are paid.

Commissions.

Other officers.

SEC. 19. Any county officer or officers of the said County of Napa, willfully 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 a sum not less than two hundred nor more than one thousand 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 it is hereby made the duty of the County Attorney to prosecute all delinquents under this Act.

Delinquency of officials.

Penalty.

County Attorney to prosecute.

District Court.

SEC. 20. The District Court having original civil jurisdiction in the County of Napa, shall have power to enforce obedience to the provisions of this Act; and for that purpose may issue process of mandamus, prohibition, and all other writs authorized by law.

SEC. 21. On the first day of October, one thousand eight hundred and fifty-six, the Treasurer of Napa County shall advertise, by posting written notices, one at the court-house door, and one at each of the four next most public places in said county, and, also, by giving the same four insertions in some weekly newspaper, published in San Francisco, that from and after that day the funding of the then outstanding indebtedness of Napa County will commence; from which time it shall not be lawful for the Treasurer of said county, to pay or 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 said Treasurer, under any pretense whatever, liquidate or pay any portion thereof, only in accordance with said provisions. The expense for publishing in accordance with this section shall be paid out of the General County Fund.

Treasurer to advertise.

No debt prior to Oct. 1st, etc.

Expense of publication.

SEC. 22. So much of the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and eighteenth sections of an Act entitled "An Act concerning the Office of County Treasurer," passed March twenty-seventh, one thousand eight hun-

Repealing clause.

Proviso. dred and fifty, and all other Acts and parts of Acts, as conflicts with the provisions of this Act, is hereby repealed; *provided*, such repeal shall not be construed so as to affect any other county than Napa, and shall apply in said county, only to the indebtedness of said county which accrued prior to the first day of October, one thousand eight hundred and fifty-six.

Fines and penalties.

SEC. 23. All fines and penalties collected under the provisions of this Act, shall be paid into the General County Fund for county purposes.

CHAPTER CXXXII.

AN ACT

To Provide for the Appointment of a Reporter of the Supreme Court, and to Define his Duties and Compensation.

[Approved April 19th, 1856.]

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

- Governor to appoint Reporter. SECTION 1. A Reporter of the decisions of the Supreme Court of the State of California, shall be appointed by the Governor, and by him duly commissioned, to hold his office for the term hereinafter mentioned.
- Term of office. SEC. 2. Said Reporter shall hold office for the space of two years, from the date of his appointment as above provided, and until his successor is appointed, commissioned and qualified.
- To give bond. SEC. 3. Said Reporter shall, within twenty days after his appointment as above provided, execute and file with the Secretary of State, a bond to the people of the State of California, in the sum of ten thousand dollars, legally justified and conditioned, for the faithful performance of his duties, as prescribed by this Act. Said bond, with two or more sureties, to be approved by the Governor.
- Amount. SEC. 4. The annual reports prepared by said Reporter, shall contain a complete report of the decisions of the Supreme Court rendered during the year preceding the publication of said reports, including the title of the causes, a clear and brief statement of the actions, proceedings, facts and authorities cited, names of counsel, and opinions of the court; and there shall be prefixed to each said volume, a complete table of cases, alphabetically arranged, and there shall be affixed to the same a complete index, and at the commencement of each case shall be a syllabus of the points decided by the court therein.
- Annual reports. Contents. SEC. 5. The decisions of each term of the court, shall be published in pamphlet form, previous to the next succeeding term of
- Index. Syllabus. Quarterly pamphlets.

said court, and, at the end of each year, they shall be published in one good octavo volume, substantially bound, of convenient size; which said volume shall contain all the cases decided within that year.

SEC. 6. The Reporter shall have authority to take the original opinion of the court in each case, after the same shall have been recorded by the Clerk of the court; and shall have such access to any and all other papers, in each case, as shall be necessary to discharge properly the duties of his office.

Privileges of Reporter.

SEC. 7. The term and yearly reports, published as provided in this Act, shall be the only term and yearly reports entitled to be received in the courts of justice of this State, as the reports of the Supreme Court.

Legality of reports.

SEC. 8. The Reporter shall deliver to the Secretary of State, a sufficient number of copies of the term reports to make the following distribution: to each District Judge of a Judicial District, one copy.

Copies to Sec'y of State.

SEC. 9. The Reporter shall deliver to the Secretary of State, as soon as the same can be published, three hundred of the yearly reports of each year, to be distributed as follows:

To each State and Territory of the United States, two copies. Distribution by.

To the United States Library, two copies.

To the Head of each Department of this State, and to each Supreme, District and County Judge, one copy each.

To each District Attorney and County Clerk, one copy.

The surplus copies, if any there be, shall be deposited in the State Library.

SEC. 10. The Reporter shall receive as compensation for the copies of annual and term reports by him furnished to the Secretary of State, the sum of two thousand dollars.

Compensation for copies.

SEC. 11. The amount due the Reporter, under the provisions of the last section, shall be certified by the Secretary of State to the Controller; upon the reception of which certificate, the Controller shall issue his warrant on the Treasury for the amount so certified to be due, and a sum equal to said amount is hereby appropriated and set apart for the payment of warrants so drawn.

Sec'y of State to certify to Controller.

SEC. 12. The Reporter shall be entitled to, and shall receive, as compensation for his services, the sum of four thousand dollars per annum, payable in the same manner as the salaries of the Justices of the Supreme Court, which sum is hereby appropriated and set apart for the payment of said salary.

Salary.

Appropriation.

SEC. 13. If the Reporter shall neglect or refuse to comply with the provisions of the fourth section of this Act, he shall not be entitled to, nor receive, any compensation for any volume of the term reports, or yearly reports, containing evidences of such neglect or refusal; and when the Controller of State shall be informed of such neglect or refusal, he is hereby required not to issue any warrant or warrants therefor, until satisfied by proper evidence and examination that the provisions of this Act have been complied with; and nothing in this Act shall be construed to prevent the Legislature from removing the Reporter at any time for any neglect to comply with the provisions of this Act; *provided further*, that nothing in this Act shall be construed to allow the said Reporter to receive from the State a greater compensation for all the services required by this Act than six thousand dollars per annum; *and, provided further*, that the said Reporter shall furnish, at his own expense, all materials neces-

Penalty for neglect of duty.

Instructions to Controller.

Removal from office.

Proviso.

Limitation of expense to State.

sary to the completion of his reports, and shall pay for the printing thereof.

Instruction as to reports sent to officers.

SEC. 14. All copies of reports delivered under the provisions of this Act, to any State or county officer of this State, shall be transmitted by such officer to their successor in office.

Repealing clauses.

SEC. 15. "An Act Concerning the Office of Reporter," passed April thirteenth, one thousand eight hundred and fifty, and "An Act Amendatory of, and Supplementary to, said Act," passed April third, one thousand eight hundred and fifty-four, and all Acts and parts of Acts concerning the office of Reporter, his duties and compensation are hereby repealed.

CHAPTER CXXXIII.

AN ACT

To Provide for the Incorporation of Towns.

[Approved April 19th, 1856.]

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

Manner of incorporating towns.

Population. Petition.

Power.

SECTION 1. Whenever a majority of the inhabitants of any town or village within this State who shall be qualified electors under the Constitution and laws of this State, and shall have resided in such town or village thirty days, shall present a petition to the Board of Supervisors of the county, setting forth the metes and bounds of their town and commons, with a plat of the same, and praying to be incorporated and a police established for their local government or for the preservation and regulation of any commons appertaining to such town; and the Board of Supervisors shall be satisfied the population of such town exceeds two hundred in number and that a majority of the inhabitants have signed the petition, the said Board shall declare such town incorporated, designating in such order, the metes and bounds of the town which shall in no case include an area of more than three square miles, which order together with the petition and town plat, shall be entered on the records of said Board, and thenceforth the inhabitants within such bounds shall be a body politic and corporate, by name and style of the "Inhabitants of the Town of" (naming it,) and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued in all courts, grant, purchase, hold and receive property, real and personal, within such town and no other, (burial grounds and cemeteries excepted,) and may lease, sell and dispose of the same, for the benefit of the town, and may have a common seal and alter it at pleasure.

SEC. 2. The corporate powers and duties of every town incorpo-

rated under this Act, shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of the town on the first Monday of May in each year and shall hold their offices for the term of one year and until their successors are chosen and qualified; *provided*, that the first Board of Trustees and the other town officers hereinafter mentioned, shall be chosen in like manner, at some time and place to be designated by the Board of Supervisors in the order incorporating said town, which time shall not exceed twenty days from the date of such order; and the Trustees, so chosen, shall hold their offices until the first Monday of May next ensuing and until their successors are elected and qualified.

How vested
Election.

Term of office.

Proviso.

Duties of
Trustees.

Clerk.

Powers of
Trustees.

Same.
Contested
elections.

Yeas and nays.

Powers of
Trustees.

Licensing.

Markets.

Public works.

Tax.

Dogs.

Police.

Fines.

How imposed.

SEC. 3. The Board of Trustees shall assemble within ten days after their election, and choose a President from their number, and some person as Clerk; they shall, by ordinance, fix the times and places of holding their stated meetings, and may be convened by the President at any time.

SEC. 4. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business, 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.

SEC. 5. The Board of Trustees shall judge of the qualification, election and returns of their own members, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence, and with the concurrence of four of the Trustees, expel any member, but not a second time for the same cause; they shall keep a journal of their proceedings, and at the desire of any member, shall cause the yeas and nays to be taken on any question and entered on the journals, and their proceedings shall be public.

SEC. 6. 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; to prohibit disorderly conduct; to provide for licensing public shows, lawful games and bars at which spirituous liquors are sold; to regulate and establish markets; to construct and keep in repair wharves, construct pumps, aqueducts, reservoirs or other works necessary for duly supplying the town with water; to lay out, alter, keep open and repair the streets and alleys of the town; to provide such means as they may deem necessary to protect the town from injuries by fire; to levy and collect annually a tax on all property in the town, not exceeding one per cent. on the assessment valuation thereof; to impose and collect a poll tax of not exceeding one dollar per annum, on every male inhabitant of twenty-one years of age, and upwards; to impose and collect a tax on dogs of not exceeding six dollars per annum, on every dog found at large within the incorporate limits of the town, and to pass such other by-laws and ordinances for the regulation and police of such town as they may deem necessary.

SEC. 7. The Board of Trustees may impose fines for the breach of their ordinances, but no fine shall be inflicted on any one person, for any one breach of any ordinance, of more than one hundred dollars, which fine may be recovered before any Justice of the Peace having his office within the incorporate limits of the town, or before the Town Recorder, by suit in the name of the inhabitants of the

town (naming it), and collected by execution, or in such other manner as fines imposed by the laws of this State are collected, and persons living in the town shall be competent jurors and witnesses, if in other respects competent and qualified. All fines collected in pursuance of this Act shall, by the officer collecting the same, be paid over to the treasury of the corporation; and for any omission to do so, such officer may be proceeded against upon his bond, in the name of the corporation, in the manner authorized by law in the case of the failure of such officer to pay over money collected.

Town officers
elected.
Treasurer.
Assessor.
Marshal.
Recorder.

SEC. 8. There shall be chosen in every town incorporated under this Act, a Treasurer, Assessor and a Marshal, who shall also be the Collector of all taxes levied by the Board of Trustees. The Board of Trustees may also order the election of a Town Recorder at each regular town election, if they or a majority of them shall deem such an officer necessary, who shall receive for his services the same fees as are, or may be, allowed Justices of the Peace for the like services. The mode of election and term of office of the officers recited in this section, shall be the same as is prescribed in section two of this Act, in regard to the office of Trustees. The Board of Trustees shall have power to establish such other offices as they may deem necessary, to be filled in such manner as they may designate, and subject to the provisions of this Act. They shall prescribe the duties and fix the compensation of all town officers.

Mode of election.

Other officers.

Recorder.
Powers of.

SEC. 9. The Recorder, as to offenses committed within the town, shall have like jurisdiction as now is, or may hereafter be, conferred upon Justices of the Peace, and he shall also have jurisdiction over all violations of the town ordinances, and may, according to the provisions of such ordinance, hold to bail, fine or commit to prison any person found guilty of any violation thereof.

Qualification for
office or electors.

First election.

Vacancy.

SEC. 10. Any person shall be qualified to hold any town office, or vote for any town officer, who shall be a qualified elector under the Constitution and laws of this State, and who shall have resided in the town thirty days next before the election. At the first election, if ordered by the Board of Supervisors, said Board shall appoint three Judges; to hold and conduct the same. All subsequent elections shall be conducted by three Judges, appointed by the Board of Trustees. In case of a vacancy in any town 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. The like notice shall be given in all cases of elections of town officers, except the first election. In cases where the unexpired term of an office vacant is three months and under, the Board of Trustees, or a majority of them, may appoint an officer to fill the vacancy, until the next annual town election. Should any of the Judges appointed to hold any town election, fail to attend, the electors present may appoint others in their stead. The Judges of Election may appoint two Clerks; and all elections for town officers shall be conducted in the same form and manner, and according to the laws regulating elections, and the Judges of Election shall deliver certificates of election to the persons chosen at the first election under this Act; and all subsequent elections, the returns shall be made to the Board of Trustees, who shall issue certificates of election to the person having the highest number of votes.

