

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

TWENTY-EIGHTH SESSION OF THE LEGISLATURE,

1889.

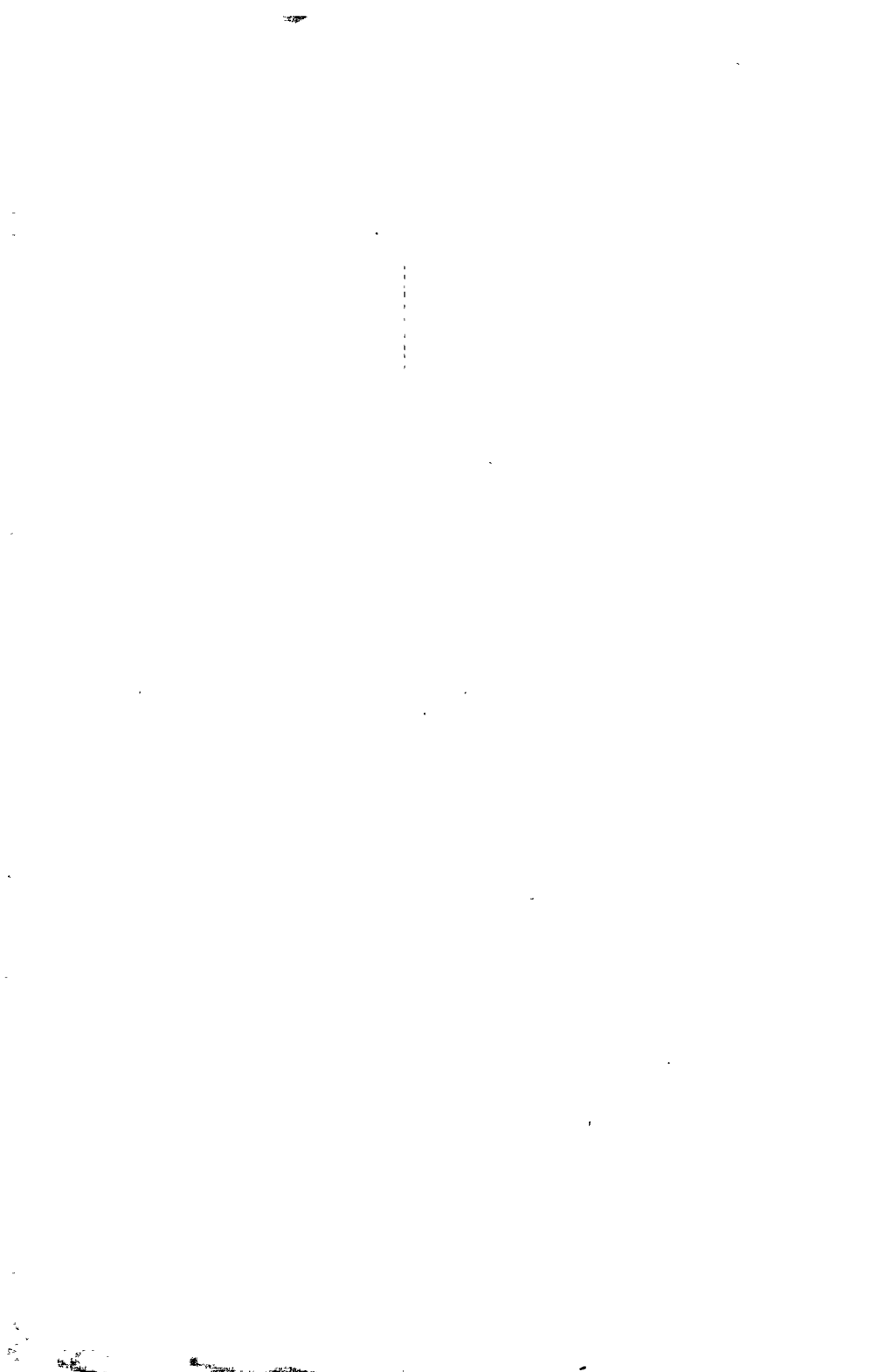
BEGAN ON MONDAY, JANUARY SEVENTH, AND ENDED ON SATURDAY,
MARCH SIXTEENTH, EIGHTEEN HUNDRED AND EIGHTY-NINE.



SACRAMENTO:

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

1889.



CONTENTS.

STATUTES OF CALIFORNIA, 1889.

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
1	An Act entitled an Act to amend Section 1315 of the Political Code, fixing the time for the meeting of the Presidential Electors	S. B. 86....	1
2	An Act making appropriation of money to supply the deficiency in the appropriation for the support of the State Printing Office, and the purchase of machinery, type, etc., for the fortieth fiscal year.....	A. B. 10....	1
3	An Act to pay the claim for expenses of the funeral of Governor Washington Bartlett	S. B. 1.....	2
4	An Act making an appropriation for the contingent expenses of the Senate for the twenty-eighth session of the Legislature....	S. B. 413....	2
5	An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes	S. B. 11....	3
6	An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract	A. B. 1.....	4
7	An Act to regulate the hours of labor and employment of minors.	S. B. 61....	4
8	An Act to increase the number of Judges of the Superior Court of the County of San Diego, State of California, and for the appointment of such additional Judges	S. B. 3.....	5
9	An Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary	S. B. 273....	6
10	An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883	S. B. 63....	6
11	An Act to amend Sections 3, 6, 7, 8, and 12 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and to add five new sections to said Act, to be known as Sections 14, 15, 16, 17, and 18, and to repeal Section 9 of said Act, and to appropriate money for the uses of the State Board of Horticulture	A. B. 4....	8
12	An Act to provide an appropriation for the contingent expenses of the Assembly.....	A. B. 541....	11
13	An Act to appropriate six thousand five hundred dollars for the purpose of employing and appointing counsel for the purpose of defending the "Scott Exclusion Act"	S. B. 332....	11
14	An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year.....	S. B. 65....	12

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
15	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter I, Title IX, Part I thereof, two new sections, numbered respectively 268 and 269, relating to the punishment of seduction accomplished and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense.....	S. B. 68.....	12
16	An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary, and to appropriate money therefor.....	S. B. 15.....	13
17	An Act to amend Section 532 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning the crime of obtaining money or property by false pretenses ..	S. B. 12.....	14
18	An Act to amend Section 4 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State," approved March 15, 1887, fixing the maximum amount of interest payable on municipal bonds	S. B. 6.....	14
19	An Act to amend Sections 10, 22, and 27 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to appointments to office in case of vacancies, and to assessments of real property, and to the collection of such assessments	A. B. 130 ...	15
20	An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts, by including other lands therein	A. B. 340 ...	18
21	An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district	A. B. 335 ...	21
22	An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year	S. B. 111.....	25
23	An Act entitled an Act to establish a Branch Insane Asylum for the Insane of the State of California, at Ukiah, to be known as the "Mendocino State Insane Asylum," and appropriating money therefor	S. B. 100.....	25
24	An Act to encourage and provide for a general vaccination in the State of California.....	S. B. 92.....	32
25	An Act to amend Section 737 of the Political Code, fixing and providing for the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Diego, Tulare, Fresno, Solano, Amador, San Bernardino, Kern, Placer, Humboldt, Marin, Mendocino, Tehama, El Dorado, Alpine, Stanislaus, and Calaveras.....	S. B. 4.....	33

CONTENTS.

v

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
26	An Act to amend Section 377 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies, and preservation of the public health	A. B. 216	34
27	An Act to add a new section to the Penal Code, to be known as Section 537½, to protect the breeders of and the registration of thoroughbred cattle and other domestic animals	A. B. 234	35
28	An Act to amend Section 447 of the Civil Code of the State of California, relating to the valuation of policies of life insurance.	A. B. 144	35
29	An Act to amend Section 3084 of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relative to the interment or cremation of human bodies.....	S. B. 89.....	36
30	An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor	S. B. 8.....	37
31	An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California, and to appropriate money therefor	A. B. 26	38
32	An Act making an appropriation for the deficiency in the appropriation for pay of Stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.....	S. B. 55	40
33	An Act making an appropriation to pay the claim of Thomas W. O'Neil.....	S. B. 116.....	40
34	An Act making an appropriation to pay the claim of J. J. Lynch.	S. B. 233	41
35	An Act making an appropriation to pay the claim of James Touhey.....	S. B. 235.....	41
36	An Act making an appropriation to pay the claim of John A. Cole.....	S. B. 238.....	42
37	An Act making an appropriation to pay the claim of Chas. E. Hughes.....	S. B. 239.....	42
38	An Act to amend Section 3062 of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.....	A. B. 210	43
39	An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.....	A. B. 159	44
40	An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding houses, and lodging houses.....	S. B. 28.....	44
41	An Act to amend Section 1054 of the Code of Civil Procedure of the State of California, relating to the time within which an Act is to be done may be extended	S. B. 37.....	45
42	An Act to amend Section 1051 of the Code of Civil Procedure, relating to instruments acknowledged or proved and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof	S. B. 42	45
43	An Act to amend Sections 10 and 134 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to legal holidays and non-judicial days	S. B. 171.....	46
44	An Act to amend Section 7 of the Civil Code, relating to holidays.	S. B. 172.....	47

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
45	An Act to amend Section 10 of the Political Code, relating to legal holidays.....	S. B. 173....	47
46	An Act making an appropriation to pay the claim of W. E. Doan.....	S. B. 203....	48
47	An Act making an appropriation to pay the claims of the Trustees of the State Normal School at Chico.....	S. B. 226....	48
48	An Act making an appropriation to pay the claim of S. W. Ravely.....	S. B. 229....	49
49	An Act making an appropriation to pay the claim of Wm. Guttenberger.....	S. B. 232....	49
50	An Act making an appropriation to pay the claim of C. M. Bumbaugh.....	S. B. 234....	50
51	An Act making an appropriation to pay the claims for draping the State Capitol, on the occasion of the death of the late Governor Bartlett.....	S. B. 240....	50
52	An Act to appropriate money for the completion and furnishing of the building of the State Normal School at Chico.....	S. B. 144....	51
53	An Act making an appropriation to pay the claim of N. P. Cole and Company.....	S. B. 228....	51
54	An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-seventh fiscal year, with legal interest thereon.....	A. B. 510....	52
55	An Act making an appropriation to pay the deficiency in the appropriation for the support of the Insane Asylum at Napa for the thirty-ninth and fortieth fiscal years.....	A. B. 507....	52
56	An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane for the thirty-seventh and thirty-eighth fiscal years, with legal interest thereon.....	A. B. 509....	53
57	An Act making an appropriation to pay the deficiency in the appropriation for repairs to the State Capitol building and furniture, and the purchase of carpets for the thirty-seventh, thirty-eighth, and thirty-ninth fiscal years, with legal interest thereon.....	A. B. 508....	53
58	An Act making an appropriation to pay the deficiency in the appropriation for water for irrigation, purchase of hose, and implements to be used on the State Capitol grounds for the thirty-eighth fiscal year, with legal interest thereon.....	A. B. 511....	54
59	An Act making an appropriation to pay the deficiency in the appropriation for support of the State Printing Office, including the pay of employes, for the thirty-eighth fiscal year, with legal interest thereon.....	A. B. 506....	54
60	An Act entitled "An Act to amend Section 385 of the Political Code of the State of California," relating to the salary of the Private Secretary of the Governor.....	S. B. 340....	55
61	An Act to authorize the payment of claims against the State, which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.....	S. B. 357....	55
62	An Act to create a Police Relief, Health, and Life Insurance and Pension Fund in the several counties, cities and counties, cities, and towns of the State.....	S. B. 62....	56
63	An Act making appropriation for a deficiency in the appropriations for the salary of the Secretary to the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.....	S. B. 124....	60

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
64	An Act to amend an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be known as Section 615, relative to cemetery corporations.....	S. B. 17.	61
65	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.....	S. B. 140.	61
66	An Act to create a Police Court in and for the City and County of San Francisco, State of California.....	S. B. 207.	62
67	An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to Special Orders No. 26, Series 1880.....	S. B. 48.	64
68	An Act making an appropriation to pay the claim of A. A. Bennett.....	S. B. 231.	65
69	An Act making an appropriation to pay the claim of Ben Cohen.....	S. B. 230.	65
70	An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River for the passage of fish up said stream and its tributaries, and appropriating money therefor.....	S. B. 217.	66
71	An Act to pay the claim of William Pyburn, his heirs or assignees, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.....	A. B. 278.	66
72	An Act to add a new section to the Civil Code of the State of California, to be numbered Section 363, authorizing corporations to own and improve property necessary for the transaction of their business, upon the unanimous vote of their Board of Directors.....	S. B. 265.	67
73	An Act to appropriate money for the contingent expenses of the Senate for the twenty-eighth session of the Legislature.....	S. B. 656.	67
74	An Act providing for the appointment of a Commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof.....	S. B. 390.	68
75	An Act to provide a permanent site for the "California Home for the Care and Training of Feeble-Minded Children," to erect suitable buildings thereon, and making an appropriation therefor.....	S. B. 194.	69
76	An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose.....	A. B. 76.	70
77	An Act to amend Section 1, to repeal Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and to renumber Sections 12, 13, 14, 15, 16, 17, 18, and 19 of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same," approved April 15, 1880, amended March 6, 1883, amended March 9, 1885, amended March 14, 1885, amended March 9, 1887, to repeal all laws amendatory thereof, and to provide for the reorganization of existing districts and the formation of new districts.....	A. B. 72.	78
78	An Act to appropriate money to meet a deficiency in the appropriation for the State's portion of the salaries of the Superior Judges for the fortieth fiscal year.....	A. B. 644.	80

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
79	An Act to amend Sections 3449, 3451, 3458, 3462, 3465, 3467, 3468, 3471, and 3473 of the Civil Code of the State of California, all in relation to assignments for the benefit of creditors.....	S. B. 574.....	80
80	An Act making an appropriation of money for the use of the State Board of Forestry.....	S. B. 2.....	85
81	An Act authorizing the Boards of Supervisors of the several counties of this State to declare unnavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.....	S. B. 210.....	85
82	An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the treasury into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending Section 2569 of said Code.....	S. B. 136.....	87
83	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka.....	S. B. 137.....	88
84	An Act making an appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the fortieth fiscal year.....	S. B. 259.....	88
85	An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.....	S. B. 204.....	89
86	An Act to amend Sections 3, 6, 7, 8, and 12 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and to add five new sections to said Act, to be known as Sections 14, 15, 16, 17, and 18, and to repeal Section 9 of said Act, and to appropriate money for the uses of the State Board of Horticulture.....	S. B. 655.....	89
87	An Act to add a new section to the Code of Civil Procedure, to be known and designated as Section 1663, relating to the partial distribution of the estates of deceased persons.....	S. B. 18.....	92
88	An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-eighth fiscal year.....	S. B. 212.....	93
89	An Act to ratify and confirm the conveyance of certain property to Trustees for charitable or educational purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.....	S. B. 5.....	94
90	An Act making an appropriation to pay the deficiency in the appropriation for postage and expenses of the Supreme Court, for the thirty-ninth fiscal year.....	A. B. 520.....	94
91	An Act making an appropriation to pay the deficiency in the appropriation for contingent expenses of the Secretary of State for the thirty-eighth and thirty-ninth fiscal years.....	A. B. 527.....	95
92	An Act making an appropriation to pay the deficiency in the appropriation for arrest and conviction of highway robbers for the thirty-eighth fiscal year, with interest thereon.....	A. B. 513.....	95
93	An Act making an appropriation to pay the deficiency in the appropriation for bulkheading, sewerage, and improving the grounds at the Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.....	A. B. 515.....	96

