

THE
STATUTES OF CALIFORNIA

AND
AMENDMENTS TO THE CODES,

PASSED AT THE
TWENTY-FOURTH SESSION OF THE LEGISLATURE,
1881.

BEGAN ON MONDAY, JANUARY THIRD, AND ENDED ON FRIDAY, MARCH
FOURTH, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE.

ALSO, STATUTES PASSED AT THE EXTRA SESSION OF THE LEGISLATURE,

BEGAN MONDAY, APRIL FOURTH, AND ENDED FRIDAY, MAY THIRTEENTH,
EIGHTEEN HUNDRED AND EIGHTY-ONE.



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STATE OFFICE : : J. D. YOUNG, SUPT. STATE PRINTING.

1881.

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OF THE LAWS CONTAINED IN THIS VOLUME.

STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
George C. Perkins	Governor	San Francisco.
John Mansfield	Lieutenant-Governor	Los Angeles.
D. M. Burns	Secretary of State	Yolo.
D. M. Kenfield	Controller	Tuolumne.
John Weil	Treasurer	Sacramento.
A. L. Hart	Attorney-General	Colusa.
J. W. Shanklin	Surveyor-General	Alameda.
F. M. Campbell	Superintendent of Public Instruction	Alameda.
John D. Young	Superintendent of State Printing	Sacramento.
S. W. Backus	Adjutant-General	San Francisco.
R. O. Cravens	State Librarian	Sacramento.
Albert Hart	Governor's Private Secretary	Sacramento.

State Harbor Commissioners—W. Blanding, Geo. S. Evans, and W. A. Phillips.

State Board of Equalization—James I. King, M. M. Drew, Warren Dutton, T. D. Heiskell, and State Controller.

Railroad Commissioners—Joseph Core, C. J. Beerstecher, and George Stoneman.

State Board of Examiners—The Governor, Secretary of State, and Attorney-General.

State Prison Directors—A. H. Chapman, J. H. Neff, W. T. McNutt, Wallace Everson, and Geo. W. Schell.

Warden of State Prison (San Quentin)—J. P. Ames.

Warden of Branch Prison (Folsom)—T. C. Pockman.

JUSTICES, CLERK, AND REPORTER OF THE SUPREME COURT.

NAME.	OFFICIAL POSITION.	RESIDENCE.
R. T. Morrison	Chief Justice	San Francisco.
E. W. McKinstry	Associate Justice	San Francisco.
J. D. Thornton	Associate Justice	San Francisco.
S. B. McKee	Associate Justice	Alameda.
E. M. Ross	Associate Justice	Los Angeles.
J. R. Sharpstein	Associate Justice	San Francisco.
M. H. Myrick	Associate Justice	San Francisco.
Frank W. Gross	Clerk of Supreme Court	San Francisco.
George H. Smith	Reporter of Supreme Court	San Francisco.

SENATORS.

JOHN MANSFIELD

President.

NAMES.	DISTRICT.	COUNTIES REPRESENTED.
Anderson, W. L.	Twentieth	Lake.
Baker, George F.	Seventh	Santa Clara.
Burt, S. B.	Twenty-third	Placer.
Brown, W. H.	Twenty-second	El Dorado and Alpine.
Byrnes, James D.	Eighth	San Francisco and San Mateo.
Carlock, A. B.	Twenty-eighth	Siskiyou, Modoc, Trinity, and Shasta.
Chase, Warren	Third	Ventura, Santa Barbara, and San Luis Obispo.
Cheney, W. A.	Twenty-sixth	Butte, Plumas, and Lassen.
Conger, C. C.	Ninth	San Francisco.
Davis, E. A.	Twenty-fifth	Yuba and Sutter.
Dickinson, John H.	Tenth	San Francisco.
Enos, John S.	Thirteenth	San Francisco.
George, William	Twenty-fourth	Nevada and Sierra.
Glascock, B. B.	Twenty-ninth	Colusa and Tehama.
Gorman, Joseph C.	Twelfth	San Francisco.
Harlan, J. H.	Nineteenth	Solano and Yolo.
Hill, W. J.	Sixth	Monterey, San Benito, and Santa Cruz.
Hittell, Theodore H.	Thirteenth	San Francisco.
Hudson, A. T.	Sixteenth	San Joaquin and Amador.
Johnson, Grove L.	Eighteenth	Sacramento.
Johnston, William	Eighteenth	Sacramento.
Kane, Thomas	Eleventh	San Francisco.
Kelly, Martin	Twelfth	San Francisco.
Lampson, K. M.	Seventeenth	Calaveras and Tuolumne.
Langford, B. F.	Sixteenth	San Joaquin and Amador.
Moreland, W. W.	Twenty-first	Sonoma.
Nelson, J. K.	Eleventh	San Francisco.
Neumann, Paul	Tenth	San Francisco.
Nye, S. G.	Fourteenth	Alameda.
Pardee, E. H.	Fourteenth	Alameda.
Pool, D. M.	Fifth	Mariposa, Merced, and Stanislaus.
Rowell, Chester	Fourth	Fresno, Tulare, Kern, Mono, and Inyo.
Ryan, P. H.	Twentieth-seventh	Del Norte, Humboldt, and Mendocino.
Satterwhite, J. W.	First	San Diego and San Bernardino.
Sears, W. H.	Fifteenth	Contra Costa and Marin.
Traylor, W. W.	Ninth	San Francisco.
Watson, B. J.	Twenty-fourth	Nevada and Sierra.
Wendell, J. T.	Nineteenth	Solano and Yolo.
West, J. P.	Second	Los Angeles.
Zuck, J. C.	Seventh	Santa Clara.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.
James A. Orr	Secretary.
C. T. Johns	Assistant Secretary.
Ed. J. Smith	Assistant Secretary.
Andrew Wasson	Sergeant-at-Arms.
D. B. Kingery	Assistant Sergeant-at-Arms.
Bert. McNulty	Minute Clerk.
J. R. Brierly	Journal Clerk.
Ed. C. Humphrey	Engrossing Clerk.

MEMBERS OF ASSEMBLY.

W. II. PARKS

Speaker.

NAME.	COUNTIES REPRESENTED.
Alviso, Valentin	Alameda.
Arick, R. E.	Tulare and Kern.
Baker, J. E.	Sacramento.
Baker, F. E.	Yolo.
Birney, T. C.	Tuolumne.
Bost, J. W.	Mariposa and Merced.
Branch, L. C.	Stanislaus.
Brown, J. P.	Yuba.
Burns, Jno.	San Francisco.
Camron, W. W.	Alameda.
Chandler, A. L.	Sutter.
Coleman, Cyrus	El Dorado and Alpine.
Crank, J. F.	Los Angeles.
Crumpton, H. J.	Lake.
Cunningham, J. F.	Santa Cruz.
Daggett, Jno.	Siskiyou and Modoc.
Del Valle, R. F.	Los Angeles.
Edwards, L. B.	Alameda.
Estey, C. L.	Marin.
Felton, C. N.	San Mateo.
Fraser, Thos.	El Dorado.
Freer, L. D.	Butte.
Garrity, P.	San Francisco.
Gavigan, W. J.	San Francisco.
Gay, Milus H.	Santa Clara.
Geary, Dennis	San Francisco.
Gilmore, J. H.	San Francisco.
Griffith, E. J.	Fresno.
Hale, J. E.	Placer.
Hartson, Chancellor	Napa.
Hendrick, E. W.	San Diego.
Hinshaw, Ed. C.	Sonoma.
Holt, Ira G.	San Francisco.
Holden, Wm.	Mendocino.
Howard, M. B.	San Francisco.
Jackson, H. J.	San Francisco.
Jones, Joseph P.	Contra Costa.
Keating, Edward	San Francisco.
Kellogg, W. W.	Plumas and Lassen.
Kilburn, Paris	Monterey.
Lane, M.	San Francisco.
Leach, F. A.	Solano.
Leake, E. E.	Solano.
Lewis, Oscar	San Francisco.
Long, W. D.	Nevada.
Mason, W. B.	Del Norte.
Mathews, W. P.	Colusa and Tehama.
Matthews, J. H.	San Benito.
May, W. B.	San Francisco.
McCallon, J. J.	San Francisco.
McClure, David	San Francisco.
McDonald, J. W.	San Francisco.
McMurray, Jno.	Trinity and Shasta.
Mein, Thomas	Nevada.
Mudgett, G. C.	Humboldt.
Murphy, P. W.	San Luis Obispo.
Noonan, J. G.	San Francisco.
O'Connor, Timothy	San Francisco.
Parks, W. II.	Yuba.
Patterson, J. B.	Nevada.
Patterson, Jno.	San Joaquin.
Paulk, C. C.	San Joaquin.

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY—Continued.

NAME.	COUNTIES REPRESENTED.
Pinder, T. J.	San Francisco.
Platt, H. G.	San Francisco.
Reddick, J. B.	Calaveras.
Reynolds, Jno.	Santa Clara.
Samuels, Jas.	Sonoma.
Sargent, R.	San Joaquin.
Siebe, J. D.	San Francisco.
Streeter, H. M.	San Bernardino.
Swift, C. B.	Amador.
Van Fleet, W. C.	Sacramento.
Warkins, Chapman	Amador.
Wason, Milton	Santa Barbara and Ventura.
Wasson, Jos.	Inyo and Mono.
Wentz, Christian	Santa Clara.
Wertsbaugher, Jos. C.	Butte.
Whipple, E. L.	Sonoma.
Wood, Geo.	Sierra.
Young, J. N.	Sacramento.

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
Geo. E. McStay	Chief Clerk.
Frank J. Higgins	Assistant Clerk.
J. M. Wright	Assistant Clerk.
J. G. Howell	Assistant Clerk.
F. N. Pauly	Minute Clerk.
J. H. Reilly	Journal Clerk.
A. N. Buchanan	Assistant Journal Clerk.
Jacob Shaen	Engrossing Clerk.
E. Walters	Sergeant-at-Arms.
R. M. Apgar	Assistant Sergeant-at-Arms.
Rev. David Deal	Chaplain.

COMMISSIONERS OF DEEDS,

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

ARKANSAS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 12, 1878.....	R. A. Watkins.....	Little Rock.....	.....

ARIZONA.

May 26, 1877.....	Santiago Ainsa.....	Tucson.....	.....
August 8, 1877.....	Peter Doll.....	Ehrenburg.....	.....
January 15, 1878.....	Gustavus A. Swasey.....	Globe City.....	August 30, 1878.
July 2, 1879.....	Manuel M. Corella.....	Tucson.....	.....
December 30, 1879.....	G. W. Spaulding.....	Tucson.....	January 9, 1880.
February 18, 1880.....	Wells Spicer.....	Tombstone.....	.....
January 23, 1881.....	Edward L. Wetmore.....	Tucson.....	.....
February 21, 1881.....	S. W. Carpenter.....	Tombstone.....	.....

CONNECTICUT.

February 24, 1877.....	Edward Goodman.....	Hartford.....	.....
April 16, 1877.....	S. Arthur Marsden.....	New Haven.....	June 4, 1877.
June 11, 1880.....	David G. Gordon.....	Hartford.....	June 29, 1880.

COLORADO.

February 18, 1880.....	J. W. Schenck.....	Leadville.....	.....
October 8, 1880.....	Gabriel Netter.....	Denver.....	October 18, 1880.

DISTRICT OF COLUMBIA.

January 8, 1879.....	J. Thomas Turner.....	Washington.....	.....
April 12, 1880.....	John E. Beall.....	Washington.....	.....
June 11, 1880.....	Jos. T. K. Plant.....	Washington.....	December 23, 1880.

GEORGIA.

July 19, 1877.....	Matt. R. Freeman.....	Macon.....	.....
August 30, 1877.....	William B. Adams.....	Savannah.....	.....

ILLINOIS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
August 17, 1877	Philip A. Hoyne	Chicago	
June 9, 1880	Siméon W. King	Chicago	
October 4, 1880	Samuel E. May	Chicago	

KENTUCKY.

February 25, 1880	Harry Stucky	Louisville	March 10, 1880.
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LOUISIANA.

December 22, 1877	J. G. Eustis	New Orleans	
May 10, 1879	A. Ingraham	New Orleans	December 24, 1879.
November 11, 1879	Charles T. Soniat	New Orleans	
April 19, 1880	Geo. A. Hero	New Orleans	May 10, 1880.

MAINE.

January 19, 1881	Lewis Barker	Augusta	
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MARYLAND.

January 15, 1878	P. H. Hoffman	Baltimore	February 19, 1878.
March 12, 1878	George T. Beall, Jr.	Baltimore	
March 18, 1878	John D. Lipscomb	Baltimore	
July 12, 1878	G. E. Reardon	Baltimore	January 15, 1879.
September 2, 1880	Murray Hanson	Baltimore	September 21, 1880.

MASSACHUSETTS.

May 16, 1877	Alonzo V. Lynde	Boston	
November 8, 1877	James B. Bell	Boston	November 23, 1877.
March 19, 1878	Samuel Jemison	Boston	April 5, 1878.
May 30, 1878	Daniel Sharp	Boston	July 5, 1878.
November 22, 1878	Charles Hall Adams	Boston	December 19, 1878.
January 22, 1879	George T. Angell	Boston	February 24, 1879.
November 25, 1879	Henry M. Meek	Salem	February 28, 1880.
December 9, 1879	J. B. Brannan	Boston	December 29, 1879.
December 9, 1879	E. J. Jones	Boston	November 11, 1879.
March 23, 1880	Daniel B. Whittier	Boston	
July 3, 1880	James W. Chapman	Boston	July 21, 1880.
August 26, 1880	J. Henry Hill	Worcester	September 18, 1880.

MISSOURI.

June 12, 1878	C. S. Charlot	St. Louis	
October 7, 1878	C. D. Green, Jr.	St. Louis	October 31, 1878.
November 22, 1878	Charles A. Lacoste	St. Louis	
June 12, 1879	Chapman S. Clark	St. Louis	June 27, 1879.
July 21, 1879	Daniel McGowan	St. Louis	September 13, 1879.
October 9, 1880	Julius Robertson	St. Louis	October 20, 1880.

COMMISSIONERS OF DEEDS.

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MICHIGAN.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
May 30, 1878.....	William J. Waterman.....	Detroit.....	June 17, 1878.

NEBRASKA.

August 25, 1879.....	Watson B. Smith.....	Omaha.....	October 7, 1879.
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NEW HAMPSHIRE.

December 9, 1879.....	William H. Hackett.....	Plymouth.....
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NEW JERSEY.

December 31, 1877.....	Henry J. Stratemeyer.....	Elizabeth City.....	January 19, 1878.
January 8, 1879.....	William L. Lyon.....	Jersey City.....	.....

NEW YORK.

March 26, 1877.....	O. P. C. Billings.....	New York.....	April 30, 1877.
April 7, 1877.....	Henry Bischoff.....	New York.....	April 5, 1877.
April 16, 1877.....	William Edwin Osborn.....	Brooklyn.....	May 2, 1877.
May 6, 1877.....	William H. Bowers.....	New York.....	July 26, 1877.
May 16, 1877.....	George W. Browne.....	New York.....	June 19, 1877.
July 5, 1877.....	Elisha E. Lombard.....	Brooklyn.....	August 9, 1877.
October 9, 1877.....	F. P. Burke.....	New York.....	November 7, 1877.
October 22, 1877.....	Edwin F. Corey.....	New York.....	November 7, 1877.
December 6, 1877.....	George M. Elwood.....	Rochester.....	.....
December 11, 1877.....	N. Pendleton Schenck.....	New York.....	December 29, 1877.
February 11, 1878.....	Frank Saunders.....	New York.....	May 9, 1878.
March 12, 1878.....	Monroe Carmell.....	Albany.....	March 29, 1878.
April 8, 1878.....	John A. Hillery.....	New York.....	February 23, 1878.
April 13, 1878.....	Augustus Buckingham.....	New York.....	June 15, 1878.
May 30, 1878.....	Thomas B. Clifford.....	New York.....	June 27, 1878.
May 30, 1878.....	William R. Learn.....	New York.....	.....
July 8, 1878.....	Spencer C. Doty.....	New York.....	August 9, 1878.
July 8, 1878.....	Alex. Ostrander.....	New York.....	.....
August 20, 1878.....	Lewis Beckharet.....	New York.....	June 20, 1879.
March 14, 1879.....	William Irwin.....	New York.....	April 10, 1879.
March 14, 1879.....	Charles Nettleton.....	New York.....	May 23, 1879.
March 14, 1879.....	E. B. Hart.....	New York.....	.....
March 22, 1879.....	Wm. Menzies Adams.....	New York.....	April 24, 1879.
May 13, 1879.....	Louis Beckhardt.....	New York.....	.....
August 25, 1879.....	Jacob Du Bois.....	New York.....	September 10, 1879.
September 15, 1879.....	Eliazon Jackson.....	New York.....	October 1, 1879.
October 6, 1879.....	William F. Lett.....	New York.....	.....
October 6, 1879.....	Charles Edgar Mills.....	New York.....	October 22, 1879.
October 10, 1879.....	George F. Lincoln.....	New York.....	November 6, 1879.
October 25, 1879.....	George R. Jaques.....	New York.....	October 31, 1879.
May 5, 1879.....	William H. Clarkson.....	New York.....	June 11, 1879.
October 1, 1879.....	J. Warren Lawton.....	New York.....	October 1, 1879.
December 9, 1879.....	Joseph B. Nones.....	New York.....	.....
January 7, 1880.....	F. A. Burnham.....	New York.....	March 3, 1880.
January 22, 1880.....	S. B. Goodale.....	New York.....	February 7, 1880.
February 13, 1880.....	William Grevel.....	New York.....	March 6, 1880.
March 6, 1880.....	Richard M. Bruno.....	New York.....	March 23, 1880.
March 13, 1880.....	Henry C. Banks.....	New York.....	May 1, 1880.
June 4, 1880.....	Thomas H. Harris.....	New York.....	.....
June 11, 1880.....	Thomas Kilvert.....	New York.....	July 10, 1880.
June 11, 1880.....	Moses B. Maclay.....	New York.....	June 29, 1880.
August 17, 1880.....	R. L. Donnelly.....	New York.....	.....
February 12, 1881.....	R. K. McHarg.....	New York.....	.....

COMMISSIONERS OF DEEDS.

NEVADA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
May 28, 1877	George T. Gorman	Pioche	August 20, 1877.
August 8, 1877	A. H. Ricketts	Virginia City	August 15, 1877.
October 3, 1877	Isaac N. Farwell	Aurora	November 1, 1877.
December 22, 1877	W. G. Hyde	Gold Hill	
September 12, 1878	Thos. Lasspeyre	Eureka	February 3, 1879.
November 22, 1878	John W. Grier	Silver City	December 2, 1878.
April 19, 1879	John W. Patterson	Virginia City	
July 31, 1879	V. J. Stearns	Virginia City	August 28, 1879.
November 17, 1879	Thomas E. Haydon	Reno	November 21, 1879.
March 19, 1880	D. J. Lewis	Aurora	
June 11, 1880	E. B. Stonchill	Virginia City	
August 11, 1880	Louis A. Hauck	Hamilton	

OHIO.

July 12, 1878	Samuel Carpenter	Cincinnati	September 9, 1878.
July 15, 1880	M. B. Sachs	Cincinnati	

OREGON.

April 16, 1877	O. F. Bell	Astoria	April 30, 1877.
October 3, 1877	Wm. J. Shipley	Portland	
May 30, 1878	Eugene D. White	Portland	
January 22, 1879	P. W. Gillette	Portland	
May 1, 1880	R. D. Pitt	Portland	July 6, 1880.
October 12, 1880	H. Sengstacken	Empire City	November 4, 1880.
October 25, 1880	F. A. Meyer	Portland	
November 15, 1880	Joseph Simon	Portland	November 29, 1880.

PENNSYLVANIA.

April 27, 1877	Henry Reed	Philadelphia	January 23, 1878.
April 27, 1877	William H. Myers	Philadelphia	July 30, 1877.
November 15, 1877	Thomas J. Hunt	Philadelphia	
February 25, 1878	Samuel L. Taylor	Philadelphia	March 18, 1878.
February 25, 1878	Henry E. Garsed	Philadelphia	May 4, 1878.
May 30, 1878	J. S. Perot	Philadelphia	
December 24, 1878	Chas. Chauncey	Philadelphia	January 11, 1879.
March 12, 1879	J. Paul Diver	Philadelphia	May 24, 1879.
May 5, 1879	Kinly S. Tener	Philadelphia	
June 5, 1880	Edward Shippen	Philadelphia	
June 11, 1880	William F. Robb	Pittsburgh	June 28, 1880.

RHODE ISLAND.

March 12, 1878	John C. Purkis	Providence	
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TEXAS.

May 10, 1879	J. D. Stevenson	San Antonio	
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COMMISSIONERS OF DEEDS.

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UTAH.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
October 4, 1880	Chris. Diehl	Salt Lake	

WASHINGTON TERRITORY.

January 30, 1879	John W. Ranch	Dayton	
November 11, 1879	John Leary	Seattle	February 2, 1880.
March 22, 1880	Rob't Crawford	Spokane Falls	September 27, 1880.
February 18, 1881	T. Brook White	New Tacoma	

GREAT BRITAIN.

March 19, 1878	William Grain	London	June 3, 1878.
December 28, 1878	John Henry Grain	London	February 13, 1879.
February 2, 1880	Hamilton Fulton	London	
March 6, 1880	Matthew Henry Jacobs	London	Deceas'd Aug. 22, 1880.
July 19, 1880	W. R. A. Kime	Co. of Middlesex	September 6, 1880.
September 25, 1880	John Lawless	Dublin, Ireland	November 22, 1880.
October 12, 1880	J. M. Bernard	London	

SANDWICH ISLANDS.

September 10, 1880	Jno. H. Patty	Honolulu	
January 3, 1881	Jas. M. Monsarrat	Honolulu	February 24, 1881.

CANADA.

May 28, 1877	Beverly Jones	Toronto	August 7, 1877.
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CONSTITUTION

OF THE

STATE OF CALIFORNIA.

ADOPTED IN CONVENTION, AT SACRAMENTO, MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY-NINE; RATIFIED BY A VOTE OF THE PEOPLE ON WEDNESDAY, MAY SEVENTH, EIGHTEEN HUNDRED AND SEVENTY-NINE.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

WE, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishment be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

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

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

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as

libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

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

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

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

SEC. 13. In criminal prosecutions, in any Court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the Court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases, other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

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

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

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 17. Foreigners of the white race or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of property as native-born citizens.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

SEC. 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State.

SEC. 2.— Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war, or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. All elections by the people shall be by ballot.

ARTICLE III.

DISTRIBUTION OF POWERS. -

SECTION 1. The powers of the government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated The Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and, after the election held in the year eighteen hundred and eighty, shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than sixty days, except for the first session after the adoption of this Constitution, for which they may be allowed pay for one hundred days. And no bill shall be introduced, in either House, after the expiration of ninety days from the commencement of the first session, nor after fifty days after the commencement of each succeeding session, without the consent of two thirds of the members thereof.

SEC. 3. Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter, members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly, who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

SEC. 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd numbered districts shall be vacated at the expiration of the second year, so that one half of the Senators shall be elected every two years; *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty, in the same order, commencing at the northern boundary of the State, and ending at the southern boundary thereof. In the formation of such districts, no county, or city and county, shall be divided, unless it contain sufficient population within itself to form two or more districts; nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts, according to the apportionment now provided for by law.

SEC. 7. Each House shall choose its officers, and judge of the qualifications, elections, and returns of its members.

SEC. 8. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each House may provide.

SEC. 9. Each House shall determine the rule of its proceeding, and may, with the concurrence of two thirds of all the members elected, expel a member.

SEC. 10. Each House shall keep a Journal of its proceedings, and publish the same, and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the Journal.

SEC. 11. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 12. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 13. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either House draw pay for any recess or adjournment for a longer time than three days.

SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each House, unless, in case of urgency, two thirds of the House where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either House, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each House.

SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, two thirds of the members elected to each House voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

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

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

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

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

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

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations

made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have, at any time, the right to inquire into the management of such institution; *provided further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town, shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 23. The members of the Legislature shall receive for their services a per diem and mileage, to be fixed by law, and paid out of the public treasury; such per diem shall not exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either House shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

SEC. 24. Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be re-enacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings shall be conducted, preserved, and published in no other than the English language.

SEC. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

- First*—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.
- Second*—For the punishment of crimes and misdemeanors.
- Third*—Regulating the practice of Courts of justice.
- Fourth*—Providing for changing the venue in civil or criminal actions.
- Fifth*—Granting divorces.
- Sixth*—Changing the names of persons or places.
- Seventh*—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, graveyards, or public grounds not owned by the State.
- Eighth*—Summoning and impaneling grand and petit juries, and providing for their compensation.
- Ninth*—Regulating county and township business, or the election of county and township officers.
- Tenth*—For the assessment or collection of taxes.
- Eleventh*—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.
- Twelfth*—Affecting estates of deceased persons, minors, or other persons under legal disabilities.
- Thirteenth*—Extending the time for the collection of taxes.
- Fourteenth*—Giving effect to invalid deeds, wills, or other instruments.
- Fifteenth*—Refunding money paid into the State treasury.
- Sixteenth*—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.
- Seventeenth*—Declaring any person of age, or authorizing any minor to sell, lease, or incur his or her property.
- Eighteenth*—Legalizing, except as against the State, the unauthorized or invalid act of any officer.
- Nineteenth*—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.
- Twentieth*—Exempting property from taxation.
- Twenty-first*—Changing county seats.
- Twenty-second*—Restoring to citizenship persons convicted of infamous crimes.
- Twenty-third*—Regulating the rate of interest on money.
- Twenty-fourth*—Authorizing the creation, extension, or impairing of liens.
- Twenty-fifth*—Chartering or licensing ferries, bridges, or roads.
- Twenty-sixth*—Remitting fines, penalties, or forfeitures.
- Twenty-seventh*—Providing for the management of common schools.
- Twenty-eighth*—Creating offices, or prescribing the powers and duties of officers in counties, cities, and townships, election or school districts.
- Twenty-ninth*—Affecting the fees or salary of any officer.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association on margin, or to be delivered at a future day, shall be void, and any money paid on such contracts may be recovered by the party paying it, by suit in any Court of competent jurisdiction.

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more Congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly districts shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

SEC. 28. In all elections by the Legislature, the members thereof shall vote viva voce, and the votes shall be entered on the Journal.

SEC. 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

SEC. 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, county and county, town or other municipal corporation, for any religious creed, church, or sectarian purpose whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing; or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal, or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

SEC. 32. The Legislature shall have no power to grant or authorize any county or municipal authority to grant any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part, nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

SEC. 34. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose to be therein expressed.

SEC. 35. Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide by law for the punishment of this crime. Any member of the Legislature who shall be influenced in his vote or action upon any matter pending before the Legislature by any

reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

ARTICLE V.

EXECUTIVE DEPARTMENT. *

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election; and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election, and attained the age of twenty-five years at the time of such election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of such persons so having an equal and the highest number of votes for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.

SEC. 10. He shall communicate by message to the Legislature at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor except as hereinafter expressly provided.

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General, shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

SEC. 18. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, three thousand dollars each per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however, that the Legislature, after the expiration of the terms hereinbefore mentioned, may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.*

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

ARTICLE VI.

JUDICIAL DEPARTMENT.