Trustees may
appoint.

Election.

Returns.

Oath of office

SEC. 11. All officers of the corporation, before entering upon the duties of their office, shall take the oath prescribed in the Constitu-

tion; and the Treasurer, Assessor and Marshal, shall give bond for the faithful performance of the duties of their respective offices, payable to the corporation by its corporate name, to be approved by the Board of Trustees, in such penalties as said Board by ordinance shall have prescribed; and a like bond may be required from any other officer whose office may be established by the Board. If from any cause such bond shall have become insufficient, in the opinion of the Board, they may require of any officer such additional bond as they may deem necessary.

Bond.

Additional bond.

SEC. 12. If any person fail to pay any tax levied upon his real or personal property, the Town Collector may recover the same by suit, in the name of the corporation, before any court of competent jurisdiction, together with all the costs of such suits.

Manner of enforcing the collection of taxes.

SEC. 13. The President of the Board of Trustees shall, on the first days' of March and September of each year, make out a full and correct statement of all moneys received and expended, from whom and for what purpose received, and to whom and for what purpose expended during the six months next preceding, and shall cause such statement, within ten days thereafter, to be published in some newspaper printed in the town, if there be any, and if not, then he shall, within said time, cause such statement to be put up in three of the most public places in said town.

President of Trustees to report.

SEC. 14. If the President of the Board of Trustees, of any town, shall at any time neglect to make and cause such statement to be published as required by this Act, he shall forfeit for every such neglect, the sum of five hundred dollars, to be recovered by suit in any court of competent jurisdiction, one half whereof shall be to the use of the town and the other half to the use of any person who may bring a suit for the collection of the said forfeit.

Penalty for neglect of duty.

SEC. 15. The President of the Board of Trustees shall cause to be printed or published, all the by-laws and ordinances of the Board for the information of the inhabitants and cause the same to be carried into effect. In case of the absence of the President at any meeting of the Board, the Board may appoint a President *pro tem*. Should any of the Trustees or any other town officer, remove from the town, absent himself therefrom for more than thirty days without leave of the Board, or refuse or neglect to qualify within ten days after his election, or if bond is required of him, neglect or refuse for the said time, to give bond, his office shall be thereby vacated.

Ordinances to be published.

Vacancies.

SEC. 16. Any town sought to be incorporated under existing laws and now exercising the franchises of a municipal corporation, shall, upon the petition of the acting Board of Trustees, or a majority of them, signed in their capacity as private citizens, to the President of the Board of Supervisors; such petition complying with the provisions of section one of this Act so far as the setting forth of the metes and bounds of the town and commons, and the plat of the same is concerned, be upon the order of said President of the Board of Supervisors, considered incorporated and subject to all the rights, privileges and liabilities of this Act. Whenever any town shall be incorporated, under the provisions of this Act, all other laws incorporating the same, or made to regulate the internal police of said town, shall be considered as repealed.

Present incorporated towns.

How changed.

Laws repealed.

SEC. 17. The Board of Supervisors of each county shall have power to disincorporate any town which may have been incorporated under this Act, upon the petition of three-fourths of the legal voters

Manner of disincorporation.

of such town, but no corporation shall be dissolved by virtue of this Act, unless it shall appear to the satisfaction of the Board that notice has been given of the intended application for a dissolution of the corporation, by advertisements in a newspaper printed in the town, praying to be disincorporated, or posted in writing, in three of the most public places in said town, for at least sixty days prior to such application, nor until all the liabilities of such town have either been paid or secured, to the satisfaction of the Board of Supervisors.

Rights not affected.

SEC. 18. No dissolution of any corporation under this Act shall invalidate or affect any right, penalty, or forfeiture accruing to such corporation, or invalidate or affect any contract entered into or imposed upon such corporation.

Trustee for dissolved corporations.

SEC. 19. Whenever the Board of Supervisors shall dissolve any corporation, they shall appoint some competent person to act as Trustee for the corporation so dissolved.

Oath of Trustee.

SEC. 20. The Trustee, before entering upon the discharge of his duties, shall take and subscribe an oath before some Judge or Justice of the Peace, that he will faithfully discharge the duties of his office, and shall, moreover, give bond with sufficient sureties, to be approved by the Board of Supervisors, to the use of such disincorporated town, conditioned for the faithful discharge of the duties of his office.

Bond.

Powers of Trustee.

SEC. 21. The Trustee shall prosecute to final judgment, and defend all suits instituted by or against the corporation, collect all money due the same, liquidate all lawful demands against the same, and for that purpose shall sell and convey any property belonging to such corporation, or so much thereof as may be necessary, and generally to do all acts required to bring to a speedy close all the affairs of the corporation; and he shall make a report of his proceedings to the Board of Supervisors of the county, at each session of the Board.

Present duties.

SEC. 22. The Trustees shall pay over to the Board of Supervisors, from time to time, such money as may come into his hands; and when he shall have closed the affairs of the corporation, shall make a final settlement thereof to the Board, and deliver up all books, records, papers, deeds, and all other effects, belonging to the dissolved corporation. Such Trustee shall receive for his services such compensation as the Board shall deem reasonable.

Final settlement

Salary.

Revenue.

How disposed of.

SEC. 23. If any town disincorporated, as aforesaid, have an annual revenue accruing thereto, the same shall be paid to the Board of Supervisors by the person owing the same; and all moneys thus paid, as well as all moneys paid to the Trustees, shall be held and disposed of by the Board for the benefit of such town, and may be applied by the Board to any specific object, upon the petition of a majority of the taxable inhabitants of said town.

How appropriated.

SEC. 24. All moneys arising from the collection of taxes, fines, penalties and forfeitures, shall be appropriated by the Board of Trustees towards the carrying out of those objects which, by this Act, are placed under their control and jurisdiction, and to none others.

Acts repealed.

SEC. 25. An Act entitled "An Act to Provide for the Incorporation of Towns," passed March the twenty-seventh, one thousand eight hundred and fifty, and "An Act Amendatory of, and Supplementary to, the Same," passed March twenty-seventh, one thousand eight hundred and fifty-five, are hereby repealed.

Trustees shall not create debts to exceed \$3,000.

SEC. 26. The Board of Trustees of any town incorporated under this Act, shall have no power to contract liabilities, either by borrowing money, loaning the credit of the town, or contract any debt

or debts which, singly or in the aggregate, shall exceed the sum of three thousand dollars.

CHAPTER CXXXIV.

AN ACT

For Securing Liens to Mechanics and Others.

[Approved April 19th, 1856.]

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

SECTION 1. All artisans, builders, mechanics, lumber merchants, and all other persons performing labor or furnishing materials for the construction or repairing of any building, wharf or other superstructure, shall have a lien on such building, wharf or superstructure, for the work and labor done, or material furnished by each respectively.

Lien to artisans,
etc.

SEC. 2. Every person wishing to avail himself of the benefits of this Act, shall file in the Recorder's Office of the county in which such building, wharf or superstructure is situated, within sixty days after the completion of such building, wharf or superstructure, a just and true account of the demand due him, after deducting all proper credits and assets, and shall verify said account by his own oath or the oath of some other person, and shall also file at the same time a correct description of the property to be charged with said lien. If such lien is claimed by a sub-contractor, journeyman or other person performing labor or furnishing materials, the account aforesaid shall be filed within thirty days after the work was done or the materials was furnished by him; and within five days after filing such account as aforesaid, he shall serve a copy thereof on the owner or owners of such building, wharf or superstructure, or the agent of such owners, if the latter reside out of the county in which such building, wharf or superstructure is situate. If such owner do not reside within the county, and have no agent therein, service of the copy aforesaid may be made by posting the same in a conspicuous place on the building, wharf or superstructure to be charged with such lien.

Accounts to be
filed, etc.

Oath.

Description of
property.

Sub-contractors.

To serve copy on
owners.

Non-resident
owners, by
posting.

SEC. 3. On being served with a notice by a sub-contractor, as provided in the last preceding section, the owner of such building, wharf or superstructure, shall withhold from the contractor, out of the first money due, or to become due, to him under the contract, a sufficient sum to cover the lien claimed by such sub-contractor, journeyman or other persons performing or furnishing materials, until the validity thereof shall be ascertained by a proper legal proceeding, if the same be contested; and if so established, the amount thereof shall be a valid offset to that extent in favor of the owner against the contractor. But no attachment served on the funds in the hands of the

Owner shall
withhold, etc.

Offset against
contractor.

Attachments.	owner of such building, wharf or superstructure, for claims other than those expressed in this Act, shall lie against the liens created by this Act, nor shall the owners be held or legally bound to answer such attachment until all claims under the contract or liens by this Act shall first be satisfied.
The lot subject to lien.	SEC. 4. The land upon which any building or superstructure shall be erected, together with a convenient space around the same, or so much as may be required for the convenient use and occupation of the premises, shall also be subject to the lien created by this Act, if at the time the work and labor was done, or materials furnished, the said land belonged to the person who caused the said building or superstructure to be erected; but if such person owned less than a fee-simple estate in such land, then only his interest therein shall be subject to said liens, and the liens created by this Act shall be preferred to every other lien or incumbrance which shall have attached upon the said property subsequent to the time at which the work was commenced or the materials furnished; but nothing herein contained shall be construed as imposing any valid incumbrance upon the said land, duly made and recorded before such work was commenced or materials furnished.
Qualification.	
Preferred liens.	
Exception.	SEC. 5. The account required to be filled by the second section of this Act, shall specify that it is the intention of the holder thereof to claim a lien upon the premises sought to be charged therewith; and it shall be the duty of the Recorder to file and record such notice and account in a separate book, provided for the purpose, and from the time of such filing, all persons shall be deemed to have notice thereof.
Account to specify.	
Book for liens.	
Suit on liens to be brought within six months.	SEC. 6. No such lien shall bind any building, wharf or superstructure for a longer period than six months after filing the same, unless suit be brought in a proper court within that time to enforce the same; or, if a credit be given, then within six months after the expiration of the 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.
Exceptions. Not binding after two years.	
Enforcement of liens.	
Publication of notice.	SEC. 7. Said liens may be enforced by suit in any court of competent jurisdiction, on setting forth in the complaint the particulars of such demand, with a description of the premises sought to be charged with said lien, and if the same shall be established by the judgment of the court, then it shall be the duty of the court to cause a notice to be published, for at least ten days, in some newspaper published in the county, if there be one, and if not, then in such mode as the court shall direct, notifying all persons holding or claiming liens on said premises, to be and appear in said court on a day to be therein specified, and to exhibit then and there the proof of said liens. On the day appointed, the court shall proceed to hear and determine the said claims in a summary way, or may refer the same to a referee to ascertain and report upon said liens, and the amount justly due thereon; and all liens not so exhibited and proved shall be deemed to be waived in favor of those which are so exhibited; on ascertaining the whole amount of said liens with which the said premises are justly chargeable as hereinbefore provided, the court shall cause said premises to be sold in satisfaction of said liens, and the costs of suit; and if the proceeds of such sale shall not be sufficient to satisfy the whole of such liens established as aforesaid, then the same shall be apportioned according to the respective rights of the several parties.
How court may proceed.	
Waiver of lien.	
Sale of premises.	
Distribution.	

SEC. 8. Nothing herein contained shall be construed to take away, or affect in any manner, any action which any such contractor, laborer, sub-contractor, or other person performing labor or furnishing materials for such building, wharf or superstructure, would otherwise have against his employer. Right of action.

SEC. 9. The holder of such lien, filed as aforesaid, on payment thereof, shall enter satisfaction of the same of record, at the request of any one interested in the property charged with the lien, within ten days after such request, on the payment of the costs of such entry; and on failure to enter such satisfaction, shall forfeit and pay 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 are recovered. Satisfaction of lien entered.
Penalty.

SEC. 10. Any mechanic or artisan 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 or artisan 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. Liens on personal property.
Mechanic may withhold and sell.
Notice of sale.
Proceeds.
Surplus.

SEC. 11. Nothing contained in this act shall be deemed to apply to, or affect, any lien heretofore acquired, and an Act entitled, "An Act to Provide for the Lien of Mechanics and Others," passed April twelve, one thousand, eight hundred and fifty, and all other Acts inconsistent with the provisions of this Act are hereby repealed. Liens heretofore required.
Repealing clause.

SEC. 12. 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, and 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 as 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. For grading lots.

SEC. 13. When any person shall make an express contract, in writing, with the owner or owners of any lot or lots, in any incorporate 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 tenant 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 such lot or lots for the amount contracted to be paid; and all the provisions of this Act respecting the mode of recording, securing and enforcing mechanics' liens, shall apply thereto. On lots in actual possession, etc.

CHAPTER CXXXV.

AN ACT

Concerning the War Debt of this State, and Providing for the Redemption thereof.

[Approved April 19th, 1856.]