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
94	An Act making an appropriation to pay the deficiency in the appropriation for expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-ninth fiscal year, with legal interest thereon.....	A. B. 516....	96
95	An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the limits of the State for the thirty-ninth fiscal year, with legal interest thereon.....	A. B. 512....	97
96	An Act appropriating money to pay the deficiency in the appropriation for the care and training of feeble-minded children for the thirty-eighth fiscal year, and to pay the interest thereon....	A. B. 304....	97
97	An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and so forth, for the Legislature and State officers for the thirty-eighth fiscal year, with legal interest thereon.....	A. B. 514....	98
98	An Act making an appropriation for the payment of the deficiency in the appropriation for the uses of the State Board of Horticulture for the thirty-eighth fiscal year.....	A. B. 290....	98
99	An Act to provide for the deficiency in the appropriation for "stationery, fuel, and lights for the Legislature and State officers" for the fortieth fiscal year.....	A. B. 473....	99
100	An Act to provide for the deficiency in the appropriation for the salaries of Secretaries to Justices of the Supreme Court for the thirty-eighth fiscal year.....	A. B. 195....	99
101	An Act to provide for the deficiency in the appropriation for the salaries of Secretaries to Justices of the Supreme Court for the thirty-ninth fiscal year.....	A. B. 194....	99
102	An Act to provide for the deficiency in the appropriation for the salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year.....	A. B. 193....	100
103	An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor.....	S. B. 402....	100
104	An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.....	S. B. 653....	106
105	An Act directing the transcription of all matters of record in the offices of the County Clerks and County Recorders of the Counties of Fresno and Merced, concerning real estate in the territory taken from those counties and added to that of the County of San Benito by Act of the Legislature, entitled an Act to amend an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County, approved March 11, 1887.....	S. B. 143....	107
106	An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen.....	S. B. 456....	108
107	An Act to amend Sections 1257, 1258, and 1259 of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof.....	A. B. 142....	109
108	An Act to establish a State Reform School for juvenile offenders, and to make an appropriation therefor.....	A. B. 97....	111

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
109	An Act to provide for the erection and management of a State Hospital for the Insane to be located in Southern California...	A. B. 62	120
110	An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county.....	A. B. 61	123
111	An Act to amend Sections 1 and 15 of an Act to provide an additional Asylum for the Insane of the State of California, approved March 9, 1885.....	A. B. 654	130
112	An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional Judges.....	A. B. 90	130
113	An Act making an appropriation for the management and protection of the State Mineral Cabinet under direction of the Trustees thereof.....	A. B. 464	131
114	An Act making appropriation for the purchase of an electric plant, pump and pipe, sewer pipe, necessary wheels for utilizing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto.....	A. B. 11	132
115	An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of James W. Marshall.....	A. B. 324	133
116	An Act making an appropriation to pay the deficiency in the appropriation for stationary and contingent expenses of the Bureau of Labor Statistics for the thirty-sixth, thirty-eighth, and thirty-ninth fiscal years.....	A. B. 518	133
117	An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-seventh fiscal year.....	A. B. 525	134
118	An Act to provide for the deficiency in the appropriation for "Repairs of State Capitol building and furniture and purchase of carpets" for the fortieth fiscal year.....	A. B. 474	134
119	An Act making an appropriation to pay the deficiency in the appropriation for support of the Insane Asylum at Stockton for the thirty-eighth, thirty-ninth, and fortieth fiscal years.....	A. B. 526	135
120	An Act making an appropriation to pay the deficiency in the appropriation for purchase of ballot paper for the thirty-eighth and fortieth fiscal years, with legal interest thereon.....	A. B. 524	135
121	An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Commissioners of Yosemite Valley for the thirty-eighth fiscal year.....	A. B. 522	136
122	An Act making an appropriation to pay the deficiency in the appropriation for official advertising for the thirty-eighth and fortieth fiscal years.....	A. B. 519	136
123	An Act making an appropriation to pay the deficiency in the appropriation for the Special Contingent Expense Fund (secret service) for the thirty-eighth fiscal year.....	A. B. 523	137
124	An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the thirty-ninth fiscal year.....	A. B. 521	137
125	An Act making an appropriation to pay the deficiency in the appropriation for use of Library of Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.....	A. B. 517	138

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
126	An Act making an appropriation to pay the claims against the State of California, incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887	A. B. 104	138
127	An Act authorizing the Governor of the State of California to proceed with an investigation of the State Prison authorities of this State at the cost of the State, and appropriating money therefor	A. B. 613	139
128	An Act to amend an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons, approved April 1, 1878	S. B. 588	139
129	An Act to provide an appropriation for the contingent expenses of the Assembly	A. B. 658	140
130	An Act to appropriate money for the pay of officers and clerks of the Assembly for the twenty-eighth session of the Legislature	A. B. 661	140
131	An Act to appropriate money for the pay of officers and clerks of the Senate for the twenty-eighth session of the Legislature	A. B. 662	140
132	An Act for the relief of the widow and minor children of James Saultry, for personal injuries received by him while in the service of the State, and which resulted in his death	A. B. 326	141
133	An Act to provide for furnishing the boiler house and for repairing the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor	A. B. 435	142
134	An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant	A. B. 594	142
135	An Act to provide for the maintenance and support of the public parks heretofore created within the various cities and counties of the State, and to amend the existing Acts in relation thereto	A. B. 611	143
136	An Act to appropriate money to pay the claim of E. M. Gallagher, for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract	S. B. 280	146
137	An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887	S. B. 205	147
138	An Act to amend an Act entitled "An Act amendatory of and supplementary to an Act approved April 25, 1863, entitled 'An Act to incorporate the City of Sacramento,'" approved March 6, 1872	S. B. 612	148
139	An Act making an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years	S. B. 34	149
140	An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard for the thirty-ninth and fortieth fiscal years	S. B. 309	149
141	An Act providing for the enlarging, strengthening, and improving of the State Printing Office building, and appropriating money therefor	S. B. 218	150

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
142	An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor	S. B. 27	150
143	An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same	S. B. 31	151
144	An Act to provide for walks in the State Capitol grounds, and to appropriate money therefor	S. B. 103	152
145	An Act to appropriate the money now in the Treasury of the State of California known as the "Adult Blind Fund, Unavailable"	S. B. 206	152
146	An Act to provide for the removal of ten tiers of wooden steps and to construct in their stead granite steps on the State Capitol grounds, located at Sacramento, and to appropriate money therefor	S. B. 409	153
147	An Act entitled an Act to appropriate money to pay the claim of Mrs. J. G. Lemmon, as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Centennial Exposition, from November 15, 1884, to June 15, 1885	S. B. 285	154
148	An Act making an appropriation to pay the deficiency in the appropriation for furnishing the buildings of California Hospital for the Chronic Insane at Agnews, for the fortieth fiscal year	S. B. 599	154
149	An Act to amend "An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887	A. B. 186	155
150	An Act making an appropriation to pay the expenses incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887	A. B. 621	157
151	An Act to amend Sections 2, 3, 4, 5, 7, 8, 9, 12, 13, 19, 24, 26, 34, and 37 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add a new section thereto, to be called Section 124, relating to the payment for work in installments	A. B. 69	157
152	An Act appropriating the sum of two hundred and five thousand dollars for the erection of additional buildings at Agnews for the use of the chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same	A. B. 496	173
153	An Act to provide for furnishing the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor	S. B. 373	174
154	An Act to amend Section 2114 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the sum with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof	S. B. 51	174
155	An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor	S. B. 372	175
156	An Act making an appropriation to pay the claim of W. F. Purnell	S. B. 176	175

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
157	An Act for the relief of I. G. Wickersham for moneys expended in the matter of the extradition of Ang Tai Duck.....	S. B. 296....	176
158	An Act to authorize the Board of State Harbor Commissioners to pay the claim of Gregory Valerro.....	S. B. 129....	176
159	An Act to amend an Act entitled "An Act to amend Section 2137 of an Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton, approved March 13, 1883.	S. B. 183....	177
160	An Act to amend Sections 1517, 1520, 1521, 1532, 1543, 1544, 1552, 1565, 1577, 1578, 1593, 1614, 1617, 1620, 1636, 1639, 1650, 1651, 1663, 1665, 1687, 1696, 1699, 1712, 1768, 1770, 1771, 1772, 1773, 1775, 1792, 1817, 1858, 1859, 1869, 1873, 1879, 1880, and to repeal Sections 1580, 1582, 1594, 1612, and 1618 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools, and adding new sections thereto, to be known as Sections 1776 and 1889, also relating to public schools.....	A. B. 54....	178
161	An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses.....	A. B. 50... ..	193
162	An Act to provide for the erection of new buildings, and for the permanent improvement of the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.....	A. B. 434... ..	199
163	An Act to pay the claim of John Cravens, Janitor of the Supreme Court at Sacramento, and appropriate money therefor..	A. B. 430... ..	199
164	An Act to provide for the deficiency in the appropriation for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year.....	A. B. 297... ..	200
165	An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State Prisons and insane persons to the Insane Asylums," approved March 14, 1885, providing for compensation to Sheriffs for services rendered since the fourteenth day of March, 1885.....	A. B. 501... ..	200
166	An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.....	A. B. 590... ..	201
167	An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry.....	A. B. 156... ..	202
168	An Act for the protection of the owners of ditches and flumes ..	A. B. 559... ..	202
169	An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.....	A. B. 176... ..	203
170	An Act to amend Chapter II, of Title IX, Section 3617, of the Political Code of the State of California, relating to definition of terms.....	A. B. 549... ..	203
171	An Act to provide for certain improvements and repairs at the Napa State Asylum for the Insane, and making an appropriation therefor.....	A. B. 103... ..	205
172	An Act to prevent the capture and destruction of blue cranes in this State.....	A. B. 171... ..	205

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
173	An Act to provide for the building and furnishing of the Home for Soldiers' Widows and Orphans and Army Nurses, and for the State to inquire into the management of such institution by a uniform rule proportioned to the number of inmates in said institution, for the management of the same, and for the support of indigent persons residing in the said Home.....	A. B. 604 ...	206
174	An Act to amend Section 2 of an Act entitled "An Act to prevent the circulation of bogus election tickets, and to prevent frauds upon voters," approved March 7, 1878.....	A. B. 651 ...	209
175	An Act to provide for the construction and furnishing of two infirmaries at the Napa State Asylum for the Insane, and making an appropriation therefor	A. B. 102 ...	209
176	An Act to authorize the Trustees of the State Normal School to construct a sidewalk around the grounds of the State Normal School located in the City of San José, California, and to appropriate money therefor	A. B. 659 ...	210
177	An Act to amend Section 1191 of the Political Code, relating to election tickets and ballots.....	A. B. 625 ...	210
178	An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act.....	A. B. 416 ...	212
179	An Act to amend Section 908 of the Penal Code, concerning orders made by the Superior Court, for a special grand jury.....	A. B. 60 ...	214
180	An Act to establish a Police Court in and for the City of Marysville	S. B. 209 ...	214
181	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as Section 1056, and to amend Section 1057 of said Act, relating to sureties on undertakings and bonds. ...	S. B. 41.....	215
182	An Act authorizing and empowering the Boards of Supervisors of the several counties of the State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and to define the duties and powers of Commissioner.....	S. B. 135.....	216
183	An Act to amend Sections 3747 and 3748 of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the place where taxes may be paid.....	S. B. 102.....	217
184	An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fifth fiscal year.....	S. B. 187.....	218
185	An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling.....	S. B. 571.....	218
186	An Act to authorize the payment of claims against the State, which were incurred under "An Act entitled an Act to promote drainage," approved April 23, 1880, and to appropriate money for the payment of the same.....	S. B. 662.....	219
187	An Act to add a new section, to be known as Section 475 of the Political Code, in regard to the appointment of and fixing the salary of a clerk for the Attorney-General, and to appropriate money for the payment of his salary	S. B. 121.....	219

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
188	An Act to amend Sections 955 and 956 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to corporations becoming sureties on official bonds....	S. B. 83.....	220
189	An Act making an appropriation for the cost of printing and engraving of pure California wine labels.....	S. B. 587.....	221
190	An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California.....	S. B. 59.....	221
191	An Act to amend an Act entitled "An Act to establish a Penal Code," relating to the crime of rape.....	S. B. 150.....	223
192	An Act to reimburse the members of Company "C," Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for moneys expended by them for uniforms and outfits, and appropriating money therefor...	S. B. 87.....	224
193	An Act to provide for the removal of ten tiers of wooden steps, and to construct in their stead granite steps on the State Capitol grounds, located at Sacramento, and to appropriate money therefor.....	S. B. 665.....	224
194	An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton, and to repeal an Act entitled "An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton," approved March 11, 1889.....	S. B. 663.....	225
195	An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.....	S. B. 666.....	226
196	An Act to provide for walks in the State Capitol grounds, and to appropriate money therefor.....	S. B. 664.....	226
197	An Act to provide compensation to George R. B. Hayes for professional services rendered the State of California, at the request of the Governor and Attorney-General.....	S. B. 565.....	227
198	An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866.	S. B. 659.....	227
199	An Act to provide for the revision of the records of the California Volunteers, to authorize the Adjutant-General to employ additional clerk, or clerks, for that purpose, and to authorize the Superintendent of State Printing to print, bind, and issue the same.....	A. B. 120.....	228
200	An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885.....	A. B. 13.....	228
201	An Act to amend Section 456 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the bookkeeper of the Treasurer of State.....	A. B. 556.....	229
202	An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo meridian, and authorize the exchange thereof.....	A. B. 228.....	229
203	An Act to provide for the deficiency in the appropriation for salary of the Deputy Superintendent of Public Instruction for the thirty-eighth fiscal year.....	A. B. 322.....	230
204	An Act to amend Section 598 of the Civil Code of the State of California, relating to benevolent and religious corporations....	A. B. 192.....	230