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

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The Court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes and all questions arising therein, subject to the provisions hereinafter contained in relation to the Court in bank. The presence of three Justices shall be necessary to transact any business in either of the departments, except such as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the Court to be heard and decided by the Court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four Justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the Court in bank at any time, and shall be the presiding Justice of the Court when so convened. The concurrence of four Justices present at the argument shall be necessary to pronounce a judgment in bank; but if four Justices, so present, do not concur in a judgment, then all the Justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four Judges shall be necessary. In the determination of causes, all decisions of the Court in bank or in departments shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the Justices assigned to each department shall select one of their number as presiding Justice. In case of the absence of the Chief Justice from the place at which the Court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

SEC. 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large, at the general State elections, at the times and places at which State officers are elected; and the term of office shall be twelve years, from and after the first Monday after the first day of January next succeeding their election; *provided, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of*

them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the Court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy, which election shall take place at the next succeeding general election, and the Justice so elected shall hold the office for the remainder of the unexpired term. The first election of the Justices shall be at the first general election after the adoption and ratification of this Constitution.

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

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

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

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

SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall

be his duty so to do. But a cause in a Superior Court may be tried by a Judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant or their attorneys of record, approved by the Court, and sworn to try the cause.

SEC. 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may at any time, two thirds of the members of the Senate and two thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county, in the State; provided, that no such reduction shall affect any Judge who has been elected.

SEC. 10. Justices of the Supreme Court, and Judges of the Superior Courts, may be removed by concurrent resolution of both Houses of the Legislature, adopted by a two thirds vote of each House. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor, but no removal shall be made by virtue of this section, unless the cause thereof be entered on the Journal, nor unless the party complained of has been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defense. On the question of removal, the ayes and noes shall be entered on the Journal.

SEC. 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; provided, such powers shall not in any case trench upon the jurisdiction of the several Courts of record, except that said Justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of the liens nor the value of the property amounts to three hundred dollars.

SEC. 12. The Supreme Court, the Superior Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

SEC. 13. The Legislature shall fix by law the jurisdiction of any inferior Courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.

SEC. 14. The Legislature shall provide for the election of a Clerk of the Supreme Court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more Commissioners in their respective counties, or cities and counties, with authority to perform Chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient, and all opinions shall be free for publication by any person.

SEC. 17. The Justices of the Supreme Court and Judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. During the term of the first Judges elected under this Constitution, the annual salaries of the Justices of the Supreme Court shall be six thousand dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, and the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, and Sonoma, which shall receive four thousand dollars each.

SEC. 18. The Justices of the Supreme Court and Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

SEC. 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 20. The style of all process shall be, "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 21. The Justices shall appoint a Reporter of the decisions of the Supreme Court, who shall hold his office and be removable at their pleasure. He shall receive an annual salary not to exceed twenty-five hundred dollars, payable monthly.

SEC. 22. No Judge of a Court of record shall practice law in any Court of this State during his continuance in office.

SEC. 23. No one shall be eligible to the office of Justice of the Supreme Court, or to the office of Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

SEC. 24. No Judge of a Superior Court nor of the Supreme Court shall, after the first day of July, one thousand eight hundred and eighty, be allowed to draw or receive any monthly salary unless he shall take and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his Court remains undecided that has been submitted for decision for the period of ninety days.

ARTICLE VII.

PARDONING POWER.

SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

ARTICLE VIII.

MILITIA.

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

SEC. 2. All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms either for ceremony or duty, carry no device, banner, or flag of any State or nation, except that of the United States or the State of California.

ARTICLE IX.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

SEC. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

SEC. 3. A Superintendent of Schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting.

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new States under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted, or may have been granted, by Congress, on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 5. The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority; but the entire revenue derived from the State School Fund, and the State school tax, shall be applied exclusively to the support of primary and grammar schools.

SEC. 7. The local Boards of Education, and the Boards of Supervisors, and County Superintendents of the several counties which may not have County Boards of Education, shall adopt a series of text-books for the use of the common schools within their respective jurisdictions;

the text-books so adopted shall continue in use for not less than four years; they shall also have control of the examination of teachers and the granting of teachers' certificates within their several jurisdictions.

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

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

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

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

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

SEC. 3. The Board shall appoint the Warden and Clerk, and determine the other necessary officers of the Prisons. The Board shall have power to remove the Wardens and Clerks for misconduct, incompetency, or neglect of duty. All other officers and employes of the Prisons shall be appointed by the Warden thereof, and be removed at his pleasure.

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

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

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

ARTICLE XI.

CITIES, COUNTIES, AND TOWNS.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 2. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. No new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

SEC. 4. The Legislature shall establish a system of county governments, which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and, whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county, and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general laws.

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession.

SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general laws.

SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or not prohibited to cities, shall be applicable to such consolidated government. In consolidated city and county governments, of more than one hundred thousand population, there shall be two Boards of Supervisors or houses of legislation—one of which, to consist of twelve persons, shall be elected by general ticket from the city and county at large, and shall hold office for the term of four years, but shall be so classified that after the first election only six shall be elected every two years; the other, to consist of twelve persons, shall be elected every two years, and shall hold office for the term of two years. Any vacancy occurring in the office of Supervisor, in either Board, shall be filled by the Mayor or other chief executive officer.

SEC. 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each House, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of deeds of the county, among the archives of the city; all Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

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

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

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

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

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

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

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

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depository, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they respectively belong.

SEC. 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

SEC. 18. No county, city, town, township, Board of Education, or school district, shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a Sinking Fund for the payment of the principal thereof within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

SEC. 19. No public work or improvement of any description whatsoever shall be done or made, in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment, in proportion to the benefits, on the property to be affected or benefited, shall be levied, collected, and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality, for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

ARTICLE XII.

CORPORATIONS.

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

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation, or joint-stock association, during the term of office of such director or trustee.

SEC. 4. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue and shall be subject to be sued, in all Courts, in like cases as natural persons.

SEC. 5. The Legislature shall have no power to pass any Act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general

laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

Sec. 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Sec. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this State.

Sec. 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals, and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

Sec. 9. No corporation shall engage in any business other than that expressly authorized in its charter, or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate except such as may be necessary for carrying on its business.

Sec. 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

Sec. 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

Sec. 12. In all elections for directors or managers of corporations, every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of cooperative societies formed for agricultural, mercantile, and manufacturing purposes, may vote on all questions affecting such societies in manner prescribed by law.

Sec. 13. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation.

Sec. 14. Every corporation other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

Sec. 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

Sec. 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises, or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the Court to change the place of trial as in other cases.

Sec. 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose, under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

Sec. 18. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

Sec. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket, by a member of the Legislature, or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

Sec. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for

the purpose of competing with any other common carrier, lower its rates for transportation of passengers and freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion or commutation tickets may be issued at special rates.

SEC. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employé; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as Courts of record, and enforce their decisions and correct abuses through the medium of the Courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense, and every officer, agent, or employé of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the Judge or jury, recover exemplary damages. Said Commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each House, to remove any one or more of said Commissioners from office for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said Commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

SEC. 23. Until the Legislature shall district the State the following shall be the railroad districts: The First District shall be composed of the Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected. The Second District shall be composed of the Counties of Marin, San Francisco, and San Mateo, from which one Railroad Commissioner shall be elected. The Third District shall be composed of the Counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

SEC. 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property,"

as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

SEC. 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

SEC. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

SEC. 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debts so secured, the value of property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

SEC. 5. Every contract hereafter made, by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

SEC. 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

SEC. 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

SEC. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of March.

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and seventy-nine, whose term of office after those first elected shall be four years, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purposes of taxation. The Controller of State shall be ex officio a member of the Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the county Boards may prescribe, as to the county assessments, and under such rules of notice as the State Board may prescribe, as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll.

SEC. 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization, at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts.

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

SEC. 12. The Legislature shall provide for the levy and collection of an annual poll tax of not less than two dollars on every male inhabitant of this State, over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State School Fund.

SEC. 13. The Legislature shall pass all laws necessary to carry out the provisions of this article.

ARTICLE XIV.

WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or city and county, or City or Town Council, or other governing body of such city and county, or city or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any Board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city or town where the same are collected, for the public use.

SEC. 2. The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

ARTICLE XV.

HARBOR FRONTAGES, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

SEC. 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purpose of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

ARTICLE XVI.

STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel an invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

SECTION 1. The Legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

SEC. 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two thirds of all the members elected to each of the two Houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their Journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution.

SEC. 2. Whenever two thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote at the next general election for or against a Convention for that purpose, and if a majority of the electors voting at such election on the proposition for a Convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The Convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so chosen shall meet within three months after their election at such place as the Legislature may direct. At a special election, to be provided for by law, the Constitution that may be agreed upon by such Convention shall be submitted to the people for their ratification or rejection, in such manner as the Convention may determine. The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such Constitution as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

ARTICLE XIX.

CHINESE.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and modes of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

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

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

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XXI.

BOUNDARY.

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

direction of the Pacific Coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

ARTICLE XXII.

SCHEDULE.

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

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

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

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

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

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

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the Inspectors of Elections, at each election precinct or polling place in their respective counties, suitable registers, poll-books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the Presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerk of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county.

SEC. 7. Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

SEC. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the Board must

then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said Boards shall be the same as those prescribed for like Boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said Board shall immediately certify the same, in the usual form, to the Governor of the State of California.

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

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

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

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

Attest: EDWIN F. SMITH, Secretary.

J. P. HOGE, President.

A. R. ANDREWS,
 JAMES J. AYERS,
 CLITUS BARBOUR,
 EDWARD BARRY,
 JAMES N. BARTON,
 C. J. BEERSTECHEER,
 ISAAC S. BELCHER,
 PETER BELL,
 MARION BIGGS,
 E. T. BLACKMER,
 JOSEPH C. BROWN,
 SAML. B. BURT,
 JOSIAH BOUCHER,
 JAMES CAPLES,
 AUG. H. CHAPMAN,
 J. M. CHARLES,
 JOHN D. CONDON,
 C. W. CROSS,
 HAMLET DAVIS,
 JAS. E. DEAN,
 P. T. DOWLING,
 LUKE D. DOYLE,
 W. L. DUDLEY,
 JONATHAN M. DUDLEY,
 PRESLEY DUNLAP,
 JOHN EAGON,
 THOMAS H. ESTEY,
 HENRY EDGERTON,
 M. M. ESTEE,
 EDWARD EVEY,
 J. A. FILCHER,
 SIMON J. FARRELL,
 ABRAHAM CLARK FREEMAN,
 JACOB RICHARD FREUD,
 J. B. GARVEY,
 B. B. GLASCOCK,
 JOSEPH C. GORMAN,
 W. P. GRACE,

DAVID LEWIS,
 J. F. LINDOW,
 JNO. MANSFIELD,
 EDWARD MARTIN,
 J. WEST MARTIN,
 RUSH McCOMAS,
 JOHN G. McCALLUM,
 THOMAS McCONNELL,
 JOHN McCOY,
 THOMAS B. McFARLAND,
 HIRAM MILLS,
 WM. S. MOFFATT,
 JOHN FLEMING McNUTT,
 W. W. MORELAND,
 L. D. MORSE,
 JAMES E. MURPHY,
 EDMUND NASON,
 THORWALD KLAUDIUS NELSON,
 HENRY NEUNABER,
 CHS. C. O'DONNELL,
 GEORGE OHLEYER,
 JAMES O'SULLIVAN,
 JAMES MARTIN PORTER,
 WILLIAM H. PROUTY,
 M. R. C. PULLIAM,
 CHAS. F. REED,
 PATRICK REDDY,
 JNO. M. RHODES,
 JAS. S. REYNOLDS,
 HORACE C. ROLFE,
 CHAS. S. RINGGOLD,
 JAMES McM. SHAFTER,
 GEO. W. SCHELL,
 J. SCHOMP,
 RUFUS SHOEMAKER,
 E. O. SMITH,
 BENJ. SHURTTLEFF,
 GEO. VENABLE SMITH,

WILLIAM J. GRAVES,
V. A. GREGG,
JNO. S. HAGER,
JOHN B. HALL,
THOMAS HARRISON,
JOEL A. HARVEY,
T. D. HEISKELL,
CONRAD HEROLD,
D. W. HERRINGTON,
S. G. HILBORN,
J. R. W. HITCHCOCK,
J. E. HALE,
VOLNEY E. HOWARD,
SAM. A. HOLMES,
W. J. HOWARD,
WM. PROCTOR HUGHEY,
W. F. HUESTIS,
G. W. HUNTER,
DANIEL INMAN,
GEORGE A. JOHNSON,
L. F. JONES,
PETER J. JOYCE,
J. M. KELLEY,
JAMES H. KEYES,
JOHN J. KENNY,
C. R. KLEINE,
T. H. LAINE,
HENRY LARKIN,
R. M. LAMPSON,
R. LAVIGNE,
H. M. LARUE,

H. W. SMITH,
JOHN C. STEDMAN,
E. P. SOULE,
D. C. STEVENSON,
GEO. STEELE,
CHAS. V. STUART,
W. J. SWEASEY,
CHARLES SWENSON,
R. S. SWING,
D. S. TERRY,
S. B. THOMPSON,
F. O. TOWNSEND,
W. J. TINNIN,
DANIEL TUTTLE,
P. B. TULLY,
H. K. TURNER,
A. P. VACQUEREL,
WALTER VAN DYKE,
WM. VAN VOORHIES,
HUGH WALKER,
JNO. WALKER,
BYRON WATERS,
JOSEPH R. WELLER,
J. V. WEBSTER,
JOHN P. WEST,
PATRICK M. WELLIN,
JOHN T. WICKES,
WM. F. WHITE,
H. C. WILSON,
JOS. W. WINANS,
N. G. WYATT.



STATUTES.

STATUTES OF CALIFORNIA

PASSED AT THE

TWENTY-FOURTH SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act making appropriation for the payment of mileage of Senators and Lieutenant-Governor.

[Approved January 31st, 1881.]

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

SECTION 1. The sum of eleven hundred and seventy-five and forty one-hundredths dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the mileage of Senators and Lieutenant-Governor, for the thirty-second fiscal year. Appropriation for mileage of Senators, etc.

SEC. 2. This Act shall take effect immediately.

CHAPTER II.

An Act to amend Section 1857 of the Political Code, relating to public schools.

[Approved February 9th, 1881.]

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

SECTION 1. Section one thousand eight hundred and fifty-seven of said Code is hereby amended so as to read as follows:

1857. No Assessor, Tax Collector, or County Treasurer must charge or receive any fees or compensation whatever, for assessing, collecting, receiving, keeping, or dis- Compensation of certain officers not allowed.

Exceptions. bursing any school moneys, but the whole moneys collected must be paid to the County Treasurer; *provided*, that said Assessor or Tax Collector, for services rendered in the collection of poll taxes, shall receive the sum of fifteen per cent. of the collections.

SEC. 2. This Act shall take effect immediately.

CHAPTER III.

An Act to authorize the several counties, cities and counties, cities, and towns of this State, and the officers and Boards of officers thereof, to receive property by gift, bequest, and devise, and to hold, manage, and dispose of such property, and the income and increase thereof.

[Approved February 10th, 1881.]

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

Municipal
Boards may
accept or
reject gifts,
bequests, etc.

SECTION 1. The Boards of Common Council, Supervisors, Trustees, houses of legislation, or other legislative bodies of the several counties, cities and counties, cities, and towns of this State, are hereby authorized to accept or reject, as they may deem advisable, any gift, bequest, or devise heretofore or that may be hereafter made to or in favor of the counties, cities and counties, cities, or towns represented by them respectively, or to or in favor of any of the officers or Boards of officers thereof, in their official capacity, or to or in their favor in trust for any lawful public purpose.

How held or
disposed of.

SEC. 2. The several counties, cities and counties, cities, and towns of this State, and the several officers and Boards of officers thereof, in their official capacity, are hereby authorized to receive property by gift, bequest, and devise, and to hold and dispose of the same, and the income and increase thereof, to and for such lawful uses and purposes as have been or may hereafter be prescribed in the terms of such gift, bequest, or devise. In the event of any such gift, bequest, or devise having been, or being hereafter made, unaccompanied by any provision prescribing or limiting the uses or purposes to which the property received thereunder, or the income or increase thereof, shall be put, such uses and purposes may be prescribed and regulated by the Common Council, Board of Supervisors, Board of Trustees, houses of legislation, or other legislative body of the proper county, city and county, city, or town. Such legislative bodies may make such regulations concerning the mode and manner of carrying into effect the purposes as aforesaid, and devoting the property so received, and the income and increase thereof, to the uses aforesaid, in their respective counties, cities and counties, cities, and towns, as may be necessary.

CHAPTER IV.

An Act releasing to William Scholle, and his assigns, certain lands in San Francisco, and authorizing the Governor to make conveyances thereof.

[Approved February 15th, 1881.]

WHEREAS, Heretofore, the Board of California Land Commissioners created by an Act of the Legislature entitled "An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, as defined in and by the Act entitled 'An Act to provide for the disposition of certain property of the State of California,' passed March twenty-sixth, one thousand eight hundred and fifty-one," approved May eighteenth, eighteen hundred and fifty-three, did, in pursuance of said Act, sell to Wilder T. Thompson all the right, title, and interest of the State of California in the beach and water lots, in the City of San Francisco, numbered three hundred and five and three hundred and six, which lots are described as follows: Commencing on the westerly line of Fremont Street two hundred and twenty-nine feet and two inches southerly from Market Street; thence southerly along Fremont Street forty-five feet ten inches; thence at right angles westerly two hundred and seventy-five feet to First Street; thence northerly along First Street forty-five feet ten inches; and thence at a right angle easterly two hundred and seventy-five feet to the place of beginning; and whereas, the Commissioners in making conveyance of said lands to the purchaser, described the same as commencing on the west line of Fremont Street one hundred and eighty-three feet four inches south of Market Street; and whereas, the said Wilder T. Thompson, by conveyance under his hand and seal, bearing date the eighteenth day of January, eighteen hundred and fifty-eight, and recorded in the Recorder's office of the City and County of San Francisco, in liber seventy-seven of deeds, at page six hundred and seventy-seven, granted the said lots, by their numbers, to William Scholle; therefore,

Preamble.

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

SECTION 1. The right, title, and interest of the State of California in the land in the City and County of San Francisco described as follows: Commencing on the westerly line of Fremont Street two hundred and twenty-nine feet two inches southerly from Market Street; thence southerly along Fremont Street forty-five feet ten inches; thence at a right angle westerly two hundred and seventy-five feet to First Street; thence northerly along First Street forty-five feet ten inches; and thence at a right angle easterly two hundred and seventy-five feet to the place of beginning, being beach

Releasing certain water lots to William Scholle.

and water lots numbers three hundred and five and three hundred and six, is hereby released unto William Scholle, his heirs and assigns.

SEC. 2. The Governor is hereby authorized to execute and deliver to the said grantees a formal instrument of conveyance of the interest of the State of California in said lands.

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

CHAPTER V.

To provide for the improvement of Normal School Square, in the City of San José.

[Approved February 15th, 1881.]

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

Appropriation for Normal School.

How expended.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the improvement of the Normal School Square, in the City of San José.

SEC. 2. The said moneys shall be expended in grading, draining, and fencing the said square, in planting the same with suitable trees and shrubbery, and in graveling the necessary walks. It shall be expended under the direction of the Board of Trustees of the said Normal School, in whose favor the Controller of State shall draw his warrants from time to time, as the work shall progress, upon the requisition of the said Board for the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER VI.

An Act to provide for ascertaining the amount of the equitable claim of the estate of Ham. C. Harrison, deceased, against the State, and to appropriate money to pay the same.

[Approved February 17th, 1881.]

Preamble. WHEREAS, The Legislature of this State passed an Act, which was approved March twenty-eighth, eighteen hundred and seventy-four, entitled "An Act levying a tax for State purposes, for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof;" and whereas, it is provided in said Act that the fees of the officers, for services performed under said Act, shall be taxed with the other costs in said actions, and when collected be paid to

said officers, for their own use; and whereas, at a subsequent session of said Legislature, an Act was passed, and approved March fifteenth, eighteen hundred and seventy-six, entitled an Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs; and whereas, by the provisions of said last named Act, Ham. C. Harrison, the duly elected and qualified County Clerk of Sacramento County, and ex officio Clerk of the District Court of the Sixth Judicial District of Sacramento County, who had performed the services required of him under the provisions of the aforesaid first mentioned Act, was prohibited by the Act of March fifteenth, eighteen hundred and seventy-six, from collecting the costs which were actually due him; therefore,

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

SECTION 1. Mrs. Abbie A. Harrison, the widow and administratrix of the estate of Ham. C. Harrison, deceased, may present to the State Board of Examiners a statement, in the form of an account, showing the names of the defendants in the actions begun by the people of the State of California prior to the fifteenth day of March, eighteen hundred and seventy-six, in the District Court of the Sixth Judicial District for Sacramento County, of which Court Ham. C. Harrison was Clerk, for the recovery of taxes, where the amount sued for was ten dollars or less, due the State under the Act entitled "An Act levying a tax for State purposes, for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof," approved March twenty-eighth, eighteen hundred and seventy-four, and the amount due in each of such cases to said Harrison as Clerk, as costs for services rendered as Clerk, up to the fifteenth day of March, eighteen hundred and seventy-six, and which actions were abated by the Act of the Legislature entitled "An Act to regulate proceedings for the collection of taxes, and to prevent oppressive costs," approved March fifteenth, eighteen hundred and seventy-six.

Statement of account to be presented to Board of Examiners.

SEC. 2. The Board of Examiners must examine such account, and when it ascertains the number of actions so abated as aforesaid, and the amount of service rendered in each action by said Harrison, and the costs as provided for by law at the time for such services, the Board must allow the same, and transmit the same to the Controller of State; *provided*, that the amount for services rendered by said Harrison, and the Clerk's costs in such action allowed by said Board, shall not exceed three dollars in each action.

Board to examine the accounts.

Costs limited.

SEC. 3. The Controller of State must draw his warrant in favor of said Abbie A. Harrison, administratrix aforesaid, for the amount allowed by the Board, which amount to pay the same is hereby appropriated out of any moneys in the General Fund of the State treasury; *provided*, if, in a certain action now pending against Ham. C. Harrison, to recover moneys alleged by the State to belong to the State, the people

Allowance by Board, how paid.

of the State of California shall recover judgment against the said defendant, the amount of judgment so recovered shall be deducted by the Board from the amount found due the said Ham. C. Harrison.

SEC. 4. This Act shall take effect immediately.

CHAPTER VII.

An Act to amend Section 1171 of the Penal Code, in relation to preparation, presentation, and settlement of bills of exceptions in criminal cases.

[Approved February 18th, 1881.]

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

SECTION 1. Section eleven hundred and seventy-one of the Penal Code is hereby amended to read as follows:

Exceptions,
when to be
presented
and signed.

1171. When a party desires to have the exceptions taken at the trial settled in a bill of exceptions, the draft of a bill must be prepared by him and presented, upon notice of at least two days to the District Attorney, to the Judge for settlement within ten days after judgment has been rendered against him, unless further time is granted by the Judge, or by a Justice of the Supreme Court, or within that period the draft must be delivered to the Clerk of the Court for the Judge. When received by the Clerk, he must deliver it to the Judge, or transmit it to him at the earliest period practicable. When settled, the bill must be signed by the Judge and filed with the Clerk of the Court.

CHAPTER VIII.

An Act to amend Section 329 of the Political Code, relating to the operation of statutes.

[Approved February 18th, 1881.]

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

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

Repeal
of laws
creating
criminal
offenses,
effect of.

329. The repeal of any law creating a criminal offense does not constitute a bar to the indictment or information and punishment of an act already committed in violation of the law so repealed, unless the intention to bar such indictment or information and punishment is expressly declared in the repealing Act.

SEC. 2. This Act shall take effect immediately.

CHAPTER IX.

An Act to amend Section 2217 of the Political Code, relating to committal of insane persons.

[Approved February 18th, 1881.]

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

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

2217. The Judge, after such examination and certificate made, if he believes the person so far disordered in his mind as to endanger health, person, or property, must make an order that he be confined in the insane asylum. A copy of such order shall be filed with and recorded by the County Clerk of the county. The Clerk shall also keep in convenient form, an index book, showing the name, age, and sex of each person so ordered to be confined in the insane asylum, with the date of the order, and the name of the insane asylum in which the person is ordered to be confined. No fees shall be charged by the Clerk for performing any of the duties provided for by this section.

Action of Judge on commitment of insane.

Duty of Clerk.

SEC. 2. This Act shall take effect immediately.

CHAPTER X.

An Act to appropriate money to supply a deficiency in the Contingent Fund of the Assembly, for the twenty-fourth session.

[Approved February 19th, 1881.]

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

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the General Fund in the State treasury not otherwise appropriated, to supply a deficiency in the Contingent Fund of the Assembly for the twenty-fourth session.

Appropriation.

SEC. 2. The moneys hereby appropriated shall be exempt from the provisions of section six hundred and seventy-two of the Political Code. And this Act shall take effect immediately.

CHAPTER XI.

An Act to provide a Contingent Fund for the Legislature.

[Approved February 19th, 1881.]

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

Appropriation.

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to defray the contingent expenses of the Senate at the twenty-fourth session of the Legislature, and said amount shall be subject to its order.

SEC. 2. The moneys hereby appropriated shall be exempt from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect immediately.

CHAPTER XII.

An Act to amend Section 1468 of the Code of Civil Procedure, relating to property set apart to the use of the family.

[Approved February 19th, 1881.]

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

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

Property set apart, how apportioned between widow and children.

1468. When property is set apart to the use of the family, in accordance with the provisions of this chapter, if the decedent left a widow or surviving husband, and no minor child, such property is the property of the widow or surviving husband. If the decedent left also a minor child or children, the one half of such property shall belong to the widow or surviving husband, and the remainder to the child, or in equal shares to the children, if there be more than one. If there be no widow or surviving husband, the whole belongs to the minor child or children. If the property set apart be a homestead, selected from the separate property of the deceased, the Court can only set it apart for a limited period, to be designated in the order, and the title vests in the heirs of the deceased, subject to such order.

CHAPTER XIII.

An Act to provide for the appointment of a Deputy Supreme Court Reporter, and to regulate his compensation.

[Approved February 26th, 1881.]

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

SECTION 1. The Reporter of the Decisions of the Supreme Court is hereby authorized to appoint a deputy, and such deputy shall hold his office at the will of the Reporter.

SEC. 2. The salary of such deputy shall be twenty-four hundred dollars per annum, payable monthly, out of any money in the General Fund not otherwise appropriated, and the Controller of State is hereby authorized and directed to draw his warrants monthly for such purpose, and the State Treasurer is hereby authorized and directed to pay the same.

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

Appoint-
ment of
Deputy
Reporter of
Suprema
Court.

Salary.

CHAPTER XIV.

An Act to amend Section 595 of the Civil Code of California, relating to religious, social, and benevolent corporations.

[Approved February 26th, 1881.]

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

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

595. All such corporations may hold all the property of the association owned prior to incorporation or acquired thereafter in any manner, and transact all business relative thereto; but no such corporation must own or hold more real estate than may be necessary for the business and objects of the association, and providing burial grounds for its deceased members, not to exceed six whole lots in any city or town, nor more than twenty acres in the country, the annual increase, income, or profit whereof must not exceed fifty thousand dollars; *provided*, that any such corporation now, or hereafter having, and having had continuously for the next preceding three years, the care, custody, control, and maintenance each year, upon an annual average of not less than one hundred orphans, half orphans, and indigent minor children at any one orphan asylum, shall be entitled

Corporations
to hold
property;
amount of
real estate
limited.