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

- Commissioners. SECTION 1. Samuel B. Smith and J. W. Denver, are hereby constituted and appointed a Board of Commissioners, to be called the "Commissioners of the War Debt of the State of California," whose
- Duties of. duty it shall be to prosecute before the Secretary of War of the United States, or any officer or Department of the General Government, the claims of the State of California, for moneys expended, or expenses incurred, in the suppression of Indian hostilities within the State, under and by virtue of the Army Appropriation Act of the United States, approved August fifth, one thousand eight hundred and fifty-four; or by virtue of any Act hereafter to be passed during the present session of Congress in relation thereto; and also to arrange for the appropriation of such moneys as may be allowed to this State under said Act or Acts, to the payment of the War Bonds heretofore issued under the laws of this State, for the suppression of such Indian hostilities, and to discharge such other duties, and in the manner, as is hereinafter directed.
- To receive all papers relative to debt. SEC. 2. Either of said Commissioners are authorized to receive from the Secretary, Treasurer, or Controller of State, or any Department of the State Government, all the documentary evidence which said officers, or either of them, may be in possession of, or have under their control, together with all the original vouchers, or exhibits of any kind whatsoever existing, relative to the creation and settlement of the indebtedness incurred by the State of California, prior to the first day of January, one thousand eight hundred and fifty-four, in the suppression of Indian hostilities aforesaid, and to use the same for the purpose of prosecuting the claims aforesaid. And it shall be the duty of the State officers before-mentioned, to deliver to either of said Commissioners, on demand in writing, all such documents, books, papers and vouchers as are herein referred to.
- State officers shall deliver all papers. SEC. 3. The said Commissioners shall, at as early a period as practicable, in the City of Washington, District of Columbia, organize said Board, and from time to time, as convenient, and as necessity may require, exhibit to the Secretary of War, or such officer or officers of the General Government as may be authorized to examine and settle said claim, such vouchers, or other evidence of said claim, which they may become possessed of, as aforesaid; also, to present such other evidence, either oral or written, which said Commissioners may be able to obtain, respecting said indebtedness, or any part thereof; and diligently, and as speedily as possible, prosecute said
- Organization.
- Present claims to Department at Washington.

claim, and endeavor to procure the allowance to the State of California of the sum mentioned in said Act of Congress, to wit: the sum of nine hundred and twenty-four thousand, two hundred and fifty-nine dollars and sixty-five cents; and to procure from the Secretary of War a written acknowledgment of such claim in full, or the amount to which the same may be allowed.

SEC. 4. The moneys which may be allowed by the Secretary of War, or other officer of the United States Government, by law authorized to settle and adjust such claim, shall be appropriated to the payment and discharge of the War Bonds of the State of California, as follows:

First. If the amount so allowed shall equal or exceed the aggregate amount of the principal and interest of the War Bonds, issued under an Act of this State, approved February fifteenth, one thousand eight hundred and fifty-one, commonly known as the Twelve Per Cent. Bonds, said Commissioners shall advertise in two daily papers, in each of the Cities of Washington, Philadelphia, New York and Boston, inviting the holders thereof to come forward and present the same for redemption, at or before a period to be designated in said advertisement, which shall not exceed thirty days from the publication of said notice. On and after the expiration of the time mentioned in said notice, said bonds shall cease to pay interest. An amount sufficient to pay the principal and interest of the Twelve Per Cent. Bonds, shall be retained and set apart by the said Commissioners for that purpose exclusively, and paid to the owners or holders thereof by the Secretary of War, as hereinafter directed.

Second. After setting apart and designated a sum sufficient to pay and discharge the Twelve Per Cent. Bonds and interest coupons as aforesaid, the Commissioners shall, by advertisement in the manner as before indicated, invite the holders of the Seven Per Cent. War Bonds, to present to said Commissioners sealed proposals for the redemption of such of said bonds as they may hold, setting forth in said advertisement the amount of the outstanding bonds to be redeemed, with interest computed up to the time when they propose to redeem them, also the amount of money set apart for their redemption. Said notice shall also state the time and place when such bids will be received, and notify bidders that such proposals must contain a statement of the amount of the bonds, date thereof and numbers, and distinctly indicate the rates at which they are willing to redeem principal and interest. Such notice shall be given for a period not less than thirty nor more than sixty days, and at the period indicated, such bids shall be opened in the presence of any persons who may choose to be present, and a record made of each separate bid in a book to be provided for the purpose, and after due examination shall award their acceptance of bids, first to such as purpose to redeem for the least amount, and so proceeding to accept bids in regular order as they may be most favorable to the State, until the amount so accepted shall equal the sum of money remaining for their redemption; *provided*, in no case shall a bid be accepted on terms exceeding principal and interest. And in case the same bond or bonds shall be described or included in more than one proposal, the acceptance of a bid shall only be awarded to the bidder proposing to take the least amount therefor, neither shall a bid be permitted to be withdrawn or altered after being once submitted, nor shall any award or payment be made on proposals not submitted as herein indicated.

Procure appropriation.

Written acknowledgment.

Appropriation.

Advertising for proposals.

Time.

Interest ceases.

Fund set apart.

Seven Per Cent. Bonds.

Proposals for redemption.

Interest.

Time and place of receiving bids.

Time of notice.

Opened in presence of.

Mode of redemption.

Proviso.

Principal and interest.	SEC. 5. In the redemption of said Twelve Per Cent. War Bonds, it shall be the duty of said Commissioners to examine and compute the amount of principal and interest due up to the time of presentation for redemption, if before the period indicated when they shall cease to bear interest, otherwise at the period so indicated; also on the Seven Per Cent. Bonds upon the terms indicated in such accepted proposals, to compute the amount of principal and interest due on each separate bond and coupon, and indorse the same on the back thereof, with the names of said Commissioners as evidence of its correctness, and an order also indorsed thereon directed to the Secretary of War, to pay such amount; and the Secretary of War is thereupon authorized, and is hereby directed, to pay the holders of such bonds the amount directed to be paid by such Commissioners, and he shall, for the time being, until a settlement be made with said Commissioners, retain said bonds and coupons as vouchers against the State for so much as may be indorsed on said bonds by said Commissioners. Whensoever any of the interest coupons shall be severed from the bond, the calculation for the payment shall be made only on the bond and remaining coupons, and no payment shall be made or authorized on coupons detached from the bond.
Seven Per Cent. Bonds.	
Indorsement.	
Order on Sec'y of War, etc.	
Secretary of War to retain, etc.	
Coupons severed from the bond.	
Office hours of Commissioners.	SEC. 6. Said Commissioners shall attend at their office daily, Sundays excepted, between the hours of ten o'clock, A. M. and four o'clock, P. M., for the transaction of business connected with the commission, and shall continue their sittings until thirty days from the day they shall award their acceptance on the proposals for redemption of the Seven Per Cent. Bonds, during which time said bonds and coupons shall be presented to them for the certificate herein mentioned, and the payment by the Secretary of War; after which time said Commissioners shall have no power or authority to transact any business connected with said commission, further than making settlement with the Secretary of War, and making reports thereof, with the presentation and filing the vouchers and record, as herein-after specified.
Length of time Commissioners shall hold session	
Mode of canceling bonds, etc.	SEC. 7. Immediately after the expiration of the period mentioned in the last preceding section of this Act, said Commissioners shall proceed to settle and adjust with the Secretary of War, the amounts paid by him, on such certified bonds and coupons, and shall take up and have canceled such bonds and coupons as have been so paid, and in lieu thereof shall give their receipt, in such manner as he shall prescribe, for the aggregate sum so paid on such bonds and coupons. Said bonds and coupons, certified as herein prescribed, and paid by the Secretary of War, until the receipt of said Commissioners shall be given, as herein indicated, and thereafter when such receipt shall have been given by said Commissioners to the Secretary of War shall, to the extent of such amounts paid, constitute a release, discharge and acknowledgment of payment on the part of the State of California to the United States Government and the Secretary of War, as effectually and fully as if said sum were paid into the treasury of the State of California, under the provisions of the Act of Congress referred to making said appropriation to the State of California.
Bonds, coupons and duplicate receipts, etc.	SEC. 8. It shall be the duty of said Commissioners to file the bonds and coupons so paid and canceled, also a duplicate copy of the receipt or receipts, given to the Secretary of War, together with the books and records of their proceedings, in the office of Controller of

this State; and make a full and complete report of their proceedings as early as practicable to the Governor of the State of California.

SEC. 9. Of the amount of money which may be allowed the State of California, by the Secretary of War, under the Act of Congress referred to, passed August fifth, one thousand eight hundred and fifty-four, or any other or amendatory or supplementary Act thereto, which has been, or may be, passed by the present Congress, making to this State any allowance on account of any expenses incurred in Indian wars, if there shall remain any balance unappropriated, as indicated herein, in the payment and cancellation of said War Bonds, or if from any cause said money, which may be allowed or any part thereof, can not be paid in the manner prescribed by this Act, then it shall become the duty of the Governor, Controller and Treasurer of this State to make such arrangements as they may deem most conducive to the interest of the State, for the transmission of such remaining sum to this State, to be paid in the State Treasury, to be called the War Loan Fund; also to provide with such remaining sum for the redemption and cancellation of any outstanding War Bonds at the State Treasury, by giving public notice in three or more daily newspapers published in this State, for the redemption of said bonds and proposals shall be accepted, and the bonds and coupons redeemed by the State Treasurer, in the same manner, as nearly as practicable, as provided in this Act, for their redemption by the said Commissioners and the Secretary of War.

Surplus after paying bonds.

Balance to be paid to State Treasury. Redemption of outstanding bonds. Publishing notice.

SEC. 10. Any of the duties which are by this Act required to be performed by said Commissioners, may be done by any two of them with the same legal and binding effect as if done by them all, and if designated for such purpose by the Secretary of War of the United States, any other officer of the General Government may perform any of the duties in connection with the settlement, adjustment and payment of the claims, bonds and coupons herein referred to, with like effect as if done by the Secretary of War as aforesaid.

Two Commissioners may act.

Any officer may act, etc.

SEC. 11. If from non-acceptance of said office, death or resignation, any vacancy shall occur in the Board of Commissioners hereby created, the Governor shall have power to fill such vacancy with like powers, duties and privileges as such member of the Board originally possessed in whose place such appointment may be made.

Vacancy in Commission.

SEC. 12. A. J. F. Phelan is hereby constituted and appointed Clerk to the Commissioners herein-before named, whose duty it shall be to proceed to the City of Washington and remain with said Board as long as they may deem his services necessary; said Clerk to act under the direction of said Commissioners, or either of them; and in the event of his failure or refusal to comply with the directions of said Commissioners, the said Board may remove him from office and appoint in his stead such person as they may deem proper; *provided*, the full amount to be paid to the said Phelan, or to such person as may be appointed in his stead, shall not, in the aggregate, exceed the sum of three thousand eight hundred dollars. The Clerk of the Board shall, on the completion of the duties devolving upon him by this Act, or from time to time as may be deemed proper by the Governor and Controller of State, receive compensation for his services and traveling expenses, said amount to be fixed by the Governor and Controller aforesaid, but shall not, in the aggregate, exceed the sum of three thousand eight hundred dollars; and on the order of said Governor, the Controller shall issue warrants not exceeding said sum,

Clerk of Board.

Duties of.

Commissioners may remove. Right to appoint. Proviso.

Salary.

Payment of.

to be paid out of any moneys in the State Treasury not otherwise appropriated.

Expenses. SEC. 13. For the purpose of defraying the incidental expenses of said Board of Commissioners, the sum of one thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, and the Controller is authorized to draw his warrant for such amount on the written order of either of said Commissioners.

Bonds to be given.

SEC. 14. The said Samuel B. Smith shall execute a good and sufficient bond to the State of California, in the sum of twenty thousand dollars, and the said A. J. F. Phelan shall execute a bond in the sum of five thousand dollars; each of which bonds shall be approved by the Governor, and conditioned for the faithful performance of the duties imposed by this Act; and after executing said bonds, and before entering upon their official duties, they shall each take and subscribe an oath of office before some Judge, or Justice of the Peace, or Notary Public, of this State, which said oath and bonds required to be given by this section, shall be filed in the office of the Secretary of State, within ten days from and after the passage of this Act; upon a failure to comply with the foregoing provisions, the office or officers hereby created, shall be deemed vacant, and the power to fill the same is hereby vested in the Governor of this State.

Oath.

Filed in Sec'y of State's office.

Explanation of bonds.

SEC. 15. The War Bonds of the State of California, herein respectively referred to as Twelve Per Cent. Bonds and Seven Per Cent. Bonds, shall be understood as descriptive of such War Bonds as were issued by authority of, and under the provisions of, an Act of this State, passed February fifteenth, one thousand eight hundred and fifty-one, entitled "An Act Authorizing the Treasurer of State to Negotiate a Loan upon the Faith and Credit of the State, for the Purpose of Defraying the Expenses which have been, and may be, Incurred in Suppressing Indian Hostilities in this State, in the Absence of Adequate Provisions being made by the General Government;" also an Act approved May third, one thousand eight hundred and fifty-two, entitled "An Act to be Entitled an Act Authorizing the Treasurer of the State to Issue Bonds for the Payment of the Expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians."

Appropriation.

SEC. 16. The sum of five thousand dollars is hereby appropriated in payment of the services of the said Samuel B. Smith, as Commissioner under this Act; and it is hereby made the duty of the Controller of this State to draw his warrant upon the State Treasurer for one-half of said sum in favor of the said Samuel B. Smith, so soon after he shall have qualified, as he may be requested so to do by the said Smith. The remainder of said sum shall be paid to said Smith whenever he shall have performed the duties imposed upon him by this Act, or whenever, in the discretion of the Governor, it shall seem proper.