Chap	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
205	An Act making an appropriation to pay certain claims incurred by the Board of Trustees of the California Hospital for Chronic Insane Asylum at Agnew during the thirty-eighth fiscal year, with legal interest thereon.....	A. B. 561....	231
206	An Act to amend Sections 13, 16, 25, 57, 70, 71, 147, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, 179, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 201, 202, 203, 205, 209, 211, 225 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, and to insert two new sections, to be numbered 188½ and 201½, and to create two new classes of counties of the twenty-sixth and one half and of the thirty-ninth and one half class, relating to the government of counties, and to repeal Section 110½ of said Act.....	A. B. 22....	232
207	An Act to amend an Act entitled "An Act to reincorporate the City of San Diego," approved April 1, 1876.....	A. B. 490....	302
208	An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk.....	A. B. 200....	303
209	An Act to provide improvements for the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same.....	A. B. 83....	303
210	An Act to authorize the State Board of Fish Commissioners to import game birds into the State, for propagation, and to appropriate money for that purpose, and providing a penalty for the shooting, trapping, killing, or otherwise destroying any of said birds within this State.....	A. B. 381....	304
211	An Act to add thirty-four sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as Sections 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, and 2608, all relating to the establishment of a Board of Harbor Commissioners for the Bay of San Diego.....	S. B. 619....	305
212	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River,'" approved April 11, 1859, and to repeal Section 1 thereof.....	S. B. 283....	323
213	An Act to amend Section 963 of the Code of Civil Procedure of the State of California, relating to cases in which appeals may be taken to the Supreme Court.....	S. B. 39....	324
214	An Act to amend Section 1246 of the Penal Code, relating to appeals to the Supreme Court in criminal cases.....	S. B. 426....	324
215	An Act to amend Sections 1, 5, 7, 8, 10, and 11 of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872....	S. B. 101....	325
216	An Act to provide for the purchase of a portrait of the late Washington Bartlett by the State Board of Examiners, and to appropriate money therefor.....	S. B. 162....	327
217	An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government, for the State series of school text-books....	S. B. 168....	327
218	An Act to amend an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.....	S. B. 180....	328

CONTENTS.

xvii

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
219	An Act to amend Section 164 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage.....	S. B. 304....	328
220	An Act to provide for the maintenance, support, and discharge in certain cases of insane persons confined in the State Asylum for the Insane, and for the control and management of a resulting contingent fund.....	S. B. 295....	329
221	An Act to amend an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be numbered Section 363, relating to corporations.....	A. B. 145....	332
222	An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Gregory, shall cease upon a vacancy occurring therein.....	A. B. 485....	333
223	An Act to provide for the construction and furnishing of a manual and gymnasium building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.....	S. B. 601....	333
224	An Act to amend Section 2274 of the Civil Code of the State of California, relating to compensation of trustees.....	S. B. 480....	334
225	An Act making an appropriation for the payment of discount on warrants for water supplied to the State Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under a contract with the State.....	S. B. 23....	335
226	An Act to add a new section to the Political Code, to be known and designated as Section 3493, relating to the dissolution of swamp land or reclamation districts.....	S. B. 335....	335
227	An Act to add a new section to the Political Code, to be known and designated as Section 3492, relating to the formation of reclamation districts.....	S. B. 336....	336
228	An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add new articles thereto, to be known as Article V, of Chapter XI, of Title XI, of Part III, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.....	S. B. 481....	337
229	An Act to add a new section to the Political Code, to be numbered Section 3818, relating to preferred purchasers for lands sold to the State for taxes.....	S. B. 469....	338
230	An Act to amend Section 2645 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of Road Overseers.....	S. B. 249....	339
231	Substitute for Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 8, of Article XI thereof, relative to the framing and adoption of charters by cities containing more than one hundred thousand inhabitants, and cities containing more than ten thousand inhabitants, and cities containing more than thirty-five hundred inhabitants.....	A. C. A. 6....	340
232	An Act to amend Section 1248 of the Code of Civil Procedure of the State of California, relating to the assessment of damages where the right of eminent domain is exercised.....	A. B. 132....	343

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
233	An Act to amend Section 3488 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to make Sections 3446, 3447, 3449, 3450, 3452, 3453, 3454, 3455, 3456, 3457, 3459, 3460, 3461, 3462, 3463, 3465, 3466, 3467, 3468, 3471, 3472, and 3473 of said Political Code, relating to the reclamation of certain lands, applicable to certain lands within municipalities.	A. B. 65 ----	344
234	An Act to amend Section 3713 of the Political Code, relating to levy of taxes.....	A. B. 664 ...	346
235	An Act making an appropriation to pay the deficiency in the appropriation for restoration and preservation of fish in the waters of the State for the thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.....	A. B. 566 ...	346
236	An Act to amend Section 3804 of the Political Code, relative to the collection of property taxes.....	A. B. 558 ...	347
237	An Act to authorize the several counties of this State to create a bonded indebtedness for certain purposes.....	A. B. 551 ...	348
238	An Act to amend Section 3665 of the Political Code, relating to the assessment of railroads operated in more than one county.	A. B. 449 ...	349
239	An Act to authorize the Board of Fish Commissioners to dispose of the steam launch "Governor Stoneman," and to replace it by two smaller boats to be used as patrol boats.....	A. B. 379 ...	350
240	An Act to amend an Act entitled "An Act to amend Section 8 of an Act entitled 'An Act to provide for the future management of the Napa State Asylum for the Insane,' approved March 6, 1876, relating to the Resident and Assistant Physicians," approved March 17, 1887.....	A. B. 301 ...	351
241	An Act to prevent the sale of intoxicating liquors to persons addicted to the inordinate use of intoxicating liquors.....	A. B. 152 ...	352
242	An Act to amend Section 392 of the Code of Civil Procedure of the State of California, relating to the place of trial of civil action.....	A. B. 131 ...	352
243	An Act to amend Section 400 of the Penal Code, relating to contagious diseases among animals.....	A. B. 75 ----	353
244	An Act to amend Section 2652 of the Political Code, relating to road poll tax.....	A. B. 15 ----	353
245	An Act to amend Sections 5, 6, and 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.....	A. B. 286 ...	355
246	An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom....	Sub.S.B. 484	356
247	An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.....	Sub.S.B. 484	358
248	An Act to enable incorporated "cities and counties" and "cities" and "towns" to acquire, maintain, and improve public parks and boulevards.....	S. B. 444.....	361
249	An Act to amend Sections 359 and 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the by-laws of corporations and the increase and diminution of the capital stock, and the creation, increase, and diminution of the bonded indebtedness thereof, and repealing Section 306 of said Code.....	S. B. 305.....	364

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
250	An Act to amend Sections 2, 3, 5, 6, 7, and 9 of an Act entitled "An Act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880	S. B. 66	366
251	An Act to amend Sections 2, 3, 625, 626, 641, and 768 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883	S. B. 519	371
252	An Act to regulate quarantine, and the admission of horses, cattle, sheep, and swine into the State of California from infected districts	S. B. 626	375
253	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 791 of said Code, relating to the appointment and number of Notaries Public in the several counties of this State, and to repeal Section 793 of said Code, relating to the term of office of Notaries Public	S. B. 139	377
254	An Act for the remuneration of the Oregon Railway and Navigation Company for merchandise lost in the Bay of San Francisco, by falling through a rotten wharf under the control of the Board of State Harbor Commissioners	S. B. 327	378
255	An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled an Act concerning the waterfront of the City and County of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880	S. B. 267	379
256	An Act to amend Sections 2524, 2528, and 2552 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners	S. B. 266	380
257	An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands, and lands within their jurisdiction, along the exterior waterfront line of the City and County of San Francisco, and to regulate the use of the same	S. B. 84	388
258	An Act to amend Sections 752, 755, 758, 763, 764, 765, 766, 767, 769, 773, 778, 786, 788, 789, 790, and 768 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883	A. B. 146	389
259	An Act to amend Section 581 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions, and providing how actions may be dismissed or nonsuit entered	A. B. 568	398
260	An Act for the relief of Wilson De Letta, for personal injuries received by him while in the service of the State, and to appropriate money therefor	A. B. 185	399
261	An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State; for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the Act approved March 9, 1885, entitled an Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks; also, to repeal an Act approved March 15, 1887, entitled an Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State	A. B. 63	399
262	An Act to amend Section 3924 of the Political Code, relating to the boundary of Placer County	A. B. 16	402

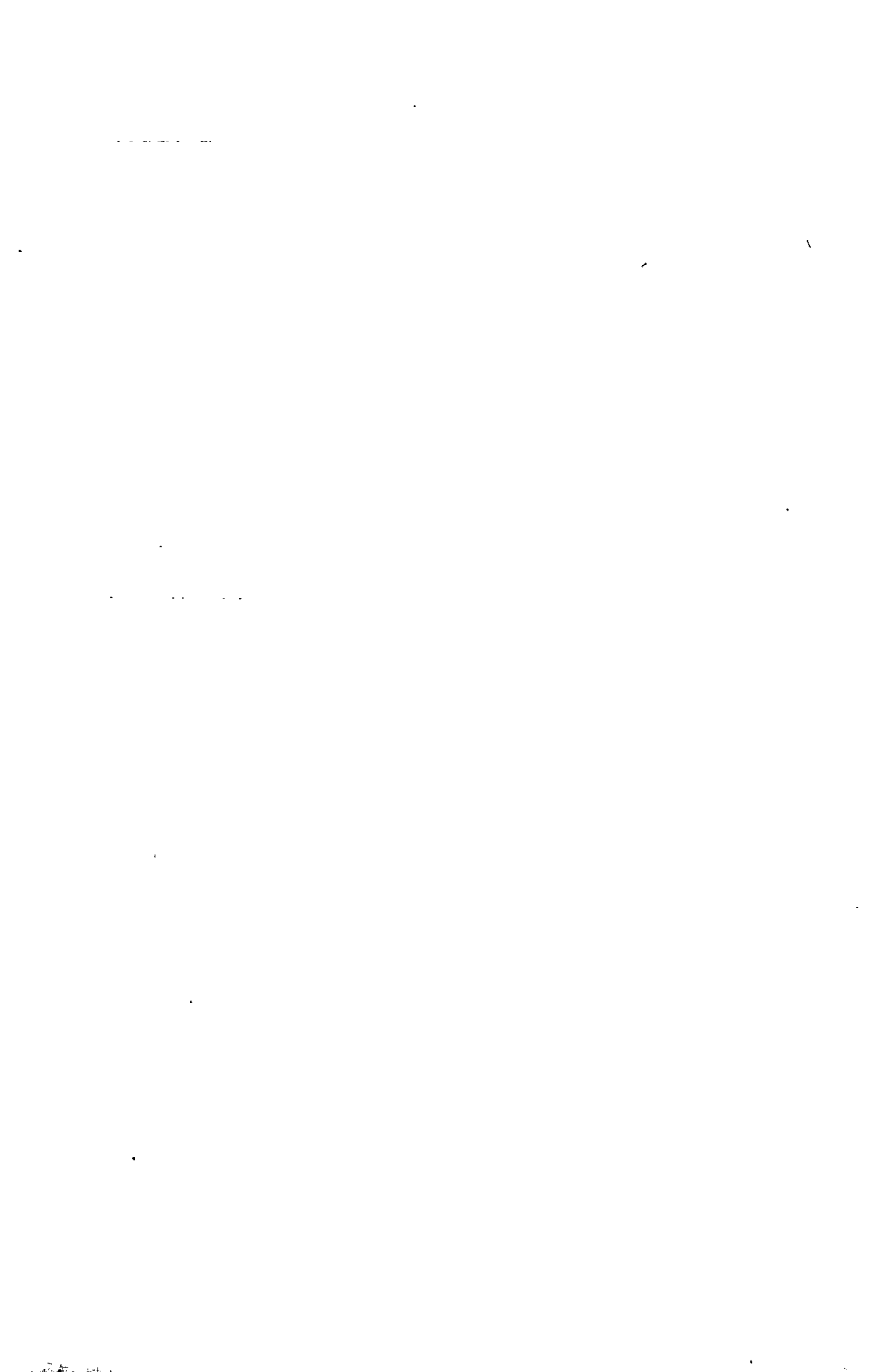
Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
263	An Act to amend Section 386 of the Political Code, relative to the salary and duties of the Executive Secretary of the Governor, and to appropriate money for the payment of his salary.	A. B. 618	403
264	An Act to regulate and govern the State Prisons of California.	A. B. 110	404
265	An Act to amend an Act entitled "An Act to protect and promote horticultural interests of the State," approved March 14, 1881	A. B. 617	413
266	An Act to amend Section 2003 of the Political Code, in relation to organizing the National Guard of this State into six brigades, each commanded by a Brigadier-General.	A. B. 203	415
267	An Act to provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilmington and Bay of San Pedro	A. B. 217	416
268	An Act to recognize the Veterans' Home at Yountville as a State Home for the maintenance of disabled soldiers and sailors of the United States, and to designate an officer to receive moneys appropriated by the United States on account of said Home.	A. B. 281	418
269	An Act to provide for the erection at San Quentin State Prison a building for the accommodation of the insane prisoners, and making an appropriation therefor.	A. B. 574	419
270	An Act to purchase adjacent lands at San Quentin for the use of the State Prison, together with the improvements thereon, and making an appropriation therefor.	A. B. 573	419
271	An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor.	A. B. 575	420
272	An Act to provide for the appointment of an examining commission on rivers and harbors, defining their duties and powers, and prescribing their compensation.	A. B. 595	420
273	An Act to authorize and empower the Board of Trustees of the Napa State Asylum for the Insane to sell and convey a portion of real property situate in Napa County, in the State of California, and belonging to said State, to Napa County, for the purpose of a public highway, and to sell and convey a certain other portion of said tract to an individual or individuals.	A. B. 99	422
274	An Act to amend Sections 1072, 1094, 1127, 1129, 1131, 1142, 1145, 1147, 1160, and 1204 of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.	A. B. 485	423
275	An Act authorizing the sale of certain State land to the Masons and Odd Fellows of the town of Rocklin, for cemetery purposes.	A. B. 405	426
276	An Act to amend Section 425 of the Political Code, relating to special policemen for the State Capitol grounds, and to their powers, and the payment of their salaries.	A. B. 641	427
277	An Act appropriating money to pay the salary of an additional policeman for the State Capitol grounds for the fortieth fiscal year.	A. B. 642	427
278	An Act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 27, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers.	A. B. 655	428

Chap.	TITLE OF ACT.	Number of Bill and where Introduced.	Page.
279	An Act to amend Sections 1912, 1962, 1990, 2006, 2007, 2018, 2022, 2065, 2066, and 2078 of, and to add new sections, to be known as Sections 1980, 2031, 2032, 2101, and 2105, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.....	S. B. 191.....	429
280	An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.....	S. B. 22.....	433
281	An Act to provide for the applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same.....	S. B. 596.....	434
282	An Act to amend Section 343 of the Political Code, relating to the number and designation of the civil executive officers of the State.....	S. B. 299.....	435
283	An Act to amend Sections 3747 and 3748 of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the place where taxes may be paid.....	A. B. 557.....	437
284	An Act to appropriate money for the payment of the salary of an additional clerk in the office of the Register of the State Land Office.....	A. B. 660.....	437
285	An Act making appropriations for the support of the government of the State of California for the forty-first and forty-second fiscal years.....	A. B. 653.....	438
286	An Act appropriating the sum of fifteen thousand dollars (\$15,000) for the purchase of copyright No. 15,697, entitled "Insects Injurious and Beneficial, their Natural History and Classification, etc.," now known as "Cooke's School Entomology".....	A. B. 605.....	448
287	An Act to amend Section 1, Section 3, and Section 4 of an Act entitled "An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation, approved March 30, 1874," and amended by an Act approved April 16, 1880, entitled an Act to amend Section 3 of an Act entitled an Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation, approved March 30, 1874.....	S. B. 362.....	449
288	An Act to pay the claims of Joseph N. Vera.....	S. B. 251.....	450
289	An Act to provide for fitting up in the basement of the Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State offices, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.....	S. B. 667.....	451
290	An Act to appropriate money for the payment of the salary of a Recording Clerk in the office of the Secretary of State for the fortieth fiscal year.....	A. B. 288.....	452

CONCURRENT AND JOINT RESOLUTIONS.