Limit to
orphan
asylums.

and allowed to own and possess any number of acres, not exceeding one hundred and sixty acres of land in the country, outside of any incorporated city or town, and the annual income or profit of which does not exceed fifty thousand dollars; *and provided further*, such orphan asylum shall be situated on such lands; *and provided further*, that the limitations herein provided for shall not apply to corporations formed, or to be formed, under section six hundred and two of the Civil Code, when the land is held or used for churches, hospitals, schools, colleges, orphan asylums, parsonages, or cemetery purposes.

SEC. 2. This Act shall take effect immediately.

CHAPTER XV.

An Act to amend Sections 1811 and 1812 of the Code of Civil Procedure, relating to sole traders.

[Approved February 26th, 1881.]

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

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

Who may
become sole
traders.

1811. A married woman may become a sole trader by the judgment of the Superior Court of the county in which she has resided for six months next preceding the application.

SEC. 2. Section one thousand eight hundred and twelve of said Code is amended to read as follows:

Notice, how
given and
what to
contain.

1812. A person intending to make application to become a sole trader must publish notice of such intention in a newspaper published in the county, or if none, then in a newspaper published in an adjoining county, once a week for four successive weeks. The notice must specify the day upon which application will be made, the nature and place of the business proposed to be conducted by her, and the name of her husband.

SEC. 3. This Act shall take effect immediately.

CHAPTER XVI.

An Act to amend Section 243 of the Penal Code, relating to the punishment of the crime of battery.

[Approved February 26th, 1881.]

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

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

243. A battery is punishable by fine of not exceeding one thousand dollars, or by imprisonment in the County Jail not exceeding six months, or by both. Battery, how punished.

CHAPTER XVII.

An Act to amend Section 1271 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to escheated estates, and to provide for the sale thereof.

[Approved March 2d, 1881.]

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

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

1271. All persons named in the information may appear and answer, and may traverse or deny the facts stated in the information, the title of the State to lands and tenements therein mentioned, at any time before the time for answering expires, and any other person claiming an interest in such estate may appear and be made a defendant, and by motion for that purpose in open Court within the time allowed for answering; and if no person appears and answers within the time, then judgment must be rendered that the State be seized of the lands and tenements in such information claimed. But if any person appear and deny the title set up by the State, or traverse any material fact set forth in the information, the issue of fact must be tried as issues of facts are tried in civil actions. If, after the issues are tried, it appears from the facts found, or admitted, that the State has good title to the land and tenements in the information mentioned, or any part thereof, judgment must be rendered that the State be seized thereof, and recover costs of suit against the defendants. In any judgment rendered, or that has heretofore been rendered by any Court of competent jurisdiction, escheating real property to the State, on motion of the Attorney-General, the Court Appearance, pleadings, and trial of escheated estates.

Appearance,
pleadings
and trial of
escheated
estates.

shall make an order that said real property be sold by the Sheriff of the county where the same is situate, at public sale, for gold coin, after giving such notice of the time and place of sale as may be prescribed by the Court in the said order; that the Sheriff shall, within five days after such sale, make a report thereof to the Court, and upon the hearing said report, the Court may examine the said report, and witnesses in relation to the same, and if the proceedings were unfair, or the sum bid disproportionate to the value, and if it appear that a sum exceeding such bid at least ten per cent., exclusive of the expense of a new sale, may be obtained, the Court may vacate the sale, and direct another sale to be had, of which notice must be given, and the sale in all respects conducted as if no previous sale had taken place. If an offer of ten per cent. more in amount than that named in the report, be made to the Court in writing by a responsible person, the Court may, in its discretion, accept such offer, and confirm the sale to such person, or order a new sale. If it appears to the Court that the sale was legally made, and fairly conducted, and that the sum bid is not disproportionate to the value of the property sold, and that a greater sum than ten per cent., exclusive of the expense of a new sale, can not be obtained, or if the increased bid above mentioned be made and accepted by the Court, the Court must make an order confirming the sale, and directing the Sheriff in the name of the State, to execute to purchaser, or purchasers a conveyance of said property sold; and said conveyance shall vest in the purchaser, or purchasers all the right and title of the State therein, and the Sheriff shall, out of the proceeds of such sale, pay the cost of said proceedings incurred on behalf of the State, including the expenses of making such sale, and also an attorney's fee, if additional counsel was employed in said proceedings, to be fixed by the Court, not exceeding ten per cent. on the amount of such sale, and the residue thereof shall be paid by said Sheriff into the State treasury.

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

CHAPTER XVIII.

An Act to amend Sections 636 and 634 of an Act entitled an Act to establish a Penal Code, approved February 14, 1872, relating to fishing.

[Approved March 2d, 1881.]

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

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

636. Every person who shall set, use, or continue, or who shall assist in setting, using, or continuing any pound, weir,

set-net, trap, or other fixed or permanent contrivance for catching fish in the waters of this State, is guilty of a misdemeanor. Every person who shall cast, extend, or set any seine, or net of any kind, for the catching of fish in any river, stream, or slough of this State, which shall extend more than one third across the width of said river, stream, or slough, at the time and place of such fishing, is guilty of a misdemeanor. Every person who, by seine, or any other means, shall catch the young of fish of any species, which at the time of capture are too small to be marketed, and who shall not return the same to the water, immediately and alive, or who shall sell, or offer for sale, any such fish, fresh or dried, is guilty of a misdemeanor. Every person convicted of a violation of any of the provisions of this chapter, shall be punished by fine of not less than fifty dollars, and not more than three hundred dollars, or imprisonment in the County Jail of the county where the offense was committed, for not less than thirty days, nor more than six months, or by both such fine and imprisonment. One half of all moneys collected for fines for violation of the provisions of this chapter, shall be paid to informers, and one half thereof to the District Attorney of the county in which the action is prosecuted; all other costs shall be charged against the county in which the action is prosecuted. Nothing in this chapter shall be construed to prohibit the United States Fish Commissioners, or the Fish Commissioners of the State of California, from taking such fish as they shall deem necessary for the purpose of artificial hatching, nor at any time. All nets, seines, fishing tackle, boats, or other implements used in catching or taking fish in violation of the provisions of this chapter, shall be forfeited, and may be seized by the peace officer of the county, or assistant, or person acting under the Fish Commissioners, and may be by them destroyed, or may be sold at public auction by the party making such seizure, upon notice posted in such county for five days. The person making such seizure and sale shall be entitled to retain one half of the proceeds of such sale, and the balance shall be paid into the School Fund of the county, in case the seizure and sale is made by a peace officer thereof, or to the Fish Commissioners, if made by a person appointed by them; *provided*, that all nets having meshes of less than one and a half inches in size, when seized under the provisions of this section, must be destroyed.

Catching of fish, how prohibited.

Punishment.

Fish Commissioners exempted.

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

634. Every person who, between the thirty-first day of July, and the first day of September of each year, takes, or catches, buys, sells, or has in his possession any fresh salmon, is guilty of a misdemeanor. Every person who shall set or draw, or assist in setting or drawing any net or seine for the purpose of taking or catching salmon in any of the waters of this State, at any time between sunrise of each Saturday and twelve o'clock noon of the following Sunday, is guilty of a misdemeanor. Every person who, between the first day of April and the thirty-first day of December in each year, takes or catches, buys or sells, or has in his possession any fresh

Taking salmon, when prohibited.

Taking shad, when prohibited.

shad, is guilty of a misdemeanor. Nothing in this section shall be so construed as to prohibit any person from catching fish with hook and line, at any time, in the tide waters of the State.

CHAPTER XIX.

An Act making appropriations for deficiencies for the support of the State Prison at San Quentin, prior to the thirty-second fiscal year.

[Approved March 2d, 1881.]

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

Appropriation.

SECTION 1. The sum of sixty-seven thousand and eighteen and fourteen one hundredths dollars is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the payment of deficiencies for the support of the State Prison at San Quentin, prior to the thirty-second fiscal year.

SEC. 2. Any money remaining after the payment of deficiencies mentioned in section one of this Act, shall be returned to the General Fund.

SEC. 3. This Act shall take effect immediately.

CHAPTER XX.

An Act to prevent fraud and deception in the manufacture and sale of butter and cheese.

[Approved March 2d, 1881.]

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

To prevent fraud in manufacture of butter and cheese.

SECTION 1. Whoever manufactures, sells, or offers for sale, or causes the same to be done, any substance purporting to be butter or cheese, having the semblance of butter or cheese, which substance is not made wholly from pure cream, or milk, unless the same be manufactured under its true and appropriate name, and unless each package, roll, or parcel of such substance, and each vessel containing one or more packages of such substance, has distinctly and durably painted, stamped, or marked thereon, in English, the true and appropriate name of such substance, in ordinary bold face capital letters, not less than five lines pica, shall be punished as provided in section three of this Act.

SEC. 2. Whoever shall sell any such substance as is mentioned in section one of this Act, or causes the same to be done, without having on each package, roll, or parcel so sold, a label attached thereto, on which is plainly and legibly printed in English, in roman letters, the true and appropriate name of such substance, shall be punished as is provided in section three of this Act. Punishment provided for.

SEC. 3. Whoever shall violate section one or section two of this Act, shall be guilty of a misdemeanor, and shall be fined in any sum not less than ten nor more than five hundred dollars, or imprisoned in the County Jail not less than ten nor more than ninety days, or by both such fine and imprisonment, in the discretion of the Court; *provided*, that nothing contained in this Act shall be construed to prevent the use of skimmed milk, salt rennet, or harmless coloring matter in the manufacture of butter or cheese. Misdemeanor.

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

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

CHAPTER XXI.

An Act to provide a system of drainage for agricultural, swamp, and overflowed lands.

[Approved March 3d, 1881.]

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

SECTION 1. Whenever two or more land owners shall petition the Board of Supervisors for a ditch, drain, or other watercourses, defining the place of beginning, and the lands through which it or they are to pass to their outlets, and state their estimated course, and shall give said Supervisors good and sufficient bonds for the payment of all costs that may accrue (provided said petition should not be granted), said Supervisors shall, within thirty days of the presentation of said petition, appoint a day for the hearing of the same; they shall also cause to be published, in some newspaper having a general circulation in the county, a copy of said petition, together with the time and place set to hear and answer said petition. Duty of Supervisors.

SEC. 2. Said Supervisors shall also direct the County Surveyor to survey the line of said proposed ditch, or waterway, taking notes of the descent of the land, and report to them on or before said day of hearing the descent, if any, between the head and outlet of said ditch, together with a list of the intermediate grades, and the lands or interests to be affected thereby, and such other information as may come under his notice on the subject. In locating such ditches or drains, when practicable, they shall be located on section or subdivision lines. Duty of Surveyor.

Costs, when paid by petitioners.

SEC. 3. If, on the day of hearing, the Supervisors shall find that the location of said ditch impracticable, for causes hereinafter described, the costs shall be collected from the petitioners or their bondsmen.

When ditch to be constructed.

SEC. 4. If the Supervisors shall, on hearing the petition, find that the construction of the ditch would be conducive to the general welfare of the landowners so petitioning, and not inconsistent with the rights and privileges of other contiguous territory to construct drains or ditches, and if the Surveyor reported sufficient fall to make the ditch available, then the Supervisors shall, in their discretion, grant the prayer of the petitioners, and shall proceed to examine the lands affected by it, and shall cause said ditch to be surveyed, and stakes set every one hundred feet, and cause a journal to be made of the depth and width to be excavated at each stake.

Apportionment of work.

SEC. 5. Said Supervisors shall then apportion the excavation of said ditch to the lands affected thereby, according to the benefits received, after notice to the owners of the time of making such apportionment, and giving to each a hearing. They shall also, in like manner, apportion the cost of locating, including right of way (when not donated), in lawful money of the United States, and shall appoint a day for the hearing of exceptions to the apportionment. On the second hearing, they shall apportion the cost and labor of said ditch to the land affected thereby; but no Supervisor who is directly or indirectly interested in such ditch shall take part in such apportionment.

Notice to land owners.

SEC. 6. The Board shall then give notice, in writing, to all the resident land owners of the part of ditch apportioned to them, as described by the stakes and their numbers, and of the specifications of the ditch, and also of the costs in money as apportioned to them; and if any of the owners or lands affected thereby are non-residents of the county, they shall cause to be printed, in a county newspaper having a general circulation, a copy of said apportionment, together with the time set for the completion of the work.

Examination of work

SEC. 7. On the day set for the completion of the work, or as soon thereafter as practicable (which shall be after a reasonable time), said Supervisors shall proceed to examine said ditch or ditches, and if, in their opinion, any portion thereof shall not be completed according to the specifications, they shall notify the person to whom said portion was awarded to complete the same within such time as they may designate. If not so completed at the expiration of the time specified, said Board of Supervisors shall advertise the construction of the same by posting notice in three conspicuous

Letting bids.

places within the territory affected by said ditch. Upon the day specified in said notice, said Supervisors shall proceed to let the same to the lowest responsible bidder, who shall give such bonds as shall be required by said Board, and shall proceed to complete such works to the satisfaction of said Board in the time agreed upon. The Board shall report the

Tax.

cost of such work to the County Auditor, who shall cause the amount thereof to be entered on the tax books of the county,

and the same shall be a tax upon said lands, which amount shall be collected the same as other taxes and paid to the party performing such work.

SEC. 8. The County Treasurer shall place such funds to the credit of each respective ditch fund, and shall pay out the same on warrants drawn by the Board of Supervisors. The Treasurer shall receive as compensation for his services one per cent. of all moneys by him disbursed under this Act. Disposal of funds.

SEC. 9. All ditches and drains constructed under the provisions of this Act shall be in charge of the Road Overseer through whose district such drains are constructed. The owners of the land shall keep in repair such ditches in accordance with the apportionment, and if not so kept in repair the Board of Supervisors shall direct the same to be done, and the cost thereof shall be a tax upon the land and be collected as hereinbefore provided. Road Overseer to have charge.

SEC. 10. Any person causing an encroachment or obstruction to any ditch or drain created under the provisions of this Act, and failing to remove the same for the space of twenty-four hours after notice shall have been given to such person by the Roadmaster, if he can be found in the county, otherwise by posting by him at or near the place of encroachment or obstruction, may be fined not exceeding two hundred dollars, or imprisoned not more than thirty days in the County Jail, or by both such fine and imprisonment. The fines so collected shall be placed to the credit of the district road fund where such encroachment or obstruction is had, and proceedings for such offenses may be had before any Court of competent jurisdiction. Encroachments or obstructions.

SEC. 11. The provisions of this Act shall not be construed so as to permit waters to be carried out of their natural course to augment other streams or drains, to the damage of the residents along the banks of the streams or drains so augmented. Construction.

SEC. 12. Whenever the Board of Supervisors cannot purchase, at a reasonable price, or procure the right of way, or procure the consent of all parties interested to join or connect with any existing ditches or outlets, the President of the Board may proceed to condemn the same under the provisions of title seven, part third, of the Code of Civil Procedure, and amendments thereto, which are now existing or may hereafter be made, at the expense of the parties so petitioning. Condemnation.

SEC. 13. This Act shall take effect and be in force from and after its passage.

CHAPTER XXII.

An Act to amend Section 869 of the Penal Code, relating to the taking and authentication of testimony on examinations in criminal cases.

[Approved March 3d, 1881.]

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

Testimony,
how taken
and authen-
ticated.

SECTION 1. Section eight hundred and sixty-nine of the said Code is hereby amended so as to read as follows:

869. The testimony of each witness in cases of homicide must be reduced to writing, as a deposition, by the magistrate, or under his direction; and in other cases upon the demand of the Prosecuting Attorney, or the defendant or his counsel. The magistrate before whom the examination is had, may, in his discretion, order the testimony and proceedings to be taken down in shorthand, in all examinations herein mentioned, and for that purpose he may appoint a shorthand reporter. The deposition or testimony of the witness must be authenticated in the following form:

First—It must state the name of the witness, his place of residence, and his business or profession.

Second—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth, except in cases where the testimony is taken down in shorthand the answer or answers of the witness need not be read to him.

Third—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with the ground on which the question was overruled, or the answer declined, must be stated.

Fourth—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing, as he gives it, except in cases where the deposition is taken down in shorthand it need not be signed by the witness.

Fifth—It must be signed and certified by the magistrate when reduced to writing by him, or under his direction, and when taken down in shorthand the transcript of the reporter appointed as aforesaid, when written out in longhand writing, and certified as being a correct statement of such testimony and proceedings in the case, shall be prima facie a correct statement of such testimony and proceedings. The reporter shall, within ten days after the close of such examination, if the defendant be held to answer to the charge, transcribe into longhand writing his said shorthand notes, and certify and file the same with the County Clerk of the county, or city and county, in which the defendant was examined, and shall, in all cases, file his original notes with said Clerk.

SEC. 2. The reporter's fees shall be paid out of the treasury

of the county, or the city and county, on the certificate of the committing magistrate.

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

CHAPTER XXIII.

An Act to amend Section 386 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the practice on and the action of interpleader.

[Approved March 3d, 1881.]

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

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

386. A defendant, against whom an action is pending upon a contract, or for specific personal property, may, at any time before answer, upon affidavit that a person not a party to the action makes against him, and without any collusion with him, a demand upon such contract, or for such property, upon notice to such person and the adverse party, apply to the Court for an order to substitute such person in his place, and discharge him from liability to either party, on his depositing in Court the amount claimed on the contract, or delivering the property or its value to such person as the Court may direct; and the Court may, in its discretion, make the order. And whenever conflicting claims are or may be made upon a person for or relating to personal property, or the performance of an obligation, or any portion thereof, such person may bring an action against the conflicting claimants to compel them to interplead and litigate their several claims among themselves. The order of substitution may be made and the action of interpleader may be maintained, and the applicant or plaintiff be discharged from liability to all or any of the conflicting claimants, although their titles or claims have not a common origin, or are not identical, but are adverse to and independent of one another.

Defendant in action upon contract or specific personal property may have another person substituted in his place.

Conflicting claims, how made.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXIV.

An Act to provide an additional Judge of the Superior Court of the County of Alameda.

[Approved March 3d, 1881.]

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

Providing
additional
Judge for
Alameda
County.

SECTION 1. Within ten days after the passage of this Act the Governor shall appoint an additional Judge of the Superior Court of the County of Alameda, who shall hold office until the first Monday after the first day of January, A. D. eighteen hundred and eighty-three, and at the next general election a Judge of said Court shall be elected to hold office for the term prescribed by the Constitution and by law.

Salary.

SEC. 2. The salary of said additional Judge shall be the same in amount, and be paid at the same time and in the same manner as that of the other Judges of the said Superior Court of said county now authorized by law.

CHAPTER XXV.

An Act to amend Section 1102 of the Code of Civil Procedure, relating to the writ of prohibition.

[Approved March 3d, 1881.]

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

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

Prohibition
defined.

1102. The writ of prohibition is the counterpart of the writ of mandate. It arrests the proceedings of any tribunal, corporation, board, or person, whether exercising functions judicial or ministerial, when such proceedings are without, or in excess of the jurisdiction of such tribunal, corporation, board, or person.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXVI.

An Act making appropriation to pay R. P. Maynard, late Secretary to Commissioners of Transportation, the balance of salary due to him for the twenty-ninth and thirtieth fiscal years.

[Approved March 3d, 1881.]

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

SECTION 1. The sum of six hundred and ninety-five dollars (\$695) is hereby appropriated, payable out of any money in the General Fund not otherwise appropriated, to pay R. P. Maynard, late Secretary of the Commissioners of Transportation, for balance of salary due to him for the twenty-ninth and thirtieth fiscal years. Pay claim of R. P. Maynard.

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

CHAPTER XXVII.

An Act to repeal an Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March 29, 1878.

[Approved March 3d. 1881.]

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

SECTION 1. An Act entitled "An Act to confer certain powers upon the Board of Supervisors of the County of San Mateo," approved March twenty-ninth, eighteen hundred and seventy-eight, is hereby repealed. Repealing.

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

CHAPTER XXVIII.

An Act to provide for the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges during the thirty-first fiscal year.

[Approved March 3d, 1881.]

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

SECTION 1. The sum of two hundred and seventy-nine (\$279) dollars is hereby appropriated out of the General Fund of the State treasury to pay the deficiency in the appropriation for the State's portion of salaries of Superior Court Judges during the thirty-first fiscal year. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXIX.

An Act to amend Section 4048 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to funding and refunding county indebtedness.

[Approved March 3d, 1881.]

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

Funding
outstanding
indebtedness
of counties.

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

4048. The Board of Supervisors of any county having an outstanding indebtedness on the first day of January, eighteen hundred and eighty, evidenced by bonds or warrants thereof, by a vote of two thirds of all the members thereof, are empowered, if they deem it for the public interest, to fund and refund the same, and issue bonds of the county therefor in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent. per annum, payable semi-annually, which bonds shall be substantially in the following form: No. —. The County of —, in the State of California, for value received, promises to pay —, or order, at the office of the Treasurer of said county, in —, on the first day of —, 18—, or at any time before that date, at the pleasure of the county, the sum of — dollars, gold coin of the United States, with interest at the rate of — per cent. per annum, payable at the office of said Treasurer semi-annually, on the first days of — and —, in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the Board of Supervisors, under the provisions of chapter — of the Political Code of California, and in conformity with a resolution of said Board, dated — day of —, 18—. Seal. In testimony whereof the said county, by its Board of Supervisors, has caused this bond to be signed by the Chairman of the Board, and attested by the Auditor, with the county seal attached, this — day of —, 18—. —, Chairman of Board of Supervisors. Attest, —, Auditor. And the interest coupon shall be in the following form: \$—. The Treasurer of — County, California, will pay to the holder hereof, on the — day of —, 18—, at his office in —, — dollars, gold coin, for interest on County Bond No. — issued under provisions of chapter — of the Political Code of California. —, County Auditor.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXX.

An Act to amend Sections 394 and 398 of the Code of Civil Procedure, relating to the place of trial of civil actions.

[Approved March 3d, 1881.]

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

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

394. An action against a county, or city and county, may be commenced and tried in such county, or city and county, unless such action is brought by a county, or city and county, in which case it may be commenced and tried in any county, or city and county, not a party thereto.

Place of trial of actions against counties, or cities and counties.

SEC. 2. Section three hundred and ninety-eight of said Code is amended to read as follows:

398. If an action or proceeding is commenced or pending in a Court, and the Judge or Justice thereof is disqualified from acting as such, or if, from any cause, the Court orders the place of trial to be changed, it must be transferred for trial to a Court the parties may agree upon, by stipulation in writing, or made in open Court and entered in the minutes; or, if they do not so agree, then to the nearest Court where the like objection or cause for making the order does not exist, as follows: 1. If in a Superior Court, to another Superior Court. 2. If in a Justice's Court, to another Justice's Court in the same county.

How causes may be transferred when Judge is disqualified.

SEC. 3. This Act shall take effect immediately.

CHAPTER XXXI.

An Act to amend Section 1303 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

[Approved March 3d, 1881.]

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

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

1303. When the petition is filed, and the will produced, the Clerk of the Court must set the petition for hearing by the Court upon some day not less than ten nor more than thirty days from the production of the will. Notice of the hearing shall be given by such Clerk by publishing the same

Notice of petition for probate of wills, how given.

in a newspaper of the county; if there is none, then by three written or printed notices, posted at three of the most public places in the county. If the notice is published in a weekly newspaper, it must appear therein on at least three different days of publication; and if in a newspaper published oftener than once a week, it shall be so published that there must be at least ten days from the first to the last day of publication, both the first and the last day being included. If the notice is by posting, it must be given at least ten days before the hearing.

CHAPTER XXXII.

An Act to appropriate moneys for the payment of I. S. Belcher, Thomas P. Stoney, and A. C. Freeman, for services to the State in preparing bills adapting the Codes to the Constitution.

[Approved March 3d, 1881.]

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

Appropriation.

SECTION 1. There is hereby appropriated out of the General Fund the sum of thirty-seven hundred and fifty dollars to pay I. S. Belcher, Thomas P. Stoney, and A. C. Freeman each twelve hundred and fifty dollars, for two months and a half services in preparing bills adapting the Codes of this State to the present Constitution; and the Controller is directed to draw his warrant in favor of each of said persons for said sum last named.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIII.

An Act concerning the Medical Department of the University of California.

[Approved March 3d, 1881.]

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

Name of Medical Department of University of California.

SECTION 1. The Medical Department of the University of California shall hereafter be known and designated as the "Toland" Medical Department of the University of California, and all degrees, diplomas, scholarships, and records of the said department shall be made out and all proceedings in connection therewith shall be conducted in and by such name and designation.

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

CHAPTER XXXIV.

An Act to authorize the Boards of Supervisors of the several counties in this State to grant franchises and privileges to corporations, associations, or individuals.

[Approved March 3d, 1881.]

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

SECTION 1. The Board of Supervisors of any of the counties of this State are hereby authorized and empowered to grant the privilege of constructing booms for the purpose of holding logs and timber to companies, corporations, or individuals, and to prescribe the conditions on which the same shall be maintained, and the prices which may be charged for the use of the same.

Supervisors to grant privileges to construct booms.

SEC. 2. This Act will be in force from and after its passage, provided that navigation shall not be interfered with thereby.

CHAPTER XXXV.

An Act to correct the spelling of the names of two of the Commissioners for the former Pueblo or City of Sonoma, and to render valid their past acts.

[Approved March 4th, 1881.]

WHEREAS, By an Act of the Legislature of the State of California, approved March twenty-ninth, A. D. eighteen hundred and seventy-eight, entitled "An Act to amend an Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto, to define the powers and duties of said Commissioners, and to repeal all other Acts relating to the said pueblo or city, the provisions of which are inconsistent with the provisions of this Act," approved March thirtieth, eighteen hundred and sixty-eight, G. T. Pauli, Otto Schetter, and John Tirnen were appointed Commissioners of said pueblo or city; and, whereas, errors occurred in spelling the names of the last two Commissioners named; now, therefore, for the purpose of correcting those errors, and to enable said Board of Commissioners to carry out the provisions of said Act,

Preamble.

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

SECTION 1. That Otto Schetter, John Tirnen, and E. E. Morse (successor to G. T. Pauli, deceased,) are hereby constituted a Board of Commissioners for said late Pueblo or

Commissioners for Pueblo of Sonoma.

City of Sonoma, with full power and authority to carry into effect the provisions of said Act.

Acts
legalized.

SEC. 2. That any and all acts of said Board of Commissioners heretofore done and performed as such, are hereby rendered as valid and effective as the same would have been had the abovenames been spelled correctly in said Act.

CHAPTER XXXVI.

An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a Board of Fire Commissioners.

[Approved March 4th, 1881.]

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

Fire
department.

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

Fire Com-
missioners,
how
appointed.

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

Duty of
Commis-
sioners.

SEC. 3. The Board of Fire Commissioners so appointed by said Board of Supervisors, and their successors, shall be authorized and empowered, and it shall be their duty:

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

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

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

Fourth—To appoint Judges, not less than three, and other

officers, to conduct such election, and to issue certificates of election.

Fifth—To do and perform all such other acts and things as may be proper and necessary to carry out the full intent and meaning of this Act.

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

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

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

SEC. 7. At such election the ballots must contain the words, "Tax—Yes," or "Tax—No," and also the name of one person as Assessor, and one as Collector. The same person may be elected to both offices. The compensation for assessing and collecting the tax shall be fixed by the Board of Fire Commissioners, but shall not exceed one hundred and fifty dollars. Form of ballot.

SEC. 8. The Judges of Election shall, within twenty-four hours after holding said election, make returns and certify said votes, and the names of the person or persons voted for, to the said Board of Fire Commissioners, and within five days after the returns have been received by the Board of Fire Commissioners they shall count the votes, determine who has been elected, and forthwith issue certificates of election to the persons elected for Assessor and Collector. Election returns, how and when made.