Payment to S. B. Smith.

Repealing clause.

SEC. 17. So much of said Act, referred to in the last preceding section, as conflicts with the provisions of this Act, is hereby repealed.

CHAPTER CXXXVI.

AN ACT

To Authorize the Funding of the Debt of the City of San José; and to Provide for the Payment of the Same.

[Approved April 19th, 1856.]

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

SECTION 1. The City of San José is hereby authorized to fund its debt contracted prior to the first day of January one thousand eight hundred and fifty-six; and to that end, the Mayor, President of the Common Council and Treasurer of said city, shall constitute a Board of Commissioners to be styled "The Commissioners of the Funded Debt of the City of San José," and shall have and exercise the powers and perform the duties hereinafter provided, and the Clerk of the Common Council shall be *ex officio* Secretary of said Board.

Fund
Commissioners.

Secretary.

Sec. 2. The said Commissioners shall cause to be prepared and shall have power to issue, on behalf of said city, bonds to an amount not exceeding in all, the sum of forty thousand dollars, bearing interest at a rate not to exceed twelve per centum per annum, of the denomination of five hundred dollars and one hundred dollars each, respectively, with coupons for interest attached, which bonds shall be made payable at the Treasurer's office in said city, on or before the first day of January one thousand eight hundred and sixty-seven; and the interest on the same shall be made payable by the Treasurer of said city at his office, annually, on the first day of January, on presentation of the respective coupons therefor. Every bond so issued shall be signed by the Mayor of said city and by the Secretary of said Board and be authenticated with the corporate seal of the City of San José, and shall purport that the city owes the holder thereof the sum named in the bond payable and bearing interest as aforesaid. The coupons for interest shall also be signed by the Mayor and Secretary of the Board.

Bonds.

Amount.
Interest.

Denomination.

Coupons.
When and where
payable.

Interest.

Signed.

Seal.

Coupons.

Sec. 3. The said Board of Commissioners shall cause the bonds issued by them to be sold in such manner as the Common Council shall by ordinance provide; but said bonds shall not be sold at a rate lower than ninety-five cents on the dollar and the proceeds thereof they shall pay over to the City Treasurer, who shall apply it to the payment and redemption of such evidences of indebtedness as were issued before the first day of January, one thousand eight hundred and fifty-six, and which shall have been decided by the Board of Commissioners as equitable indebtedness of said city.

Council to
provide, etc.

Proceeds.

Disposition of.

Sec. 4. It shall be the duty of the Secretary of said Board to attend the meetings of the Board and to keep a minute of their proceedings. He shall also keep a register of the amount of the blank bonds received and of the amount of each bond issued, its

Duties of
Secretary.

Compensation of Secretary.	number and when payable. Said Secretary shall be entitled to receive such compensation for his services as the Common Council shall deem reasonable.
Council to levy Special Tax.	SEC. 5. It shall be the duty of the Common Council of said city to cause to be levied, annually, a special tax on the real and personal property of said city in addition to tax for current expenses, sufficient to redeem at least four thousand dollars of the principal of said bonds annually, and also sufficient to pay the interest accruing annually, until said bonds are paid. No appropriation shall be made out of the yearly revenue arising from taxation of the real and personal property of said city until sufficient money shall have been set aside to pay the interest upon all the bonds outstanding. There shall also be set aside from each yearly revenue derived from taxation upon the real and personal property of said city, the further sum, as above provided to be levied, of four thousand dollars as a sinking fund for the redemption of said bonds.
Amount.	
Yearly revenue set apart, etc.	
Term of office of Commissioners.	SEC. 6. The term of office of said Board of Commissioners shall expire on the second Monday of July, one thousand eight hundred and fifty-six, or at such time previous thereto, as they shall have completed all the business submitted to them, when they shall turn over all their books, papers and accounts, to the Clerk of the Common Council.
Books, papers.	
Duty of City Treasurer.	SEC. 7. On the first day of January, one thousand eight hundred and fifty-seven and annually thereafter, it shall be the duty of the City Treasurer, from the moneys in his hands set aside and appropriated for that purpose, to pay the annual interest on the bonds outstanding and also to redeem four thousand dollars of the principal of said bonds by previously advertising for two weeks in some public newspaper published in the County of Santa Clara, for proposals for the redemption of said bonds. The Treasurer shall open the sealed proposals at the time and place specified in the publication, in presence of the Mayor of said city and such persons as choose to be present, and shall accept only of such bids as shall cancel the greatest amount of said bonds; <i>provided</i> , that no bonds shall be redeemed at a rate greater than one hundred cents for one dollar in bonds, unless otherwise directed by ordinance of the Common Council.
Proposals, etc.	
Bids. Proviso.	
Commissioners to give bond.	SEC. 8. The said Commissioners shall, before entering upon the discharge of their duties, file with the Clerk of the Common Council a joint and several bond in the penal sum of twenty thousand dollars, to be approved by the Common Council, and conditioned for the faithful performance of their duties. Each member of said Board shall receive such compensation for his services as the Common Council shall deem reasonable, which shall not exceed one hundred dollars each.
Amount.	
Salary.	
Common Council.	SEC. 9. The Mayor and Common Council of the City of San José, shall have power to pass any ordinance necessary to carry into effect the provisions of this Act.

CHAPTER CXXXVII.

AN ACT

To Fund the Indebtedness of the State now Existing in the Form of Controllers' Warrants Drawn on the General Fund, or that may be Outstanding on the 1st of January, 1857, or Warrants Issued for Indebtedness Accruing prior to the 1st of January, 1857.

[Approved April 19th, 1856.]

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

SECTION 1. That for the purpose of funding so much of the indebtedness of the State as remains unpaid on the first of January, one thousand eight hundred and fifty-seven, as evidenced by State Controllers' warrants drawn on the General Fund, or warrants issued after first of January, one thousand eight hundred and fifty-seven, for indebtedness which accrued prior to first of January, one thousand eight hundred and fifty-seven, the Treasurer of State shall cause to be prepared suitable bonds, not to exceed the sum of one million five hundred thousand dollars, of the denomination of five hundred and one thousand dollars, bearing interest at the rate of seven per cent. per annum from the day of their issue payable either in the Cities of New York or San Francisco, or at the State Treasurer's office, at the option of the party or parties to whom such bonds are issued, on the first day of July, one thousand eight hundred and seventy-five; the interest accruing on the said bonds shall be due and payable, either in the Cities of New York or San Francisco, or at the office of the Treasurer of State, on the first days of January and July of each year; *provided*, that the first payment of the interest shall not be made sooner than the first day of January, one thousand eight hundred and fifty-seven. Said bonds shall be signed by the Governor, and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the Seal of State affixed thereto.

SEC. 2. Coupons for the interest shall be attached to each bond so that the coupon may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the Treasurer of State, and it shall be his duty to advertise in one newspaper published in the Cities of New York and San Francisco, at least twenty days immediately preceding the day on which the same shall be due, stating at what place or house the said interest will be paid.

SEC. 3. It shall be the duty of the Treasurer and Controller of State each to keep a separate record of all such bonds as may be issued, showing the number, date and amount of each bond, and to whom the same was issued.

SEC. 4. The sum of one thousand dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, to pay

Funding debt unpaid on 1st of January, 1857.

Treasurer to prepare bonds. Amount. Denomination. Interest, when and where payable.

Bonds, when and where payable.

Proviso.

Signed. Indorsed. Seal.

Coupons.

How signed. Duty of Treasurer.

Treasurer and Controller to keep separate record.

Appropriation.

the expense that may be incurred by the Treasurer in having said bonds prepared.

SEC. 5. From and after the passage of this Act, all persons having any indebtedness of this State, in the form of warrants drawn by the Controller of this State upon the State Treasurer, prior to the first of January, one thousand eight hundred and fifty-seven, or that may be issued after the first of January, one thousand eight hundred and fifty-seven, for indebtedness which accrued prior to January first, one thousand eight hundred and fifty-seven, shall, upon the presentation of the same to the Treasurer of the State of California, receive in exchange therefor a bond or bonds of the State of California, such as are provided for in the first section of this Act. The Treasurer shall indorse on the back of each warrant so redeemed the date on which he redeemed the same, and from whom received, the number of the bond issued in exchange therefor; the indorsement shall be countersigned by the Controller, and each warrant shall be filed in the office of the Secretary of State. The Treasurer and Controller each, shall also keep a record of the same, giving the number of the warrant, date of the same and the amount, and the number of the bond issued thereon, and the Treasurer of State shall not liquidate or pay any of the aforesaid warrants or indebtedness of the State but in the manner herein provided.

Claimants to receive bond in exchange for indebtedness. Instructions, etc.

Filing warrants.

Record of claims, etc.

Special Tax.

Payment of interest. Redemption of bonds.

Surplus.

Duty of Treasurer.

Disposition of surplus.

Treasurer to keep record of funds. Open to inspection.

SEC. 6. For the payment of the principal and interest of the bonds issued under this Act, there shall be levied and collected annually, in the same manner as is provided by law now in force, or which may be hereafter enacted, a tax of ten cents on each one hundred dollars of taxable property in the State, in addition to the taxes for general State purposes; and the fund derived from this tax shall be set apart and applied to the payment of the interest accruing on the bonds herein provided for and the final redemption of the principal of said bonds; and the faith of the State of California is hereby pledged for the payment of the bonds issued by virtue of this Act and the interest thereon, and if necessary, to provide other and ample means for the payment thereof.

SEC. 7. Whenever, on the first day of January or July, one thousand eight hundred and fifty-seven, or upon the first day of January or July in any subsequent year, there remains a surplus after the payment of the interest as herein-before provided, of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise for the space of one month, in one newspaper published in English in the City of New York, and one newspaper published in English in the City of San Francisco, for sealed proposals for the surrender of bonds, issued in accordance with this Act, in such quantity as the holder may desire, not exceeding the amount to be redeemed. He shall state in said advertisement the amount of money he has on hand for the purpose of redemption, and he shall accept such proposal at rates not exceeding par value, as may redeem at the lowest rates named for the bonds, until the amount of cash on hand for redemption is exhausted.

SEC. 8. Full and particular account and record shall be kept by the Treasurer of the condition of the bonds collected in accordance with the provisions of this Act, open at all times to the inspection of the Governor and Controller, and to any committee appointed by the Legislature or either branch thereof.

SEC. 9. It shall be the duty of the Treasurer of this State to

make arrangements for the payment of the interest of the said bonds when the same falls due; and in the event said Interest Fund is insufficient, the said Treasurer shall make up the deficiency from the General Fund; and in the event of the insufficiency of the General Fund, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the credit of the State.

When Interest Fund insufficient.

Authorization to Treasurer.

Duty of Gov'r and Controller.

SEC. 10. It shall be the duty of the Governor and Controller to attend at least once in each month at the Treasurer's office, to examine all warrants received by the Treasurer as aforesaid, and to cause the same to be registered and canceled in such manner as to prevent them from being re-issued or put in circulation.

Employees to give bonds.

SEC. 11. The Treasurer of State having occasion to employ or trust any person or persons in or about the business devolved upon him by the provisions of this Act, shall take for his own security and for the security of the State, such security by bond and mortgage, or otherwise, as shall be approved by the Governor, which bonds and mortgages so approved by the Governor, upon default of the obligor or mortgagor, may be prosecuted in the name of the obligee or mortgagee, for his own use or for the State.

Treasurer to transmit abstract to Governor.

SEC. 12. The Treasurer of the State shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matter, provided for in this Act, shall at all times be open to the inspection of any party interested, or to any committee of either branch of the Legislature, or a joint committee of both.

Books open to inspection,

Restrictions.

SEC. 13. The provisions of this Act shall not authorize the funding of any of those warrants, the registration and indorsement of which were canceled, or required to be canceled, by the provisions of "An Act to cancel the registration and indorsement of certain warrants, and prohibiting the payment of the same," approved, January the thirtieth, one thousand eight hundred and fifty-six; and said warrants, specified in the last mentioned Act, and all alleged indebtedness on which the same were issued, or in any manner appertaining thereto, are hereby expressly excluded from all the benefits and provisions of this Act; *provided*, that nothing in this Act shall authorize funding the indebtedness, unless such indebtedness exist in the shape of Controller's warrants; nor shall the Controller issue warrants for any indebtedness, unless such indebtedness is recognized by direct appropriation.

What warrants excluded.

Proviso.

Instruction to Controller.

CHAPTER CXXXVIII.

AN ACT

To Incorporate the City of Nevada.

[Approved April 19th, 1866.]