Chap.	CONCURRENT AND JOINT RESOLUTIONS.	Number and where Introduced.	Page.
1	Approving the charter of the City of Los Angeles	S. J. R. 2 ..	455
2	Relative to the unpaid claims of this State against the United States	A. C. R. 5 ..	512
3	Approving the charter of the City of Oakland	S. J. R. 1 ..	513
4	Requesting the Senate and House of Representatives of the United States to continue in force a certain Act of Congress entitled "A supplement to an Act entitled 'An Act to execute certain treaty stipulations relative to Chinese,'" approved on the first day of October, 1888, and praying for additional legislation to make it more effective	S. C. R. 4 ..	572
5	Relative to the matter of securing an appropriation for the improvement of Eel River	S. C. R. 2 ..	573
6	Relative to establishing a Government arsenal and gun factory ..	A. C. R. 6 ..	573
7	Relative to the system of postal service	A. C. R. 7 ..	574
8	Memorializing Congress to grant the City of Oakland the north arm of the estuary of San Antonio, for the sanitary improvement of the city	S. C. R. 7 ..	575
9	Relative to repairing the flagship Hartford	S. C. R. 16 ..	575
10	Relative to the election of United States Senators	A. J. R. 1 ..	576
11	Approving the charter of the City of Stockton	S. J. R. 4 ..	577
12	Relative to Assembly Bill No. 4, and the enrollment thereof	A. C. R. 14 ..	638
13	Relative to the boilermakers of San Francisco	S. C. R. 19 ..	639
14	Relative to filling the vacancy caused by the death of William Blanding	A. C. R. 4 ..	639
15	Relative to the matter of the payment of Indian depredation claims	S. C. R. 12 ..	639
16	Relative to the opening for settlement of Klamath River Indian Reservation	S. C. R. 1 ..	640
17	Relative to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to establish Agricultural Experiment Stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto," approved March 2, 1887	S. C. R. 14 ..	641
18	Relative to the organization of a naval militia force under the control of government	S. C. R. 17 ..	642
19	Relative to the desert land Act of March 3, 1877	S. C. R. 21 ..	643
20	Approving the charter of the City of San Diego	S. J. R. 5 ..	643

Chap.	CONCURRENT AND JOINT RESOLUTIONS.	Number and where Introduced.	Page.
21	Resolutions requesting our representatives in Congress to ask an appropriation of two million dollars for the improvement of the navigation of the San Joaquin, Sacramento, and Feather Rivers, in California, from the head of navigation on said San Joaquin River, and from the head of navigation on the Sacramento, at St. Johns, and from the head of navigation on Feather River, at Oroville (said Feather River being a tributary of the Sacramento), to San Francisco Bay.....	S. C. R. 11..	730
22	Memorializing Congress to hasten the completion of Oakland Harbor, and to appropriate five hundred thousand dollars therefor	S. C. R. 20..	731
23	Authorizing and directing the distribution of five hundred copies of the State Engineer's Report on Irrigation, to those who have contributed information for it, and otherwise facilitated its preparation	A. C. R. 11..	732
24	Memorializing Congress in regard to the disposition of public lands suitable only for grazing purposes.....	A. J. R. 5..	733
25	Relative to preserving the watershed of the Yosemite Valley....	A. C. R. 16..	733
26	Relative to the storage of waters in the Sierra Nevada.....	A. C. R. 3..	734



LIST OF OFFICERS.

NAMES AND RESIDENCES OF STATE OFFICERS, JUSTICES OF SUPREME COURT, SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF BOTH HOUSES, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
R. W. Waterman	Governor	San Bernardino.
S. M. White	Lieutenant-Governor	Los Angeles.
W. C. Hendricks	Secretary of State	Oroville.
John P. Dunn	Controller	San Francisco.
Adam Herold	Treasurer	Placer.
G. A. Johnson	Attorney-General	Santa Rosa.
Theodore Reichert	Surveyor-General	San Francisco.
Ira G. Hoitt	Superintendent of Public Instruction	San Francisco.
J. D. Young	Superintendent of State Printing	Sacramento.
R. H. Orton	Adjutant-General	San Francisco.
T. H. Wallis	State Librarian	Sacramento.
Marcus D. Boruck	Governor's Private Secretary	San Francisco.

STATE BOARD OF EQUALIZATION.

NAME.	DISTRICT.	RESIDENCE.
Gordon Sloss	First	San Francisco.
L. C. Morehouse	Second	Alameda.
C. E. Wilcoxson	Third	Sutter.
John T. Gaffey	Fourth	Los Angeles.
John P. Dunn (ex officio)		San Francisco.

JUSTICES AND CLERK OF THE SUPREME COURT.

NAME.	OFFICIAL POSITION.	RESIDENCE.
W. H. Beatty	Chief Justice	Sacramento.
John D. Works	Associate Justice	San Diego.
J. R. Sharpstein	Associate Justice	San Francisco.
Jackson Temple	Associate Justice	Santa Rosa.
Van R. Paterson	Associate Justice	Stockton.
T. B. McFarland	Associate Justice	Sacramento.
J. D. Spencer	Clerk	Stanislaus.

SENATORS.

S. M. WHITE

President pro tem.

District	NAME.	County.	Post Office.
1	F. McGowan	Humboldt and Del Norte	Eureka.
2	J. M. Briceland	Trinity, Siskiyou, and Shasta	Shasta.
3	M. H. Mead	Modoc, Lassen, Plumas, and Sierra	Logansville.
4	A. F. Jones	Butte	Oroville.
5	E. M. Preston	Nevada	Nevada City.
6	Archibald Yell	Mendocino and Lake	Ukiah.
7	Thomas Fraser	Placer and El Dorado	Placerville.
8	John Boggs	Colusa and Tehama	Colusa.
9	F. S. Sprague	Yolo and Napa	Woodland.
10	E. C. Hinshaw	Sonoma	Bloomfield.
11	G. J. Campbell	Solano	Vallejo.
12	F. H. Greely	Yuba and Sutter	Marysville.
13	F. R. Dray	Sacramento	Sacramento.
14	A. Caminetti	Amador and Calaveras	Jackson.
15	F. C. De Long	Marin and Contra Costa	Navato.
16	F. J. Moffitt	Alameda	Oakland.
17	W. E. Dargie	Alameda	Oakland.
18	M. W. Dixon	Alameda	Harrisburg.
19	J. W. Welch	San Francisco	670 Harrison.
20	T. J. Pinder	San Francisco	321 Broadway.
21	W. O. Banks	San Francisco	1419 $\frac{1}{2}$ Washington.
22	J. N. E. Wilson	San Francisco	1812 Pacific.
23	W. H. Williams	San Francisco	115 Fifth.
24	P. J. Murphy	San Francisco	29 Russ.
25	James E. Britt	San Francisco	403 Eighth.
26	T. H. McDonald	San Francisco	State Printing Office.
27	J. E. Hamill	San Francisco	Stevenson Building.
28	J. R. Spellacy	San Francisco	2529 Bryant.
29	B. F. Langford	San Joaquin	Lodi.
30	A. J. Meany	Merced, Stanislaus, and Tuolumne	Merced.
31	A. W. Crandall	Santa Clara	San José.
32	E. B. Conklin	Santa Clara	Santa Clara.
33	J. D. Byrnes	San Mateo and Santa Cruz	San Mateo.
34	G. G. Goucher	Alpine, Mariposa, Mono, and Fresno	Fresno.
35	Thos. Flint, Jr.	Monterey and San Benito	Hollister.
36	John Roth	Inyo, Tulare, and Kern	Woodville.
37	E. H. Hencock	San Luis Obispo, Santa Barbara, Ventura	Santa Barbara.
38	S. M. White	Los Angeles	Los Angeles.
39	J. E. McComas	Los Angeles	Pomona.
40	W. W. Bowers	San Bernardino and San Diego	San Diego.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.
Geo. W. Peckham	Secretary.
J. J. McCarthy	Assistant Secretary.
J. H. Corcoran	Assistant Secretary.
Geo. W. Faylor	Sergeant-at-Arms.
H. M. Levy	Assistant Sergeant-at-Arms.
W. E. Bidwell	Minute Clerk.
J. A. Galland	Journal Clerk.
Thos. W. O'Neil	Enrolling Clerk.
H. I. Ward	Engrossing Clerk.

MEMBERS OF THE ASSEMBLY.

ROBERT HOWE.....

Speaker.

District	NAME.	County.	Post Office.
1	John McVay	Del Norte and Siskiyou	Crescent City.
2	J. G. Murray	Humboldt	Eureka.
3	G. Williams	Humboldt	Ferndale.
4	T. W. H. Shanahan	Trinity and Shasta	Anderson.
5	J. J. Reavis	Modoc and Lassen	Bieber.
6	H. K. Turner	Plumas and Sierra	Sattley, Sierra Valley.
7	W. P. Mathews	Tehama	Tehama.
8	C. H. Porter	Butte	Biggs.
9	Lewis Burwell	Butte	Oroville.
10	J. C. Campbell	Colusa	Colusa.
11	J. H. Seawell	Mendocino	Ukiah.
12	C. M. Crawford	Lake	Upper Lake.
13	D. A. Ostrom	Sutter and Yuba	Wheatland.
14	Josiah Sims	Nevada	Nevada City.
15	J. I. Sykes	Nevada	Grass Valley.
16	John Davis	Placer	Auburn.
17	Henry Mahler	El Dorado	Coloma.
18	W. M. Petrie	Sacramento	Sacramento.
19	E. C. Hart	Sacramento	Sacramento.
20	L. H. Fassett	Sacramento	Florin.
21	L. B. Adams	Yolo	Woodland.
22	F. L. Coombs	Napa	Napa.
23	F. B. Mulgrew	Sonoma	Healdsburg.
24	J. W. Ragsdale	Sonoma	Santa Rosa.
25	Robert Howe	Sonoma	Sonoma.
26	J. A. Mullaney	Solano	Benicia.
27	J. F. Brown	Solano	Binghampton.
28	J. W. Atherton	Marin	Navato.
29	Thomas Mulvey	San Francisco	320 Beale Street.
30	J. D. Long	San Francisco	16 Hubbard Street.
31	T. J. Brannan	San Francisco	International Hotel.
32	John Staude	San Francisco	815 Pacific Street.
33	W. E. Dinan	San Francisco	5 Jane Place.
34	E. J. Reynolds	San Francisco	1315 Jackson Street.
35	H. H. Dobbin	San Francisco	125 Silver Street.
36	C. H. Kiernan	San Francisco	836 Mission Street.
37	Thomas Searey	San Francisco	432 Clementina Street.
38	D. S. Regan	San Francisco	215 Seventh Street.
39	John McCarthy	San Francisco	329 Golden Gate Avenue.
40	Edward Murray	San Francisco	10 Columbia Square.
41	H. C. Dibble	San Francisco	Nevada Block.
42	E. S. Salomon	San Francisco	Stevenson Building.
43	L. L. Ewing	San Francisco	Fourth and Townsend Streets.
44	H. M. Black	San Francisco	598 Mission Street.
45	H. M. Brickwedel	San Francisco	Fourth and Townsend Streets.
46	James Reavey	San Francisco	134 Freelon Street.
47	G. W. Burnett	San Francisco	616 Shotwell Street.
48	T. C. Maher	San Francisco	637 Twenty-third Street.
49	L. J. Franks	San Mateo	Redwood City.
50	James A. Hall	Santa Cruz	Watsonville.
51	Joseph McKeown	Alameda	Alvarado.
52	William Simpson	Alameda	Alameda.
53	M. D. Hyde	Alameda	Oakland.
54	E. S. Culver	Alameda	Oakland.
55	M. C. Chapman	Alameda	Oakland.
56	C. O. Alexander	Alameda	Oakland.
57	Henry Hook	Contra Costa	Pacheco.
58	R. S. Johnson	San Joaquin	Stockton.
59	John McMullin	San Joaquin	Lathrop.
60	C. T. LaGrave	Amador	Ione.
61	John Gardner	Calaveras	Angels Camp.
62	L. R. Tulloch	Tuolumne	Sonora.
63	Philo Hersey	Santa Clara	San José.
64	James R. Lowe	Santa Clara	San José.
65	L. A. Whitehurst	Santa Clara	Gilroy.
66	V. E. Bangs	Stanislaus	Modesto.

LIST OF OFFICERS.

MEMBERS OF THE ASSEMBLY—Continued.

District	NAME.	County.	Post Office.
67	William M. Rundell.....	Merced and Mariposa ...	Hornitos.
68	E. C. Tully.....	San Benito.....	Bitterwater.
69	Thomas Renison.....	Monterey.....	Gonzales.
70	E. H. Tucker.....	Fresno.....	Selma.
71	George S. Berry.....	Tulare.....	Visalia.
72	Cyrus Coleman.....	Alpine, Mono, and Inyo.....	Markleeville.
73	D. W. James.....	San Luis Obispo.....	Paso Robles.
74	C. A. Storke.....	Santa Barbara.....	Santa Barbara.
75	G. W. Wear.....	Kern and Ventura.....	Bakersfield.
76	J. R. Brierly.....	Los Angeles.....	San Pedro.
77	J. M. Damron.....	Los Angeles.....	Los Angeles.
78	E. E. Edwards.....	Los Angeles.....	Santa Ana.
79	E. W. Holmes.....	San Bernardino.....	Riverside.
80	Nestor A. Young.....	San Diego.....	San Diego.