SEC. 9. The Assessor, on receiving his certificate of election, must forthwith assess, in the manner provided by law, all the taxable property within the fire limits fixed by said Board, and within thirty days return his roll, footed up, to the Clerk of the Board of Supervisors. The said Board of Supervisors, upon receiving the roll, must deduct fifteen per cent. therefrom for anticipated delinquencies, and then, by dividing the sum voted, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent. required; and the rate so ascertained, using the full cent on each hundred dollars in place of any fraction, is hereby levied and assessed to, on, or against the persons or property named or described in the roll, and is a lien on all such property until the tax is paid; and the tax, if not paid within the time hereinafter provided, Duty of Assessors.

shall be delinquent; and immediately after such delinquency, the Collector shall proceed to collect the same in the mode and manner provided by law for the collection by County Tax Collector of delinquent State and county taxes.

Duty of Clerk.

SEC. 10. The Clerk of the Board of Supervisors, upon receiving the assessment roll from the Assessor, must give five days notice thereof by posting a notice in three public places in the said town or village, and the Board of Supervisors must at the expiration of said time sit for at least three days as a Board of Equalization, at such time and place as has been named in such posted notice; and they have the same power as County Boards of Equalization to make any changes in the assessment roll.

Tax roll to be placed in hands of Collector.

SEC. 11. As soon as the rate of taxation has been determined, as provided in the preceding sections, the said Board of Supervisors must place the tax list or roll in the hands of the Collector, who shall then give notice, by publication in some newspaper published within the said town or village, that the said tax is now due and payable in his office, and unless paid within thirty days will be delinquent. He must proceed at once to collect the tax, and within thirty days return the tax list to the Board with the word "paid" marked opposite the name of each person or description of property, from whom, or on which, he has received the tax; and he must, also, at the same time, file with the said Board of Fire Commissioners the County Treasurer's receipt for all the moneys by him collected, and the property on the roll not by the Collector marked "paid" is delinquent.

Moneys, how kept.

SEC. 12. All moneys arising from the tax herein authorized to be levied and collected shall be kept by the Treasurer of the county in which said town or village is situated, subject only to the order of said Board of Fire Commissioners.

No compensation to Treasurer.

SEC. 13. The Treasurer shall receive no compensation for the receipt and disbursement of moneys derived under the provisions of this Act.

Bond of Collector.

SEC. 14. The Collector must execute an official bond in an amount to be fixed by the Board of Fire Commissioners.

Powers of Board.

SEC. 15. The Board of Fire Commissioners are hereby directed and empowered to make all necessary arrangements for the purchase of rights of making connections with the pipes of water companies for fire-plugs or hydrants, in such part of the town or village as they shall deem best for the common interest, and also for purchasing fire hose and carriages, subject, however, to the provisions hereinbefore contained.

Same.

SEC. 16. They shall procure all necessary books and blanks for the purpose of keeping a correct record of their proceedings; and they shall keep a record of all their acts, of all moneys received and disbursed by them, which said books shall be open to public inspection at all times.

Auditing demands.

SEC. 17. All accounts, bills, and demands against the fire department shall be audited, allowed, and paid by the Board of Fire Commissioners by warrants drawn on the County Treasurer, and the County Treasurer shall pay the same in the order in which they are presented.

SEC. 18. The Board of Fire Commissioners shall, from time to time, and in like manner, submit to a vote of the electors of said town or village the propriety of levying and raising an additional tax for the keeping in repair the apparatus of said fire department, and maintaining the same in good order and condition.

Levying additional tax.

SEC. 19. No officer or officers created by this Act, except the Assessor and Tax Collector, shall receive any compensation for his or their services.

Who to receive compensation.

SEC. 20. That in case of a vacancy of any or all of the members of the Board of Fire Commissioners, or in the office of Assessor or Tax Collector, after election had, by death, resignation, or otherwise, such vacancy shall be filled by appointment by the Board of Supervisors of the county in which said vacancy may happen.

Vacancies, how filled.

SEC. 21. That in case an election be had under the provisions of this bill, and the electors, by vote, shall decline to equip and maintain a fire department, and refuse to levy and collect a tax for that purpose, no other election shall be called or held under this Act within one year next thereafter.

Refusal to levy tax defers election.

SEC. 22. An election shall be held annually, on the first Monday of April, for the election of three Fire Commissioners, who shall take their office on the next succeeding Monday in the same month; and it shall be the duty of the Board of Fire Commissioners to give notice of such elections by posting notices thereof in three public places in the town, for at least two weeks before the day of election. They shall also appoint the Judges of Election.

Election, when held.

SEC. 23. Each Board of Fire Commissioners shall, at the expiration of their term of office, turn over to their successors all the books and documents belonging to the office of Fire Commissioners, taking their receipt for the same.

To turn over property to successors.

SEC. 24. No assessment, or act relating to assessment or collection of taxes, or elections held under the provisions of this Act, shall be illegal, void, or voidable on account of any error, omission, or informality, or failure to comply strictly with the provisions of this Act, nor on account of any misnomer; but the same shall be liberally construed, with a view to hold valid all acts done under this Act.

Act to be liberally construed.

SEC. 25. The said Board of Fire Commissioners may regulate the construction of, and order the suspension, discontinuance, removal, repair, or cleaning of fireplaces, chimneys, stoves, and stovepipes, flues, ovens, boilers, kettles, forges, or any apparatus used in any building, manufactory, or business which may be dangerous in causing or promoting fires, and prescribe limits within which no dangerous nor obnoxious and offensive business may be carried on.

Commissioners, what may regulate.

SEC. 26. They may adopt such ordinance, within the purview of the preceding section, as they may deem proper to prevent fires and conflagrations, and for the protection of property at and during the pendency of any fire, and for that purpose may provide that at and during the pendency of any fire the officers of the fire company or companies present shall be vested with police powers. Such ordinance

May adopt ordinances.

shall be signed by the said Fire Commissioners, and published in a newspaper printed in said town or village, or posted in three of the most public places thereof, for the period of two weeks, at the end of which time it shall be and become a law for the government of the inhabitants of said town or village.

Misdemeanor.

SEC. 27. Any person who shall violate any of the provisions of said ordinance shall be guilty of a misdemeanor.

Jurisdiction of Justice of the Peace.

SEC. 28. Any Justice of the Peace within the townships within which said town or village is situated, shall have jurisdiction of all prosecutions under this Act, and sections one thousand four hundred and twenty-six to one thousand four hundred and forty-nine, both inclusive, title nine, chapter one, of the Penal Code, are hereby made applicable to proceedings under this Act.

SEC. 29. All Acts or parts of Acts, so far as they do conflict with the provisions hereof, are hereby repealed.

SEC. 30. This Act shall take effect and be in force from and after its passage.

CHAPTER XXXVII.

An Act to amend Sections 1941, 1962, 1973, 1990, 2018, 2028, 2110, and 2117 of the Political Code of the State of California, relating to the National Guard.

[Approved March 4th, 1881.]

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

SECTION 1. Section nineteen hundred and forty-one of the Political Code is amended to read as follows:

Power of Commander-in-Chief.

1941. The Commander-in-Chief is authorized and has power to establish and prescribe such rules and regulations, forms, and precedents, not inconsistent with the provisions of the Codes, as he may deem proper for the use, government, and instruction of the National Guard, and to carry into full effect the provisions of the Codes relative thereto. Such rules, regulations, forms, and precedents shall, from time to time, be revised as may be deemed necessary, and shall be promulgated in orders, and compiled in such form as may be deemed advisable for the information of the National Guard.

SEC. 2. Section nineteen hundred and sixty-two of the Political Code is amended to read as follows:

Number of officers and privates.

1962. The companies of the National Guard are composed of the following officers and privates, viz.:

1. *Cavalry*—Each Company of Cavalry, of one Captain, one First Lieutenant, one Senior and Junior Second Lieutenant, one First Sergeant, one Quartermaster Sergeant, six Sergeants, eight Corporals, two Trumpeters, one Farrier, and not less than forty nor more than one hundred privates.

2. *Infantry and Artillery*—Each Company of Infantry or Artillery, of one Captain, one First Lieutenant, and one Second Lieutenant, one First Sergeant, five Sergeants, eight Corporals, one Marker, two Drummers, one Fifer, and not less than forty nor more than one hundred and twenty privates.

3. *Light Batteries*—Light Batteries, of one Captain, two First Lieutenants, two Second Lieutenants, one First Sergeant, one Quartermaster Sergeant, six Sergeants, twelve Corporals, two Musicians, one Wagoner, and not less than forty nor more than one hundred privates.

4. *Gatling Batteries*—A Gatling Battery of four guns attached to a company of infantry will entitle that company to a Junior First Lieutenant and a Junior Second Lieutenant, four Sergeants, and four Corporals, in addition to those already provided in paragraph two.

SEC. 3. Section nineteen hundred and seventy-three of the Political Code is amended to read as follows:

1973. 1. Any commissioned officer who has become disabled and incapable of longer performing the active duties of his office may, upon his own application, be placed upon the retired list.

2. If an officer, for either of the above reasons, desires to be placed upon the retired list, he shall make application to his brigade commander to appoint a Board of Surgeons, who shall examine him as to his disability, and if such disability has not been incurred by reason of any dereliction, they shall, if they deem proper, recommend that his application be granted; and, upon the approval of such application by the brigade commander and the Commander-in-Chief, the Adjutant-General shall issue orders retiring such officer.

3. Any commissioned officer who shall have served as such in the National Guard of this State for the continuous period of eight years may, upon his own application, be placed upon the retired list, and withdrawn from active service and command, with the rank held by him at the time such application is made. Upon being officially notified by the brigade commander, attested by the Adjutant-General of the State, the Commander-in-Chief shall cause orders to be issued retiring the officer who makes application therefor, in accordance with the provisions of this section.

4. The officers on the retired list shall only be subject to detail for duty by orders from the Commander-in-Chief; and he shall cause to be issued such orders as he may deem necessary detailing them from duty upon Boards of officers for military purposes, Courts-martial, and Courts of inquiry, and for such other military duties as in his judgment may be advisable. When, however, officers on the retired list are detailed for active duty other than upon Boards of officers, Courts-martial, and Courts of inquiry, they shall only be entitled to the rank which properly belongs to the office the duties of which they are detailed to perform. When the duty ends, or the detail is canceled, the officer shall again return to the retired list, with his former retired rank. A roster of all officers on the retired list shall be kept in the Adjutant-

General's office, division headquarters, and at the brigade headquarters.

5. Officers on the retired list shall, on all occasions of duty, and on all occasions of ceremony, take rank next to officers of like rank upon the active list.

SEC. 4. Section nineteen hundred and ninety of the Political Code is amended to read as follows:

Staff of
Colonel,
Lieutenant-
Colonel, and
Major.

1990. The staff of a Colonel of a regiment, and of a Lieutenant-Colonel, or Major commanding a battalion, consists of one Adjutant, with the rank of Captain; one Quartermaster, one Commissary, one Paymaster, one Ordnance Officer, one Inspector of Rifle Practice, each with the rank of First Lieutenant; one Surgeon, with the rank of Major; one Chaplain, with the rank of Captain; one Sergeant-Major, one Quartermaster Sergeant, one Commissary Sergeant, one Ordnance Sergeant, one Hospital Steward, and one Principal Musician, with rank of Sergeant-Major; each and all of the herein named to be appointed by such commanding officer, to hold office at his pleasure, and until their successors are appointed and qualified.

SEC. 5. Section two thousand and eighteen of the Political Code is amended to read as follows:

When must
parade.

2018. The National Guard of California must parade at least twice in each year:

1. On the fourth day of July.

2. On the ninth day of September, which parade on said last named day shall be for target practice under the supervision of the Inspector of Rifle Practice.

3. These parades shall be made by brigade, regiment, battalion, or company, as may be deemed most advisable by the Commander-in-Chief, who shall issue orders to the National Guard to carry out the provisions of this section.

SEC. 6. Section two thousand and twenty-eight of the Political Code is amended to read as follows:

Penalty for
absence from
company
drills.

2028. All officers or members of the National Guard who absent themselves from three consecutive assemblages, without an excuse acceptable to the commanding officer, are debarred from the privileges and exemptions provided for members of the National Guard; and all non-commissioned officers or privates shall be reported by their commanding officer to the commanding officer of the regiment, or battalion, or unattached company, who shall forthwith Court-martial such non-commissioned officer or private, and, upon conviction by such Court-martial, the delinquent shall be dishonorably discharged from the service, and fined not less than five dollars nor more than fifty dollars. The proceedings of such Court shall be subject to approval and review, as in other cases.

SEC. 7. Section two thousand one hundred and ten of the Political Code is amended to read as follows:

Appoint-
ment of
Assistant
Adjutant-
General.

2110. There shall be an assistant Adjutant-General of California, who shall rank as Colonel on the staff of the Governor and Commander-in-Chief. He shall be appointed by the Adjutant-General, and hold office at his pleasure.

SEC. 8. Section two thousand one hundred and seventeen of said Code is amended to read as follows:

2117. The provisions of this title shall be in force and effect from and after the first day of May, eighteen hundred and seventy-two. The Adjutant-General is hereby directed to have prepared and printed for the use of the National Guard of the State, whenever in his judgment it may be deemed necessary, the laws and regulations authorized by section one thousand nine hundred and forty-one of the Political Code. After distributing a sufficient number to the officers of the National Guard, the remaining copies may be sold to members of companies and regiments, and to all others who may desire to purchase the same. The price of copies sold shall not exceed one dollar. The money thus received shall be paid by the Adjutant-General into the State treasury at the end of each month. The moneys thus received by the State treasury shall be placed to the credit of the General Fund. The number of copies authorized by this section shall not exceed three thousand (3,000) in any one year.

Title in force, etc.

SEC. 9. This Act shall take effect immediately.

CHAPTER XXXVIII.

An Act making appropriation for deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

[Approved March 4th, 1881.]

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

SECTION 1. The sum of eight thousand nine hundred and forty-five dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the payment of deficiencies for the completion of the Branch State Prison at Folsom, prior to the thirty-second fiscal year.

Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIX.

An Act making appropriations for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute for the State Prison at San Quentin, and other expenses incidental and relating thereto.

[Approved March 4th, 1881.]

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

Appropriations for State Prison at San Quentin.

SECTION 1. The sum of two hundred and nineteen thousand dollars (\$219,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be paid to the State Board of Prison Directors, to pay for the purchase of jute, jute machinery, lands, and erection of buildings for the manufacture of jute, and other expenses immediately appertaining to the carrying out of the object of this Act, for the State Prison at San Quentin.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant upon the State Treasurer in favor of said Prison Directors for said sum, and the State Treasurer is hereby directed to pay the same when presented.

SEC. 3. This Act shall take effect immediately.

CHAPTER XL.

An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 307, relating to the sale and use of opium.

[Approved March 4th, 1881.]

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

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

Prohibiting the sale of opium.

307. Every person who opens or maintains, to be resorted to by other persons, any place where opium, or any of its preparations, is sold or given away, to be smoked at such place; and any person who, at such place, sells or gives away any opium, or its said preparations, to be there smoked or otherwise used; and every person who visits or resorts to any such place for the purpose of smoking opium or its said preparations, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

Misdemeanor.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLI.

An Act to add a new section to the Code of Civil Procedure, to be known as Section 1723, relating to property held by life estate.

[Approved March 4th, 1881.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be known as section one thousand seven hundred and twenty-three, to read as follows:

1723. If any person has died, or shall hereafter die, who at the time of his death was the owner of a life estate which terminates by reason of the death of such person, any person interested in the property, or in the title thereto, in which such life estate was held, may file in the Superior Court of the county in which the property is situated his verified petition, setting forth such facts, and thereupon, and after such notice, by publication or otherwise, as the Court may order, the Court shall hear such petition and the evidence offered in support thereof, and if, upon such hearing, it shall appear that such life estate of such deceased person absolutely terminated by reason of his death, the Court shall make a decree to that effect, and thereupon a certified copy of such decree may be recorded in the office of the County Recorder, and thereafter shall have the same effect as a final decree of distribution so recorded.

Property held by life estate, disposition of, on death of party holding it.

Sec. 2. This Act shall take effect immediately.

CHAPTER XLII.

An Act to amend Section 4445 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the funding and refunding of city indebtedness.

[Approved March 4th, 1881.]

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

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

4445. The Board of Trustees or Municipal Council of any city having an outstanding indebtedness on the first day of January, eighteen hundred and eighty, evidenced by bonds or warrants thereof, by a vote of two thirds of all the members thereof, are empowered, if they deem it for the public interest, to fund or refund the same, and issue bonds of the

Refunding outstanding indebtedness of cities.

Form of
bond.

city therefor in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent. per annum, payable semi-annually, which bonds shall be substantially in the following form: No. ——. The City of —, in the County of —, in the State of California, for value received, promises to pay —, or order, at the office of the Treasurer of said city, in —, on the first day of —, 18—, or at any time before that day, at the pleasure of the city, the sum of — dollars, gold coin of the United States, with interest at the rate of — per cent. per annum, payable at the office of the said Treasurer, semi-annually, on the first days of — and —, in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the Board of Trustees (or Municipal Council, as the case may be), under the provisions of chapter six, of title three, of part four, of the Political Code of California, and in conformity with a resolution of said Board of Trustees (or Municipal Council), dated — day of —, 18—. In testimony whereof, the said city, by its Board of Trustees (or Municipal Council), has caused this bond to be signed by the President of the Board of Trustees (or Municipal Council), and attested by the Auditor, with the city seal attached, this — day of —, 18—. (Seal.) —, President of the Board of Trustees (or Municipal Council). Attest: —, Auditor. And the interest coupon shall be in the following form: \$—. The Treasurer of the City of —, County of —, State of California, will pay the holder hereof, on the — day of —, 18—, at his office in —, — dollars, gold coin, for interest on City Bond No. —, issued under provisions of chapter six, of title three, of part four, of the Political Code of California. —, City Auditor. If the President of the Board of Trustees (or Municipal Council), be ex officio Auditor, then and in that case said bonds shall be attested by the City Clerk instead of the Auditor.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLIII.

An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators.

[Approved March 4th, 1881.]

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

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

1618. When no compensation is provided by the will, or the executor renounces all claim thereto, he must be allowed commissions upon the amount of estate accounted for by him, as follows: For the first thousand dollars, at the rate of seven per cent.; for all above that sum and not exceeding ten thousand dollars, at the rate of five per cent.; for all above ten thousand dollars and not exceeding twenty thousand dollars, at the rate of four per cent.; for all above twenty thousand dollars and not exceeding fifty thousand dollars, at the rate of three per cent.; for all above fifty thousand dollars and not exceeding one hundred thousand dollars, at the rate of two per cent.; and for all above one hundred thousand dollars, at the rate of one per cent. The same commissions shall be allowed to administrators. In all cases such further allowance may be made as the Court may deem just and reasonable for any extraordinary service, but the total amount of such extra allowance must not exceed one half the amount of commissions allowed by this section. Where the property of the estate is distributed in kind, and involves no labor beyond the custody and distribution of the same, the commissions shall be computed on all the estate above the value of twenty thousand dollars at one half the rates fixed in this section. Public Administrators shall receive the same compensation and allowances as are allowed in this title to other administrators. All contracts between an executor or administrator and an heir, devisee, or legatee, for a higher compensation than that allowed by this section, shall be void; *provided*, this Act shall not apply to estates now in course of administration, except where and to the extent that such estates consist of bonds and other securities to be distributed without extra expense in administration.

Executors' and administrators' commissions.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLIV.

An Act to provide for the permanent improvement of the State Capitol grounds.

[Approved March 4th, 1881.]

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

SECTION 1. The sum of seventeen thousand five hundred dollars, in addition to the ten thousand appropriated by an Act of the Legislature entitled an Act making appropriations for the support of the government of the State of California for the thirty-second fiscal year, approved April sixteenth, eighteen hundred and eighty, is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the purposes of permanently improving the State Capitol

Appropriation for improvement of State Capitol grounds.

grounds. Said sum shall be expended under the direction of the State Capitol Commissioners, as follows :

1. In the erection of a suitable fence and sidewalk around that portion of the State Capitol grounds, commencing at and including the gateway at the foot of Eleventh street; thence along L street to Tenth street; thence along Tenth street to N street; thence along N street to Eleventh street, including the gateway at the head of Eleventh street.

The money hereby appropriated shall not be used in any other manner than as herein specified.

CHAPTER XLV.

An Act to amend Sections 1543, 1544, 1550, 1577, 1593, 1617, 1620, 1621, 1634, 1636, 1639, 1701, 1714, 1770, 1771, 1775, 1787, 1788, 1789, 1790, 1791, 1792, 1794, 1830, and 1858 of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to public schools, and to add a new section thereto, to be known as Section 1793, relating to public schools.

[Approved March 4th, 1881.]

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

SECTION 1. Section one thousand five hundred and forty-three of said Code is amended to read as follows:

1543. It is the duty of the Superintendent of Schools:

First—To superintend the schools of his county.

Second—To apportion the school moneys of each school district quarterly, and for that purpose he may require of the County Auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned, and it is hereby made the duty of the Auditor to furnish such report when so required, and whenever, at the close of the school year, any money has accumulated to the credit of a school district, by reason of a large census roll and small attendance in excess of a reasonable amount required to maintain the schools six months in such district, the Superintendent of Schools shall apportion the same as other county school funds are apportioned. If, in any school district, there shall be an average attendance for three months of only five pupils or less, such district shall lapse, and the moneys in the treasury of the county belonging thereto shall be apportioned by the Superintendent of Schools among the other districts of his county in proportion to the number of census children between five and seventeen, in such district.

Third—On the order of the Board of Trustees, or Board of Education, to draw his requisition upon the County Auditor for all necessary expenses against the School Fund of any

city, town, or district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn; but no requisition shall be drawn unless the money is in the fund to pay it; and no requisition shall be drawn upon the order of the Board of Trustees against the county fund of any district, except for teachers' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' salaries be drawn unless the order shall state the monthly salary of the teacher, and name the months for which such salary is due. Upon receipt of such requisition the Auditor shall draw his warrant upon the County Treasurer in favor of the parties, and for the amounts stated in such requisition.

General
duties of
County
Superin-
tendent.

Fourth—To keep open, to the inspection of the public, a register of requisitions, showing the fund upon which the requisition has been drawn, the number thereof, in whose favor, and for what service drawn, and also a receipt from the person to whom the requisition was delivered.

Fifth—To visit and examine each school in his county at least once in each year, and for every school not so visited the Board of Supervisors must, on proof thereof, deduct ten dollars from his salary.

Sixth—To preside over Teachers' Institutes held in his county, and to secure the attendance thereof of lecturers competent to instruct in the art of teaching; and to report to the County Board of Education the names of all teachers in the county who fail to attend regularly the sessions of the Institute; to enforce the course of study, the use of text-books, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Seventh—Upon the order of the County Board of Education to issue temporary certificates, valid until the next regular meeting of the County Board of Education, to persons holding certificates of like grade granted in other counties, cities, or cities and counties, or upon any certificates or diplomas upon which County Boards are empowered to grant certificates without examination, as specified in section seventeen hundred and seventy-five; *provided*, that no person shall be entitled to receive such temporary certificate more than once.

Eighth—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of the school officers.

Ninth—To keep in his office the reports of the Superintendent of Public Instruction.

Tenth—To keep a record of his official acts, and of the proceedings of the County Board of Education, including a record of the standing, in each study, of all applicants examined.

Eleventh—To, except in incorporated cities and towns, pass upon and approve or reject plans for school houses.

Twelfth—To appoint Trustees to fill all vacancies created by failure to elect, or otherwise, to hold until the next annual election.

Thirteenth—To make reports, when directed by the Superintendent of Public Instruction, showing such matters relating to the public schools in his county as may be required of him.

Fourteenth—To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the County Clerk.

Fifteenth—The County Superintendent shall, unless otherwise provided by law, in the month of July in each year, grade each school; and a record thereof shall be made in a book, to be kept by the County Superintendent in his office for said purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same. All schools shall be designated as primary and grammar.

SEC. 2. Section one thousand five hundred and forty-four of said Code is amended to read as follows:

Forfeiture
for failure
to report

1544. If he fails to make a full and correct report, as required under the provisions of subdivision thirteen of section fifteen hundred and forty-three, at the time fixed by the Superintendent of Public Instruction, he forfeits one hundred dollars of his salary; and the Board of Supervisors, upon receiving from the Superintendent of Public Instruction notice of such failure, must deduct the amount forfeited from his salary.

SEC. 3. Section one thousand five hundred and fifty of said Code is amended to read as follows:

Compensa-
tion of
deputy.

1550. The Deputy School Superintendent of any city, or city and county, having over thirty thousand inhabitants, may receive such compensation as the Board of Education thereof prescribes, payable in the same manner and out of the same fund as the Superintendent of Schools thereof is paid.

SEC. 4. Section one thousand five hundred and seventy-seven of said Code is amended to read as follows:

Formation
and
changing of
boundaries
of districts.

1577. No new district can be formed unless the parents or guardians of at least fifteen census children, between the ages of five and seventeen, resident of such proposed new district, and residing at a greater distance than two miles from any school house, present a petition to the Superintendent of Schools, setting forth the boundaries of the new district asked for. The boundaries of any district cannot be changed, except in forming new districts, unless at least ten heads of families residing in the districts affected by the proposed change present a petition to the Superintendent of Schools, setting forth the change of boundaries desired, and the reasons for the same; *provided*, that two or more districts lying contiguous may, upon the petition of a majority of the heads of families residing in each of said districts, be united to constitute but one district.

SEC. 5. Section one thousand five hundred and ninety-three of said Code is amended to read as follows:

Election for
Trustees,
when and
where held.

1593. An election for School Trustees must be held in each district on the first Saturday of June of each year, at

the district school house, if there is one, and if there is none, at a place to be designated by the Board of Trustees:

First—The number of School Trustees for any school district, except when City Boards are otherwise authorized by law, shall be three. No person shall be deemed ineligible to the office of Trustee on account of sex.

Second—In new school districts, or in a case of vacancy for any cause in an old one; the School Trustees shall be elected to hold office for one, two, and three years respectively, from the first Saturday of July next succeeding their election.

Third—Except as provided in subdivision second of this section, one Trustee shall be elected annually, to hold office for three years, or until his successor shall be elected and qualified.

SEC. 6. Section one thousand six hundred and seventeen of said Code is amended to read as follows:

1617. The powers and duties of Trustees of school districts, and of Boards of Education in cities, are as follows: General powers of Boards of Trustees and of Education.

First—To prescribe and enforce rules not inconsistent with law, or those prescribed by the State Board of Education, for their own government and the government of schools.

Second—To manage and control the school property within their districts.

Third—To purchase school furniture and apparatus, and such other things as may be necessary for the use of schools.

Fourth—To rent, furnish, repair, and insure the school property of their respective districts.

Fifth—When directed by a vote of their district, to build school houses, or to purchase or sell school lots.

Sixth—To make, in the name of the district, conveyances of all property belonging to the district and sold by them.

Seventh—To employ the teachers, janitors, and employes of schools; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no Board of Trustees shall enter into any contract with such employes to extend beyond the thirtieth day of June next ensuing.

Eighth—To suspend or expel pupils for misconduct.

Ninth—To exclude from schools children under six years of age.

Tenth—To enforce in schools the course of study and the use of text-books prescribed and adopted by the proper authority.

Eleventh—To appoint District Librarians, and enforce the rules prescribed for the government of district libraries.

Twelfth—To exclude from schools and school libraries all books, publications, or papers of sectarian, partisan, or denominational character.

Thirteenth—To furnish books for the children of parents unable to furnish them; the books so furnished to belong to the district and to be kept in the district school library when not in use.