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

- SECTION 1.** The people of the City of Nevada shall be a body politic and corporate, under the style of the Trustees of the City of Nevada, and by that name they shall have succession, may complain 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 their common benefit.
- SEC. 2.** The area of the City of Nevada shall be one square mile, having the junction of Broad and Pine Streets in said city for its center.
- SEC. 3.** The corporate powers and duties of the City of Nevada shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of the city on the first Monday of May of each year, and shall hold their offices for the term of one year, and until their successors are chosen and qualified.
- SEC. 4.** The Board of Trustees shall assemble within ten days after their election, and choose a President and Clerk from their number; they shall, by ordinance, fix the times and places of holding their stated meetings, and may be convened by the President at any time.
- SEC. 5.** At all meetings of the Board a majority of the Trustees shall constitute a quorum to do business, and 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.
- SEC. 6.** The Board of Trustees shall judge of the elections, returns and qualifications of their own members, and determine contested elections of all city officers. They may establish rules for their own proceedings, punish any member or other person for disorderly behavior in their presence, and, with the concurrence of four of the Trustees, expel any member, but not a second time for the same cause; they shall keep a journal of their proceedings, and, at the desire of any member, shall cause the yeas and nays to be taken on any question, and entered on the journals; and their proceedings shall be public.
- SEC. 7.** In case of a vacancy in the Board of Trustees, by resignation or otherwise, the remaining Trustees shall have power and be required to fill such vacancy at their next regular meeting.
- SEC. 8.** The Board of Trustees shall have power to make such by-laws or ordinances, not inconsistent with the Constitution and Laws of the United States, and of this State, as they may deem necessary; to prevent and remove nuisances; to prohibit disorderly conduct; to provide for licensing public shows, lawful games, and bars at which
- Style of Incorporation. Boundary. Power—how vested. Trustees elected. Term of office. Duties of Board. Powers, etc. Same. Contested elections. Contempt. Journal. Yeas and Nays. Vacancy. Powers, etc. Licensing.

- spiruous liquors are sold; construct pumps, aqueducts, reservoirs, or other works necessary for duly supplying the city with water; to keep in repair public wells; to lay out, alter, keep open and repair the streets and alleys of the city; 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, not exceeding one per centum on the assessment valuation thereof; to levy and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of age, and upwards; to impose and collect a tax on dogs, not exceeding six dollars per annum, on every dog found running at large within the incorporate limits of the city; to provide for the impounding of swine and cattle, and to pass such other by-laws and ordinances for the regulation and police of said city, as they may deem necessary.
- Sec. 9. The Board of Trustees may impose fines for the breach of their ordinances, not exceeding the sum of one hundred dollars for any one breach of any ordinance, which fine may be recovered before any Justice of the Peace, by suit, in the name of the inhabitants of the City of Nevada, and collected by execution. They may also impose penalties of imprisonment for the breach of their ordinances, not exceeding ten days for any one offense, in the discretion of the Justice of Peace by whom the punishment is assessed. All fines collected in pursuance of this Act shall, by the officer collecting the same, be paid over to the treasury of the city.
- Sec. 10. There shall also be chosen, in the City of Nevada, at each annual election, a Treasurer, Assessor and Marshal, who shall be the collector of all the taxes levied by the Board of Trustees. The Board of Trustees shall have power to establish such other offices as they may deem necessary, to be filled in such manner as they may designate. They shall prescribe the duties and fix the compensation of all city officers, and shall fill, by appointment, all offices becoming vacant by resignation, or otherwise, till the next annual election.
- Sec. 11. Any person shall be qualified to hold any city office, or vote for any city officer, who shall be a qualified elector under the Constitution and Laws of this State, and who shall have resided in the city thirty days next preceding the election.
- Sec. 12. All officers of the city, before entering upon the duties of their office, shall take the oath prescribed by the Constitution; and the Treasurer, Marshal and Assessor, shall give bonds for the faithful performance of the duties of their office, payable to the inhabitants of the City of Nevada, to be approved by the Board of Trustees, in such penalties as the Board, by ordinance, may prescribe. If, from any from any cause, such bond shall have become insufficient, in the opinion of the Board, they may require of any such officer such additional bond as they may think necessary.
- Sec. 13. If any person fail to pay any tax levied upon his real or personal property, the Marshal may recover the same by suit, in the name of the city, before any court of competent jurisdiction, together with all the costs of such suits.
- Sec. 14. The President of the Board of Trustees shall, on the first days of July and January, of each year, make out a full and correct statement of all moneys received and expended, during the six months next preceding, and shall cause such statement, within ten days thereafter, to be published in some newspaper published in the city. For any neglect to comply with the provisions of this section, he shall for-

Public Works.

Streets, etc.

Fire.

Tax.

Poll Tax.

Dog Tax.

Hogs.

Police.

Fines—how imposed, etc.

Penalties—how enforced.

Fines to be paid into Treasury.

Treasurer, Assessor and Marshal chosen.

Other officers.

Duties of officers.

Vacancies.

Qualification of officers, etc.

Oath of office.

Bond.

Additional bond.

Enforcing collection of taxes.

President to report and publish.

Penalty for neglect of duty.

feit the sum of two hundred dollars, to be recovered, with costs, in any court of competent jurisdiction, to the use of the city.

Ordinances to be published. SEC. 15. The Board of Trustees shall cause all by-laws and ordinances of the city to be published in some newspaper, published in the city, at least two weeks, before the said by-laws and ordinances shall be carried into effect.

Vacancies. SEC. 16. Should any of the Trustees, or any other city officer, remove from the city, absent himself therefrom, for more than thirty days, without leave of the Board; or neglect to qualify, within ten days after his election; or if bond is required of him, neglect for the said time to give said bond, his office shall be thereby vacated.

Commission to organize City Government. Election. SEC. 17. A. A. Sargent, S. S. Hussey, W. R. Rigby, B. H. Collier, and Z. P. Davis, or any three of them, are authorized and required to give not less than five days' public notice, of an election on the first Monday of May, one thousand eight hundred and fifty-six, for the election of the city officers provided for in this Act. They shall also appoint three Judges, to act at the said election; the said Judges shall give certificates of election to the five persons having the highest number of votes for Trustees. The new Board of Trustees, when organized, shall examine the returns, and grant certificates to the persons having the highest [number of] votes for other city offices.

Certificates of Election.

Trustees. SEC. 18. The Trustees of the City of Nevada may, by an order entered on the record, adopt, ratify and confirm all acts, proceedings and contracts, of the Board of Trustees of the Town of Nevada, heretofore made, and assume and pay off all just and legal demands against the said town.

City Recorder. SEC. 19. The Trustees shall have power to order the election of a Recorder at each regular city election, if a majority of them shall deem such an officer necessary, who shall receive for his services the same fees as are, or may be, allowed Justices of the Peace for the like services.

Powers, etc. of Recorder. SEC. 20. The Recorder, as to offenses committed within the city, shall have like jurisdiction as now is, or may hereafter be, conferred upon Justices of the Peace; to examine and commit persons brought before him, and charged with the commission of offenses within the limits of the city; to take recognizances to appear; to keep the peace, and to issue all such writs and processes as a Justice of the Peace may lawfully do, subject to all the rules governing Justices of the Peace. The Recorder shall also have jurisdiction in all violations in the city ordinances, and may, according to the provisions of such ordinance, hold to bail, fine, or commit to prison, any person found guilty of any violation thereof.

City Debt. SEC. 21. The Board of Trustees of the City of Nevada shall not contract any liabilities, either by borrowing money, loaning the credit of the city, or contracting debts, which, singly or in the aggregate, shall exceed the sum of five thousand dollars.

CHAPTER CXXXIX.

AN ACT

To Amend An Act Entitled "An Act Concerning Crimes and Punishments," Passed April 16th, 1850.

[Approved April 19th, 1856.]

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

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

Section 4. An infant under the age of fourteen years shall be deemed incapable of knowing the distinction between good and evil, unless the contrary be clearly shown. Infants under fourteen years.

SEC. 2. Section twenty-one of said Act is amended so as to read as follows:

Sec. 21. Malice shall be implied when no considerable provocation appears or when all the circumstances of the killing show an abandoned and malignant heart. Implied malice.

All murder which shall be perpetrated by means of poison, or lying in wait, torture, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery or burglary, shall be deemed murder of the first degree; and all other kinds of murder shall be deemed murder of the second degree; and the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, designate by their verdict, whether it be murder of the first or second degree; but if such person shall be convicted on confession in open court, the court shall proceed, by examination of witnesses, to determine the degree of the crime and give sentence accordingly. Every person convicted of murder of the first degree, shall suffer death, and every person convicted of murder of the second degree shall suffer imprisonment in the State Prison for a term not less than ten years and which may extend to life. Murder in the first degree. Murder of the second degree. Jury to designate by their verdict. Confessions of guilt. Penalty of first degree. Second degree.

SEC. 3. Section twenty-six of said Act is amended so as to read as follows:

Sec. 26. Every person convicted of the crime of manslaughter shall be punished by imprisonment in the State Prison for a term not exceeding ten years. Manslaughter.

SEC. 4. Section forty-six of said Act is amended so as to read as follows:

Sec. 46. Mayhem consists in unlawfully depriving a human being of a member of his or her body, or disfiguring or rendering it useless. If any person shall cut out or disable the tongue, put out an eye, slit the nose, ear or lip, or disable any limb or member of another, or shall voluntarily or of purpose put out an eye or eyes, every such person shall be guilty of mayhem. The crime of mayhem shall be punishable by imprisonment in the State Prison for a term not to exceed fourteen years. Mayhem. Penalty.

SEC. 5. Section forty-nine of said Act is amended so as to read as follows:

Assault.
Penalty. Sec. 49. An assault is an unlawful attempt coupled with a presentability to commit a violent injury on the person of another, and every person convicted thereof, shall be fined in a sum not exceeding five hundred dollars or imprisoned in the County Jail not exceeding three months.

SEC. 6. Section fifty-nine of said Act is amended so as to read as follows:

Robbery.
Penalty. Sec. 59. Robbery is the felonious and violent taking of money, goods or other valuable thing from the person of another by force or intimidation. Every person guilty of robbery shall be punished by imprisonment in the State Prison for a term not less than one year, and which may extend to life.

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

Grand Larceny.
Penalty. Sec. 60. Every person who shall feloniously steal, take and carry away, lead, or drive away, the personal goods or property of another, of the value of fifty dollars, or more, shall be deemed guilty of grand larceny, and, upon conviction thereof, shall be punished by imprisonment in the State Prison for any term not less than one year, nor more than fourteen years.

SEC. 8. Section sixty-one of said Act is amended so as to read as follows:

Petit Larceny.
Penalty. Sec. 61. Every person who shall feloniously steal, take and carry, lead, or drive away, the personal goods, or property of another, under the value of fifty dollars, shall be deemed guilty of petit larceny, and, upon conviction thereof, shall be punished by imprisonment in the County Jail not more than six months, or by fine not exceeding five hundred dollars, or by such fine and imprisonment.

SEC. 9. Section sixty-two of said Act is amended so as to read as follows:

Goods, etc. of which Larceny may be committed.
How value estimated. Sec. 62. Bonds, promissory notes, bank notes, bills of exchange, or other bills, orders, drafts, checks, receipts or certificates, or warrants for, or concerning money, goods or property, due, or to become due, or to be delivered, or any public security issued by the United States, or by this State, and any deed or writing containing a conveyance of land, or valuable contract in force, or any release, or defeasance, or any other instrument whatever, shall be considered personal goods, of which larceny may be committed, and the money due thereon, or secured thereby, and remaining unsatisfied, or which, in any event or contingency, might be collected thereon, or the value of the property transferred or affected thereby, as the case may be, shall be deemed the value of the article stolen.

SEC. 10. Section one hundred and six of the said Act is amended so as to read as follows:

Embracery.
Penalty. Sec. 106. Embracery is an attempt to influence a juror or jurors corruptly to one side, by threats or menaces, or by promises, persuasions, entreaties, money and the like. Every embracer, who shall directly or indirectly promise, or offer to any juror, or procure any juror to take money, or any other bribe, present, or reward, or any contract, obligation, or security for the payment, or delivery, of any money, present, reward, or any other thing, or shall corruptly influence, or attempt to influence any juror, shall, on conviction, be fined in a sum not exceeding five thousand dollars, or imprisoned in the State Prison

not exceeding five years; and any juror convicted of taking any money, present, reward, or any other thing, or corruptly being influenced, as aforesaid, shall suffer the like imprisonment, and be forever disqualified to act as a juror. This section shall apply as well to the grand, as the trial jurors; *provided*, nothing contained in this Act shall apply to the trial of persons indicted for offenses committed prior to the passage of this Act. In all such cases, the punishment shall be fixed in accordance with the laws heretofore existing.

Grand or Petit
Jurors taking
bribes, etc.

Proviso.

CHAPTER CXL.

AN ACT

Providing for Funding the Debt of Contra Costa, not Heretofore Provided.

[Approved April 19th, 1856.]

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

SECTION 1. All scrip issued and indebtedness contracted, for services rendered, or labor performed within the present boundaries of the County of Contra Costa, by the County of Contra Costa, previous to the first day of June, one thousand eight hundred and fifty-five, shall be funded in accordance with the provisions of an Act entitled "An Act to fund the debt of Contra Costa County, and to provide for the payment of the same," approved, February fourteenth, one thousand eight hundred and fifty-five, and of an Act entitled "An Act amendatory of an Act entitled 'An Act to fund the debt of Contra Costa County, and to provide for the payment of the same,' approved February fourteenth, A. D. one thousand eight hundred and fifty-five," approved April thirtieth, one thousand eight hundred and fifty-five.