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
E. E. Leake.....	Chief Clerk.
Myron Yager.....	Assistant Clerk.
Henry Hart.....	Assistant Clerk.
J. J. Driscoll.....	Sergeant-at-Arms.
Frank Anaya.....	Assistant Sergeant-at-Arms.
Bruce Pendegast.....	Minute Clerk.
Carl Spelling.....	Journal Clerk.
G. Sheehy.....	Engrossing Clerk.

COMMISSIONERS OF DEEDS.

WITH NAME, RESIDENCE, AND EXPIRATION OF TERM.

ARIZONA.

NAME.	RESIDENCE.	TERM EXPIRES.
George L. Hood	Logan City	September 1, 1889.
William A. Hancock	Phoenix	April 4, 1891.
T. E. Farish	Phoenix	December 1, 1892.

CONNECTICUT.

William A. Wright	New Haven	August 22, 1892.
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DISTRICT OF COLUMBIA.

Charles S. Bundy	Washington	July 20, 1890.
Anson T. Taylor	Washington	September 11, 1890.
R. H. Evans	Washington	April 2, 1891.
W. W. Moffitt	Washington	May 18, 1891.
Samuel C. Mills	Washington	December 16, 1891.
John E. Beall	Washington	April 24, 1892.

GEORGIA.

William B. Adams	Savannah	October 23, 1890.
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ILLINOIS.

Philip A. Hoyne	Chicago	August 13, 1889.
S. S. Willard	Chicago	December 18, 1889.

INDIANA.

William F. Pettit	South Bend	December 18, 1889.
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LOUISIANA.

John G. Eustis	New Orleans	April 20, 1890.
M. C. Soniat	New Orleans	April 20, 1890.

MARYLAND.

NAME.	RESIDENCE.	TERM EXPIRES.
Philip H. Hoffman	Baltimore	March 5, 1890.
G. Evett Reardon	Baltimore	July 12, 1890.
Walter D. Griscom	Baltimore	June 3, 1891.

MASSACHUSETTS.

Samuel Jennison	Boston	March 5, 1890.
Charles Hall Adams	Boston	January 28, 1891.
Edward J. Jones	Boston	December 16, 1891.
Henry M. Meek	Salem	March 19, 1892.

MICHIGAN.

Daniel Germain	Detroit	March 5, 1890.
Allen Lee Bours	Detroit	September 13, 1892.

MISSOURI.

Charles D. Green, Jr.	St. Louis'	October 22, 1890.
Julius Robertson	St. Louis	September 19, 1891.

NEW JERSEY.

William J. Kearns	Newark	December 9, 1890.
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NEW YORK.

Rufus K. McHarg	New York City	April 7, 1889.
Vincent Rosemon	New York City	June 29, 1889.
Edwin F. Corey	New York City	October 13, 1889.
Charles Taylor	New York City	October 13, 1889.
Edwin S. Belknap	New York City	December 18, 1889.
Samuel D. Folsom	New York City	April 20, 1890.
S. A. Emanuel	New York City	April 20, 1890.
Monroe Crannel	Albany	April 20, 1890.
John A. Hillery	New York City	April 20, 1890.
Thomas B. Clifford	New York City	June 10, 1890.
Spencer C. Doty	New York City	February 2, 1891.
Charles Nettleton	New York City	April 4, 1891.
Joseph B. Braman	New York City	April 15, 1891.
Leo Schwab	New York City	April 19, 1891.
Charles Henry Phelps	New York City	June 21, 1891.
S. Steinheimer	New York City	June 23, 1891.
William H. Clarcken	New York City	July 1, 1891.
A. H. Nones	New York City	August 12, 1891.
George H. Corey	New York City	October 18, 1891.
Frank W. Fullerton	New York City	November 16, 1891.
Bernard J. Kelly	New York City	November 21, 1891.
Charles Edgar Mills	New York City	December 1, 1891.
Eleazer Jackson	New York City	December 15, 1891.
William Moser	New York City	December 15, 1891.
Henry C. Banks	New York City	February 3, 1892.
Frederick A. Burnham	New York City	March 16, 1892.
Charles T. Lunt	New York City	March 19, 1892.
Ella F. Braman	New York City	July 14, 1892.
Albert H. Osborn	Brooklyn	September 17, 1892.
Thomas Kilvert	New York City	November 1, 1892.
William Shillaber	New York City	December 11, 1892.

NEVADA.

NAME.	RESIDENCE.	TERM EXPIRES.
Thomas E. Haydon.....	Reno .....	..... July 17, 1890.
Charles E. Mack.....	Virginia City.....	..... October 1, 1892.
P. E. Shannon	Virginia City.....	..... October 2, 1892.

OHIO.

Lipman Levy.....	Cincinnati .....	..... January 13, 1893.
S. S. Carpenter.....	Cincinnati .....	..... January 14, 1890.
Gabriel Netter	Cincinnati .....	..... January 16, 1892.

OREGON.

Charles H. Hewitt.....	Portland .....	..... April 6, 1893.
Solomon Goldsmith.....	Portland .....	..... August 5, 1891.
Eugene D. White.....	Portland .....	..... August 5, 1891.
B. F. Clayton	Portland .....	..... December 23, 1891.

PENNSYLVANIA.

Samuel L. Taylor.....	Philadelphia .....	..... March 5, 1890.
Charles Chauncey.....	Philadelphia .....	..... March 18, 1891.
Kinley Tener.....	Philadelphia .....	..... May 3, 1891.
J. H. Wheeler.....	Philadelphia .....	..... May 18, 1891.
Edward Shippen.....	Philadelphia .....	..... February 3, 1892.
William F. Robb.....	Pittsburg .....	..... October 3, 1892.
Edward H. Cloud.....	Philadelphia October 29, 1892.

RHODE ISLAND.

Gilman E. Jopp.....	Providence October 8, 1891.
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TEXAS.

James Duryee Stevenson.....	San Antonio January 16, 1892.
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WASHINGTON TERRITORY.

T. H. Cann.....	Seattle April 6, 1889.
William M. Chandler.....	Sprague..... December 9, 1890.
Charles F. Munday.....	Seattle .....	..... December 9, 1890.
H. K. Moore.....	Tacoma .....	..... July 23, 1892.
E. D. Howard.....	Port Townsend .....	..... October 1, 1892.

GREAT BRITAIN.

William Grain.....	London .....	..... June 21, 1890.
John Alfred Alsop.....	London .....	..... June 26, 1890.
George Layton.....	Liverpool .....	..... November 12, 1890.
Augustus F. Warr.....	Liverpool .....	..... December 9, 1890.
Edward J. Stanard.....	London .....	..... December 8, 1891.
Sydney A. Peddar.....	London .....	..... March 19, 1892.
Thomas R. Pennington.....	Liverpool .....	..... March 26, 1892.
William Negus.....	London .....	..... October 29, 1892.

MEXICO.

NAME.	RESIDENCE.	TERM EXPIRES.
George E. Bateman	Lerdo, Sonora .....	..... April 15, 1889.
W. J. De Gress.....	City of Mexico..... October 11, 1892.

SANDWICH ISLANDS.

John H. Paty	Honolulu December 3, 1891.
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FRANCE.

Arthur E. Vators	Paris January 13, 1889.
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CANADA.

Frederick William Terrill.....	Province of Quebec June 7, 1890.
Alexander W. Murdoch.....	City of Toronto May 3, 1891.
J. M. M. Duff.....	Montreal..... September 19, 1891.

AUSTRALIA.

Septimus Dowling	Sydney January 9, 1890.
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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 punishments 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; and 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 persons 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 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 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 reënacted 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 counties, 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 district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

SEC. 28. In all elections by the Legislature the members thereof shall vote viva voce, and the 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 in any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any Superior Court in the State, or before any Judge thereof.

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

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

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

SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of a 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 Governor, Superintendent of Public Instruction, and the Principals of the State Normal Schools, shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and

said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [Amendment adopted November 4, 1884.]

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 Prison 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 proportion-

ate 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. 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 office 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 gas light, or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [Amendment adopted November 4, 1884.]

ARTICLE XII.

CORPORATIONS.

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

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporations 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 the 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 employe of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

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

SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or

increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

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

SEC. 22. The State shall be divided into three districts, as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employé; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as Courts of record, and enforce their decisions and correct abuses through the medium of the Courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense, and every officer, agent, or 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 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 the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such 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, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe, as to 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; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization. [Amendment adopted November 4, 1884.]

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

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

SEC. 12. The Legislature shall provide for the levy and collection of an annual poll tax of not less than two dollars on every male inhabitant of this State, over twenty-one and under

sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State School Fund.

SEC. 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 FRONTAGE, ETC.

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

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

SEC. 3. All tide lands within two miles of any incorporated city or town 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 elected shall meet, within three months after their election, at such place as the Legislature may direct. At a special election, to be provided for by law, the Constitution that may be agreed upon by such Convention, shall be submitted to the people for their ratification or rejection, in such manner as the Convention may determine. The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such Constitution as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

ARTICLE XIX.

CHINESE.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of all 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 this 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 before said election.

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

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the Inspectors of Election, at each election precinct or polling place in their respective counties, suitable registers, poll-books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number

of votes cast at the Presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerks of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of voters for said city and county.

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

SEC. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the Board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said 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 of 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.

J. P. HOGG, President.

Attest: EDWIN F. SMITH, Secretary.

A. R. ANDREWS,
 JAMES J. AYERS,
 CLITUS BARBOUR,
 EDWARD BARRY,
 JAMES N. BARTON,
 C. J. BEERSTECHER,
 ISAAC S. BELCHER,
 PETER BELL,
 MARION BIGGS,
 E. T. BLACKMER,
 JOSEPH C. BROWN,
 SAM'L 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,

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. REDD,
 PATRICK REDDY,
 JOHN M. RHODES,

M. M. ESTEE,
EDWARD EYVEY,
J. A. FILCHER,
SIMON J. FARRELL,
ABRAHAM CLARK FREEMAN,
JACOB RICHARD FREUD,
J. B. GARVEY,
B. B. GLASCOCK,
JOSEPH C. GORMAN,
W. P. GRACE,
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. KELLY,
JAMES H. KEYES,
JOHN J. KENNY,
C. R. KLEINE,
T. H. LAINE,
HENRY LARKIN,
R. M. LAMPSON,
R. LAVIGNE,
H. M. LA RUE,

JAS. S. REYNOLDS,
HORACE C. ROLFE,
CHAS. S. RINGGOLD,
JAMES McM. SHAFER,
GEO. W. SCHELL,
J. SCHOMP,
RUFUS SHOEMAKER,
E. O. SMITH,
BENJ. SHURTLEFF,
GEO. VENABLE SMITH,
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,
JOHN 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 OF CALIFORNIA

PASSED AT THE

TWENTY-EIGHTH SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act entitled an Act to amend section one thousand three hundred and fifteen of the Political Code, fixing the time for the meeting of the Presidential Electors.

[Approved January 14, 1889.]

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

SECTION 1. Section one thousand three hundred and fifteen of the Political Code is hereby amended to read as follows: Electors, when to assemble.

1315. The Electors chosen must assemble at the seat of Government on the second Monday in January next following their election, at two o'clock in the afternoon.

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

CHAPTER II.

An Act making appropriation of money to supply the deficiency in the appropriation for the support of the State Printing Office, and the purchase of machinery, type, etc., for the fortieth fiscal year.

[Approved January 24, 1889.]

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

SECTION 1. The sum of seventy thousand dollars is hereby appropriated out of any money in the State Treasury not heretofore appropriated, to supply the deficiency in the appropriation for the support of the State Printing office, and the purchase of machinery, type, etc., for the fortieth fiscal year. Deficiency State Printing Office.

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

CHAPTER III.

An Act to pay the claim for expenses of the funeral of Governor Washington Bartlett.

[Approved January 31, 1889.]

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

Appropriations for funeral expenses of Governor Bartlett.

SECTION 1. The sum of three thousand three hundred and sixty dollars and thirty-two cents (\$3,360 32) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the claim for expenses of the funeral of Governor Washington Bartlett, advanced by William D. English and A. P. Williams and others.

SEC. 2. The Controller of State is hereby directed to draw his warrant for said sum in favor of William D. English and A. P. Williams, and the Treasurer of State is hereby directed to pay the same.

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

CHAPTER IV.

An Act making an appropriation for the contingent expenses of the Senate for the twenty-eighth session of the Legislature.

[Approved February 4, 1889.]

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

Contingent expenses of Senate.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to meet the contingent expenses of the Senate for the twenty-eighth session of the Legislature.

SEC. 2. The Controller shall draw his warrants as ordered by the Senate for the payment of the money hereby appropriated, and the Treasurer shall pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER V.

An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés.

[Approved February 6, 1889.]

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

SECTION 1. Every factory, workshop, mercantile or other establishment, in which five or more persons are employed, shall be kept in a cleanly state and free from the effluvia arising from any drain, privy, or other nuisance, and shall be provided, within reasonable access, with a sufficient number of water-closets or privies for the use of the persons employed therein. Whenever the persons employed as aforesaid are of different sexes, a sufficient number of separate and distinct water-closets or privies shall be provided for the use of each sex, which shall be plainly so designated, and no person shall be allowed to use any water-closet or privy assigned to persons of the other sex.

Sanitary condition of factories.

Water-closets for each sex.

SEC. 2. Every factory or workshop in which five or more persons are employed shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, as far as practicable, all the gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

Ventilation of factories.

SEC. 3. No basement, cellar, underground apartment, or other place which the Commissioner of the Bureau of Labor Statistics shall condemn as unhealthy and unsuitable, shall be used as a workshop, factory, or place of business in which any person or persons shall be employed.

Places for work condemned.

SEC. 4. If in any factory or workshop any process or work is carried on by which dust, filaments, or injurious gases are generated or produced that are liable to be inhaled by the persons employed therein, and it appears to the Commissioner of the Bureau of Labor Statistics that such inhalation could, to a great extent, be prevented by the use of some mechanical contrivance, he shall direct that such contrivance shall be provided, and within a reasonable time it shall be so provided and used.

Protection to employés.

SEC. 5. Every person, firm, or corporation employing females in any manufacturing, mechanical, or mercantile establishment shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Female employés to be furnished seats.

SEC. 6. Any person or corporation violating any of the provisions of this Act shall be punished by a fine of not

Penalty.

less than fifty nor more than one hundred dollars for each offense.

Duty of Commissioner of Labor Statistics.

SEC. 7. It shall be the duty of the Commissioner of the Bureau of Labor Statistics to enforce the provisions of this Act.

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

CHAPTER VI.

An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract.

[Approved February 6, 1889.]