Fourteenth—To keep a register, open to the inspection of the public, of all children applying for and entitled to be admitted in the schools, and to notify the parent or guardian

General
powers of
Boards of
Trustees
and of
Education.

of such children when vacancies occur, and receive such children in the schools in the order in which they are registered.

Fifteenth—To make arrangements with the Trustees of any other district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school; and in case the Trustees fail to agree, the parents of such children may appeal to the Superintendent of Schools, whose decision shall be final.

Sixteenth—On or before the first day of May, in each year, to appoint a School Census Marshal, and notify the Superintendent of Schools thereof.

Seventeenth—To make an annual report on or before the first day of July, to the Superintendent of Schools, in the manner and form and on the blanks prescribed by the Superintendent of Public Instruction.

Eighteenth—To make a report, whenever required, directly to the Superintendent of Public Instruction, of the text-books used in their schools.

Nineteenth—To visit every school in their district at least once in each term, and examine carefully into its management, condition, and wants. This clause to apply to each and every member of the Board of Trustees.

Twentieth—Boards of Trustees may call meetings of the qualified electors of the district for determining or changing the location of the school house, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged, or in regard to any other affairs of the district. Such meetings shall be called by posting notices in the usual places for not less than three weeks previous to the time for which the meeting shall be called, which notices shall specify the purposes for which said meeting shall be called, and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a Chairman from the electors present, and the District Clerk shall be Clerk of the meeting, and shall enter the minutes thereof in the records of the district. A meeting so called shall be competent to instruct the Board of Trustees:

1. In regard to the location or change of location of the school house;

2. In regard to the purchase and sale of school sites;

3. In regard to prosecuting, settling, or compromising any litigation in which the district may be engaged, or be likely to become engaged, and may vote money, not exceeding one hundred dollars in any one year, for any of those purposes, in addition to any amount which may be raised by the sale of district school property. All funds raised by sale of school property may be disposed of by direction of a district meeting. District meetings may be adjourned from time to time, as found necessary; and all votes instructing the Board of Trustees shall be taken by ballot, or by ayes and noes vote, as the meeting may determine. The Board of Trustees shall,

in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section.

SEC. 7. Section one thousand six hundred and twenty of said Code shall be amended to read as follows:

1620. Writing and drawing paper, pens, ink, blackboards, blackboard rubbers, crayons, and lead and slate pencils, for the use of the schools, must be furnished under the direction of the City Boards of Education and Boards of Trustees, and charges therefor must be audited and paid as other claims against the School Fund of their districts are audited and paid. Stationery, etc., to be furnished pupils.

SEC. 8. Section one thousand six hundred and twenty-one of said Code is amended to read as follows:

1621. The Boards of Trustees and City Boards of Education must use the school moneys received from the State and county apportionments exclusively for the support of schools for that school year, until at least an eight months' school has been maintained; if, at the end of any year during which an eight months' school has been maintained, there is an unexpended balance, it may be used for the payment of claims against the district outstanding, or it may be used for the year succeeding. Any balance remaining on hand at the end of any school year in which school has not been maintained eight months, shall be reapportioned by the Superintendent of Schools as other moneys are apportioned. School moneys, how used.

SEC. 9. Section one thousand six hundred and thirty-four of said Code is amended to read as follows:

1634. It is the duty of the Census Marshal:

First—To take annually, between the fifteenth and thirty-first days of May, inclusive, a census of all children under seventeen years of age who were residents of his district on said fifteenth day of May. Duty of Census Marshals.

Second—To report the result of his labors to the Superintendent of Schools (or to the Board of Education, in cities), on or before the fifth day of June in each year.

Third—He shall visit each habitation, home, residence, domicile, or place of abode in his district, and by actual observation and interrogation enumerate the census children of the same.

SEC. 10. Section one thousand six hundred and thirty-six of said Code is amended to read as follows:

1636. His report must be made under oath, upon blanks furnished by the Superintendent of Public Instruction, and must show: Report of

First—The number, age, sex, color, and nationality of the children listed.

Second—The names of the parents or guardians of said children.

Third—Such other facts as the Superintendent of Public Instruction may designate.

Fourth—The Census Marshal shall have power to administer oaths to parents and guardians.

Fifth—If, at any time, the Superintendent of Schools has reason to believe that a correct report has not been returned, he may appoint a Census Marshal, have the census retaken,

and the compensation for the same shall be audited and paid as provided in section one thousand six hundred and thirty-nine of this Code.

SEC. 11. Section one thousand seven hundred and one of said Code is amended to read as follows:

No warrant to be drawn unless teacher has certificate.

1701. No requisition for a warrant shall be drawn in favor of any teacher, unless such teacher is the holder of a proper certificate, in force for the full time for which the requisition is drawn, nor unless he was employed by the Board of Trustees, or City Board of Education, or by the Superintendent of Schools, as provided in section one thousand five hundred and forty-five.

SEC. 12. Section one thousand seven hundred and twelve of said Code is amended to read as follows:

Library Fund, how expended.

1712. The Board of Trustees and City Board of Education must expend the Library Fund, together with such moneys as may be added thereto by donation, in the purchase of school apparatus, and books for a school library; and no warrant shall be drawn by the Superintendent of Schools upon the order of any Board of Trustees against the Library Fund of any district, unless such order is accompanied by an itemized bill, showing the books and apparatus, and the price of each, in payment for which the order is drawn.

SEC. 13. Section one thousand seven hundred and fourteen of said Code is amended to read as follows:

How apportioned in cities.

1714. In cities not divided into school districts, the Library Fund consists of the sum of fifty dollars for every one thousand children between the ages of five and seventeen years, annually taken from the State School Fund apportioned to the city.

SEC. 14. Section one thousand seven hundred and seventy of said Code is amended to read as follows:

Meetings of County Boards of Education.

1770. The County Board of Education must meet and hold examinations for the granting of teachers' certificates semi-annually, at such times as the County Board of Education shall determine. All meetings of the Board of Education shall be public, and shall be held at the county seat, and the record of their proceedings shall be kept in the office of the Superintendent of Schools. The Board of Supervisors shall allow to the members of the Board of Education a reasonable compensation for their services, payable out of the same fund and in the same manner as the Superintendent of Schools is paid; and all incidental expenses incurred by the Board of Education, including printing, shall be audited and paid as other claims against the General Fund of the county; *provided*, the same shall in no case exceed the sum of one hundred dollars per annum.

SEC. 15. Section one thousand seven hundred and seventy-one of said Code is amended to read as follows:

Power of County Boards of Education.

1771. County Boards of Education have power:

First—To adopt rules and regulations, not inconsistent with the laws of this State, for their own government.

Second—To prescribe and enforce rules for the examination of teachers.

Third—To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate, and to grant certificates of two grades: (1) County certificates, first grade, valid for four years, and authorizing the holder to teach a grammar school; (2) County certificates, second grade, valid for two years, and authorizing the holder to teach a primary school.

Fourth—To prescribe and enforce the use of a uniform series of text-books and a course of study in the public schools, and to adopt a list of books for district school libraries.

Fifth—To revoke, for immoral or unprofessional conduct, or evident unfitness for teaching, the certificates granted by them.

Sixth—To keep a record of its proceedings.

Seventh—To issue diplomas of graduation from any of the public schools of the county, which diplomas shall be designed by the Superintendent of Public Instruction, and distributed as other blanks from his office. Diplomas shall be issued only to pupils who have passed an examination prescribed by the County Board of Education. Such diplomas shall be signed by the President and Secretary of the County Board, and the Principal of the school.

Eighth—To adopt and use, in the authentication of its acts, an official seal.

Ninth—All examination papers shall be kept on file in the office of the Superintendent of Schools for at least one year, and shall be open for the inspection of school officers.

SEC. 16. Section one thousand seven hundred and seventy-five of said Code is amended to read as follows:

1775. The Board may also, without examination, grant county certificates, and fix the grade thereof, to the holders of life diplomas, California State educational diplomas, California Normal School diplomas, California State University diplomas, when recommended by the Faculty of the University, and State Normal School diplomas of other States; and to the holders of unexpired State certificates of California, and may, without examination, renew certificates previously issued by them, or previously granted in their county; such renewed certificates to remain valid for the same length of time for which the original certificates were granted. County Boards of Education must issue certificates upon the blank forms to be prepared and distributed by the Superintendent of Public Instruction.

Granting and renewal of certificates.

SEC. 17. Section one thousand seven hundred and eighty-seven of said Code is amended to read as follows:

1787. In every city, or city and county, having a Board of Education, there may be a City Board of Examination.

May be a Board of Examination in each city.

SEC. 18. Section one thousand seven hundred and eighty-eight of said Code is amended to read as follows:

1788. Each City Board of Examination consists of the City Superintendent of Schools, and four other members, residents of such city, at least two of whom shall be experienced teachers elected by the City Board of Education, and holding office for two years.

How constituted.

SEC. 19. Section one thousand seven hundred and eighty-nine of said Code is amended to read as follows:

Who
Chairman.

1789. The City Superintendent of Schools is Chairman of the City Board of Examination.

SEC. 20. Section one thousand seven hundred and ninety of said Code is amended to read as follows:

Meetings of.

1790. The City Board of Examination must meet and hold examinations for the granting of teachers' certificates semi-annually, at such times as they may determine. The place of meeting shall be designated by the Chairman. All meetings of the City Board of Examination shall be public, and the record of their proceedings shall be kept in the office of the City Superintendent of Schools.

SEC. 21. Section one thousand seven hundred and ninety-one of said Code is amended to read as follows:

Powers of
City Boards
of Exam-
ination.

1791. Each City Board of Examination has power:

First—To adopt rules and regulations, not inconsistent with the laws of this State, for its own government, and for the examination of teachers.

Second—To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate, and to grant city certificates of three grades: (1) High School certificates, valid for six years, and authorizing the holder to teach any primary, grammar, or high school in such city; (2) city certificates, first grade, valid for four years, and authorizing the holder to teach any primary or grammar school in such city; (3) city certificates, second grade, valid for two years, and authorizing the holder to teach any primary school in such city.

Third—To grant special city certificates of the first grade, valid for four years, upon such special studies as may be authorized by the City Board of Education of such city.

SEC. 22. Section one thousand seven hundred and ninety-two of said Code is amended to read as follows:

When
certificates
may be
granted
without ex-
amination.

1792. The City Board of Examination may also, without examination, grant city certificates, and fix the grade thereof, to the holders of California life diplomas, California educational diplomas, California State Normal School diplomas, California State University diplomas (when recommended by the Faculty of the University), unexpired State certificates, city certificates granted in other cities of California, and the life diplomas and State Normal School diplomas of other States; and may also, without examination, renew, and, for immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, revoke any certificates previously granted in such city, or city and county.

SEC. 23. A new section is hereby added to the Political Code, to be known as section one thousand seven hundred and ninety-three, to read as follows:

Certificates,
when
eligible.

1793. The holders of city certificates are eligible to teach in the cities in which such certificates were granted, in schools of grades corresponding to the grades of such certificates, and when elected, shall be dismissed only for violation of the rules of the Board of Education, or for incompetency,

unprofessional or immoral conduct. The holders of special city certificates are eligible to teach the special studies mentioned in their certificates, in all the schools in the city in which such certificates were granted.

SEC. 24. Section one thousand seven hundred and ninety-four of said Code is amended to read as follows:

1794. The members of the City Board of Examination shall receive such compensation as may be allowed them by the City Board of Education, payable out of the City School Fund.

Compensation of members of City Boards of Examination.

SEC. 25. Section one thousand eight hundred and fifty-eight of said Code is amended to read as follows:

1858. All State school moneys apportioned by the Superintendent of Public Instruction must be apportioned to the several counties in proportion to the number of school census children between the ages of five and seventeen years of age, as shown by the returns of the School Census Marshals of the preceding school year; *provided*, that the Indian children who are not living under the guardianship of white persons, and Mongolian children, shall not be included in the apportionment list. The School Superintendent in each county must apportion all State and county school moneys as follows:

School moneys, how apportioned.

First—He must ascertain the number of teachers each district is entitled to, by calculating one teacher for every seventy school census children between the ages of five and seventeen years of age, or fraction thereof not less than twenty school census children, as shown by the next preceding school census.

Second—He must ascertain the total number of teachers for the county, by adding together the number of teachers assigned to the several districts.

Third—Five hundred dollars shall be apportioned to each district for every teacher assigned it; *provided*, that to districts having ten and less than twenty school census children shall be apportioned four hundred dollars.

Fourth—All school moneys remaining on hand after apportioning five hundred dollars to each district having twenty school census children or more for every teacher assigned it, and after apportioning four hundred dollars to districts having less than twenty school census children between the ages of five and seventeen years of age, must be apportioned to the several districts in proportion to the average daily attendance in each district during the preceding year. Census children where mentioned in this section shall be construed to mean those between the ages of five and seventeen years.

SEC. 26. Section one thousand eight hundred and thirty is hereby amended so as to read as follows:

1830. The Board of Trustees of any district may, when in their judgment it is advisable, call an election, and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or to maintain any school in such district, or for building one or more school houses, or for any two or all of

Election, to determine levy of tax.

these purposes; *provided*, that where a tax has been collected for the purpose of building a school house, and the erection of said school house shall not have been commenced within one year from the time said tax was collected, the custodian of said money shall return the same to the parties from whom said tax was collected.

SEC. 27. This Act shall take effect immediately.

CHAPTER XLVI.

An Act to authorize the Controller and Treasurer of State to transfer certain funds.

[Approved March 4th, 1881.]

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

Transfer of
Interest and
Sinking
Fund.

SECTION 1. The Controller and Treasurer of State are hereby authorized to transfer the sum of one hundred and three thousand dollars from the "Interest and Sinking Fund" to a fund to be known as the "Funded Debt Fund" of eighteen hundred and seventy-three, which fund is for the redemption and payment of the bonds of this State in accordance with the provisions of an Act of the Legislature, approved April second, eighteen hundred and seventy.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVII.

An Act to amend Section 751 of the Political Code, relative to Deputy Clerks of the Supreme Court.

[Approved March 4th, 1881.]

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

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

Appoint-
ment of
Deputy
Clerk
Supreme
Court.

751. He may appoint five deputies, two to reside at San Francisco, one at Los Angeles, one at the State Capital, and one Court-room deputy, to accompany the Court at the direction of the Clerk.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVIII.

An Act to provide for the deficiency in the appropriation for payment of rewards offered by the Governor during the thirty-first fiscal year.

[Approved March 4th, 1881.]

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

SECTION 1. The sum of eleven hundred dollars (\$1,100) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to pay the deficiency in the appropriation for payment of rewards offered by the Governor during the thirty-first fiscal year. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLIX.

An Act to appropriate money for the purchase of the trails within the limits of the grant of the Yosemite Valley and Mariposa Big Tree Grove, and to improve and preserve the territory within the limits of said grant.

[Approved March 4th, 1881.]

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

SECTION 1. The sum of twenty-five thousand dollars (\$25,000) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to purchase and make free the trails within the Yosemite Grant, which have been constructed and are now controlled by private individuals, and for passing over which tolls are now collected, and generally to improve and preserve the territory within the limits of the grant of the Yosemite Valley and Big Tree Grove. Appropriation.

SEC. 2. The President and Secretary of the Board of "Commissioners to manage the Yosemite Valley and Mariposa Big Tree Grove," appointed under and by virtue of an Act of the Legislature of this State, entitled "An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove," approved April fifteenth, eighteen hundred and eighty, are hereby authorized to receive and receipt for the sum appropriated in section one of this Act. The Controller of State is hereby authorized and directed to draw his warrant upon the State Treasurer, on or before the first Monday of May, in the year eighteen hundred and eighty-one, in

favor of said Commissioners, for the one half of said sum of twenty-five thousand dollars so appropriated; and on or before the first Monday in May, in the year eighteen hundred and eighty-two, said Controller shall draw his warrant in favor of said Commissioners for the other half of said sum of twenty-five thousand dollars. The State Treasurer shall pay said warrants, when presented, out of the money in the State treasury appropriated by section one of this Act.

How to be
expended.

SEC. 3. Said Commissioners are authorized to expend such part of said sum herein appropriated as in their judgment and discretion they may think proper and expedient, in purchasing and making free to the public of either, or any number, or all of the said above mentioned trails, with the rights, privileges, and franchises appertaining thereto. And all such trails within the Yosemite Grant, as said Commissioners may acquire under the authority of this Act, shall hereafter be and forever continue free to the public. And all of the sum herein appropriated, if the Commissioners shall, in their discretion, determine not to purchase and make free any one of the said trails, or so much of said sum as may remain after the purchase by the Commissioners of either, or any number, or of all said trails hereinbefore named, shall be expended by said Commissioners, in their discretion, for the construction of avenues, roads, trails, walks, and bridges, and for the general improvement and preservation of the territory within the grant of the Yosemite Valley and the Mariposa Big Tree Grove.

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

CHAPTER L.

An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes.

[Approved March 4th, 1881.]

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

Appropriation.

SECTION 1. The sum of forty-seven hundred and eighty-five dollars is hereby annually appropriated to the University of the State of California, out of any moneys in the State treasury not otherwise appropriated.

SEC. 2. This appropriation shall continue, and the said sum shall be annually paid to said University until the State elects to and does return to the Endowment Fund of said University the sum of seventy-nine thousand seven hundred and fifty dollars heretofore appropriated, but by mistake withheld therefrom and used for other State purposes.

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

CHAPTER LI.

An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture.

[Approved March 4th, 1881.]

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

SECTION 1. The Board of State Viticultural Commissioners, in addition to the duties and powers provided for by the Act entitled "An Act for the promotion of viticultural industries of the State," approved April fifteenth, eighteen hundred and eighty, shall, in respect to diseases of grapevines and vine pests, constitute a Board of Health. It shall, in addition to laboratory work, cause practical experiments to be made to determine or demonstrate the utility of known and new remedies against such diseases and pests.

Duties of Commissioners.

SEC. 2. The Board shall elect of their own number, or appoint from without their own number, a competent person to serve as Chief Executive Viticultural Officer, who shall perform also the duties of Viticultural Health Officer, under direction of said Board, and subject to removal from such office at any time by the Board.

Election of Viticultural Health Officer.

SEC. 3. The Viticultural Health Officer shall have power, subject to the approval of the Board, to prevent the spread of vine diseases and vine pests, by declaring and enforcing rules and regulations in the nature of quarantine, to govern the manner of, restrain, or prohibit the importation into the State, and the distribution and disposal within the State, of all vines, vine cuttings, debris of vineyards, empty fruit boxes, or other material on or by which the contagion of vine diseases and germs of vine pests may be introduced into the State, or transported from place to place within the State; to declare and enforce regulations approved by the Board for the disinfection of vines, vine cuttings, vineyard debris, empty fruit boxes, and other suspected material dangerous to vineyards, while in transit, or about to be distributed, or transported into, or within the State; to classify the vineyards and viticultural regions of the State, according to the degree of health, or vine disease prevailing therein, and to change the same as circumstances may require to be done, subjecting each class to such varying rules and regulations, respecting the introduction or transportation of vines, vine cuttings, and other material liable to spread contagion of disease among vines, as may, in the opinion of the Board, become necessary and expedient for the preservation of vineyards. Such rules and regulations shall be circulated in printed form by the Board among the vine growers and fruit dealers of the State, shall be published at least thirty days in two daily newspapers of general circulation in the State,

Duties of.

not of the same city or county, and shall be posted in a conspicuous place at the county seat of each county affected by their provisions.

May appoint
local
Inspectors;
duties of.

SEC. 4. The Viticultural Health Officer may appoint local resident Inspectors in any and all of the viticultural regions of the State, whose duties shall be to report to him concerning the health of grapevines, the progress of vine diseases and pests, and all violations of the rules and regulations of the Board; to certify to the proper disinfection of vines, vine cuttings, empty fruit boxes, and other transportable articles required by the Board to be disinfected before transportation, or while in transit, or after delivery at any point of destination, the methods of disinfection to be determined and approved by the Health Officer and the Board; to seize upon and destroy all vines, vine cuttings, debris of vineyards, empty fruit boxes, and other material liable to spread contagion, which may be found in transit, or delivered after transportation, not certified to as required by the Board; *provided*, that the same may be exempt from such destruction if the cost of disinfection by such Inspector shall be provided for by the owner or agent in charge thereof, as may be prescribed for such cases of negligence, carelessness, or violation of quarantine rules, and to keep a record of all proceedings as such Inspectors; *provided*, that there shall be no compensation for such services of inspection, excepting a fee not to exceed one dollar for each certificate of disinfection, in case of compliance with quarantine regulations, and not to exceed five dollars for each certificate of disinfection after seizure for non-compliance; *provided, however*, such inspection may be employed at the option of the owners of property requiring disinfection to disinfect the same. All vines, or other articles absolutely prohibited of importation or transportation, may be promptly destroyed by any Inspector discovering the same transported or in transit, in violation of regulations, and the cost of such seizure, together with a fee of ten dollars, shall be paid to such Inspector out of any fine that may be collected from the party or parties guilty of such violation. Willful violation of the quarantine regulations of the Board shall be considered a misdemeanor, and punishable by a fine of not less than twenty-five nor more than one hundred dollars. Whenever required, for the convenience of vine or fruit growers, or fruit dealers, a resident Inspector shall be appointed, upon petition of any three neighboring vine or fruit growers, or dealers in grapes, to reside in their vicinity, if not already provided for; and there shall be not less than two Inspectors appointed for each county which is subjected to such quarantine regulations, and they shall each be subject to removal at the will of the Viticultural Health Officer, if incompetent, or they fail to perform their duties, or are unreasonably distasteful to vine growers and grape dealers.

Duty of
Chief
Executive
Officer.

SEC. 5. It shall be also the duty of the Chief Executive Viticultural Officer to personally visit, examine, and report upon the several viticultural regions of the State; to prepare documents for publication, as required by the Board, relat-

ing to any and all branches of viticultural industry, including treatises for the instruction of the public; to supervise the preparation of reports for publication, and especially report upon the practicability and means of eradicating diseases from vineyards, and to superintend experiments with known and new remedies.

SEC. 6. All printing heretofore ordered by the Board shall be paid for out of the appropriations heretofore made for its use. All printing required hereafter shall be done by the State Printer. Printing.

SEC. 7. The salary of the Chief Executive Viticultural Officer shall be fixed by the Board, not to exceed one hundred and fifty dollars per month, for services while engaged as such officer, and his actual traveling expenses shall be allowed, not to exceed five hundred dollars per annum. Salary.

SEC. 8. The Board of State Viticultural Commissioners shall also appoint an officer, who shall be especially qualified by practical experience in horticulture for the duties of his office, to perform similar duties respecting the protection of fruit and fruit trees as are provided for in this Act in reference to grapevines, with like powers; and the salary and traveling expenses of such officer shall be fixed by the said Board at the same amounts provided for in the case of the Chief Executive Viticultural Officer; and the said Board shall have power to establish such quarantine rules and regulations as are required for the protection of fruit and fruit trees from the spread of insect pests. Appointment of horticultural officer.

SEC. 9. There is hereby appropriated for the uses of the Board of State Viticultural Commissioners, as set forth in this Act, and in the Act providing for its organization, out of any moneys in the State treasury not otherwise appropriated, the sum of ten thousand dollars for the year commencing July first, eighteen hundred and eighty-one; and ten thousand dollars for the year commencing July first, eighteen hundred and eighty-two; and the State Controller will draw his warrants upon the State Treasurer in favor of the Treasurer of the said Board for the said sums, or any part thereof, when they become available, upon proper demand being made for the same by said Board; *provided*, that no claim shall be paid out of said appropriation until the same shall have been presented to and approved by the State Board of Examiners. Appropriation.

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

CHAPTER LII.

An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, to obtain data and information, from any corporation, company, or person supplying water to such city and county, city, or town, requiring such Boards, Town Council, or other legislative body to perform the duties prescribed by section one, of article fourteen, of the Constitution, and prescribing penalties for the non-performance of such duties.

[Approved March 7th, 1881.]

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

Municipal corporations to fix water rates.

SECTION 1. The Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, are hereby authorized and empowered, and it is made their official duty, to annually fix the rates that shall be charged and collected by any person, company, association, or corporation for water furnished to any such city and county, or city, or town, or the inhabitants thereof. Such rates shall be fixed at a regular or special session of such Board or other legislative body, held during the month of February of each year, and shall take effect on the first day of July thereafter, and shall continue in full force and effect for the term of one year and no longer.

Annual statements to be made by water companies, etc.

SEC. 2. The Board of Supervisors, Town Council, Board of Aldermen, or other legislative body of any city and county, city, or town, are hereby authorized, and it is hereby made their duty, at least thirty days prior to the fifteenth day of January of each year, to require, by ordinance or otherwise, any corporation, company, or person supplying water to such city and county, city or town, or to the inhabitants thereof, to furnish to such Board, or other governing body, in the month of January in each year, a detailed statement, verified by the oath of the President and Secretary of such corporation or company, or of such person, as the case may be, showing the name of each water-rate payer, his or her place of residence, and the amount paid for water by each of such water-rate payers, during the year preceding the date of such statement, and also showing all revenue derived from all sources, and an itemized statement of expenditures made for supplying water during said time.

Additional statement.

SEC. 3. Accompanying the first statement made as prescribed in section two of this Act, every such corporation, company, or person shall furnish a detailed statement, verified in like manner as the statement mentioned in section two hereof, showing the amount of money actually expended annually, since commencing business, in the purchase, construction, and maintenance, respectively, of the property necessary to the carrying on of its business, and also the

gross cash receipts annually, for the same period, from all sources.

SEC. 4. Every corporation, company, or person who shall refuse or neglect to furnish the statements mentioned in sections two and three of this Act, or either of them, or who shall furnish any false statement in relation thereto, within thirty days after having been required or requested to furnish the same as prescribed in sections one, two, and three of this Act, shall be deemed guilty of a misdemeanor.

Refusal to make statement a misdemeanor.

SEC. 5. Upon receiving the statements provided for in sections two and three of this Act, the Board of Supervisors, Town Council, Board of Aldermen, or other legislative body, shall cause a copy thereof to be made and filed in the office of the County Recorder of such city and county, or of the county wherein such city or town is situated.

Copy of statement to be filed.

SEC. 6. Rates for the furnishing of water shall be equal and uniform. There shall be no discriminations made between persons, or between persons and corporations, or as to the use of water for private and domestic, and public or municipal purposes; *provided*, that nothing herein shall be so construed as to allow any person, company, association, or corporation, to charge any person, corporation, or association anything for water furnished them when, by any present law, such water is free.

Rates to be equal.

Proviso

SEC. 7. Any person, company, association, or corporation charging, or attempting to collect from the persons, corporations, or municipalities using water, any sum in excess of the rate fixed as hereinbefore designated, shall, upon the complaint of said Board of Supervisors, Town Council, Board of Aldermen, or other legislative body thereof, or of any water-rate payer, and upon conviction before any Court of competent jurisdiction, shall forfeit the franchises and waterworks of such person, company, association, or corporation to the city and county, city or town, wherein the said water is furnished and used.

Excess in charging rates for forfeits franchise, etc.

SEC. 8. Any Board of Supervisors, or other legislative body of any city and county, city, or town which shall fail or refuse to perform any of the duties prescribed by this Act, at the time and in the manner hereinbefore specified, shall be deemed guilty of malfeasance in office, and upon conviction thereof, at the suit of any interested party, in any Court of competent jurisdiction, shall be removed from office.

Penalty to Supervisors neglecting to enforce Act.

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

CHAPTER LIII.