Indebtedness for
services and
labor to be
funded.

SEC. 2. Section second of an Act entitled "An Act to fund the debt of Contra Costa County, and to provide for the payment of the same," approved February fourteenth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows :

Amending clause

Sec. 2. Nathaniel Janes, B. S. Hines and Daniel Small are hereby appointed Commissioners for the funding of the indebtedness of Contra Costa County, by the name and style of "Funding Commissioners of Contra Costa County."

Fund Comm'rs.

SEC. 3. Section second of an Act entitled "An Act amendatory of an Act entitled 'An act to fund the debt of Contra Costa County, and to provide for the payment of the same,' approved February fourteenth, A. D. one thousand eight hundred and fifty-five," is hereby amended so as to read as follows :

Amending clause

Sec. 2. That section fourteenth of said Act shall read as follows : The Commissioners, Treasurer and Auditor, shall receive, as a com-

Compensation of
Commissioners,
etc.

How paid.
Proviso.

compensation for their services, each eight dollars per day for every day actually engaged in the performance of their duties therein required, said compensation and other expenses to be paid by the holders of the scrip or indebtedness which may be funded; *provided*, that the time within which the Commissioners shall perform the duties prescribed in this Act, shall be from the twentieth to the thirtieth day of May, one thousand eight hundred and fifty-six.

CHAPTER CCLI.

AN ACT

Supplemental to, and Amendatory of, an Act entitled "An Act to Create the County of Tehama, to Define its Boundaries and Provide for its Organization."

[Approved April 21st, 1856.]

*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:

Boundaries of
Tehama County.

The County of Tehama shall be bounded as follows, to wit: Beginning at the mouth of Cottonwood Creek, in Shasta County; running up the middle of said creek, to the mouth of the South Fork of Cottonwood; up the middle of the South Fork, to the summit of the Coast Range; down the summit of said range, to a point five miles below Thom's Creek; thence easterly, to a point one hundred yards south of Regan's Ranch, on the Sacramento River; thence down the middle of the Sacramento, to the mouth of Mud Creek; thence up the middle of Mud Creek, to the line which divides the Counties of Butte and Plumas; up said line, to the line of Shasta County; thence westerly, to the place of beginning.

CHAPTER CXLII.

AN ACT

To Aid the Officers of the Indian Department, Appointed by the General Government for the State of California, in the Discharge of their Duties.

[Approved April 21st, 1856.]

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

SECTION 1. It shall be unlawful for any person or persons to willfully and maliciously interfere with, or in any wise interrupt, the Superintendent of Indian Affairs, or any one of the Indian Agents of the General Government or their employees, connected with the Indian Department in this State, in the discharge of their duties in said Department, either by seeking to weaken their influence with the wild and unchristianized Indians, or by seeking to hinder or frighten the Indians from going to the reservations, or by enticing them away from the reservations, or by interfering with them in any other malicious way whatever.

Interference with the duties of Indian Agents unlawful.

SEC. 2. Any person or persons who shall so interfere with or interrupt the officers, or any of them, or any of their employees, named in the first section of this Act, in the discharge of their official duties, or who shall hinder or prevent, by any means, any of the wild and unchristianized Indians from entering the reservations, or who shall entice, advise or assist any of the Indians to leave the same, shall be deemed guilty of misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

Penalty.

CHAPTER CXLIII.

AN ACT

To Reduce and Establish the Salaries of Officers and Pay of
Members of the Legislature.

[Approved April 21st, 1856.]

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

Salaries of
officers.

SECTION 1. There shall be paid, in the manner provided by law, to the several officers and persons named in this Act, the following amount of salaries per annum:

To the Governor of State, six thousand dollars.

To the Secretary of State, three thousand five hundred dollars.

To the Controller of State, three thousand five hundred dollars.

To the Treasurer of State, three thousand five hundred dollars.

To the Attorney-General, two thousand dollars.

To the Surveyor-General two thousand dollars.

To the Superintendent of Public Instruction, three thousand five hundred dollars.

To the Quartermaster-General, two thousand dollars.

To each of the Judges of the Supreme Court, six thousand dollars.

To each of the Judges of the first, second and thirteenth districts, three thousand dollars.

To each of the Judges of the third and fifteenth districts, three thousand five hundred dollars.

To each of the Judges of the seventh, eighth and ninth districts, four thousand dollars.

To each of the Judges of the fourth, fifth, sixth, tenth, eleventh, twelfth and fourteenth districts, five thousand dollars.

To the Governor's Private Secretary, two thousand dollars.

To each Clerk, allowed by law, in the offices of Secretary of State, Controller of State and Treasurer of State, two hundred dollars per month.

Lieut. Governor
and Speaker.

SEC. 2. The Lieutenant-Governor and Speaker of the House of Assembly shall each receive twelve dollars per diem during the session of the Legislature, and the same mileage that is allowed members of the Legislature.

Members of
Legislature.

SEC. 3. Members of the Legislature shall receive ten dollars per diem during the first ninety days of the session of the Legislature, and five dollars per diem for the remainder of each session, and four dollars for every twenty miles of travel, by the nearest mail route, from their residences to the place of holding the session, and in returning therefrom.

Mileage.

Members absent
without leave to
draw no pay
during absence.

SEC. 4. The Secretary of the Senate and Clerk of the Assembly, at the close of each session, shall certify to the Controller of State the number of days each member has been absent from the service of the

State, without leave, during the session, which number of days shall be deducted from the per diem allowance of such member.

SEC. 5. The Act entitled "An Act Concerning the Salaries of Officers and Pay of the Members of the Legislature," passed May eleventh, one thousand eight hundred and fifty-two, and all other laws, and parts of laws, contrary to the provisions of this Act, are hereby repealed. Repeal of former Act.

SEC. 6. This Act shall not be held to reduce the salary or pay of any of the incumbents now in office who shall, for their present term, receive compensation at the rates now prescribed by law, but shall apply to every such officer, hereinafter elected, or appointed. Shall not affect present incumbents.

SEC. 7. No salary or pay of any officer shall be made in advance. No payment in advance.

CHAPTER CXLIV.

AN ACT

For the Relief of Cyrus Rowe and his Sureties.

[Approved April 21st, 1856.]

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

SECTION 1. The District Attorney of the County of Sacramento is hereby directed and required to enter satisfaction of the judgment in the District Court of the Sixth Judicial District, in favor of the State of California, and against Cyrus Rowe, and his sureties, on his official bond as County Treasurer of said county. District Att'y of Sacramento to enter satisfaction of judgment.

SEC. 2. The State of California hereby releases and discharges the said Cyrus Rowe, and his sureties, from the payment of said judgment; *provided*, that no part of the payments heretofore made on said judgment, shall be deemed to revert to the said Rowe, or his sureties, by reason of this Act; *and, provided further*, that said Cyrus Rowe, and his sureties, are not, by reason of this Act, released from the payment of the costs in said suit. Principal and Sureties discharged from payment.
Proviso.
Costs.

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

CHAPTER CXLV.

AN ACT

Concerning the Transportation of Prisoners to the State Prison, and to Appropriate Money for the Same.

[Approved April 21st, 1856.]

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

- Certificate of conviction.** SECTION 1. It shall be the duty of the Clerks of the several courts, where sentence is rendered of imprisonment in the State Prison, to deliver to the Sheriff of the county a certificate, under seal of the court, of the conviction, crime and punishment of each prisoner, which certificate the Sheriff shall deliver to the person in charge of the prison at the time he delivers the convict.
- Purpose of.**
- Duty of Sheriff.** SEC. 2. It shall be the duty of the Sheriff, immediately upon the receipt of the Clerk's certificate, to proceed and deliver at the State Prison, each person sentenced to imprisonment therein; and for each convict delivered, he shall take the receipt of the person in charge of the prison.
- Mileage of.** SEC. 3. The Sheriff shall receive for a prisoner delivered at the State Prison, seventy-five cents per mile, one way, for the distance established by law from the County Seat of his county to the State Prison; and for every additional prisoner taken to the State Prison at the same time, fifty cents per mile, for one way only.
- Appropriation.** SEC. 4. The sum of thirty-five thousand dollars is hereby appropriated to defray the charges for transportation of prisoners to the State Prison, for the year commencing February first, one thousand eight hundred and fifty-six, and ending January thirty-first, one thousand eight hundred and fifty-seven.

CHAPTER CXLVI.

AN ACT

Appropriating Moneys for Translating Certain Documents.

[Approved April 21st, 1856.]

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

SECTION 1. Eight thousand two hundred dollars is hereby appropriated and set apart out of any moneys in the Treasury, not otherwise appropriated, for the purpose of paying for the translation of the Governor's Message and documents into the various foreign languages, as ordered by the Legislature; and the Controller of State is hereby authorized and instructed to draw his warrants upon the Treasurer of State for the payment of said services; *provided*, that they do not exceed, in the aggregate, the amount above appropriated, and are certified to by the State Printer, and sworn to by the agents or owners of said accounts.

Appropriation
for translating.

Proviso.

CHAPTER CXLVII.

AN ACT

To Amend an Act Entitled "An Act to Create a Board of Supervisors for the County of San Diego, and to Define their Duties," Passed May 3d, 1852.

[Approved April 21st, 1856.]

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

SECTION 1. Section second of the Act entitled "An Act to Create a Board of Supervisors for the County of San Diego, and to Define their Duties," passed May third, one thousand eight hundred and fifty-two, is hereby amended so as to read as follows :

Section 2. The qualified electors of each township shall, at the annual election of each and every year, elect one Supervisor.

One Supervisor
for each
township.

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

- Power of.** Section 5. The Board of Supervisors, with the consent of a majority of its members, shall have power and jurisdiction—
- First. To make orders respecting the property of the county and to sell or otherwise dispose of the same, appropriating the proceeds thereof to the use of the county.
- Accounts.** Second. To examine, settle and allow all accounts chargeable against the county, and to levy, for the purposes prescribed by law, such amount of taxes on the assessed value of real and personal property in the county as may be authorized by law.
- Taxes.**
- Moneys.** Third. To examine and audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the county or appropriated for its use and benefit.
- Thoroughfares.** Fourth. To lay out, control and manage public roads, turnpikes, ferries and bridges within the county, in all cases where the law does not prohibit such jurisdiction, and to make such orders as may be necessary and requisite to carry its control and management into effect.
- Indigent sick.** Fifth. To take care of, and provide for, the indigent sick of the county.
- Townships.** Sixth. To divide the county into townships, change the divisions of the same, and create new townships as the convenience of the county may require.
- Seventh. To establish and change election precincts, and to choose Inspectors and Judges of Election.
- County property** Eighth. To control and manage the property, real and personal, belonging to the county, and to receive by donation any property for the use and benefit of the county.
- Proviso.** Ninth. To lease or to purchase any real or personal property necessary for the use and benefit of the county; *provided*, no purchase of real property shall be made unless the value of the same be previously estimated by three disinterested persons, to be appointed for that purpose by the County Judge.
- Sale of property.** Tenth. To sell at public auction at the court-house of the county, after at least thirty days' previous notice, and to cause to be conveyed any property belonging to the county, appropriating the proceeds of such sale to the use of the same.
- Public buildings.** Eleventh. To cause to be erected and furnished a court-house, jail and such other public buildings as may be necessary, and to keep the same in repair.
- Suits.** Twelfth. To control the prosecution and defense of all suits to which the county is a party.
- Convict labor.** Thirteenth. To employ at any kind of labor, public or private, to the best interest of the county, any persons convicted and sentenced to the County Jail; and while employed outside of the County Jail may secure such prisoners by ball and chain.
- General powers.** Fourteenth. To do and perform all such other acts and things as may be strictly necessary to the full discharge of the powers and jurisdiction conferred on the Board.
- Fifteenth. To exercise all powers that may be now or hereafter conferred upon Supervisors of the various counties by general law.

CHAPTER CXLVIII.

AN ACT

Concerning Hogs found Running at Large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara.

[Approved April 21st, 1856.]

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 in the Counties of Marin, Alameda, Sacramento, San Francisco, Stanislaus, Yuba and Santa Clara, the owner or proprietor of such premises may take up and safely keep at the expense of the owner or owners thereof, all such hogs so found trespassing.

Hogs running at large.

SEC. 2. All persons taking up hogs trespassing upon their lands, whether inclosed or not, shall, immediately thereafter, post notices in three public places containing a description of the ear and other marks of such hogs, whereby their owners may identify them as their property.

Persons taking up, etc.

SEC. 3. If the owners of such hogs come forward within five days after the time such notices were posted and prove them to be their property, the person taking them up shall deliver them to such owner upon their paying all costs, charges and damages, sustained by reason of their trespassing.

If owners claim within five days.

Costs, charges.

SEC. 4. If, however, the owners do not come forward within the five days, then the person taking up such hogs shall immediately notify a Constable of the township wherein the trespass has been committed, and said Constable shall proceed to sell at public auction, after giving five days' notice of such sale by posting notices in three public places in said township, all such hogs so taken up; *provided, however,* that the owners may prove their property and receive it by paying all costs, charges and damages, at any time before such sale takes place.

If owners do not claim, etc.

Duty of Constable.

Proviso.