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

To pay claim of N. P. Perine.

SECTION 1. The sum of six (6) thousand six (6) hundred and twenty-four (24) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the claim of N. P. Perine, for furnishing granite and statuary for the Insane Asylum at Napa, and for labor performed on said asylum, and the Controller of State is hereby authorized and directed to draw his warrant for the said amount, and the Treasurer of State is hereby authorized and directed to pay the same.

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

CHAPTER VII.

An Act to regulate the hours of labor and employment of minors.

[Approved February 8, 1889.]

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

Employment of minors.

SECTION 1. No minor under the age of eighteen shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment, or other place of labor, more than ten hours in one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed sixty hours in a week.

Age of minor to be recorded.

SEC. 2. No child under ten years of age shall be employed in any factory, workshop, or mercantile establishment; and every minor under sixteen years of age when so employed shall be recorded by name in a book kept for the purpose, and

a certificate (duly verified by his or her parent or guardian, or if the minor shall have no parent or guardian, then by such minor, stating age and place of birth of such minor,) shall be kept on file by the employer, which book and which certificate shall be produced by him or his agent at the requirement of the Commissioner of the Bureau of Labor Statistics.

SEC. 3. Every person or corporation employing minors under sixteen years of age in any manufacturing establishment, shall post and keep posted in a conspicuous place in every room where such help is employed, a printed notice stating the number of hours per day for each day of the week required of such persons, and in every room where minors under sixteen years of age are employed, a list of their names, with their ages.

Notice of hours of labor to be posted.

SEC. 4. Any person or corporation that knowingly violates or omits to comply with any of the foregoing provisions of this Act, or who knowingly employs, or suffers or permits any minor to be employed, in violation thereof, shall, on conviction, be punished by a fine of not less than fifty nor more than two hundred dollars for each and every offense.

Violation and penalty.

SEC. 5. It shall be the duty of the Commissioner of the Bureau of Labor Statistics to enforce the provisions of this Act.

Duty of Commissioner.

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

CHAPTER VIII.

An Act to increase the number of Judges of the Superior Court of the County of San Diego, State of California, and for the appointment of such additional Judges.

[Approved February 8, 1889.]

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

SECTION 1. The number of Judges of the Superior Court of the County of San Diego, State of California, is hereby increased from one (1) to three (3).

Increase of Judges.

SEC. 2. Within ten days after the passage of this Act, the Governor shall appoint two additional Judges of the Superior Court of the County of San Diego, State of California, who shall hold office until the first Monday after the first day of January, A. D. eighteen hundred and ninety-one. At the next general election, two Judges of the Superior Court of said county shall be elected in said county, who shall be successors of the Judges appointed hereunder, to hold office for the term prescribed by the Constitution and by law.

Appointment of additional Judges.

SEC. 3. The salaries of said additional Judges shall be the same in amount, and be paid at the same time and in the same manner as the salary of the other Judge of the Superior Court of said county now authorized by law.

Salaries.

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

CHAPTER IX.

An Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary.

[Approved February 8, 1889.]

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

Increase of
Judges.

SECTION 1. The number of Judges of the Superior Court of the County of San Luis Obispo, State of California, is hereby increased from one (1) to two (2).

Appoint-
ment.

SEC. 2. Within ten days after the passage of this Act, the Governor shall appoint one additional Judge of the Superior Court of the County of San Luis Obispo, State of California, who shall hold office until the first Monday after the first day of January, Anno Domini one thousand eight hundred and ninety-one. At the next general election, one Judge of the Superior Court of said county shall be elected in said county, who shall be the successor of the Judge appointed hereunder, to hold office for the term prescribed by the Constitution and by law.

Salary.

SEC. 3. Such additional Judge of the Superior Court shall receive such salary as may be allowed by law at the time of his appointment and qualification, which shall be paid in the same manner as the salary of the Judge of the Superior Court of said county is now paid.

SEC. 4. This Act shall take effect immediately.

CHAPTER X.

An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

[Approved February 8, 1889.]

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

SECTION 1. Section seven (7) of "An Act to establish and support a Bureau of Labor Statistics," approved March third, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Power of
Commis-
sioner.

Section 7. The Commissioner shall have power to send for persons and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved

in the office of said Commissioner; he shall have free access to all places and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, warehouse, manufacturing or mercantile establishment, or any agent or employé of such principal, owner, operator, manager, or lessee who shall refuse to said Commissioner, or his duly authorized representative, admission therein, or who shall, when requested by him, willfully neglect or refuse to furnish to him any statistics or information pertaining to his lawful duties, which may be in the possession or under the control of said principal, owner, operator, lessee, manager, or agent thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

SEC. 2. A new section shall be added to said law, to be known as section eight, which shall read as follows:

Section 8. No use shall be made in the reports of the Bureau of the names of individuals, firms, or corporations supplying the information called for by this Act, such information being deemed confidential, and not for the purpose of disclosing any person's affairs; and any agent or employé of said Bureau violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the county jail not to exceed six months.

Information to be confidential.

Violation of, and penalty.

SEC. 3. Section eight (8) of said law is hereby changed to section nine, and is amended so as to read as follows:

Section 9. The Commissioner shall appoint a deputy, who shall have the same powers as the said Commissioner, and such agents or assistants, not exceeding three, as he may from time to time require, at such a rate of wages as he may prescribe, but said rate must not exceed four dollars per day and actual traveling expenses for each person while employed; he shall procure rooms necessary for offices, at a rent not to exceed fifty dollars per month.

Deputy, powers of. Agents.

SEC. 4. Section nine (9) of said law is hereby changed to section ten, and is amended so as to read as follows:

Section 10. The salary of the Commissioner shall be three thousand dollars per annum, and the salary of the Deputy Commissioner shall be eighteen hundred dollars per annum, to be audited by the Controller and paid by the State Treasurer, in the same manner as other State officers; there shall also be allowed a sum not to exceed forty-five hundred dollars per annum for the salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the Bureau.

Salaries.

Expenses.

SEC. 5. Section ten (10) of said law is hereby repealed.

CHAPTER XI.

An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal section nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

[Approved February 12, 1889.]

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

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

Officers.

Section 3. The Board shall biennially elect a President, a Vice-President, a Chairman of the Finance Committee, and appoint from without their own number a Secretary, who shall be ex officio Horticultural Officer; and elect of their own number a Treasurer, who shall give a bond to the State, with sureties approved by the Board, in the sum of ten thousand dollars, for the faithful discharge of his duties.

Treasurer's bond.

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

Clerk of the Publishing and Quarantine Bureau.

Section 6. Said Board shall appoint from without their number a competent person, especially qualified for the duties of his office, who shall be known as Clerk of the Publishing and Quarantine Bureau of the State Board of Horticulture, to hold office at the pleasure of the Board, who shall be qualified, by experience and education as a compiler, to correct reports and essays; to present in a logical order all the information to be published, and shall give his whole time in such work, and such other duties as may be required of him by the Board, and by reason of his official position, and shall have power to enforce all rules and regulations regarding the spread of insect pests, quarantining districts or nurseries found to be infected. He shall be paid for his services as Clerk of the Publishing and Quarantine Bureau of the State Board of Horticulture, one hundred and seventy-five dollars per month, to be paid as other State officers.

Duties.

Salary.

Repealed.

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

SEC. 4. Section seven of said Act is hereby amended to read as follows:

Powers of Board.

Section 7. The said Board and, in case of necessity during the recess of the Board, the said Clerk of the Publishing and Quarantine Bureau, may appoint such Quarantine Guardians as may be needed to carry out the provisions of this Act, whose duties it shall be to see that the regulations of the Board and the instructions of the Clerk of the Publishing and Quarantine Bureau are enforced and carried out. Said

Clerk may appoint in case of emergency a deputy, who shall have the same power as his own, whose salary shall not exceed three dollars per day for each day's services performed; said services to be paid for by the State Board of Horticulture. The said Quarantine Guardians shall report to said Clerk or to the State Board all infractions or violations of said directions, regulations, and of the law in regard to quarantine disinfections, and destruction of insect and other pests injurious to fruit, fruit trees, or vines; and precautions against the spreading of all the aforesaid named pests and diseases. The salary of Quarantine Guardians shall not exceed three dollars per day, and shall be paid by the owners of orchards and other places and localities under quarantine regulations; and they may maintain an action therefor before any Justice of the Peace in any township in which any quarantine locality is wholly or in part situated. But in no case shall they have any claim upon the State for such services.

Deputy Clerk.

Salary of Quarantine Guardians.

SEC. 5. Section eight of said Act is hereby amended to read as follows:

Section 8. It shall be the duty of the Secretary to attend all meetings of the Board, and of the Executive Committee, and to preserve records of its proceedings and correspondence; to collect books, pamphlets, and periodicals, and other documents containing information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this State and elsewhere; to correspond with agricultural and horticultural societies, colleges, and schools of agriculture and horticulture, and other persons and bodies, as he may be directed by the Board; and prepare, as required by the Board, reports for publication. He shall appoint, subject to the approval of the Board, a competent person as clerk, and he shall be held responsible for the acts of said clerk. He shall be paid for his services as such Secretary and ex officio Horticultural Officer a salary of one hundred and twenty-five dollars per month. His clerk shall be paid a salary as such clerk of fifty dollars per month, each to be paid as other State officers.

Duty of Secretary.

To appoint clerk.

Salaries.

SEC. 6. Section twelve of said Act is hereby amended to read as follows:

Section 12. There is hereby appropriated for the uses of the State Board of Horticulture, as set forth in this Act, out of any moneys in the State Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, the sum of one thousand dollars, and the State Controller shall draw his warrants upon the State Treasurer in favor of the Treasurer of said Board for the same, upon proper demand.

Appropriation.

SEC. 7. A new section is hereby added to said Act, to be known as section fourteen, to read as follows:

Section 14. The President, and in his absence the Vice-President, and the two Commissioners for the State at large, shall constitute the Executive Committee; said committee shall have charge of the management of the affairs of the

Executive Committee.

Board while the Board is not in session. The members of said committee shall receive their actual traveling expenses in attending quarterly meetings of the Executive Committee. The other members of the Board shall receive their actual traveling expenses only in attending semi-annual meetings of the Board.

SEC. 8. A new section is hereby added to said Act, to be known as section fifteen, to read as follows:

Vacancies,
how filled.

Section 15. Vacancies occurring in any office shall be filled by appointment made by the President of the Board, with the consent of the Executive Committee, until the next meeting of the Board.

SEC. 9. A new section is hereby added to said Act, to be known as section sixteen, to read as follows:

Reports.

Section 16. Said Board shall make and publish their reports annually.

SEC. 10. A new section is hereby added to said Act, to be known as section seventeen, to read as follows:

Duty of
County
Boards.

Section 17. It shall be the duty of the County Boards of Horticulture to make quarterly reports in writing to the State Board, of the condition of fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting, and as to quarantine against new insects, and as to carrying out of all laws relative to the greatest good of the fruit interests. Said Board shall publish said reports in bulletin form, or may incorporate so much of the same in their annual reports as may be of general interest.

SEC. 11. A new section is hereby added to said Act, to be known as section eighteen, to read as follows:

Experi-
ments, how
determined.

Section 18. The expenditures necessary to be made in experiments in the different districts shall be determined by the Board. On application of one or more of the fruit growers in such districts, the said Board shall select such person or persons to make such experiments, and pay the expenses thereof. The sum of not exceeding one thousand dollars for traveling expenses shall be allowed when the Board or the Executive Committee shall deem it necessary to send either the Clerk of Bureau or Secretary to direct and supervise such experiments; *provided*, that not more than one thousand dollars shall be expended in any one year for such traveling expenses.

Traveling
expenses.

Limitation
of.

SEC. 12. This Act shall take effect immediately.

CHAPTER XII.

An Act to provide an appropriation for the contingent expenses of the Assembly.

[Approved February 12, 1889.]

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

SECTION 1. The sum of thirty thousand dollars (\$30,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide for the contingent expenses of the Assembly for the twenty-eighth session of the Legislature. Contingent expenses of Assembly.

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

CHAPTER XIII.

An Act to appropriate six thousand five hundred dollars for the purpose of employing and appointing counsel for the purpose of defending the "Scott Exclusion Act."

[Approved February 13, 1889.]

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

SECTION 1. There is hereby appropriated the sum of sixty-five hundred dollars out of any money in the State Treasury not otherwise appropriated, for the purpose of employing and paying expenses in the case of Che Chang Ping, now on appeal to the Supreme Court of the United States from a judgment of the Ninth Judicial Circuit Court in and for the State of California. That the Attorney-General of the State, John F. Swift, and S. M. White be and they are hereby appointed to represent the interests of the people of this State at Washington, in the United States Supreme Court, in said case. That said attorneys be paid each twenty-five hundred dollars for their services; *provided*, that the Attorney-General shall be paid only fifteen hundred dollars for his expenses; *provided*, that in the event either of the persons named fails for any cause to perform the duties herein provided the Attorney-General shall appoint a successor. Appropriation to pay expenses in case of Che Chang Ping. Who appointed. Payment for services.

SEC. 2. The Controller of State is hereby directed to draw his warrant upon the State Treasurer, and said Treasurer is hereby directed to pay said warrants.

SEC. 3. This Act shall take effect immediately.

CHAPTER XIV.

An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year.

[Approved February 14, 1889.]

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

Deficiency
for State
Board of
Forestry.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Board of Forestry for the thirty-eighth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XV.

An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to chapter one, title nine, part one thereof, two new sections, numbered respectively two hundred and sixty-eight and two hundred and sixty-nine, relating to the punishment of seduction accomplished and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense.

[Approved February 15, 1889.]

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

SECTION 1. Two new sections are hereby added to chapter one, of title nine, of part one, of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, numbered respectively two hundred and sixty-eight and two hundred and sixty-nine, to read as follows:

Seduction

268. Every person who, under promise of marriage, seduces and has sexual intercourse with an unmarried female of previous chaste character, is punishable by imprisonment in the State Prison for not more than five years, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment.

Penalty.

Intermar-
riage, when
a bar to
prosecution.

269. The intermarriage of the parties subsequent to the commission of the offense is a bar to a prosecution for a violation of the last section; *provided*, such marriage take place prior to the finding of an indictment or the filing of an information charging such offense.

CHAPTER XVI.

An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary, and to appropriate money therefor.

[Approved February 15, 1889.]