An Act to amend the Political Code of the State of California, relating to revenue, by adding a new section, to be known as Section 3608 of said Code, and by amending Sections 3607, 3617, 3627, 3629, 3650, 3651, and 3652 of said Code, and by repealing Section 3640 of said Code, all relative to revenue.

[Approved March 7th, 1881.]

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

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

Property
subject to
taxation.

3607. All property in this State, not exempt under the laws of the United States, excepting growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county, or municipal corporation within this State, is subject to taxation as in this Code provided; but nothing in this Code shall be construed to require or permit double taxation.

SEC. 2. A new section is hereby added to said Code, to be known as section three thousand six hundred and eight, and to read as follows:

Shares of
stock in
corporations
not taxable.

3608. Shares of stock in corporations possess no intrinsic value over and above the actual value of the property of the corporation which they stand for and represent, and the assessment and taxation of such shares and also of the corporate property would be double taxation. Therefore all property belonging to corporations shall be assessed and taxed, but no assessment shall be made of shares of stock, nor shall any holder thereof be taxed therefor.

SEC. 3. Section three thousand six hundred and seventeen of said Code is hereby amended to read as follows:

Definition of
terms.

3617. Whenever the terms mentioned in this section are employed in this Act they are employed in the sense hereafter affixed to them:

First—The term "property" includes moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership.

Second—The term "real estate" includes:

1. The possession of, claim to, ownership of, or right to, the possession of land.

2. All mines, minerals, and quarries in and under the land, all timber belonging to individuals or corporations growing or being on the lands of the United States, and all rights and privileges appertaining thereto.

3. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, when land is pledged for the payment and discharge thereof, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the land so pledged.

4. Improvements.

Third—The term “improvements” includes:

1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land.
2. All fruit, nut-bearing, or ornamental trees and vines not of natural growth.

Fourth—The term “personal property” includes everything which is the subject of ownership not included within the meaning of the term “real estate.”

Fifth—The terms “value” and “full cash value” mean the amount at which the property would be taken in payment of a just debt due from a solvent debtor.

Sixth—The term “credits” means those solvent debts, not secured by mortgage or trust deed, owing to the person, firm, corporation, or association assessed. The term “debts” means those unsecured liabilities owing by the person, firm, corporation, or association assessed to bona fida residents of this State, or firms, associations, or corporations doing business therein; but credits, claims, debts, and demands due, owing, or accruing for or on account of money deposited with savings and loan corporations shall, for the purpose of taxation, be deemed, and treated as an interest in the property of such corporation, and shall not be assessed to the creditor or owner thereof.

SEC. 4. Section three thousand six hundred and twenty-seven of said Code is hereby amended to read as follows:

3627. All taxable property must be assessed at its full cash value. Land and improvements thereon shall be separately assessed. Cultivated and uncultivated land of the same quality, and similarly situated, shall be assessed at the same value. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby, except as to railroad and other quasi-public corporations. In case of debts so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured. If the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and, to the extent of such payment, a full discharge thereof. If any such security or indebtedness shall be paid by any such debtor or debtors after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year; and every contract by which a debtor is obliged to pay any tax or assessment on money loaned, or on any mort-

Property,
how
assessed.

Tax to be a
lien.

gage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

SEC. 5. Section three thousand six hundred and twenty-nine of said Code is hereby amended to read as follows:

Statement
to be
demanded
by Assessor,
what to
contain.

3629. He must exact from each person a statement, under oath, setting forth specifically all the real and personal property owned by such person, or in his possession, or under his control, at twelve o'clock M. on the first Monday in March. Such statement shall be in writing, showing separately:

1. All property belonging to, claimed by, or in the possession or under the control or management of such person.

2. All property belonging to, claimed by, or in the possession or under the control or management of any firm of which such person is a member.

3. All property belonging to, claimed by, or in the possession or under the control or management of any corporation of which such person is President, Secretary, Cashier, or managing agent.

4. The county in which such property is situated, or in which it is liable to taxation, and (if liable to taxation in the county in which the statement is made) also the city, town, township, school district, road district, or other revenue districts in which it is situated.

5. An exact description of all lands in parcels or subdivisions, not exceeding six hundred and forty acres each, and the sections and fractional sections of all tracts of land containing more than six hundred and forty acres, which, have been sectionized by the United States Government, improvements and personal property, including all vessels, steamers, and other water craft; and all taxable State, county, city, or other municipal or public bonds, and the taxable bonds of any person, firm, or corporation, and deposits of money, gold dust, or other valuables, and the names of the persons with whom such deposits are made, and the places in which they may be found; all mortgages, deeds of trust, contracts, and other obligations by which a debt is secured and the property in the county affected thereby.

6. All solvent credits, unsecured by deed of trust, mortgage, or other lien on real or personal property, due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is President, Secretary, Cashier, or Managing Agent, deducting from the sum total of such credits such debts only, unsecured by trust deed, mortgage, or other lien on real or personal property, as may be owing by such person, firm, or corporation, to bona fide residents of this State. No debt shall be so deducted unless the statement shows the amount of such debt as stated under oath in aggregate; *provided*, in case of banks the statement is not required to show the debt in detail, or to whom it is owing; but the Assessor shall have the privilege of examining the books of such banks to verify said statement. Whenever one member of a firm, or one of the proper officers of a corporation, has made a statement showing the property of

the firm, or corporation, another member of the firm, or another officer, need not include such property in the statement made by him; but his statement must show the name of the person or officer who made the statement in which such property is included.

SEC. 6. Section three thousand six hundred and forty of said Code is hereby repealed.

SEC. 7. Section three thousand six hundred and fifty of said Code is hereby amended to read as follows:

3650. The Assessor must prepare an assessment book, with appropriate headings, alphabetically arranged, unless otherwise directed by the State Board of Equalization, in which must be listed all property within the county, and in which must be specified, in separate columns, under the appropriate head: Property,
how listed.

1. The name of the person to whom the property is assessed.
2. Land, by township, range, section, or fractional section; and when such land is not a Congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, not exceeding in each and every tract six hundred and forty acres, locality, and the improvements thereon. When any tract of land is situate in two or more school, road, or other revenue districts of the county, the part in each township or district must be separately assessed, together with the improvements thereon.
3. City and town lots, naming the city or town, and the number of the lot and block, according to the system of numbering in such city or town, and improvements thereon.
4. All personal property, showing the number, kind, amount, and quality; but a failure to enumerate in detail such personal property, does not invalidate the assessment.
5. The cash value of real estate, other than city or town lots.
6. The cash value of improvements on such real estate.
7. The cash value of city and town lots.
8. The cash value of improvements on city and town lots.
9. The cash value of improvements on real estate assessed to persons other than the owners of the real estate.
10. The cash value of all personal property, exclusive of money.
11. The amount of money.
12. The assessment of the franchise, roadway, roadbed, rails, and rolling stock of any railroad, as apportioned to his county by the State Board of Equalization; and also such other apportionments of such franchises, roadways, roadbeds, rails, and rolling stock as may be made by such Board, and furnished to him for the purpose of taxation in any district in his county. Taxable improvements owned by any person, firm, association, or corporation, located upon land exempt from taxation, shall, as to the manner of assessment, be assessed as other real estate upon the assessment roll. No value shall, however, be assessed against the exempt land, nor under any circumstances shall the land be charged with

or become responsible for the assessment made against any taxable improvements located thereon.

13. The school, road, and other revenue districts in which each piece of property assessed is situated.

14. The total value of all property.

15. When any property, except that owned by a railroad or other quasi-public corporation, is subject to, or affected by a mortgage, deed of trust, contract, or other obligation by which a debt is secured, he must enter, in the proper column, the value of such security, and deduct the same. In entering assessments containing solvent credits subject to deductions, as provided in section three thousand six hundred and twenty-eight of this Code, he must enter, in the proper column, the value of the debts entitled to exemption, and deduct the same. In making the deductions from the total value of property assessed, as above directed, he must enter the remainder in the column provided for the total value of all property for taxation. Each franchise must be entered on the assessment roll without combining the same with other property or the valuation thereof.

16. The figure one (1), in separate columns, opposite the name of every person liable to pay a poll tax.

17. Such other things as the State Board of Equalization may require. The State Board of Equalization may direct the book to be otherwise than alphabetically arranged in any county, or city and county, of this State.

SEC. 8. Section three thousand six hundred and fifty-one of said Code is amended to read as follows:

Form of
assessment
book.

3651. The form of the assessment book shall be as directed by the State Board of Equalization, and in those counties, or cities and counties, for which said Board does not prescribe a different form, it must be substantially as follows:

Assessment Book of the Property of — County, for the year 18—, assessed to the owner when known, and if not known, to unknown owner.

Remarks			
Poll tax			
Total tax		00	
Total value of all property after equalizations by the State Board of Equalization		00	
Total value of all property for taxation		00	
Deductions on account of debts due bona fide residents		00	
Deductions on account of mortgages, deeds of trust, etc.		00	
Total value of all property		00	
Amount of money		00	
Value of personal property		00	
Value of improvements on real estate assessed to persons other than the owners of the real estate. Value of improvements thereon		00	
Value of city and town lots		00	
Value of improvements thereon		00	
Value of real estate other than city and town lots		00	
School, road, or other district in which located		00	
Number of acres			
DESCRIPTION OF PROPERTY.	City or town lots.	Block	Personal property. (Here items may be enumerated in the space to column for number of acres.)
		Lot	
		Fraction	
	Real estate other than city and town lots.	Range, E. or W.	
		Township, N. or S.	
		Section	
		Subdivision of section	
Residence			
Taxpayers' names			
When tax paid			

Form of assessment book.

SEC. 9. Section three thousand six hundred and fifty-two of said Code is hereby amended to read as follows:

3652. On or before the first Monday in July, in each year, the Assessor must complete his assessment book. He and his deputies must take and subscribe an affidavit in the assessment book, to be substantially as follows: "I, —, Assessor of (or Deputy Assessor, as the case may be), — County, do swear that between the first Monday in March and the first Monday in July, eighteen hundred and —, I have made

Assessment book, when completed.

diligent inquiry and examination to ascertain all the property within the county (or within the subdivision thereof assessed by me, as the case may be), subject to assessment by me, and that the same has been assessed on the assessment book, equally and uniformly, according to the best of my judgment, information, and belief, at its full cash value; and that I have faithfully complied with all the duties imposed on the Assessor under the revenue laws; and that I have not imposed any unjust or double assessment through malice or ill will, or otherwise; nor allowed any one to escape a just and equal assessment through favor, or reward, or otherwise. But the failure to take or subscribe such an affidavit, or any affidavit, will not in any manner affect the validity of the assessment.

SEC. 10. This Act shall be in force and effect from and after its passage.

CHAPTER LIV.

An Act to add nine new sections to the Political Code, to be known as Sections 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, and 1888, relating to the issuance of bonds by the Trustees of school districts to raise money for building purposes, and to provide for the payment of the same.

[Approved March 7th, 1881.]

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

SECTION 1. A new section is added to the Political Code, to be known as section one thousand eight hundred and eighty, to read as follows:

Election called by Trustees to raise money for building school houses.

1880. The Board of Trustees of any school district may, when in their judgment it is advisable, call an election, and submit to the electors of the district whether bonds of such district shall be issued and sold for the purpose of raising money for building or purchasing one or more school houses in such district, and furnishing the same, and for liquidating the indebtedness for school houses already erected.

SEC. 2 A new section is added to said Code, to be known as section one thousand eight hundred and eighty-one, to read as follows:

Notice for election, how given.

1881. Such election must be called by posting notices, signed by the Board, in three of the most public places in the district, for not less than twenty days before the election; and if there is a newspaper published in the county, by publishing such notice therein not less than once a week for three successive weeks.

SEC. 3. A new section is added to said Code, to be known as section one thousand eight hundred and eighty-two, to read as follows:

1882. Such notice must contain:

What to contain.

1. The time and place of holding such election.
2. The names of three Judges to conduct the same.
3. The hours during the day (not less than six hours) in which the polls will be open.
4. The amount and denomination of the bonds; the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.

SEC. 4. A new section is added to said Code, to be known as section one thousand eight hundred and eighty-three, to read as follows:

1883. Such election shall be held, except as otherwise provided in this Act, in conformity with sections one thousand eight hundred and thirty-three, one thousand eight hundred and thirty-four, and one thousand eight hundred and thirty-five of the Political Code, excepting the words to appear upon the ballots, which shall be "Bonds, Yes," or "Bonds, No."

Election, how held.

SEC. 5. A new section is added to said Code, to be known as section one thousand eight hundred and eighty-four, to read as follows:

1884. On the seventh day after said election, at one o'clock P. M., the returns having been made to the Board of Trustees, the Board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election was in favor of issuing such bonds, then the Board shall cause an entry of that fact to be made upon its minutes, and shall certify to the Board of Supervisors of the county all the proceedings had in the premises, and thereupon said Board of Supervisors shall be and they are hereby authorized and directed to issue the bonds of such district, to the number and amount provided in such proceedings, payable out of the Building Fund of such district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds, and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent. of the taxable property of the district, as shown by the last equalized assessment book of the county.

Returns, when and how canvassed.

SEC. 6. A new section is added to said Code, to be known as section one thousand eight hundred and eighty-five, to read as follows:

1885. The Board of Supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than ten years from the date thereof.

Form of bonds, when payable.

SEC. 7. A new section is added to said Code, to be known as section one thousand eight hundred and eighty-six, to read as follows:

1886. Said bonds must not bear a greater amount of interest than eight per cent.; said interest to be payable annually, and said bonds must be sold in the manner prescribed by the Board of Supervisors, but for not less than

Interest, when payable.

par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the Building Fund of said school district, and be drawn out for the purpose aforesaid, as other school moneys are drawn out.

SEC. 8. A new section is added to the said Code, to be known as section one thousand eight hundred and eighty-seven, to read as follows:

Tax, when to be levied.

1887. The Board of Supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term high enough to pay such annual interest, and to pay, annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all moneys so levied when collected shall be paid into the county treasury to the credit of the Building Fund of such district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer, upon the warrant of the Auditor, out of the fund provided therefor; and it shall be the duty of the Auditor to cancel and file with the Treasurer the bonds and coupons as rapidly as they are paid.

SEC. 9. A new section is added to the said Code, to be known as section one thousand eight hundred and eighty-eight, to read as follows:

Failure to levy tax, how remedied.

1888. If the Board of Supervisors of any county, which has issued bonds under the provisions of this Act, shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the County Treasurer, and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the State Controller, taking his receipt therefor, and the same shall be registered in the State Controller's office; and the State Board of Equalization shall, at their next session, and at each annual equalization thereafter, add to the State tax to be levied in said district, a sufficient rate to realize the amount of principal or interest past due prior to next levy, and the same shall be levied and collected as a part of the State tax, and paid into the State treasury, and passed to the special credit of such district bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations as shown by the register in the office of the State Controller, until the same shall be fully satisfied and discharged; any balance then remaining being passed to the general account and credit of said district.

SEC. 10. This Act shall be in force from and after its passage.

CHAPTER LV.

An Act entitled an Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest.

[Approved March 7th, 1881.]

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

SECTION 1. In all cases where the title of purchasers of land from the State has been foreclosed, or attempted to be foreclosed, or that may hereafter be foreclosed, for non-payment of interest, said purchasers, their executors, administrators, or successors in interest shall have, twelve months after said foreclosures are or have been completed, within which to redeem such land by paying to the County Treasurer, for the benefit of the fund, or parties entitled thereto, all delinquent interest, and interest that would have accrued in case there had been no foreclosure; also, all costs of foreclosure to be paid to the fund, or the parties who paid said costs. When said payments are made, and indorsed on the certificate of purchase, specifying the amount paid as interest and for costs, and duly reported to the Register of the Land Office, the annulments shall be canceled by said officer, and the rights of the purchasers shall thereby be fully restored.

When purchasers of State lands may redeem for non-payment of interest.

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

CHAPTER LVI.

An Act to amend Section 416 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to fees for services performed in the office of the Secretary of State.

[Approved March 7th, 1881.]

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

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

416. The Secretary of State, for services performed in his office, must charge and collect the following fees:

Fees of Secretary of State.

1. For a copy of any law, resolution, record, or other document or paper, on file in his office, twenty cents per folio.
2. For affixing certificate and seal of State, two dollars.
3. For filing articles of incorporation, five dollars.
4. For recording articles of incorporation, twenty cents per folio.

Fees of
Secretary
of State.

5. For issuing each certificate of incorporation, three dollars.
6. For receiving and recording each official bond, five dollars.
7. For each commission, passport, or other document, signed by the Governor and attested by the Secretary of State (pardons and military commissions excepted), five dollars.
8. For each patent for land issued by the Governor, if for one hundred and sixty acres or less, one dollar; and for each additional one hundred and sixty acres or fraction thereof, one dollar.
9. For searching records and archives of the State, one dollar.
10. For filing each trade-mark, three dollars.
11. For filing and recording notice of appointment of agent, five dollars.
12. For filing and recording notice of removal of place of business, five dollars.
13. For filing certificate of increase or decrease of capital stock, five dollars.
14. For issuing certificate of increase or decrease of capital stock, three dollars.
15. For filing certificate of continuance of existence, five dollars.
16. For issuing certificate of continuance of existence, three dollars.
17. For recording miscellaneous records, papers, or other documents, twenty-five cents per folio. But no member of the Legislature or State officer can be charged for any search relative to matters appertaining to the duties of their offices; nor must they be charged any fee for a certified copy of any law or resolution passed by the Legislature relative to their official duties. All fees collected by him must be paid in to the State treasury at the end of each month, and constitute the State Library Fund.

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

CHAPTER LVII.

An Act to amend an Act entitled "An Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property."

[Approved March 7th, 1881.]

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

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

Section 2. The said "The Trustees of the Associated Veterans of the Mexican War," and their successors in office, are hereby empowered, at their pleasure, to execute and deliver unto the City and County of San Francisco, a deed of conveyance of the premises in the first section of this Act described, at any time, upon their receipt from the Mayor of said city and county of a lease for the term of twenty-five years, rent free, or upon their receipt of a deed of conveyance from said Mayor, of all that certain piece or parcel of land situate in said city and county, and generally described as follows, viz.: commencing at a point one hundred and thirty-three (133) feet westerly from Third street, and in the northerly line of Bryant street, and running thence westerly along said line of Bryant street twenty-two (22) feet by a uniform depth northerly of eighty (80) feet. The Mayor shall, whenever he may be authorized so to do by the Board of Supervisors of said city and county, execute and deliver such lease, and receive the delivery of said deed and the possession of the land to be conveyed thereby, as aforesaid. Upon the execution of such deed and lease, or of such deeds, the title to the lands described in the first section hereof shall vest in the City and County of San Francisco, and the same may be thereafter granted or leased, and disposed of by said city and county, for such benevolent or charitable purposes as the Board of Supervisors of said city and county may, at any time, designate by order or resolution; and such lease or deed of the premises described in this section, executed by the Mayor, shall inure to the benefit and use of the Trustees of the Associated Veterans of the Mexican War, and their successors in office in trust for "The Associated Veterans of the Mexican War."

Trustees of Associated Veterans of Mexican War to convey certain property to City of San Francisco.

Sec. 2. This Act shall take effect immediately.

CHAPTER LVIII.

An Act to provide for a proper representation of the products of California at the next World's Exhibition, to be held in New York, in 1883.

[Approved March 7th, 1881.]

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

SECTION 1. It having been decided by the proper authorities, and approved by an Act of Congress, April twenty-third, eighteen hundred and eighty, that a great World's Exposition should be held in New York in eighteen hundred and eighty-three, the one hundredth anniversary of the treaty of peace and the recognition of American independence, at which time each State of the Union is expected to make a showing and display of her resources, products, and manufactures, so that the general exhibit of the United States may be worthy of our fame and rank among nations;

Appropriation

Appropriation.

and as California, as a State, has never made a comprehensive showing at any great exhibition of our natural wealth, mechanical skill, and inventive progress; and as a display at such a time would be of vast benefit to this State, by presenting to the nations there assembled such proofs as will enable them to recognize the advantages of this climate and soil for a home and permanent residence, thereby inducing a desirable class of immigration to this State, and the investment of capital in legitimate enterprise, it is deemed proper that, in connection with other States, California should make a suitable appropriation of money to carry out the design of the above named Act of Congress. In pursuance of the Act, the Governor of this State having recommended, and the President of the United States having appointed, W. B. Ewer and Harry George as Commissioners, and Walter Hart and George Francis Dawson as alternate Commissioners, to superintend and carry out in a fitting manner the object and desire of the government, and in order to make the above Commission useful to the State, the sum of five thousand dollars, not otherwise appropriated by the State, is hereby set apart for the purpose of enabling the Commissioners to solicit, collect, and prepare articles and statistics for exhibition and distribution at said exhibition in eighteen hundred and eighty-three, and for necessary expenses in obtaining exhibits, their care and transportation to and from the place of exhibition.

How expended.

SEC. 2. Said sum of five thousand dollars shall be expended for no other purpose than as above set forth, and no part thereof paid until the account is approved by the State Board of Examiners; and the Controller is hereby instructed to draw his warrant on the State Treasurer for the above sum, in favor of the Commissioners, when authorized by the State Board of Examiners.

SEC. 3. The Commissioners shall receive no salary or pay for their services from this appropriation.

SEC. 4. A full report of all expenditures and the general acts of the Commission, so far as they shall be of interest to the State, shall be made to the Governor at the close of the exhibition.

SEC. 5. This Act shall take effect immediately.

CHAPTER LIX.

An Act to facilitate the equalization of assessments in reclamation districts.

[Approved March 7th, 1881.]

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

SECTION 1. Whenever, under the provisions of section three thousand four hundred and seventy-seven of the Politi-

cal Code, the purchasers from the State of lands included in any reclamation district have been credited with payment in full for such lands, the Trustees of such district may, in their discretion, allow a credit of one dollar per acre on all lands assessed in such districts for reclamation purposes, the title to which lands has not been derived by purchase of the same from the State as swamp and overflowed lands; such credit to be given on any assessment heretofore made and remaining unpaid, or on any future assessment where the owner of such lands has not theretofore received such credit, whether judgments for the payment of such assessments have been recovered or not; *provided*, that no such credit shall be given or allowed, or agreed to be given or allowed, until such person shall have paid all assessments levied on such lands, with interest thereon at the rate of ten per cent. per annum from date of delinquency, and all judgments therefor in full, less the amount of such credit.

When credits may be allowed purchasers of State lands.

Conditions.

SEC. 2. This Act shall take effect immediately.

CHAPTER LX.

An Act to amend Sections 204, 205, 206, 208, 209, 211, 215, 219, and 241 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to selecting, returning, and drawing grand and trial jurors for the Courts of record in this State.

[Approved March 7th, 1881.]

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

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

204. In the month of January in each year, it shall be the duty of the Superior Court in each of the counties of this State to make an order designating the estimated number of Grand Jurors, and also the number of trial jurors, that will, in the opinion of said Court, be required for the transaction of the business of the Court, and the trial of causes therein, during the ensuing year; and immediately after said order shall be made, the Board of Supervisors shall select, as provided in the next section, a list of persons to serve as Grand Jurors, and also a list of persons to serve as trial jurors, in the Superior Court of said county, during the ensuing year, or until new lists of jurors shall be provided. In cities and counties having over one hundred thousand inhabitants, such selection shall be made by the Judges of the Superior Court, or a majority of them if all do not attend.

List of Grand and trial jurors, by whom and when made.

SEC. 2. Section two hundred and five of the Code of Civil Procedure of the State of California is amended so as to read as follows:

Selection of,
how made

205. They shall proceed to select and list the Grand Jurors required by said order of the Superior Court, and then select and list the trial jurors required by said order. Said selections and listings shall be made of persons suitable and competent to serve as jurors, who are assessed on the last preceding assessment roll of such county, or city and county; and in making such selections they shall take the names of such only as are not exempt from serving, who are in possession of their natural faculties, and not infirm or decrepit, of fair character and approved integrity, and of sound judgment.

SEC. 3. Section two hundred and six of the Code of Civil Procedure of the State of California is amended so as to read as follows:

List of, to
contain
how many
names.

206. The lists of jurors, to be made as provided in the preceding section, shall contain the number of persons which shall have been designated by the Court in its order. The names for such lists shall be selected from the different wards or townships of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making said lists; and said lists shall be kept separate and distinct one from the other.

SEC. 4. Section two hundred and eight of the Code of Civil Procedure of the State of California is amended so as to read as follows:

List to be
placed with
Clerk.

208. Certified lists of the persons so selected to serve as Grand Jurors and as trial jurors shall at once be placed in possession of the County Clerk.

SEC. 5. Section two hundred and nine of the Code of Civil Procedure of the State of California is amended so as to read as follows:

Duty of
Clerk.

209. On receiving such lists the County Clerk shall file the same in his office, and write down the names contained thereon on separate pieces of paper, of the same size and appearance, and fold each piece so as to conceal the name thereon. He shall deposit the pieces of paper having on them the names of the persons selected to serve as Grand Jurors in a box to be called the "Grand Jury Box," and those having on them the names of the persons selected to serve as trial jurors in a box to be called the "Trial Jury Box."

SEC. 6. Section two hundred and eleven of the Code of Civil Procedure of the State of California is amended so as to read as follows:

Grand and
trial jurors,
how drawn.

211. The names of persons drawn for Grand Jurors shall be drawn from the "Grand Jury Box," and the names of persons for trial jurors shall be drawn from the "Trial Jury Box;" and if, at the end of the year, there shall be the names of persons in either of the said jury boxes who may not have been drawn during the year to serve, and have not served as jurors, the names of such persons may be placed on the list of jurors drawn for the succeeding year.

SEC. 7. Section two hundred and fifteen of the Code of Civil Procedure of the State of California is amended so as to read as follows:

215. Immediately upon the order mentioned in the preceding section being made, the Clerk shall, in the presence of the Court, proceed to draw the jurors from the "Trial Jury Box." When Clerk shall draw.

SEC. 8. Section two hundred and nineteen of the Code of Civil Procedure of the State of California is amended so as to read as follows:

219. The Clerk must conduct said drawing as follows: Drawing, how conducted.

First—He must shake the box containing the names of the trial jurors so as to mix the slips of paper upon which such names are written as well as possible; he must then draw from said box as many slips of paper as are ordered by the Court.

Second—A minute of the drawing shall be entered in the minutes of the Court, which must show the name on each slip of paper so drawn from said jury box.

Third—If the name of any person is drawn from said box who is deceased or insane, or who may have permanently removed from the county, or who is exempt from jury service, and the fact shall be made to appear to the satisfaction of the Court, the name of such person shall be omitted from the list, and the slip of paper having such name on it shall be destroyed and another juror drawn in his place, and the fact shall be entered upon the minutes of the Court. The same proceeding shall be had as often as may be necessary until the whole number of jurors required be drawn. After the drawing shall be completed, the Clerk shall make a copy of the list of names of the persons so drawn, and certify the same. In his certificate he shall state the date of the order, and of the drawing, and the number of the jurors drawn, and the time when, and the place where such jurors are required to appear. Such certificate and list shall be delivered to the Sheriff for service.

SEC. 9. Section two hundred and forty-one of the Code of Civil Procedure is amended so as to read as follows:

241. Every Superior Court, whenever in the opinion of the Court the public interest must require it, may make and file with the County Clerk an order directing a jury to be drawn, and designating the number, which in case of a Grand Jury shall not be less than twenty-five nor more than thirty. In all counties having less than three Superior Court Judges there shall be one Grand Jury drawn and impaneled in each year; and in all counties having three or more Superior Court Judges there shall be two Grand Juries drawn and impaneled in each year. Such order must designate the time at which the drawing will take place. The names of such jurors shall be drawn, the list of names certified and summoned, as provided for drawing and summoning trial jurors; and the names of any persons drawn, who may not be impaneled upon the Grand Jury, may be again placed in the Grand Jury box. Grand Jury, when to be impaneled.