SEC. 5. If the parties cannot agree as to the amount of charges and damages, then each party may choose one disinterested person and they may choose a third person, who shall determine the amount thereof; should the owners not come forward, then the Constable shall appoint three disinterested persons to determine the amount.

Disagreement as to charges, etc.

SEC. 6. The fees of the Constable for making sales under the provisions of this Act, shall be the same as are allowed by law for sale under execution.

Fees of Constable.

SEC. 7. If there should be any surplus money arising from such sales, after paying all costs, charges and damages, the Constable shall pay the same to the owners of such hogs sold; *provided,* they prove they are entitled to it within ten days after the sale; if not, then he shall pay it to the County Treasurer taking his receipt for the same.

Disposition of surplus.

Proviso.

School Fund.	SEC. 8. All money paid to the County Treasurer under the provisions of this Act shall become a part of the County School Fund.
Liability of Constable.	SEC. 9. Any Constable refusing or neglecting to pay to the owners or the County Treasurer, the surplus money derived from such sale, shall be liable for the same on his official bond and shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars; <i>provided</i> , that the provisions of the foregoing Act shall not apply to any hogs belonging to any inhabitant of the County of Sonoma living in the vicinity of the boundary dividing Sonoma and Marin Counties, which may voluntarily wander into Marin County, unless such hogs are found trespassing upon grounds in Marin County inclosed by such a fence as is declared lawful as against hogs in Sonoma County; <i>and</i> , further <i>provided</i> , that the provisions of this Act shall not apply to the County of Yuba, during the months of August, September, October and November, of each year.
Penalty.	
Provisos.	

CHAPTER CXLIX.

AN ACT

To Amend An Act Entitled "An Act Concerning the Office of Treasurer of State," Approved March 16, 1855.

[Approved April 21st, 1866.]

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

SECTION 1. The first section of said Act is hereby amended so as to read as follows:

Duty of State Treasurer.

Section 1. When upon presentation for payment to the Treasurer of State of any Controller's warrant or warrants drawn upon the Treasurer of State payable out of the general or any special fund that may be hereafter created, bearing date after the first day of January one thousand eight hundred and fifty-seven, and for the payment of any indebtedness of this State that may have accrued after the said first day of January one thousand eight hundred and fifty-seven, if there shall be no funds or money in the treasury applicable to the payment of the same, it shall be the duty of the Treasurer to indorse on the back of each warrant so presented for payment, the date of its presentation, by whom presented and that the same is not paid for want of funds; and, also, make registry of the same in a book prepared and kept by him for that purpose, which registry shall state the number of each warrant, the date and amount of the same, also the date of presentation for payment and by whom presented.

Register.

Instructions to.

SEC. 2. It shall not be lawful for the Treasurer of State to pay out of the treasury any money for the redemption of any Controller's

warrant or warrants bearing date prior to the said first day of January, one thousand eight hundred and fifty-seven, or any Controller's warrants bearing date after the said first day of January one thousand eight hundred and fifty-seven, for any indebtedness of this State that may have accrued prior thereto.

CHAPTER CL.

AN ACT

To Amend an Act entitled "An Act Dividing the State into Counties and Establishing the Seats of Justice therein," Passed April 25th, 1851, and Amended March 31, 1854.

[Approved April 21st, 1856.]

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

SECTION 1. The Act entitled "An Act Dividing the State into Counties and Establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, and amended March thirty-first, one thousand eight hundred and fifty-four, is hereby amended as specified in this Act. Act amended.

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

Section 18. County of Sutter: Beginning at a point in the middle of the Sacramento River ten miles below the junction of the Sacramento and Feather Rivers and running thence up the middle of the Sacramento River to the mouth of Butte Creek; thence up the middle of said creek to a point due west of a point of timber half a mile north of James E. Edwards' house; thence due east to said point of timber; thence in a straight line to a point in the middle of Feather River opposite the mouth of Honeycut Creek; thence down the middle of Feather River to a point opposite the mouth of Bear Creek; thence up the middle of said creek to a point opposite Camp Far West; thence in a southerly direction along the western line of Placer County to the place of beginning. Boundaries of Sutter County.

CHAPTER CLI.

AN ACT

Entitled an Act to Create Inspectors of Pork, Beef and Salt Provisions in this State.

[Approved April 21st, 1866.]

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

Governor to
commission.

SECTION 1. The Governor shall commission as Inspector or Inspectors of beef, pork and salt provisions, within this State, any person or persons who may apply for such appointment, upon their having complied with the provisions of section two of this Act.

Inspectors to
give bond.

SEC. 2. Any Inspector of beef, pork and salt provisions, in this State, before he shall enter on the duties of his office, shall give a bond, with one or more sureties, to the people of this State, to be approved by the Governor, both as to the form of such bond and the competency of the sureties, in the penalty of twenty thousand dollars, conditional for the faithful performance of his duties as such Inspector, under the laws of this State, which bond shall be duly filed in the office of the Secretary of State; and, further, the said Inspector shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before some Judge, Justice of the Peace, or Notary Public, in the county in which said Inspector shall reside, faithfully to perform the duties of Inspector, according to law, and the best of his knowledge. A certificate of such oath he shall file in the office of the County Recorder.

Amount.

Where filed.

Oath.

Certificate of
oath.

Packages.

SEC. 3. All packages in which beef or pork shall be packed, or repacked, shall be of good seasoned oak timber, free from every defect.

Sorting and
branding.

SEC. 4. The Inspector shall examine, and sort, all beef and pork he may inspect, and shall brand none but such as is well fattened, and packed in proper packages.

Classification.

SEC. 5. There shall be four qualities of pork that shall be branded, on inspection, as follows :

Mess pork.

First. The first quality of pork, shall be denominated "Mess Pork," and shall consist of the side pieces of good, fat hogs, exclusive of all other pieces; and each package containing it shall be branded, on one of its heads, "Mess Pork."

Brand.

Prime mess.

Second. The second quality of pork shall be denominated "Prime Mess Pork," and shall consist of pieces of the whole hog, excluding feet, the legs being cut off at the knee joint; and one head of every package shall be branded "Prime Mess Pork."

Brand.

Prime.

Third. The third quality of pork shall be denominated "Prime Pork," of which there shall not be, in a barrel of two hundred pounds, more than three shoulders, the legs being cut off at the knee joint, nor more than twenty-four pounds of heads; and the rest of the pork required to constitute a barrel of prime pork, shall consist of

side, neck and tail pieces; and one head of every package of such Brand.
pork, shall be branded "Prime Pork."

Fourth. The fourth quality of pork shall be denominated "Cargo Cargo.
Pork," of which there shall not be in a barrel more than thirty
pounds of heads and four shoulders; it shall be otherwise merchant-
able pork, and one head of every package of such pork, shall be
branded "Cargo Pork." Brand.

Fifth. Side pork shall be cut from the back bone to the belly, in Side.
pieces about five inches wide, and which in weight shall not be under
four pounds; or otherwise, the package containing the same, shall
not be branded as merchantable.

Sec. 6. In every barrel of pork branded by the Inspector, under Quantity of
this Act, there shall be not less than sixteen quarts of first quality of pickle.
pure, clean salt, and a strong pickle; but if such pork is inspected
and branded when fresh, there shall not be less than twenty-four
pounds of salt, of the same quality of salt as above-mentioned, in
every barrel, and a strong, new, clear pickle.

Sec. 7. No thin, soft, rusty, sour, measly, or tainted pork, shall Damaged pork.
in any case be branded under the foregoing provisions; but pork of
that description shall be marked by the Inspector, one head of every
package containing it, with paint, and by such marking its true char- Marked with
acter shall be designated. paint.

Sec. 8. No beef shall be packed or repacked, for sale in, or Beef.
shipped from, this State, unless it be of fat cattle, not under three
years old; and all such beef shall be cut into pieces as square as
may be, and shall not exceed twelve, or be under four, pounds in
weight.

Sec. 9. All beef which the Inspector shall find, on examination, Classification of.
to have been killed at a proper age, and to be fat and merchantable,
shall be salted, and divided for packing and repacking into four
different sorts, to be denominated "Extra Mess," "Mess," "Prime,"
and "Cargo Beef."

First. Extra Mess Beef shall consist of none but the most choice Extra mess.
pieces of the largest and fattest cattle, and weighing not less than five
hundred pounds of beef, excluding the hide and tallow.

Second. Mess Beef shall consist of the choicest pieces of such Mess.
beef as is large and well fattened, without hocks, shanks, clod or neck
pieces, and may, or may not, contain two choice rounds out of the
same cattle, not exceeding ten pounds each.

Third. Prime Beef shall consist of choice pieces of good, fat Prime.
cattle, of which there shall not be more in a barrel than one-half
neck, nor more than two shanks, with the hocks cut off of the hind
leg at the smallest place above the joint.

Fourth. Cargo Beef shall be of fat cattle, with a proportion of Cargo.
good pieces, and not more than one-half the neck, three shanks, with
the hocks cut off in the same manner as in Prime, in a barrel, and
to be otherwise merchantable.

On one of the heads of each package containing the proper por- Brands.
tion of beef of any one of the qualities above described, the Ins-
pector shall brand the words "Extra Mess Beef," "Mess Beef," "Prime
Beef," and "Cargo Beef."

Sec. 10. Into every barrel of beef that shall be repacked, there Repacked.
shall not be less than twenty quarts of salt, equal in weight to Liver-
pool salt, two ounces of saltpeter, and in addition, a good, strong
pickle.

Bloody and neck pieces.

SEC. 11. All bloody and neck pieces of beef, offered for inspection, before they be put up and branded, shall be in salt, or salt and pickle, a sufficient length of time to extract the blood to the satisfaction of the Inspector.

Quality and quantity of pickle.

SEC. 12. All beef and pork packed and repacked, in this State, shall be pickled with strong, good pickle, made of any kind of good, clean salt, as much as will dissolve in good, fresh water; and if the packages shall not be packed tight, they shall be condemned by the Inspector, or be filled by him with good pieces of beef or pork at the expense of the owner, if the owner shall so solicit.

Brands on packages.

SEC. 13. On the head of every package of merchantable beef or pork inspected, shall be distinctly branded, the weight it contains, the first letter of the christened name, and the surname at full length, of the Inspector who has inspected the same.

Inspector to certify, etc.

SEC. 14. It shall be the duty of any Inspector of beef and pork, in this State, whenever required to certify, under his hand, the quality of any beef or pork, inspected by him, and the state and condition thereof, and the packages containing the same, specifying as particularly as may, the extent of the damages appearing in such inspection, the apparent cause thereof, whether by exposure, or injury in transportation, or in consequence of the original putting up of such beef and pork, and, also, specifying the brands and other marks upon the packages inspected, and the names of the consignees thereof. For every certificate, the inspector shall be entitled to receive twenty cents for every folio of one hundred words.

Fees for certificate.

Of Inspectors.

SEC. 15. The Inspector or Inspectors shall receive such fees as may be agreed upon by the Inspector or Inspectors, and the party or parties having pork or beef inspected.

Counterfeiting brands.

SEC. 16. Any person, or persons, who shall be guilty of affixing, or counterfeiting, the brand of any Inspector of beef and pork, in this State, shall, upon conviction, forfeit, or pay for the benefit of such Inspector, whose brand he has affixed or counterfeited, the sum of twenty dollars, for each and every package so marked or branded.

Penalty.

Intermixing meat.

SEC. 17. Every person who shall intermix or take out, or ship any beef or pork, of any package inspected or branded, as in this Act required, or put into any package inspected and branded, any other beef and pork, for sale or exportation, or alter or change the brands or marks of the Inspector, shall, for every such package so altered, shifted, changed, intermixed or branded, forfeit the sum of thirty dollars.

Altering brands. Penalty.

Inspector's marks erased.

SEC. 18. It shall not be lawful for any person to sell, or dispose, empty packages, or heads of packages, that have contained inspected beef or pork, without first obliterating the Inspector's marks or brands on the heads of such packages, under the penalty of ten dollars for each and every package or head sold.

Malefeasance of Inspectors.

SEC. 19. If the Inspector or Inspectors shall mark or brand any package, as containing a greater number of pounds than said package actually contains, at the time of said branding or marking, he shall forfeit and pay, for each package so marked and branded and containing short weight, fifteen dollars; and if the Inspector, upon the order of any owner, agent, or any other person who shall have sent any other beef or pork to him for storage or inspection, shall deliver any other beef or pork than was so sent by such owner or agent or other persons, he shall forfeit and pay, for each package so delivered, the sum of fifteen dollars.

Penalties.

Sec. 20. Two hundred pounds of beef or pork, shall constitute one barrel, and one hundred pounds, one half-barrel.

Number of
pounds in
barrel.

CHAPTER CLII.

AN ACT

To Establish the Pay of the Officers and Employees of the Senate and the Assembly, and to Repeal the Existing Laws Relating Thereto.

[Approved April 21st, 1856.]

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

SECTION 1. There shall be paid, in State Controllers' Warrants, to the several officers and employees hereinafter mentioned, the following per diem.

Sec. 2. From and after the passage of this Act, up to the tenth day of April next, A. D. one thousand eight hundred and fifty-six, and no longer :

Salaries of
officers up to
April 10th, 1856.