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

SECTION 1. The Supreme Court of the State of California shall immediately upon the expiration of the term of office of the present Supreme Court Commissioners appoint five persons of legal learning and personal worth as Commissioners of said Court. It shall be the duty of said Commissioners, under such rules and regulations as said Court may adopt, to assist in the performance of its duties and in the disposition of the numerous causes now pending in said Court undetermined. The said Commissioners shall hold office for the term of four years from and after their appointment, during which time they shall not engage in the practice of the law. They shall each receive a salary equal to the salary of a Judge of said Court, payable at the same time and in the same manner. Before entering upon the discharge of their duties they shall each take an oath to support the Constitution of the United States, and the Constitution of the State of California, and to faithfully discharge the duties of the office of Commissioner of the Supreme Court to the best of their ability. The said Court shall have power to remove any and all members of said Commission at any time by an order entered on the minutes of said Court, and all vacancies in said Commission shall be filled in like manner.

Supreme Court Commissioners.

Duties.

Term of Office.

Salary.

Removal of.

SEC. 2. Upon the appointment of said Commissioners, as in this Act provided, said Court is hereby authorized to appoint a Secretary for such Commission, who shall hold office during the pleasure of the Court, not to exceed the term of said Commission, and who shall have a salary of two hundred dollars per month, payable at the same time and in the same manner as said Commission.

Secretary.

Salary.

SEC. 3. The sum of sixty-seven thousand seven hundred dollars is hereby appropriated out of any money that is or may be in the State Treasury not otherwise appropriated, for the purpose of paying the salary of said Commission and Secretary for the remainder of the fortieth fiscal year and for the forty-first and forty-second fiscal years; and the Controller is hereby authorized to draw monthly warrants upon the State Treasury in favor of said Commissioners and Secretary in the sum of five hundred dollars for each of said Com-

Appropriation.

missioners, and in the sum of two hundred dollars for said Secretary.

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

CHAPTER XVII.

An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning the crime of obtaining money or property by false pretenses.

[Approved February 15, 1889.]

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

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

Fraudulent
representa-
tions.

How punish-
able

532. Every person who knowingly and designedly, by false or fraudulent representation or pretenses, defrauds any other person of money or property, or who causes or procures others to report falsely of his wealth or mercantile character, and by thus imposing upon any person obtains credit, and thereby fraudulently gets into possession of money or property, is punishable in the same manner and to the same extent as for larceny of the money or property so obtained.

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

CHAPTER XVIII.

An Act to amend section four of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State," approved March 15, 1887, fixing the maximum amount of interest payable on municipal bonds.

[Approved February 16, 1889.]

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

SECTION 1. Section four of an Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations, incorporated under the laws of this State, approved March fifteenth, eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

Municipal
bonds, how
payable.

Section 4. All municipal bonds for permanent improvements, issued under the provisions of this Act, shall be of a character of bonds known as serials, and shall be payable in the manner following: One twentieth part of the whole amount of the indebtedness shall be payable each and every

year on a day to be fixed by the legislative branch of the city, together with the annual interest on all sums unpaid at such date; and the bonds shall be issued in such amount as the government of such city may determine, but not less than one hundred dollars each, or more than one thousand dollars each, payable on the day fixed in said bond, with interest not to exceed the sum of seven per cent per annum. Such bonds may be sold by the said legislative branch of such city, town, or municipal corporation as it may determine, at not less than their face value, in gold coin of the United States, and the proceeds of such sale shall be placed in the treasury of such city, town, or municipal corporation to the credit of the "Municipal Improvement Fund," No. —, or other designation, and shall be applied exclusively to the purposes and objects mentioned in the ordinance providing for the issuance of such bonds, until said objects are accomplished; and the residue, if any, shall be transferred to the General Fund of said city, town, or municipal corporation.

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

How sold

Proceeds, where placed

Residue

CHAPTER XIX.

An Act to amend sections ten, twenty-two, and twenty-seven of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to appointments to office in case of vacancies, and to assessments of real property, and to the collection of such assessments.

[Approved February 16, 1889]

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

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

Section 10. The Secretary of the Board of Directors must, as soon as the result is declared, enter in the records of such Board a statement of such result, which statement must show:

Statement of result

First—The whole number of votes cast in the district, and in each division of the district.

Second—The names of the persons voted for

Third—The office to fill which each person was voted for.

Fourth—The number of votes given in each precinct to each of such persons.

Fifth—The number of votes given in each division for the office of Director, and the number of votes given in the district for the offices of Assessor, Collector, and Treasurer.

The Board of Directors must declare elected the persons having the highest number of votes given for each office. The Secretary must immediately make out and deliver to such person a certificate of election, signed by him and

Election, how entered.

Certificate of election

Filling of
vacancies.

authenticated with the seal of the Board. In case of the vacancy in the office of Assessor, Collector, or Treasurer, the vacancy shall be filled by appointment of the Board of Directors. In case of a vacancy in the office of Director, the vacancy shall be filled by appointment by the Board of Supervisors of the county where the office of such Board of Directors is situated, from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

SEC. 2. Section twenty-two of said Act is hereby amended to read as follows:

Levy of
assessment
to pay inter-
est on bonds.

Section 22. The Board of Directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds; and at the expiration of ten years after the issuing of bonds by the Board, must increase said assessment for the ensuing ten years in the following percentage of the principal of the whole amount of bonds then outstanding, to wit: For the eleventh year, five per cent; for the twelfth year, six per cent; for the thirteenth year, seven per cent; for the fourteenth year, eight per cent; for the fifteenth year, nine per cent; for the sixteenth year, ten per cent; for the seventeenth year, eleven per cent; for the eighteenth year, thirteen per cent; for the nineteenth year, fifteen per cent, and for the twentieth year, a percentage sufficient to pay off said bonds. The Secretary of the Board must compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as an assessment on the property therein enumerated. When collected the assessment shall be paid into the district treasury, and shall constitute a special fund, to be called the "Bond Fund of _____ Irrigation District." In case of the neglect or refusal

Bond Fund.

of the Board of Directors to cause such assessment and levy to be made, as in this Act provided, then the assessment of property made by the County Assessor and the State Board of Equalization shall be adopted and shall be the basis of assessments for the district, and the Board of Supervisors of the county in which the office of the Board of Directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this Act in the same manner and with like effect as if the same had been made by said Board of Directors, and all expenses incident thereto shall be borne by such district. In case of the neglect or refusal of the Collector or Treasurer of the district to perform the duties imposed by law, then the Tax Collector and Treasurer of the county in which the office of the Board of Directors is situated must respectively perform such duties, and shall be accountable therefor upon their official bonds as in other cases.

SEC. 3. Section twenty-seven of said Act is hereby amended to read as follows:

Right of
owner to
designate
property to
be sold.

Section 27. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole;

but if the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessments and costs due, including two dollars to the Collector for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the assessments and costs before ten o'clock A. M. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated as the purchaser, and the duplicate certificate delivered to the Treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and, in such case, the Collector shall make an entry, "Sold to the district," and he shall be credited with the amount thereof in his settlement. An irrigation district, as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to the right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the President and Secretary of said Board; *provided*, that authority to so convey must be conferred by resolution of the Board, entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a less sum than the reasonable market value of such property. After receiving the amount of assessments and costs, the Collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the Collector, and one copy delivered to the purchaser, and the other filed in the office of the County Recorder of the county in which the land is situated.

Rights of
district as a
purchaser.

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

CHAPTER XX.

An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts, by including other lands therein.

[Approved February 16, 1889.]

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

Change of
boundaries,
how affected.

SECTION 1. The boundaries of any irrigation district now or hereafter organized under the provisions of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Holders of
title may
petition for
change of
boundaries.

SEC. 2. The holder or holders of title, or evidence of title, representing one half or more of any body of lands adjacent to the boundary of an irrigation district, which are contiguous and which, taken together, constitute one tract of land, may file with the Board of Directors of said district a petition in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners respectively of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the County Assessor in the Assessment Book. Such petition must contain the assent of the petitioners to the inclusion within said district, of the parcels or tracts of land described in the petition, and of which said petition alleges they are respectively the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Petition,
what to con-
tain.

Publication
of petition.

SEC. 3. The Secretary of the Board of Directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds are required by said Act to be published. The notice shall state the filing of such petition and the names of the petitioners, a descrip-

tion of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district, to appear at the office of said Board at a time named in said notice and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the Board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the Secretary sufficient money to pay the estimated costs of all proceedings under this Act.

Payment of costs.

SEC. 4. The Board of Directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said Board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Hearing of petition.

SEC. 5. The Board of Directors to whom such petition is presented, may require as a condition precedent to the granting of the same that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the Board), as said petitioners or their grantors would have been required to pay to such district as assessments had such lands been included in such district at the time the same was originally formed.

Petitioners may be assessed.

SEC. 6. The Board of Directors, if they deem it not for the best interests of the district that a change of its boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected. But if they deem it for the best interests of the district that the boundaries of said district be changed, and if no person interested in said district or the proposed change of its boundaries, shows cause in writing why the proposed change should not be made, or if, having shown cause, withdraws the same, the Board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the Board

When petition may be rejected.

Boundaries may be changed.

Order, what must describe.

Survey. may cause a survey to be made of such portions of such boundary as is deemed necessary.

Resolution of Board to change boundaries. SEC. 7. If any person interested in said district, or the proposed change of its boundaries, shall show cause as aforesaid why such boundaries should not be changed, and shall not withdraw the same, and if the Board of Directors deem it for the best interests of the district that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the Board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the Board are of the opinion should be included within the boundaries of the district when changed.

Description of exterior boundaries.

Election to determine change of boundaries.

SEC. 8. Upon the adoption of the resolution mentioned in the last preceding section, the Board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said Act in case of a special election to determine whether bonds of an irrigation district shall be issued. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Publication of notice.

Ballots.

Duty of Board on result of election.

SEC. 9. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the Board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the Board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the Board. The said order shall describe the entire boundaries of said district, and for that purpose the Board may cause a survey of such portions thereof to be made as the Board may deem necessary.

Change of boundaries to be recorded.

SEC. 10. Upon a change of the boundaries of a district being made, a copy of the order of the Board of Directors ordering such change, certified by the President and Secretary of the Board, shall be filed for record in the Recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district, as fully, and to every intent and purpose, as if the lands, which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Recording petition in minutes.

SEC. 11. Upon the filing of the copies of the order, as in the last preceding section mentioned, the Secretary shall record in the minutes of the Board the petition aforesaid;

and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

SEC. 12. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward or the estate which he represents, upon being thereunto authorized by the proper Court, sign and acknowledge the petition in this Act mentioned, and may show cause, as in this Act mentioned, why the boundaries of the district should not be changed.

Rights of guardian, executor, etc

SEC. 13. In case of the inclusion of any land within any district by proceedings under this Act, the Board of Directors must, at least thirty days prior to the next succeeding general election, make an order redividing such district into five divisions, as nearly equal in size as may be practicable, which shall be numbered First, Second, Third, Fourth, and Fifth, and one Director shall thereafter be elected by each division. For the purposes of elections the Board of Directors must establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time, as the Board may deem necessary.

Redivision of districts.

Election precincts.

SEC. 14. This Act shall take effect from and after its passage.

CHAPTER XXI.

An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district.

[Approved February 16, 1889.]

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

SECTION 1. The boundaries of any irrigation district, now or hereafter organized under the provisions of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March seventh, one thousand eight hundred and eighty-seven, may be changed, and tracts of land which were included within the boundaries of such district, at or after its organization under the provisions of said Act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the district, nor such exclusion of lands

Boundaries of irrigation districts, how changed.

from the district, shall impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made, or had not any land been excluded from the district.

Petition to exclude from district. SEC. 2. The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district, may file with the Board of Directors of the district a petition, praying that such tracts and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall describe the boundaries of the land which the petitioners desire to have excluded from the district, and also the lands of each of such petitioners, which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the County Assessor. Such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance.

What to contain.

Acknowledgment of petition.

Publication of notice.

Contents of notice.

SEC. 3. The Secretary of the Board of Directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the Board of Directors is situated and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and, in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition; the names of the petitioners; a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district, to appear at the office of said Board at a time named in said notice, and show cause in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the Board next after the expiration of the time for the publication of the notice.

Hearing of petition.

SEC. 4. The Board of Directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto presented in writing by any person showing cause as aforesaid why the prayer of said petition should not be granted. The failure of any person interested in said district to show cause in writing why the tract or tracts of land mentioned in said

petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with such Board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof.

SEC. 5. The Board of Directors, if they deem it not for the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from said district, shall order that said petition be denied; but if they deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, and also, if there be no outstanding bonds of the district, then the Board may order that the lands mentioned in the petition, or some defined portion thereof, be excluded from the district.

Action of Board of Directors on petition.

SEC. 6. If there be outstanding bonds of the district, then the Board may adopt a resolution to the effect that the Board deems it to the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from the district. The resolution shall describe such lands so that the boundaries thereof can readily be traced. The holders of such outstanding bonds may give their assent in writing to the effect that they severally consent that the Board may make an order by which the lands mentioned in the resolution may be excluded from the district. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the Board and must be recorded in the minutes of the Board; and said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the said assent; but if such assent be not filed, the Board shall deny and dismiss said petition.

Outstanding bonds.

Assent of bondholders required.

To be filed with the Board.

SEC. 7. If the assent aforesaid of the holders of said bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing cause as aforesaid, which have not been withdrawn, then the Board may order an election to be held in said district, to determine whether an order shall be made excluding said land from the district as mentioned in said resolution. The notice of such election shall describe the boundary of all lands which it is proposed to exclude, and such notice shall be published for at least two weeks prior to such election in a newspaper published within the county where the office of the Board of Directors is situated; and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within

When Board may order election.

Notice of election, what to contain.

each of such counties. Such notice shall require the electors to cast ballots which shall contain the words "For exclusion," or "Against exclusion," or words equivalent thereto. Such election shall be conducted in accordance with the general election laws of the State; *provided*, that no particular form of ballot shall be required.

Elections,
how con-
ducted.

Duty of
Board after
election.

SEC. 8. If at such election a majority of all the votes cast shall be against the exclusion of said lands from the district, the Board shall deny and dismiss said petition and proceed no further in said matter; but if a majority of such votes be in favor of the exclusion of said lands from the district, the Board shall thereupon order that the said lands mentioned in said resolution be excluded from the district. The said order shall describe the boundaries of the district should the exclusion of the said lands from said district change the boundaries of the district; and for that purpose the Board may cause a survey to be made of such portions of the boundaries as the Board may deem necessary.

Orders to be
filed in the
Recorder's
office.

SEC. 9. Upon the entry in the minutes of the Board of any of the orders hereinbefore mentioned, a copy thereof, certified by the President and the Secretary of the Board, shall be filed for record in the Recorder's office of each county within which are situated any of the lands of the district, and thereupon said district shall be and remain an irrigation district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district or had the lands excluded therefrom never constituted a portion of the district.

Vacancy of
Director.