SEC. 10. This Act shall take effect on the first day of January, eighteen hundred and eighty-two.

CHAPTER LXI.

An Act to amend an Act entitled an Act for the protection of settlers on public lands claimed by the State, approved March 10, 1874.

[Approved March 7th, 1881.]

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

SECTION 1. Section one of an Act entitled an Act for the protection of settlers on public lands claimed by the State, approved March tenth, eighteen hundred and seventy-four, is hereby amended to read as follows:

No claim
against
bona fide
settlers on
public lands

Section 1. From and after the passage of this Act, no claim shall be made by the State to any land as swamp or overflowed, which was not returned as such by the United States Deputy Surveyor, nor shall the same be segregated by the authority of the State for which preëmption or homestead patents have been issued by the United States, or upon which there are settlers, occupying the land in good faith, who have filed their preëmption or homestead declaratory statement. Nor shall the Surveyor-General receive any application to purchase as swamp or overflowed lands, any land not returned as such by the United States Deputy Surveyor, unless the application be accompanied by a certificate from the Register of the United States Land Office for the district in which the land is situated, or by the affidavits of two disinterested persons, that there is no preëmption or homestead settler upon the land sought to be purchased, or if there is such settler, that he has resided on the land more than six months prior to the time of making such application; *provided*, that the application shall be invalid in every case where there is a valid pre-emption filing or homestead entry on the land sought to be purchased at the time such application is made.

Application,
when
invalid.

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

CHAPTER LXII.

An Act to amend Section 4109 of "An Act to establish a Political Code," approved March 12, 1872, relating to the election and terms of office of county, city and county, and township officers, and to repeal Sections 4024, 4027, and 4111 of said Political Code.

[Approved March 7th, 1881.]

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

SECTION 1. Section four thousand one hundred and nine of the Political Code is amended to read as follows:

4109. All elective county, city and county, and township officers, except Superior Court Judges, Superintendents of Schools, and Assessors, shall be elected at the general election to be held in the year eighteen hundred and eighty-two, and at the general election to be held every second year thereafter, and shall take office on the first Monday after the first day of January next succeeding their election, and shall hold office for two years. The years that said officers are to hold office are to be computed respectively from and including the first Monday after the first day of January of any one year to and excluding the first Monday after the first day of January of the next succeeding year; *provided*, that all Supervisors and Justices of the Peace shall take office on the first Monday after the first day of January next succeeding their election, and shall hold office for two years. The years during which a Supervisor and Justice of the Peace is to hold office are to be computed respectively from and including the first Monday of January of any one year to and excluding the first Monday of January next succeeding. Assessors of every county, and of every city and county, shall be elected at the general election to be held on the first Tuesday after the first Monday in November, eighteen hundred and eighty-two, and at the general election to be held every four years thereafter, and shall hold office for the term of four years from and after the first Monday after the first day of January next succeeding their election.

County officers, when elected and term of.

SEC. 2. Sections four thousand and twenty-four, four thousand and twenty-seven, and four thousand one hundred and eleven of the said Political Code, are hereby repealed.

Repealed.

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

SEC. 4. This Act shall take effect immediately.

CHAPTER LXIII.

An Act to amend Section 631 of the Penal Code, relating to violations of the laws for the preservation of fish and game.

[Approved March 7th, 1881.]

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

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

631. Any person or persons who shall at any time net, pound, weir, cage, or trap any quail, partridge, or grouse, and any person or persons who shall sell, or give away, or shall have in his or her possession any quail, partridge, or grouse, that have been snared, captured, or taken in or by means of any net, pound, weir, cage, or trap, is guilty of a misdemeanor.

Trapping quail, partridge, or grouse prohibited.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIV.

An Act to create an additional Police Judge's Court for the City and County of San Francisco, to define its powers and jurisdiction.

[Approved March 7th, 1881.]

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

SECTION 1. There is hereby created and established in and for the City and County of San Francisco an additional Police Judge's Court, to be known and designated as the "Police Judge's Court No. 2," which Court shall have concurrent jurisdiction of all preliminary examinations of persons charged with felony, and of all misdemeanors and violations of city and county ordinances, and all other offenses of which the Police Judge's Court of said city and county now has jurisdiction.

SEC. 2. There shall be, as far as practicable, an equal distribution of cases between the said Courts, which cases shall be alternately set down for trial to each Court, in the order in which the warrants are issued.

SEC. 3. The mode of examination, trial, and procedure in the Police Judge's Court No. 2 shall, in all cases, be governed by the same rules prescribed by law for other Police Courts in similar cases.

SEC. 4. A Judge of the Police Judge's Court No. 2 shall be elected at the same time and in a like manner as the Police Judge of the Police Judge's Court of said city and county, and whose term of office shall be the same. The Governor of the State of California shall, within thirty days after the passage of this Act, appoint some suitable person as Judge of the Police Judge's Court No. 2, who shall hold such office until his successor has been elected and qualified. The compensation of the Judge of the Police Judge's Court No. 2 shall be four thousand dollars per annum, payable in the same manner as the salary of the Police Judge of said city and county is now paid.

SEC. 5. The said Police Judge's Court No. 2 shall hold its session in the City and County of San Francisco, in such central and convenient place as shall be provided for that purpose by the Board of Supervisors. The said Board of Supervisors shall also, within thirty days after the passage of this Act, elect some suitable person as Prosecuting Attorney of the said Police Judge's Court No. 2, at the same salary per annum as is now paid to the Prosecuting Attorney of the Police Judge's Court of said city and county. And said Board of Supervisors shall elect a Clerk of Court, at a salary of one thousand eight hundred dollars per annum, payable in the same manner as the salaries of the Judge and Clerk of the Police Judge's Court of said city and county are now paid.

Additional Police Judge's Court in San Francisco.

Distribution of cases.

Rules.

Election of Judge, when.

Compensation.

Sessions.

Prosecuting Attorney, salary of.

Clerk of Court, salary of.

SEC. 6. The Judge of the Police Judge's Court No. 2 shall be a conservator of the peace in said city and county, and may exercise all the powers conferred by law upon the Police Judge as magistrate. Powers of Judge.

SEC. 7. The Judge of said Court shall appoint a suitable person to act as Bailiff of said Court, who shall receive a like compensation for such services as is now paid to the Bailiff of the Police Judge's Court for said city and county. Appointment of Bailiff, salary of.

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

CHAPTER LXV.

An Act to amend Section 340 of the Penal Code, relative to pawnbrokers charging an unlawful rate of interest.

[Approved March 7th, 1881.]

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

SECTION 1. Section three hundred and forty of the Penal Code is hereby amended so as to read as follows:

340. Every pawnbroker who charges or receives interest at the rate of more than two per cent. per month, or who by charging commissions, discount, storage, or other charge, or by compounding increases, or attempts to increase, such interest, is guilty of a misdemeanor. Pawnbrokers, what interest may charge.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVI.

An Act to appropriate money for the purchase of a steam launch for the Quarantine Officer of the Port of San Francisco.

[Approved March 14th, 1881.]

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

SECTION 1. The sum of five thousand dollars is hereby appropriated out of the General Fund in the State treasury for the purchase of a steam launch for the quarantine service of the Port of San Francisco. Appropriation to purchase steam launch.

SEC. 2. The Controller is hereby authorized to draw his warrant on the Treasurer in favor of the Board of Health of the City and County of San Francisco, for such sum as may be required, not to exceed the amount appropriated by section one of this Act, and the State Treasurer is directed to pay the same; *provided*, that no work performed under this Act shall be done by Chinese or Mongolians.

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

CHAPTER LXVII.

An Act to confer power upon Supervisors, or other governing body of counties, and cities and counties, to extend and complete all main intercepting sewers heretofore partially constructed.

[Approved March 14th, 1881.]

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

To complete intercepting sewers partially constructed

SECTION 1. The Board of Supervisors, or other governing body of any county, or city and county, in this State, shall have power and it shall be the duty of said Board of Supervisors, or other governing body, whenever they deem it necessary to promote the sanitary condition of such city and county, to complete all main intercepting sewers heretofore constructed, or partially constructed, at the expense of such county, or city and county, also to extend the same to a suitable and proper outlet, deemed necessary for the protection of life and property in the judgment of said Board of Supervisors, or other governing body, the expense thereof and consequent thereto to be chargeable to and to be paid out of the General Fund of the treasury of such county, or city and county, not to exceed the sum of ninety thousand dollars.

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

CHAPTER LXVIII.

An Act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters.

[Approved March 14th, 1881.]

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

Power of Supervisors to erect bridges.

SECTION 1. The power to erect bridges on public highways across navigable streams in this State, or to grant franchises to individuals or corporations for the same, is hereby granted to the Boards of Supervisors of the several counties of the State, under the restrictions of this Act.

Regulation of tolls, by whom exercised.

SEC. 2. The power to grant franchises to individuals, or corporations, to construct bridges, and the regulation of tolls thereon, shall be exercised by the county on the left bank of all streams.

Supervisors may join between counties.

SEC. 3. Where a navigable stream is the boundary line between the counties, the Boards of Supervisors of such counties may join in the construction of a bridge, upon such terms as may be agreed upon; *provided, however,* that in case of a failure to agree, either county may build the bridge and maintain control thereof.

SEC. 4. Whenever the Supervisors of any county, or counties, desire to erect a bridge on any public highway, or to grant the privilege so to do to any individual or corporation, across a navigable stream, under the provisions of this Act, said Board or Boards shall notify the State Engineer of such purpose, and of the precise point where such bridge is proposed to be located. The State Engineer shall, within ten days of the receipt of such notice, designate the width of the draw to be made in such bridge, and also the length of the spans necessary to permit the free flow of water.

Notify State Engineer.



SEC. 5. The communication from the State Engineer, fixing the draw and spans, shall be spread upon the minutes of the Board, and any bridge constructed at that point shall be in conformity therewith; *provided, however*, that the State Engineer may, upon hearing before him, had upon application of any person or body interested, made within ten days after the receipt by said Board of Supervisors, of said communication of said engineer, change his first plans, in which case the modified plans must be so spread upon the minutes, and shall stand in the place of the original; *provided, however*, that before such hearing is had, the said engineer must give ten days notice by publication in some newspaper published in the county or counties from which the application came, of the time and place of the hearing.

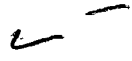
Hearing before State Engineer.

SEC. 6. In case of the absence or inability of the State Engineer to act, the duties devolving upon him under this Act shall be performed by the State Surveyor-General.

Surveyor-General, when may act.

SEC. 7. When a bridge shall be built on a navigable stream, by one county, or two counties, it may be absolutely free, or tolls sufficient to pay in whole, or in part, for the construction, and to keep up the repairs and expenses thereof, may be charged; the rate to be fixed by the Board of Supervisors of the county in which the same is located, or, if located in two counties, then by the Boards of Supervisors of the two counties; or if there be any disagreement between said Boards, as to imposing or removing tolls, or the rate, the matter in dispute shall be referred to the Board of Supervisors of some neighboring county for determination, and its decision, communicated in writing to the clerks of the said Boards, respectively, shall be final; and if tolls are fixed or removed thereby, the same shall take effect on the tenth day from the date of such written determination.

Rates of toll, by whom fixed.



SEC. 8. The Board of Supervisors, or other governing body of any city and county, or county, in this State, shall have power to declare that it is necessary for the public convenience to have a bridge or bridges built across any estuary, swamp, pond, or arm of a bay that may lie or extend into the county, or city and county, and prescribe the points between which said bridge or bridges shall be built, and when they shall have specified the points between which it is, in their judgment, necessary to build the said bridge or bridges, they may let contracts to build the bridges, as aforesaid, and pay for the same out of the General Fund of the city and county, or county.

Supervisors to declare necessity for building bridges.

SEC. 9. This Act shall take effect immediately.

CHAPTER LXIX.

An Act to provide buildings and improvements for the Asylum for the Deaf and Dumb, and the Blind.

[Approved March 14th, 1881.]

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

Appropriation.

SECTION 1. The sum of forty-five thousand five hundred (\$45,500) dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to be paid to the Directors of the Asylum for the Deaf and Dumb, and the Blind, and to be expended as follows: For an educational building, forty thousand (\$40,000) dollars; *provided*, that the cost to the State for the erection and completion of said educational building shall not exceed the sum herein appropriated. For furnishing girls' house, two thousand five hundred dollars; for heating apparatus, three thousand dollars. And all labor performed upon said buildings shall be done by day's work.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXX.

An Act to amend Section 171 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to Courts of justice and various officers connected therewith, and to prohibit Justices, Judges of Courts of record, Justices of the Peace, and County Clerks, from practicing law, or from acting as attorneys or agents, in certain cases.

[Approved March 14th, 1881.]

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

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

Judges and County Clerks, when prohibited from practicing law.

171. No Justice, or Judge of a Court of record, or County Clerk, shall practice law in any Court of this State, nor act as attorney, agent, or solicitor in the prosecution of any claim or application for lands, pensions, patent rights, or other proceedings, before any department of the State or General Government, or Courts of the United States, during his continuance in office; nor shall any Justice of the Peace practice law before any Justice's Court in the county in which he resides.

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

CHAPTER LXXI.

To amend Sections 11, 17, 18, and 20, and to repeal Section 30 of an Act entitled an Act to define, regulate, and govern the State Prisons of California, approved April 15, 1880.

[Approved March 14th, 1881.]

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

SECTION 1. Section eleven of "An Act entitled an Act to define, regulate, and govern the State Prisons of California," approved April fifteenth, eighteen hundred and eighty, is hereby amended so as to read as follows:

Section 11. The Board of Directors are hereby authorized Contracts. and required to contract for provisions, clothing, medicines, forage, fuel, and all other supplies needed for the support of the prisons for any period of time, not exceeding one year, and such contract shall be limited to bona fide dealers in the several classes of articles contracted for. Such contracts shall be given to the lowest bidder at a public letting thereof, if the price bid is a fair and reasonable one, and not greater than the usual market value and prices. Each bid shall be Bids. accompanied by such security as the Board may require, conditional upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a penal bond, with good and sufficient sureties, in such sum as the Board may direct and to their satisfaction that he will faithfully perform his contract. Notice of the time, place, and conditions of the letting of each contract shall be given for at least two consecutive weeks in two daily newspapers printed and published in the City of San Francisco, and in one newspaper printed and published in the City of Sacramento, and in one newspaper printed and published in the county where the prison to be supplied is situated. If all the bids made at such letting are deemed unreasonably high, the Board may, in their discretion, decline to contract, and may again advertise for proposals, and may so continue to renew the advertisement until satisfactory contracts are made; and in the meantime the Board may contract with any one whose offer is regarded just and equitable, but no contract thus made shall run more than sixty days, nor in any case extend beyond the public letting. No bid shall be accepted, nor a contract entered into in pursuance thereof, when such bid is higher than any other bid at the same letting for the same class or schedule of articles, and when a contract can be had at such lower bid. When two or more bids for the same article or articles are equal in amount, the Board may select the one which, all things considered, may by them be thought best for the interests of the State, or they may divide the contract between the bidders, as in their judgment may seem proper and right.

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

Compensation.

Section 17. The Directors shall receive no compensation other than ten cents per mile for traveling expenses, and one hundred dollars (\$100) per month for other expenses incurred while engaged in the performance of official duties. The Warden shall receive a salary not less than two thousand and four hundred dollars (\$2,400), and not to exceed three thousand dollars (\$3,000) per annum, in the discretion of the Directors. The Clerks shall receive one thousand and five hundred dollars (\$1,500) per annum, and all other officers and employes shall receive such compensation as the Board of Directors shall deem just and equitable in each case.

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

Money, how drawn.

Section 18. All moneys received or collected by the Wardens by virtue of this Act, shall be paid by them into the State treasury to the credit of a fund to be known as the State Prison Fund, at least as often as once per month, excepting so much thereof as may be necessary to pay the current expenses. The Wardens shall require vouchers for all moneys by them expended, and safely keep the same on file in their respective offices at the prisons. For all sums of money required to be paid, other than for the uses above named, as well as for said uses when there is not sufficient money in the hands of the Wardens, drafts shall be drawn on the Controller of State, signed by at least three of the State Prison Directors, and countersigned by the Warden, and the Controller of State shall draw his warrant on the State Treasurer, who shall pay the same out of any moneys belonging to the State Prison Fund, or appropriated for the use or support of the State Prisons.

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

Duty of Wardens and State Treasurer on payment of money into State treasury.

Section 20. On payment of any moneys into the State treasury, as provided in this Act, the Wardens and State Treasurer shall report to the Controller of State the amount so paid, and the State Treasurer shall give the Wardens a receipt therefor, which receipt shall be filed with the Controller. The Wardens shall report to the Controller of State the amount of money paid into the said treasury by them during each month, and shall also report to said Controller of State the amounts received and disbursed by them every three months, and during the period for which such report shall be made, which quarterly report shall be signed by the Warden and at least three of the Directors.

Repealed.

SEC. 5. Section thirty of said Act is hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER LXXII.

An Act to provide a State Hospital and Asylum for Miners.

[Approved March 14th, 1881.]

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

SECTION 1. There shall be erected, as soon as conveniently may be, upon some suitable site, to be determined and obtained as is hereinafter provided, a public hospital and asylum, for the reception, care, medical and surgical treatment, and relief of the sick, injured, disabled, and aged miners, which shall be known as the "California State Miners' Hospital and Asylum." Erection of State Hospital for miners.

SEC. 2. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint five persons to serve as Trustees of the said institution, who shall be a body politic and corporate, by the name and style of the "Trustees of the California State Miners' Hospital and Asylum," and shall manage and direct the concerns of the institution, and make all necessary by-laws and regulations, and shall have power to receive, hold, dispose of, and convey all real and personal property conveyed to them by gift, devise, or otherwise, for the use of said institution, and shall serve without compensation. Of those first appointed, two shall serve for two years, and three for four years; and at the expiration of the respective terms, each class thereafter shall be appointed for four years. A vacancy in said Board, from any cause, shall be filled by appointment by the Governor, for the unexpired term. Trustees of, how appointed.

SEC. 3. The said Trustees shall have charge of the general interests of the institution; they shall appoint the Superintendent, who shall be a skillful physician and surgeon, subject to removal or reelection no oftener than in periods of ten years, except by infidelity to the trust reposed in him, or for incompetency. Superintendent, how appointed.

SEC. 4. The Trustees, by and with the consent of the Governor, shall make such by-laws and regulations for the government of the institution as shall be necessary; they shall appoint a Treasurer, who shall give bonds to the people of the State of California for the faithful discharge of his duties; and they shall fix the compensation of all officers, assistants, and attachés, who may be necessary for the just and economical administration of the affairs of said institution. By-laws.

SEC. 5. Indigent miners shall be charged for medical attendance, surgical operations, board, and nursing while residents in the hospital and asylum, no more than the actual cost; paying patients, whose friends can pay their expenses, and who are not chargeable upon townships and counties, shall pay according to the terms directed by the Trustees. Charges for medical attendance.

Powers of
Boards of
Supervisors.

SEC. 6. The several Boards of Supervisors of counties, or any constituted authority in the State having care and charge of any indigent, sick, or aged person or persons, if satisfactorily proven by them to have been miners, shall have authority to send to the "California State Miners' Hospital and Asylum" such persons, and they shall be severally chargeable with the expenses of the care, maintenance, and treatment, and removal to and from the hospital and asylum of such patients.

Trustees to
report.

SEC. 7. The Trustees shall, annually, at such time as the Governor may designate, report to him, for transmission to the Legislature, such a statement as he may require as to the management of the said hospital and asylum.

SEC. 8. This Act shall take effect immediately.

CHAPTER LXXIII.

An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto two new sections, to be known as Sections 3664 and 3665, relating to assessments of railroads and other property by the State Board of Equalization and County Assessors, for the purpose of taxation.

[Approved March 14th, 1881.]

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

SECTION 1. The following section is added to the said Act, known as the Political Code, to be known as section three thousand six hundred and sixty-four of said Code:

State Board
of Equaliza-
tion to assess
railroads,
etc.

3664. On or before the first Monday in May in each year, the State Board of Equalization shall assess the franchise, roadway, roadbed, rails, and rolling stock of railroads operated in more than one county. The President, Secretary, Cashier, or managing agent, or such other officer as the State Board of Equalization may designate, of any corporation operating any railway in more than one county in this State, shall furnish said Board, on or before the first Monday of April in each year, a statement signed and sworn to by one of such officers, showing in detail for the year ending on the first Monday in March in such year:

(a) The whole number of miles of railway owned, operated, or leased in the State by such corporation making the return, and the value thereof per mile, with a detailed statement of all property of every kind located in the State.

(b) Also, a detailed statement of the number and value thereof of engines, passenger, mail, express, baggage, freight, and other cars or property used in operating or repairing such railway in this State, and on railways which are parts of lines extending beyond the limits of this State. The return shall show the actual amount of rolling stock in use on the

corporation's line in the State during the year for which the return is made. The return shall show the amount of rolling stock, the annual gross earnings of the entire railway, and the proportionate annual gross earnings of the same in this State, as nearly as practicable, and all the property designated hereafter in this section, and such other facts as the State Board of Equalization may in writing require. If such officer or officers so designated shall fail to make and furnish such statement, said Board of Equalization shall fix the value of and proceed to assess the property of the corporations so failing; the valuation fixed by them shall be final and conclusive. The said property shall be assessed at its actual value. Assessment shall be made upon the entire railway within the State, and shall include the right of way, roadbed, track, bridges, culverts, and rolling stock. The depots, station grounds, shops, buildings, and gravel beds shall be assessed by the Assessor of the county where situated, as other property. On or before the fifteenth day of May in each year, said Board shall transmit to the County Assessor of each county through which any railway, operated in more than one county, may run, a statement showing the length of the main track or tracks of such railway within the county, together with a description of the whole of said tracks within the county, including the right of way by metes and bounds, or other description sufficient for identification, and the assessed value per mile of the same, as fixed by a pro rata distribution per mile of the assessed value of the whole franchise, roadway, roadbed, rails, and rolling stock of such railway within this State. Said statement shall be entered on the assessment roll of the county. At the first meeting of the Board of Supervisors after such statement is received by the County Assessor, they shall make and cause to be entered in the proper record book an order stating and declaring the length of the main track, and the assessed value of such railway lying in each city, town, township, school district, or lesser taxing district in their county through which such railway runs, as fixed by the State Board of Equalization, which shall constitute the taxable value of said property for taxable purposes in such city, town, township, school, road, or other district; and the Clerk of the Board of Supervisors shall transmit a copy of each order or equalization to the City Council or Trustees, or other legislative body of incorporated cities or towns, the Trustees of each school district, and the authorized authorities of other taxation districts through which such railway runs. The taxes on said property, for State and county purposes, after collection by the County Collector, shall be paid over to the County Treasurer as other taxes. All such railway property shall be taxable upon said assessment, at the same rates, by the same officers, and for the same purposes, as the property of individuals within such counties, cities, towns, townships, school districts, and lesser taxation districts respectively. Any person dissatisfied with an assessment made by said Board of Equalization against his or its property, may, within five days after such assessment is made and entered

State Board
of Equaliza-
tion to assess
railroads,
etc.

State Board
of Equaliza-
tion to assess
railroads,
etc.

of record on the books of said Board, by written petition apply to said Board to have the same corrected in any particular. Said petition must state the grounds of objection to such assessment, and must be filed with the Clerk of the Board. The Board must fix a time for hearing said petition, which must be not less than five nor more than ten days from the time the same is filed, and must, upon such hearing, receive such proofs as may be offered by the petitioner, or by the Attorney-General, or any other person appearing against such petition, and such other proofs as, in the judgment of the Board, bear upon the question at issue. By an order of the Board, or upon the demand of the petitioner, the proofs shall be reduced to writing by a phonographic reporter. If the Board do not order the proofs to be reduced to writing by such reporter, but the same is done upon the demand of the petitioner, the petitioner must pay the expenses thereof. After hearing such proofs, the Board shall, within ten days, determine, in writing, upon the matters involved in the petition and proofs, and may alter, in conformity with such determination, the assessment complained of. Any person feeling aggrieved at such determination who shall pay the tax upon the assessment complained of, and may, within ten days after such payment, bring an action in the Superior Court of the county in which the tax, or any part thereof, has been paid, against the Board of Equalization, and in the complaint may allege any fact averred in his petition filed with said Board, showing the illegality of such tax in whole or in part, or that the property in whole or in part was assessed for more than its actual value. A copy of the complaint must, within thirty days after it has been filed, be served upon the Chairman or Clerk of said Board, and said Board shall have thirty days in which to answer or demur to the same. At the time the Board answers or demurs, it may demand that the suit be tried in the Superior Court of Sacramento County. The provisions of the Code of Civil Procedure, relating to pleadings, proofs, trials, and appeals shall be applicable to the proceeding herein provided for, and the testimony taken before the Board of Equalization may be read in evidence, and in such proceeding the Court shall have power to determine the matters involved in the issue, and in making such determination may ascertain whether the property was taxed or assessed in proportion to its value, and if the determination is in favor of the petitioner, as to the illegality of the tax in whole or in part in excess of its actual value, it shall, by its judgment, direct the return of the tax paid, or of such part thereof as may have been illegally exacted, or exacted in excess of the actual value of the property. Upon presentation of a certified copy of such final judgment to the Controller, he shall draw his warrant upon the State Treasurer for the amount of such judgment, and the Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated. At the next settlement thereafter made by the Controller with the County Treasurer of any county that received any portion of said illegal tax, he

shall require the Treasurer thereof to pay such portion into the State treasury to reimburse the State for the advance made on said judgment. The Board of Equalization may direct the District Attorney of any or every county interested, and the Attorney-General, to defend for such Board, any proceeding commenced under the provisions of this section.

SEC. 2. The following section is added to the said Act known as the Political Code, to be known as section three thousand six hundred and sixty-five of said Code:

3665. The assessment made by the County Assessor and the State Board of Equalization, shall be the only basis of taxation for the county, or any subdivision thereof (except in incorporated cities and towns, and may also be taken as such basis in incorporated cities and towns when the proper authorities may so elect). All taxes upon townships, roads, school, or other local districts, shall be collected in the same manner as county taxes.

Assessment
of Assessors
to be basis of
taxation.

SEC. 3. Nothing in this Act shall be construed as affecting the validity of any assessment already made, or of any proceeding taken, or to be taken, to collect any taxes levied or due, or to become due, upon any such assessment.

Construction
of Act.

SEC. 4. This Act shall take effect immediately.

CHAPTER LXXIV.

An Act to amend Section 2464 of the Political Code, relating to the trial and hearing of charges and complaints against pilots.

[Approved March 14th, 1881.]

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

SECTION 1. Section two thousand four hundred and sixty-four of said Code is amended to read as follows:

2464. Whenever any pilot has been notified that his license will not be renewed, as provided in section two thousand four hundred and thirty of this Code, he shall be entitled to a trial and hearing thereon, in the same manner that other charges and complaints are tried under the provisions of section two thousand four hundred and sixty-three of this Code, and in all such cases and in all cases of revocation of license, or suspension of a pilot for any cause, the Board may, in its discretion, upon written application, setting forth the grounds thereof, verified by the party aggrieved, grant a rehearing; and in all cases the final decision of the Board shall be subject to review in the Superior Court of the City and County of San Francisco, to which Court any such case, with all the papers and proceedings therein, shall be immediately certified by the Secretary of

Hearing of
pilots on
charges.