To the Secretary and Assistant Secretary, and the Sergeant-at-Arms of the Senate, and to the Chief Clerk, the Assistant Clerk and the Sergeant-at-Arms of the Assembly, each fifteen dollars per day.

To the Chaplains, and the Enrolling and the Engrossing Clerks of the Senate and Assembly, each twelve dollars per day.

To Copying, Journal, Assistant and every other Clerk, and the Door-Keepers of the Senate and the Assembly, each ten dollars per day.

To the Pages and the Porters of the Senate and the Assembly, each eight dollars per day.

Sec. 3. On and after the tenth day of April next, A. D. one thousand eight hundred and fifty-six, and until changed by law, there shall be paid, and no more, for all their services :

After April 10th,
1856.

To the Secretary of the Senate, the Chief Clerk of the Assembly, and the Sergeants-at-Arms of the Senate and of the Assembly, each twelve dollars per day.

To the Assistant Secretary of the Senate, and the Assistant Clerk of the Assembly, each eleven dollars per day.

To the Engrossing and the Enrolling Clerks, and to the Door-Keepers of the Senate and the Assembly, each ten dollars per day.

To every additional Clerk actually employed, whether called Assistant, Journal, Copying or other Clerk, nine dollars per day.

To the Chaplains of the Senate and the Assembly, eight dollars per day.

To the Porters of the Senate and the Assembly, each six dollars per day.

To the Pages of the Senate and the Assembly, each five dollars per day.

Repealing
clause.

SEC. 4. "An Act Concerning the Per Diem of Officers of the Senate and the Assembly," passed February fourth, one thousand eight hundred and fifty-four, and every law, and every part of law, and custom, in conflict or inconsistent with the provisions of this Act, are hereby repealed.

JOINT RESOLUTIONS.

1. RESOLUTION

Relative to Removal of Certain Naval Officers of United States.

[Approved February 28th, 1856.]

RESOLVED, By the Senate, the Assembly concurring, that the action of the Board of Navy Officers, under the Act of Congress "To Promote the Efficiency of the Navy," approved February twenty-eighth, one thousand eight hundred and fifty-five, in relation to Lieutenants Thomas H. Stevens and Fabius Stanley, was not only unjust to those officers, but injurious to the public service.

RESOLVED, That in consideration of the irreproachable characters of the said Thomas H. Stevens and Fabius Stanley as citizens of this State, and of their well known good conduct and efficiency in their country's service, our Senators are instructed, and our Representatives in Congress requested, to use all proper efforts to remedy the injustice committed by the said Board toward those officers, and to repair the injury which the action of the said Board is calculated to produce to the Navy of the United States.

2. JOINT RESOLUTION

Relative to Manifests of Vessels.

WHEREAS, it has become a common practice in the Atlantic ports of the United States, in clearing vessels engaged in the California trade, to manifest a large proportion of their cargoes under the designation of "Merchandise," or some other term equally general and indefinite, designed to conceal the articles composing such

cargoes, which practice is highly detrimental to the interest and commerce of this State. Therefore, be it .

RESOLVED, By the Senate and Assembly of the State of California, that our Senators and Representatives in Congress be requested to use their endeavors to procure such amendments of the existing Revenue Laws of the United States as to require that all goods, wares and merchandise shipped from the Atlantic to the Pacific ports of the United States, shall be entered or described on the manifest of vessels conveying the same in such manner as to indicate the quantity and kind of property so shipped.

RESOLVED, That a copy of these Resolutions be forwarded, without delay, to our Senators and Representatives in Congress.

3. RESOLUTION

Relative to Apportionment of School Moneys to Santa Barbara County.

RESOLVED, By the Senate, the Assembly concurring, that the Superintendent of Public Instruction be, and he is hereby, instructed to include in the next apportionment of school moneys to the County of Santa Barbara, an amount equal to the sum said county would be entitled to under the last apportionment of School Moneys, the same as though the returns from said county had been received within the legal time.

4. RESOLUTION

Relative to the Postage Laws.

RESOLVED, By the Senate, the Assembly concurring, that our Senators be instructed, and our Representatives in Congress be requested, to urge the passage of a new General Postage Law, embracing the following provisions:

First. Uniform postage of two cents on letters, and a cheap, uniform rate for printed matter.

Second. Receiving-houses and letter-carriers for the collection and delivery of letters in cities and principal towns without extra charge.

Third. Money orders, for sums not exceeding twenty-five dollars, to be drawn by the principal post-offices on each other.

Fourth. Compulsory prepayments to be abolished, and double postage to be charged on all mail matter not prepaid.

Fifth. All dead letters to be returned to the writers, and whenever possible, without opening.

Sixth. The postage of all franked matter to be paid by the Government.

RESOLVED, That his excellency, the Governor, be requested to forward copies of the above resolutions to our Members and Senator in Congress.

5. RESOLUTION

Relative to Apportionment of School Moneys to Placer County.

RESOLVED, by the Senate, the Assembly concurring, that the Superintendent of Public Instruction be, and is hereby, instructed to include in the next apportionment of school moneys to the County of Placer, an amount equal to the sum said county would be entitled to, under the last apportionments of school moneys, the same as though the returns from said county had been received within the legal time.

6. RESOLUTION

For Land District in Humboldt County.

RESOLVED, By the Senate and Assembly, That our Senators be instructed, and our Representatives in Congress be requested, to exercise their influence to procure the establishment of an additional Land District in the northern counties in this State, and that said "Land Office" be established in Humboldt County.

RESOLVED, That the Governor be requested to forward a copy of this Resolution to each of our Senators and Representatives in Congress.

7. JOINT RESOLUTION

In Regard to the Establishment of a Daily Line of Mail Communication between Shasta City, in this State, and Marysville, Oregon Territory.

RESOLVED, By the Senate and Assembly, That our Senator be instructed, and our Representatives in Congress be requested, to urge upon the Postmaster-General of the United States, the necessity and propriety of establishing a daily line of mail communication, in four-horse coaches, between Shasta, in California, and Marysville, Oregon Territory, *via* Yreka, in this State, and Jacksonville, Kenyanville and Winchester, in the said Territory.

8. RESOLUTION

Relative to Appropriation for Books, Etc.

RESOLVED, By the Senate and Assembly of the State of California, That our Senator be instructed, and Representatives in Congress requested, to use their best endeavors to procure for this State, from Congress, the appropriation of books which might have been granted the State, had said State passed through a territorial form of government.

RESOLVED, That the Governor be requested to forward a copy of the foregoing Resolution to our delegation in Congress.

9. RESOLUTION

Relative to Indian Titles to Lands.

RESOLVED, By the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to urge upon Congress the necessity of immediate action to provide some means for the extinguishment of "Indian Titles," to lands in this State.

RESOLVED, That the Governor of this State be, and he is hereby, requested to transmit copies of these resolutions to our Senators and Representatives in Congress.

10. JOINT RESOLUTION

Relative to Wagon Road Across the Plains.

WHEREAS, the distance of California from the Seat of the General Government, and the great centers of population and commerce of the Confederacy, and its isolated and undefended position as a member of the Union,—separated from the other States by vast tracts, of two oceans on the one hand, and on the other by the broad territories which are the property of the United States,—make it indispensable to the growth, prosperity, and security of this State and to the Union—the justice, the common defense and the general welfare, in view whereof the Constitution of the United States was ordained and established—that a means of communication, over land, should be provided, between this and the other States of the Union, by the construction of mail routes and good roads, protected by military stations and supplied with water, whereby our population may be increased, our resources developed, and California made capable of protecting itself in the event of war. And, whereas, it is essential to the permanency of this Union, that the various States of which it is composed, should share equally the advantages, and bear each one its due proportion of the obligations and burdens of the Federal compact. And, whereas, California, being one of the United States, and the Federal Government the owner of all the public lands within its limits, and of the territory which separates it from the other States, and the recipient of all the revenues collected at its ports, is deprived of the political power, and of the material resources, whereby it might otherwise provide for itself access to the Atlantic seaboard, and avail itself of its splendid commercial position, and the inestimable advantages of its soil and climate; and for these reasons, it is the more necessary and proper that the Federal Government should use the powers with which it is invested by the Constitution and the source of wealth at its command, to overcome those disadvantages of distance and isolation, and to strengthen the political bands which hold the States in union. And, whereas, although the objects and purposes for which the union of these States was established, can never be fully and effectually secured to California, without the facility of communication afforded by one or more railroads across the continent, yet material and immediate advantages may be derived from the establishment of mail routes, and the construction and defense of good wagon roads across the territory of the United States, which separates California from the other States, and along the line best adapted to the wants of immigrants. Therefore, be it

RESOLVED, By the Senate, the Assembly concurring, that our Senator and Representatives in Congress, be requested to urge upon Congress the passage of a law establishing such a mail route, and providing the means for constructing and defending such a road.

11. RESOLUTION

Relative to Mail Route from Petaluma to Russian River.

WHEREAS, the Town of Petaluma, in the County of Sonoma, is the distributing point for a large agricultural district of country, having a large and permanent population; and, whereas, there is a daily communication between that place and San Francisco by steamboats, but having no regular public mail communication, under United States Mail contract, whatever. Therefore, be it

RESOLVED, By the Senate and Assembly of the State of California, that our Senators and Representatives in Congress be requested to procure at least a tri-weekly mail service between said points, and at least a weekly service from Petaluma, *via* Santa Rosa and Windsor, to Russian River.

RESOLVED, That our Senators and Representatives in Congress be requested to urge upon the Postmaster-General the necessity of placing under contract, and in active service, the United States Mail Route, established by Act of Congress, between the Cities of San Francisco, Humboldt Bay, Crescent and Trinidad.

RESOLVED, That his Excellency, the Governor, is hereby requested to forward a copy of the above to each of our Senators and Representatives in Congress.

12. JOINT RESOLUTION

Relative to the Establishment of a Land District at Visalia.

RESOLVED, By the Senate and Assembly, that our Senators be instructed, and our Representatives in Congress be requested, to exert their most strenuous efforts to procure the establishment of an additional Land Office District in the southern portion of this State, and that said Land Office be established at Visalia, Tulare County, in accordance with a similar Resolution, passed last session.

RESOLVED, That the Governor be requested to send a copy of this Resolution to each of our Representatives in Congress.

13. RESOLUTION

Relative to Carson Valley.

WHEREAS, A large number of the citizens of Carson Valley, in Utah Territory, have petitioned Congress to be set off from said Territory of Utah, and to be attached to the State of California, for good reasons, as set forth in their petition; and whereas, they have also asked the co-operation and aid of this Legislature to secure a result of so vital [an] interest to their growth, prosperity and happiness. Therefore,

RESOLVED, By the Senate and Assembly of California, that we acquiesce in the wishes of the citizens of Carson Valley, as set forth in their petition, to be attached to California; and that we request our Senator and Representatives in Congress, to urge the passage of a law, making the one hundred and eighteenth meridian of longitude west from Greenwich, the eastern boundary of California, from the point in the southern boundary line of Oregon, crossed by said meridian, to a point in the eastern line of California, intersected by the said meridian.

RESOLVED, That the Governor of the State be requested immediately to forward to our Senator and Representatives in Congress, copies of these Joint Resolutions.

14. RESOLUTION

Relative to Balance of War Debt.

RESOLVED, By the Senate, the Assembly concurring, that our Senators in Congress are hereby instructed, and our Representatives be requested, to use their exertions to obtain from the Government of the United States an appropriation of two hundred thousand six hundred and seventy-five dollars and eighty-eight cents, the surplus of our war indebtedness, over and above the amount heretofore appropriated by Congress for that purpose, to be applied toward the liquidation of the balance of the War Debt of this State, incurred in the suppression of Indian hostilities within our borders.

RESOLVED, That his Excellency, the Governor, be and he is hereby required to transmit a copy of this Resolution to our Senators and Representatives in Congress at an early day.

15. RESOLUTION

Concerning Mails from New Orleans.

WHEREAS, There having constantly occurred, during the past year, failures of the mails between the Cities of New Orleans and San Francisco; and, whereas, the frequency of these failures leads this Legislature to believe, that there must exist some radical defect in the arrangement now existing for carrying the mails, and that some change is absolutely necessary, in order to secure the advantages originally designed by the establishment of the mail route between the cities above named. Therefore,

RESOLVED, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives in Congress requested, to urge upon the Postmaster-General of the United States the necessity for making some change in the arrangement for the transmission of the mails between New Orleans and San Francisco, in order to secure something like regularity and certainty in the same.

RESOLVED, That his Excellency, the Governor, be requested to transmit a copy of these Resolutions to our Senator and each of our Representatives in Congress.

16. RESOLUTION

Relative to Amount Due F. W. Price.

RESOLVED, By the Senate, the Assembly concurring, that our Senator and Representatives in Washington, be requested to obtain from Congress an appropriation of twelve thousand dollars, to liquidate the amount claimed by Thomas F. W. Price, for supplies, etc., furnished by him to aid the Expedition for the Suppression of Indian Hostilities, ordered out by the Governor, in the year one thousand eight hundred and fifty-one, and that Hon. S. B. Smith and J. W. Denver, in their capacity as Commissioners to settle the War Debt of this State, are hereby requested to use their efforts for the allowance by Congress of the foregoing amount.