Superior
Court may
review
decisions.

said Board, when so required by the pilot interested therein. Any case so certified to the Superior Court shall be then tried de novo. The judgment of the Court shall be final and conclusive. If the decision of the Board be reversed, the judgment shall operate directly to restore the pilot to all his former rights, status, and privileges without further action of the Board. But the Board shall, nevertheless, upon being served with a certified copy of such judgment, restore or renew the license of such pilot, as the judgment may direct.

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

CHAPTER LXXV.

An Act to protect and promote the horticultural interests of the State.

[Approved March 14th, 1881.]

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

SECTION 1. Whenever a petition is presented to the Board of Supervisors of any county, and signed by five or more persons who are resident freeholders and possessors of an orchard, or both, stating that certain or all orchards, or nurseries, or trees of any variety, are infected with scale bug, codling moth, or other insects that are destructive to trees, and praying that a commission be appointed by them, whose duty it shall be to supervise their destruction, as hereinafter provided, the Board of Supervisors shall, within twenty days thereafter, select three Commissioners for the county, to be known as a County Board of Horticultural Commissioners. The Board of Supervisors may fill any vacancy that may occur in said Commission by death, resignation, or otherwise, and appoint one Commissioner each year, one month or thereabouts previous to the expiration of the term of office of any member of said Commission. The said Commissioners shall serve for a period of three years from the date of their appointment, except the Commissioners first appointed, one of whom shall serve for one year, one of whom shall serve for two years, and one of whom shall serve for three years, from the date of appointment. The Commissioners first appointed shall themselves decide, by lot, or otherwise, who shall serve for one year, who two years, and who three years, and shall notify the Board of Supervisors of the result of their choice.

SEC. 2. It shall be the duty of the County Board of Horticultural Commissioners in each county, whenever they shall be informed by complaint of any person residing in such county, that an orchard, or nursery, or trees, or any fruit-packing house, storeroom, saleroom, or any other place in

Judgment final.

Board of Horticultural Commissioners.

Vacancies, how filled.

Terms of.

Duty of Board.

their jurisdiction, is infested with scale bug, codling moth, red spider, or other noxious insects (liable to spread contagion dangerous to the trees or fruit of complainant), or their eggs or larvæ, injurious to fruit or fruit trees, they shall cause an inspection to be made of the said premises, and if found infested they shall notify the owner or owners, or the person or persons in charge or possession of the said trees, or places, as aforesaid, that the same are infested with said insects, or any of them, or their eggs or larvæ, and shall require such person or persons to disinfect the same within a certain time, to be specified. If, within such specified time, such disinfection has not been accomplished, the said person or persons shall be required to make application of such treatment for the purpose of destroying them as said Commissioners shall prescribe. Said notices may be served upon the person or persons owning or having charge or possession of such infested trees, or places, or articles as aforesaid, by any Commissioner, or by any person deputed by the said Commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. If the owner or owners, or the person or persons, in charge or possession of any orchard, or nursery, or trees, or places, or articles, infested with said insects, or any of them, or their larvæ or eggs, after having been notified as above to make application of treatment as directed, shall fail, neglect, or refuse so to do, he or they shall be deemed guilty of maintaining a public nuisance, and any such orchards, nurseries, trees, or places, or articles thus infested, shall be adjudged and the same is hereby declared a public nuisance, and may be proceeded against as such. If found guilty, the Court shall direct the aforesaid County Board of Horticultural Commissioners to abate the nuisance. The expenses thus incurred shall be a lien upon the real property of the defendant.

Sec. 3. Said County Board of Horticultural Commissioners shall have power to divide the county into districts, and to appoint a local Inspector for each of said districts. The duties of such local Inspectors shall be prescribed by said County Board.

To appoint local Inspectors.

Sec. 4. It shall be the duty of said County Board of Commissioners to keep a record of their official doings, and to make a report to the Board of State Viticultural Commissioners on or before the first day of November of each year, who shall incorporate the same in their annual reports.

To report to Viticultural Commissioners.

Sec. 5. It shall be the duty of the Commissioners at large, appointed by the Board of State Viticultural Commissioners for such purpose, to recommend, consult, and act with the County Board of Commissioners in their respective counties as to the most efficacious treatment to be adopted for the extermination of the aforesaid insects, or larvæ, or eggs thereof, and to attend to such other duties as may be necessary to accomplish or carry out the full intent and meaning of this Act.

Duties of.

Sec. 6. Each County Commissioner and local Inspector may be paid five dollars for each day actually engaged in

Fees.

the performance of his duties under this Act, payable out of the county treasury of his county; *provided*, that no more shall be paid for such services than shall be determined by resolution of the Board of Supervisors of the county for services actually and necessarily rendered.

Assistants.

SEC. 7. Each of said Commissioners may select one or more persons, without pay, to assist him in the discharge of his duties, as he may deem necessary.

Supervisors
to remove.

SEC. 8. If any County Board of Commissioners, after having received complaint in writing, as provided for in section two of this Act, shall fail to perform the duties of their office, as required by this Act, they may be removed from office by the Board of Supervisors, and the vacancy thus formed shall be filled in the same manner as provided for in this Act.

Construc-
tion.

SEC. 9. Nothing in this Act shall be construed so as to affect vineyards or their products.

SEC. 10. This Act shall take effect immediately.

CHAPTER LXXVI.

An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

[Approved March 14th, 1881.]

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

Purchase of
additional
grounds for
Insane
Asylum at
Napa.

SECTION 1. The Board of Trustees of the Napa State Asylum for the Insane are hereby authorized and directed to purchase for the State of California the tract of land containing four hundred and two and thirteen one hundredths acres, adjoining on the easterly side the tract of land now used as the grounds of the Insane Asylum at Napa, and belonging to W. H. Coombs; *provided*, a good title, free and clear of incumbrance, can be obtained, and the purchase price thereof shall not exceed the sum of twelve thousand dollars, gold coin of the United States of America.

SEC. 2. The sum of twelve thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the purchase mentioned in the first section of this Act.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXVII.

An Act to establish a Branch State Normal School.

[Approved March 14th, 1881.]

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

SECTION 1. There shall be established in the County of Los Angeles, a school, to be called the Branch State Normal School of California, for the training and educating of teachers in the art of instructing and governing in the public schools of this State. Branch State Normal School at Los Angeles.

SEC. 2. The Trustees of the "State Normal School" are hereby appointed and created Trustees of the said Branch Normal School, with full power and authority to select a site for the permanent location of said Branch Normal School in the County of Los Angeles. Said Trustees shall, within thirty days after the passage of this Act, examine the different sites offered by the people of the County of Los Angeles for the location of the Branch Normal School buildings, and select therefrom a suitable location for said Branch Normal School buildings; and the site selected by them shall be and remain the permanent site for the Branch State Normal School; *provided*, that no buildings shall be erected in the County of Los Angeles until a deed in fee simple of the land selected by the Board of Trustees of the State Normal School shall be made to the State. Trustees, how appointed.
Sites.
Conditions.

SEC. 3. Said Branch State Normal School shall be governed and regulated by the same laws now governing and regulating the State Normal School. How governed.

SEC. 4. The sum of fifty thousand dollars is hereby appropriated out of any moneys in the General Fund of the State not otherwise appropriated, for the building of said Branch State Normal School. Appropriation.

SEC. 5. The Controller of State shall draw warrants from time to time, as the work shall progress, in favor of said Board of Trustees of the State Normal School, upon their requisition for the same; *provided*, that the cost to this State for the erection of said Branch Normal School buildings shall not exceed the amount herein appropriated. Warrants, how drawn.

SEC. 6. The said buildings shall be erected, and the moneys hereby appropriated therefor expended under the direction of the Board of Trustees of the State Normal School, and all labor performed upon said buildings shall be done by the day's work. Money, how expended.

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



RESOLUTIONS.



CONCURRENT AND JOINT RESOLUTIONS.

CHAPTER I.

Senate Concurrent Resolution No. 3, relative to forwarding copies of certain laws to Superior Judges, District Attorneys, and County Clerks.

[Adopted January 20th, 1881.]

Resolved by the Senate, the Assembly concurring, That one copy of every law taking immediate effect, in any way referring to Courts of justice or judicial offices, or to criminal or civil procedure, shall, immediately after the approval of the same by the Governor, be forwarded by the Secretary of State to each Superior Judge, District Attorney, and County Clerk of the State of California; and that the State Printer be and is hereby directed to deliver to the Secretary of State two hundred copies of all bills as aforesaid for distribution, pursuant to this resolution.

Laws to be furnished to Superior Judges, District Attorneys, and County Clerks.

CHAPTER II.

Senate Concurrent Resolution No. 24, relative to the Mussel Slough prisoners.

[Adopted February 2d, 1881.]

WHEREAS, J. N. Patterson, J. J. Doyle, J. D. Purcell, W. L. Pryor, and William Braden, settlers upon what are known as the Mussel Slough lands, in this State, have each recently been sentenced by Judge Sawyer, of the United States Circuit Court, to eight months' imprisonment, three hundred dollars fine, and costs of prosecution, for alleged interference with the United States Marshal while serving writs of ejectment; and whereas, these men are poor, and have families dependent upon them, which families will suffer if deprived of their labor and protection; and whereas, these men are industrious and generally law-abiding farmers, whose offense against the law, if they have committed an offense, has not been malicious; and whereas, the law has been vindicated, and these men have already been sufficiently punished; and whereas, the almost universal sentiment of the people of the State of California is in sym-

Preamble.

pathy with and in favor of the release of these men, who are now in prison, and the remittal of their fines; therefore,

Pardon of
Mussel
Slough
prisoners.

Resolved by the Senate, the Assembly concurring, That the President of the United States be earnestly requested to at once pardon J. N. Patterson, J. J. Doyle, J. D. Purcell, W. L. Pryor, and William Braden, and order the remittal of the fines and costs imposed upon them.

Resolved, That the Governor be requested to telegraph these resolutions to the President of the United States immediately after their passage.

CHAPTER III.

Senate Concurrent Resolution No. 2, relative to a harbor of refuge at Trinidad, in this State.

[Adopted February 3d, 1881.]

Preamble.

WHEREAS, It is of the highest importance to the commerce of the Pacific Coast that there should be a harbor of refuge between San Francisco and the Straits of Fuca; and, whereas, it is believed that Trinidad is the most suitable point for that purpose; now, therefore,

Harbor of
refuge at
Trinidad.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed, and Congressmen requested, to use all reasonable and honorable means to secure an appropriation from Congress for the purpose of commencing the construction of a breakwater and harbor of refuge at Trinidad, in this State.

CHAPTER IV.

Assembly Concurrent Resolution No. 9, relative to report of Railroad Commissioners.

[Adopted February 3d, 1881.]

Preamble.

WHEREAS, The Constitution of the State of California provides that the Railroad Commissioners of this State shall report to the Governor annually their proceedings, and such other facts as may be deemed important; and whereas, the present session of the Legislature has far advanced, and the said Railroad Commissioners having failed to make any report whatever to the Governor as provided in the Constitution; therefore, be it

Railroad
Commissioners to
report to
Governor.

Resolved by the Assembly, the Senate concurring, That the Railroad Commissioners be requested to present to the Governor of this State within ten days, a report of their proceeding, and such other facts as may be deemed important, pursuant to the provisions of the Constitution of this State.

CHAPTER V.

Assembly Concurrent Resolution No. 17, relative to employing steamers to patrol the river to rescue sufferers from the high water.

[Adopted February 4th, 1881.]

WHEREAS, The late storm has raised the rivers and flooded a large portion of the country along the Sacramento River; and, whereas, there is great danger to the lives of our people resident along said river and the low lands adjacent thereto, from a lack of transportation; therefore, be it

Preamble.

Resolved by the Assembly, the Senate concurring, That a committee, to consist of three members from each house, be appointed by the presiding officer thereof, with power to charter two steamers, and to dispatch one up the river and one down the river, for the purpose of bringing to a place of safety such of the residents as are with their household goods awaiting transportation, and shall pay for said steamers out of the Contingent Funds of the Senate and Assembly.

Rescuing sufferers from high water.

CHAPTER VI.

Senate Concurrent Resolution No. 5, relative to instructing Senators and Congressmen to procure appropriations from the General Government to improve certain rivers.

[Adopted February 7th, 1881.]

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be and they are hereby instructed, and our Representatives requested, to use all honorable means necessary to procure such appropriation of money from the General Government, as may be necessary to improve Eel River, in Humboldt County, for the purposes of navigation.

Improvement of Eel River.

Resolved, That his Excellency, the Governor of California, be and he is hereby requested to forward a copy of these resolutions to each of the Senators and Representatives in Congress from this State.

CHAPTER VII.

Senate Concurrent Resolution No. 1, relative to the sale of public lands.

[Adopted February 9th, 1881.]

Preamble. WHEREAS, The States of Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri, Arkansas, Michigan, Florida, Iowa, Wisconsin, Minnesota, Oregon, Kansas, Nevada, Nebraska, and Colorado, constituting the entire list of public land States, except California, have each received a certain percentum of the net proceeds of the sales of the public lands situate within their limits respectively; and whereas, California is the only State of the public land States that has not received any percentum; therefore, be it

Sale of public lands to be dedicated to educational purposes.

Resolved by the Senate, the Assembly concurring: First—That the Legislature of California does hereby memorialize Congress to place the State of California upon the same footing, as regards the proceeds of the sales of all public lands in the said State as the other States named in the preamble; and to give California all the benefits and payments to which said States, or either of them, are entitled under all Acts of Congress heretofore passed, or that may hereafter be passed, and the same, when granted, to be dedicated to educational purposes.

Second—That our Representatives in Congress are hereby requested, and our Senators instructed, to vote for and in all honorable ways endeavor to secure the passage of an Act of Congress granting this State five per centum for said purposes.

Third—That the Governor is hereby requested to forward a copy of this memorial to each Senator and Representative from California in Congress, for his information and favorable action in the premises.

CHAPTER VIII.

Senate Concurrent Resolution No. 7, relative to mining debris and channel obstructions.

[Adopted February 9th, 1881.]

Preamble. WHEREAS, The State of California has expended over five hundred thousand dollars in engineering, levees, and dams, in an effort to rectify the river channels of this State, which are now filled with mining debris to the extent that navigation is almost destroyed; and whereas, the rivers and bays of the State are the transportation competitors of the railroads, and should be preserved for the

commercial purposes of this State and coast; and whereas, the time and exigency have arrived when the General Government should take charge of this work and make the necessary appropriations to repair damages already accomplished, and prevent the further destruction of our rivers and bays; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators be instructed, and our Representatives in Congress be requested, to ask and urge the General Government to make the necessary appropriation, without delay, to carry on this important improvement. Asking aid from General Government.

Resolved, That the Governor be requested to telegraph a copy of this resolution to our Representatives in Congress.

CHAPTER IX.

Senate Concurrent Resolution No. 30, relative to providing for a manufacturing arsenal at Benicia, California.

[Adopted February 12th, 1881.]

WHEREAS, The interests of the National Government, in view of the growing importance of the States and Territories of the Union west of the Rocky Mountains, require greater facilities for the manufacture and deposit of arms and munitions of war upon the Pacific Slope; and whereas, the General Government has a large tract of land at Benicia, California, on which a distributing arsenal has long been maintained, and substantial and extensive stone magazines, storerooms, and machine shops have been erected, and but little further outlay would be required to convert this into a manufacturing arsenal; therefore, be it Preamble.

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in Congress are hereby instructed, and our Representatives requested, to use all honorable means to secure such appropriate legislation by Congress as will provide for a manufacturing arsenal at Benicia, in accordance with the views expressed in the foregoing preambles. To secure manufacturing arsenal at Benicia.

Resolved, That the Governor of this State is hereby requested to transmit, without delay, copies of the foregoing preambles and resolution to our Senators and Representatives in Congress.

CHAPTER X.

Assembly Concurrent Resolution No. 20, relative to time of adjournment on Wednesday, February 16th, 1881.

[Adopted February 14th, 1881.]

Preamble. WHEREAS, The Assembly and Senate have adopted a resolution granting the use of the Assembly and Senate Chambers and adjoining rooms to the Governor from four o'clock P. M. on the sixteenth day of February, eighteen hundred and eighty-one, to ten o'clock A. M. on the seventeenth day of February, eighteen hundred and eighty-one; and whereas, the time remaining after four o'clock of the sixteenth is insufficient in which to prepare the rooms for the purposes for which they were granted; therefore, be it

Adjournment.

Resolved by the Assembly, the Senate concurring, That the Assembly and Senate, do adjourn on Wednesday, February sixteenth, eighteen hundred and eighty-one, at the hour of one o'clock P. M.

CHAPTER XI.

Senate Concurrent Resolution No. 15, relative to instructing our Representatives in Congress to secure a branch department of the Dead Letter Office in San Francisco.

[Adopted February 15th, 1881.]

To secure
Branch
Dead Letter
Office in San
Francisco

Resolved by the Senate and Assembly of the State of California, That our Senators in Congress be and they hereby are instructed, and our Representatives requested, to use their influence to secure the establishment of a branch department of the Dead Letter Office of the General Post Office in San Francisco, where letters from the Pacific States may be returned and treated as they are at the Dead Letter Office in Washington.

CHAPTER XII.

Assembly Concurrent Resolution No. 26, relative to the payment of moneys expended by the Joint Special Relief Committee.

[Adopted February 23d, 1881.]

WHEREAS, In pursuance of the provisions of Assembly Con- Preamble.
current Resolution No. 17, a Joint Special Relief Committee was appointed to patrol the Sacramento River for the purpose of rescuing sufferers from the high water; and whereas, on February eighteenth, eighteen hundred and eighty-one, said Relief Committee presented a report to the Assembly, with accompanying vouchers, stating the amount of expenditures by said committee under authority of said resolution, to be one hundred and eighty-one dollars and fifty cents, which report, on February nineteenth, eighteen hundred and eighty-one, was adopted by the Assembly;

Resolved by the Assembly, the Senate concurring, That the Controller of State be and is hereby authorized and instructed to draw his warrant in favor of J. E. Baker, Chairman of said Relief Committee on the part of the Assembly, for the sum of one hundred and eighty-one dollars and fifty cents, one half payable out of the Contingent Fund of the Assembly and one half payable out of the Contingent Fund of the Senate. Appropriation.

CHAPTER XIII.

Senate Joint Resolution No. 6, relative to the selection of State quarantine grounds and station.

[Adopted February 26th, 1881.]

Resolved jointly, by the Senate and the Assembly, That a committee of three, to be designated by the Governor from the members of the State Board of Health, be and are hereby appointed to consider the subject of a suitable place for State quarantine grounds and station; to select a suitable locality upon the Bay of San Francisco, with estimates as to the probable cost of such an establishment; to suggest such amendments to the present quarantine laws as they deem necessary; to devise a general scheme for the construction, maintenance, and management of said quarantine station; and to report the result of their investigation to the Legislature at its next session. Said committee to serve without compensation. Selection of place for State quarantine grounds.

CHAPTER XIV.

Senate Concurrent Resolution No. 12, relative to the payment of claims for transporting and equipment of troops.

[Adopted February 26th, 1881.]

Preamble. WHEREAS, The Legislature of the State of California did, on March first, eighteen hundred and seventy-two, pass the following preamble and resolution, to wit: Whereas, The Congress of the United States did, on the twenty-seventh of July, eighteen hundred and sixty-one, pass the following Act, to wit: Be it enacted, etc.: That the Secretary of the Treasury be and he is hereby directed, out of any money in the treasury not otherwise appropriated, to pay the Governor of any State, or his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon, proper vouchers to be filed and passed upon by the proper accounting officers of the treasury; and whereas, it is believed that under this Act a considerable sum of money is due from the General Government to the State of California; therefore, be it.

Governor to contract. Resolved by the Senate, the Assembly concurring, That the Governor be authorized to contract with the agents, to be appointed in accordance with the provisions of the Act referred to; that their compensation for services rendered under said Act shall not exceed, in the aggregate, ten per cent. of the moneys collected and paid to the State; *provided*, that the State shall in no event become liable for any expenses, fees, or salaries, of any nature whatever, other than such contingent commission; and

Agents appointed. WHEREAS, The Governor did, on the fifteenth day of March, eighteen hundred and seventy-two, appoint and commission Jas. E. Hale and Thomas M. Nosler as agents, on the part of the State of California, to collect, or cause to be collected, such claims, and fixed the amount of the commissions, and ten per cent. of the sums collected; and whereas, the said sum of ten per cent. is totally inadequate as compensation for the services to be performed, and the necessary expenses to be incurred; therefore, be it

Compensation. Resolved, That the Governor is hereby authorized to fix the compensation to be received by the said Commissioners at twenty-five per cent. of each of the sums or claims which may be by them, or their agents, collected from the Government of the United States.

CHAPTER XV.

Senate Concurrent Resolution No. 32, relative to protecting adopted citizens who are natives of Costa Rica.

[Adopted February 28th, 1881.]

WHEREAS, A large number of natives of Costa Rica have made their permanent homes in California, where they now reside with their families, and have become citizens of the United States; and whereas, said adopted citizens are, by reason of their business and the requirements of commerce, obliged to visit occasionally their native country, Costa Rica; and whereas, said adopted citizens, on setting foot in Costa Rica, are subjected to forced loans, military contributions, imprisonment, and other injuries and outrages upon their person and property;

Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed, and our Representatives in Congress requested, to bring this matter to the attention of Congress and the proper authorities in Washington, in order that citizens of the United States be respected, both in person and property, in the Republic of Costa Rica.

Protecting adopted citizens in Costa Rica.

CHAPTER XVI.

Assembly Concurrent Resolution No. 25, relative to the adjournment sine die of the twenty-fourth session of the Legislature.

[Adopted March 2d, 1881.]

Resolved by the Assembly, the Senate concurring, That the President of the Senate and the Speaker of the Assembly do, at the hour of twelve o'clock m., on the fourth day of March, eighteen hundred and eighty-one, declare the twenty-fourth session of the Legislature of the State of California adjourned sine die.

Adjournment.

CHAPTER XVII.

Senate Joint Resolution No. 3, relative to granting charter to Nicaragua Inter-Oceanic Canal Company.

[Adopted March 4th, 1881.]

WHEREAS, An American company, organized by gentlemen illustrious in the political and financial history of our

Preamble.

country, has applied for a national charter, supplementary to a favorable concession already granted by the Government of Nicaragua, authorizing the construction of an inter-oceanic canal through Nicaragua; and, whereas, the great work projected by the Nicaragua Maritime Canal Company must prove of incalculable benefit to the producers and merchants of our Pacific Coast, and its speedy completion is desirable; therefore, be it

Granting
charter to
Nicaragua
Inter-
Oceanic
Canal
Company.

Resolved, That the Legislature of the State of California respectfully suggests to the honorable Senate and House of Representatives in Congress assembled, the propriety of promptly granting said charter, under such conditions as in their wisdom shall place the Nicaragua Inter-Oceanic Canal under the control and protection of our Government.

CHAPTER XVIII.

Senate Concurrent Resolution No. 10, relative to the transfer of mineralogical specimens to the Mining Bureau.

[Adopted March 4th, 1881.]

Transfer of
mineral-
ogical
specimens
to Mining
Bureau.

Resolved by the Senate, the Assembly concurring, That the collection of mineralogical specimens in the State Library of the State of California be transferred to the Mining Bureau; that the State Mineralogist shall, after such transfer, have the custody of said collection.

CHAPTER XIX.

Assembly Concurrent Resolution No. 11, relative to the grant of the lands of the sixteenth and thirty-sixth sections, made to the State of California.

[Adopted March 4th, 1881.]

Preamble.

WHEREAS, The Supreme Court of the United States has rendered a judgment to the effect that the grant of the lands of the sixteenth and thirty-sixth sections, made to the State of California by an Act of Congress of date March third, eighteen hundred and fifty-three, did not include any mineral lands; and, whereas, the State has offered such lands for sale and has issued certificates of purchase for the same, and citizens have, in many instances, placed valuable improvements and expended large sums of money thereon; therefore, be it

Protecting
purchasers
of sixteenth
and thirty-
sixth
sections.

Resolved by the Assembly, the Senate concurring, That the Senators and Representatives in Congress of the United States from the State of California, be and they are hereby requested to use their efforts to secure the passage of a law that will,

as far as possible, protect the rights of those persons having certificates of purchase therefor from the State of California, and to indemnify them against loss; and, also, to allow the State of California to make other selections of land in lieu of such mineral land, in such manner as is set forth in House of Representative Bill four thousand three hundred and eighty-five, of forty-sixth Congress, second session.

CHAPTER XX.

Assembly Concurrent Resolution No. 18, relative to requesting Congress to make an appropriation for the improvement of the harbor and outlet of Clear Lake, California.

[Adopted March 4th, 1881.]

WHEREAS, A large and growing commerce now exists on and adjacent to Clear Lake, in the County of Lake, State of California, which is dependent upon the navigation of the same, and such obstructions exist in the outlet of the said lake, at the village of Lower Lake, the principal place of business on said lake, so as to prevent the mail steamers from effecting a landing at any nearer point than four miles distant from said village; therefore,

Preamble.

Resolved by the Assembly, the Senate concurring, That the representatives of the State of California in the Senate and House of Representatives of the Congress of the United States, be and they are hereby requested to secure an appropriation of twenty thousand (20,000) dollars, out of the United States treasury, for the proper United States survey, and improvement of the harbor and outlet of said Clear Lake, so that it may be navigable to the village of Lower Lake; *provided,* that any unused portion of said appropriation may be used for the improvement of the harbor in said lake known as Upper Lake.

Improvement of Clear Lake.

Resolved, That the Secretary of State be and he is hereby directed to transmit a copy hereof to each of our Senators and Representatives in Congress.

CHAPTER XXI.

Assembly Concurrent Resolution No. 15, relative to the destruction of forests in this State.

[Adopted March 4th, 1881.]

WHEREAS, The forests of this State are being rapidly destroyed by reckless and wasteful cutting; by the neglect to use any means of replacing the trees cut down; by the ravages of

Preamble.

goats and sheep, preventing the growth of young saplings and brush, and by various other causes; and whereas, the effect of such destruction is to cause injurious changes in climate, resulting in a constantly increasing severity of the seasons, with rapidly alternating periods of extreme rainfall and total drought, and in sudden and devastating floods; and whereas, in addition to the climatic changes so induced, the direct effect of such destruction is to bring about the speedy extinction of many species of trees most valuable for timber, some of which species are peculiar to this coast; and whereas, the greater part of such destruction is being effected by the unauthorized acts of individuals on the public lands of the United States; now, therefore, be it

Legislation
by Congress.

Resolved by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives in Congress be requested, to use their utmost endeavors to obtain such legislation by Congress as shall check such destruction of the forests, and remove the causes thereof so far as practicable.

Resolved, That the State of California will cooperate with the General Government in taking such steps as shall lead to the preservation of such forests, and to the extension of the areas of distribution of the more valuable species.

Resolved, That the Governor be requested to transmit copies of these resolutions to our Senators and Representatives in Congress.

CHAPTER XXII.

Assembly Concurrent Resolution No. 19, relative to asking Congress to appropriate money from the General Government for the dredging of Napa River, between Mare Island and the City of Napa.

[Adopted March 4th, 1881.]

Dredging
Napa River.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in the Congress of the United States be and they are hereby instructed to use all honorable means necessary to procure such appropriation of money from the General Government as may be necessary to remove, by dredging or otherwise, the sediment and other obstructions to navigation in that portion of Napa River lying between Mare Island and the City of Napa, in California.

Resolved, That his Excellency the Governor of California be and he is hereby requested to forward a copy of these resolutions to each of the Senators and Representatives in Congress from this State.