SEC. 10. If the lands excluded from any district under this Act shall embrace the greater portion of any division or divisions of such district, then the office of Director for such division or divisions shall become and be vacant at the expiration of ten days from the final order of the Board, under section eight of this Act, excluding said lands, and such vacancy or vacancies shall be filled by appointment by the Board of Supervisors of the county where the office of such Board is situated from the district at large. A Director, appointed as above provided, shall hold his office until the next regular election for said district and until his successor is elected and qualified.

How filled.

Division of
districts.

SEC. 11. At least thirty days before the next general election of such district, the Board of Directors thereof shall make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth, and fifth, and one Director shall be elected by each division. For the purposes of elections in such district, the said Board of Directors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the Board of Directors may deem necessary.

Rights of
guardians,
executors,
etc.

SEC. 12. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the

estate which he represents, may, on behalf of his ward or the estate which he represents, upon being thereto properly authorized by the proper Court, sign and acknowledge the petition in this Act mentioned, and may show cause, as in this Act provided, why the boundaries of the district should not be changed.

SEC. 13. In case of the exclusion of any lands under the provisions of this Act, there shall be refunded to any and all persons who have paid any assessment or assessments to such district, or any lands so excluded, any sum or sums so paid. Such payments shall be made in the same manner as other claims against such district, and from such fund or funds as the Board of Directors may designate.

Refunding
of assess-
ments.

SEC. 14. This Act shall take effect from and after its passage.

CHAPTER XXII.

An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year.

[Approved February 19, 1889.]

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

SECTION 1. The sum of two thousand two hundred dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the salary of the Deputy Reporter of the decisions of the Supreme Court for the first eleven months of the thirty-ninth fiscal year.

Deficiency,
Deputy Re-
porter of
Supreme
Court.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXIII.

An Act entitled an Act to establish a Branch Insane Asylum for the Insane of the State of California, at Ukiah, to be known as the "Mendocino State Insane Asylum," and appropriating money therefor.

[Approved February 20, 1889.]

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

SECTION 1. There shall be established at or within three miles of Ukiah, Mendocino County, State of California, an institution for the care and treatment of the insane, to be designated as the Mendocino State Asylum for the Insane.

Mendocino
State
Asylum
for the Insane.

SEC. 2. The Governor shall appoint five Directors to select the site for said asylum, and to obtain the title thereto, and

Directors.

	to manage the affairs of the institution, three of whom shall be residents of the county; and he shall designate at the time of such appointment their respective terms of office, in accordance with the following classification, to wit: three of said Directors shall serve for two years, and two of said Directors shall serve for four years from the time of their appointment. Their successors shall be appointed by the Governor, and shall hold their offices for the term of four years, and until their successors are appointed and qualified. In case
Vacancy.	of a vacancy occurring in said Board, the Governor shall appoint, in the manner aforesaid, to fill the unexpired term.
Oath of office.	SEC. 3. The Directors provided for in the preceding section shall qualify by taking the usual oath of office, and shall enter upon their duties within thirty days after their appointment.
Plans, drawings, and specifications.	SEC. 4. The Directors shall procure and adopt plans, drawings, and specifications for the construction of the asylum and other buildings, and the improvement of the grounds, and shall make provision for the erection of the buildings, and cause the same to be carried out in accordance with such plans and specifications, and on such terms as they may deem proper; <i>provided</i> , that the Directors shall not adopt any plans for the asylum or other buildings that will not secure the building and finishing of at least one section thereof suitable for the accommodation and treatment of patients with the appropriation named in this Act.
Directors not to be interested.	SEC. 5. The Directors and other officers shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, or in any contract for labor in the erection of said asylum, nor in any contract for any labor, material, or supplies, for the maintenance thereof.
Accommodation.	SEC. 6. The plans and specifications for said asylum shall be upon the basis of accommodating not exceeding five hundred patients at any one time.
Name of Board.	SEC. 7. The Board of Directors shall be known by the name and style of "The Board of Directors of the Mendocino State Asylum for the Insane." They shall have power to
Powers.	govern, manage, and administer the affairs of said asylum, and make and adopt by-laws for their own government and the government of said asylum. They shall cause to be kept a full and correct record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to examine the same. They shall hold stated meetings at the asylum monthly, and a majority of the Board shall constitute a quorum for the transaction of business. They shall make a thorough inquiry into all the departments of labor and expense, and a careful examination of the buildings, property, and general condition of the asylum. They shall submit to the Governor biennially, on or before the first day of September next preceding the regular session of the Legislature, a report showing the receipts and expenditures, the general condition of the asylum, the number of patients under treatment during the two preceding years, and such other matters touching the general affairs of the asylum

as they may deem advisable. As soon as they shall deem it necessary for the proper completion, furnishing, and management of said institution, the Board of Directors shall elect a Medical Superintendent, whose term of office shall be four years, and until his successor is elected and qualified; and henceforth the Directors shall elect the Medical Superintendent when it becomes necessary by the expiration of his term of office or by the occurrence of a vacancy in said office.

SEC. 8. The Board of Directors shall elect a Treasurer, who shall not be of their number, and who shall hold his office for two years, and until his successor is elected and qualified. Before entering upon his duties, the Treasurer shall qualify by taking the usual oath of office, and shall give bond with good and sufficient sureties in a sum not less than thirty thousand dollars, payable to the people of the State of California, to be approved by the Board of Directors, and conditioned for the faithful performance of his duties according to law, and for the delivery to his successor of all books, papers, vouchers, moneys, and effects held by him by virtue of his office. The Board of Directors may increase the amount of the bonds of the Treasurer, and may require additional surety at any time, and they may remove him for good and sufficient cause. The Treasurer shall act as the Secretary of the Board of Directors, and have charge of their books and accounts; and he shall render to the State Board of Examiners monthly a detailed statement, under oath, of the expenses of the preceding month, and shall perform such other duties as the Board of Directors may require. He shall have a yearly salary of six hundred dollars, payable quarterly out of any moneys appropriated to the use of the asylum.

To elect a Treasurer.

Qualification.

To act as Secretary.

Salary.

SEC. 9. Each Director shall receive as his compensation ten dollars for each meeting of the Board at which he shall be present, payable out of any moneys appropriated to the use of the asylum; *provided*, that the sum paid to such Director shall not exceed one hundred and fifty dollars per annum; *and provided further*, that any Director whose residence is out of the county in which said asylum is situated shall be allowed for traveling expenses, mileage at the rate of ten cents per mile for the distance necessarily traveled in attending the monthly meeting of the Board.

Compensation of Directors.

SEC. 10. The Medical Superintendent shall be a well educated and experienced physician, and a regular graduate in medicine, and shall have practiced at least five years from the date of his diploma. He shall be the chief executive officer of the asylum. He shall have the general superintendence of the buildings, grounds, and property thereof, subject to the laws and regulations of the Directors. He shall have the control of the patients, prescribe or direct their treatment, adopt sanitary measures for their welfare, and discharge such as, in his opinion, have permanently recovered their reason. He shall appoint, with the approval of the Directors, as many attendants and assistants as he may think necessary for the efficient and economical care and management of the asylum, and, with the consent of the Board of Directors, fix their compensation and discharge any of them. He shall prescribe

Medical Superintendent, powers of.

the duties of the subordinate officers and employés, maintain discipline among them, and enforce obedience to the laws, rules, and regulations adopted for the government of the institution. He shall estimate quarterly, in advance, the probable expense of the asylum, and submit the same to the Board of Directors at their last regular meeting preceding the commencement of such quarter, for their approval. And the Controller is hereby authorized and directed to draw his warrants for the amount of said estimate approved by the Directors, as soon as the same shall have been approved by the State Board of Examiners, in three equal sums, in favor of the Directors, to be drawn monthly; and the Treasurer is authorized and directed to pay the same out of any moneys appropriated by law for the use and benefit of said asylum. The Medical Superintendent shall estimate and report to the Directors the amount, kind, and quality of provisions, fuel, and clothing required for the six months ending on the first day of May and November of each year; and the Directors shall then advertise for contracts for furnishing said supplies for three successive weeks in one newspaper published in the vicinity of the asylum, and in one newspaper published in each of the Cities of San Francisco and Sacramento. The contract or contracts shall be awarded to the lowest bidder or bidders, upon their giving to the Board of Directors satisfactory security for the faithful performance of the same. Necessary expenditures, other than those for provisions, fuel, and clothing, may be made by the Medical Superintendent, subject to the approval of the Board of Directors. The Medical Superintendent shall cause to be kept full and correct accounts and records of his official transactions from day to day, in books provided for that purpose, in the mode prescribed in the by-laws. He shall see that his accounts are fully made up to the first day of August of each year, and shall submit his annual report to the Board of Directors as soon thereafter as practical. He shall reside at the asylum, and shall not engage in private practice, but shall be at all times in attendance at the asylum, unless he obtain leave of absence from the President of the Board of Directors. He shall receive an annual salary of three thousand dollars, payable monthly as other attachés are paid; and he and his family, if he has one, shall be furnished room, household furniture, provisions, fuel, and lights at and from the supplies of the asylum.

Assistant
Physician.

SEC. 11. When said asylum shall be ready for the admission of patients, and thenceforth when a vacancy occurs in the office hereby authorized, the Directors, upon the nomination of the Medical Superintendent, shall elect an Assistant Physician, who shall be a graduate in medicine. He shall qualify by taking the usual oath of office. His salary shall be fixed by the Board of Directors, to be paid in the same manner as the other employés, and not to exceed two thousand dollars a year. He shall reside at the asylum and not be allowed to engage in any private practice, but shall be in attendance at all times at the asylum, except when he may obtain leave of absence from the Medical Superintendent.

He shall perform such duties as may be directed by the Medical Superintendent and prescribed by the by-laws. He and his family, if he have any, shall be supplied with room, board, fuel, and lights at the asylum. His term of office shall be four years, and until his successor is appointed and qualified. The duties of the Medical Superintendent, in his absence or sickness, shall be performed by the Assistant Physician.

SEC. 12. The Directors may remove any officer or employé of the asylum by a vote of four fifths of their number for habitual and willful neglect of duty, or for refusal to comply with the requirements of the laws, by-laws, and regulations made for the establishment and government of the institution.

Removal of officers.

SEC. 13. A Superior Judge of any county in this State, and a Superior Judge of the City and County of San Francisco, shall, upon application under oath setting forth that a person, by reason of insanity, is dangerous to be at large, cause such person to be brought before him; and he shall summon to appear at the same time and place, two or more witnesses who well knew the accused during the time of the alleged insanity, who shall testify under oath as to conversation, manners, and general conduct upon which said charge of insanity is based; and shall also cause to appear before him at the same time and place two physicians, who shall be regular graduates in medicine, before whom the Judge shall examine the charge; and if, after a careful examination of the case, and personal examination of the alleged insane person, the said physicians shall certify on oath that the person examined is insane, and the case is of recent or curable character, or that the said person is of a homicidal, suicidal, or incendiary disposition, or that from any other violent symptoms the said insane person would be dangerous to his or her own life, or to the lives or property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this State, State last from, previous habits, premonitory symptoms, apparent cause and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination; and if the Judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal, or incendiary character, or that from the violence of the said symptoms the insane person would be dangerous to his or her own life, or to the lives or property of others, if at large, he shall direct the Sheriff of the county, or some suitable person, to convey to and place in charge of the officers of the insane asylum of this State to which the order is directed, such insane person, and shall transmit a copy of the complaint and commitment, and physician's certificate, which shall always be in the form as furnished to the Court by the Medical Superintendent of said asylum; and the person taking such insane person to the insane asylum shall be allowed therefor the same fees as are allowed by law to the Sheriff in such cases, to be paid in like manner. And the physicians

Requirements for admission.

attending the examination aforesaid, shall be allowed by the Board of Supervisors of the county in which the examination is had five dollars each, unless they are otherwise paid.

Prohibited cases.

SEC. 14. No case of idiocy, imbecility, harmless chronic mental unsoundness, or acute mania potu shall be committed to this asylum; and whenever, in the opinion of the Superintendent, after a careful examination of the case of any person committed, it shall be satisfactorily ascertained by the said Superintendent that the party had been unlawfully committed, and that he or she come under the rule of exemption provided for in this section, he shall have the authority to discharge such person so unlawfully committed and return him or her to the county from which committed, at the expense of said county.

When payment for care of, required.

SEC. 15. The Judge shall inquire into the ability of insane persons committed by him to the asylum to bear the actual charges and expenses for the time that such person may remain in the asylum. In case an insane person committed to the asylum under the provisions of this Act shall be possessed of real or personal property sufficient to pay such charges and expenses, the Judge shall appoint a guardian for such person, who shall be subject to all the provisions of the general laws of this State in relation to guardians as far as the same are applicable; and when there is not sufficient money in the hands of the guardian, the Judge may order a sale of property of such insane person, or so much thereof as may be necessary, and from the proceeds of such sale the guardian shall pay to the Board of Directors the sum fixed upon by them each month, for the maintenance of such ward; and he also, out of the proceeds of such sale, or such other funds as he may have belonging to his ward, pay for such clothing as the Medical Superintendent shall from time to time furnish to such insane person; and he shall give a bond, with good and sufficient sureties, payable to the Board of Directors, and approved by the Judge, for the faithful performance of the duties required of him by this Act as long as the property of his insane ward is sufficient for the purpose. The Board of

Blank bonds to be furnished.

Directors shall furnish such blank bonds as are required by this section to the several Superior Judges of this State. A breach of any bond provided for in this Act may be prosecuted in the Superior Court of any county in this State in which any one of the obligors may reside, and the same shall be prosecuted by the District Attorney of the county in which the action shall be brought, and shall be conducted throughout and the judgment shall be enforced as in a civil action for the recovery of a debt. Should there remain in the hands of the Board of Directors, or their Treasurer, at the time any insane person is discharged, any money unexpended so paid by the guardian or kindred, the same shall be refunded; *provided*, that the Board of Directors shall not be required to refund any money for a fraction of a month; but upon the death of any insane person, after paying the ordinary burial expenses, the remainder of any money received from the guardian, or on deposit with the Board of Directors, or their Treasurer, shall be refunded to the

person or the persons thereto entitled on demand. Any moneys found on the person of an insane person at the time of arrest, shall be certified to by the Judge and sent with such person to the asylum, there to be delivered to the Medical Superintendent, who shall deliver the same to the Treasurer, to be applied to payment of the expenses of such person while in the asylum; but upon the recovery of such insane person all sums not exceeding one hundred dollars shall be returned to him when he is discharged from the asylum. The kindred or friends of an inmate of the asylum may receive such inmate therefrom, on their giving satisfactory evidence to the Judge of the Court issuing the commitment that they or any of them are capable and suited to take charge of and give proper care to such insane person. If such satisfactory evidence appears to the Judge he may issue an order, directed to the Medical Superintendent of the asylum, for the removal of such person, but the Medical Superintendent shall reject all other orders or applications for the release or removal of any insane person. And if after such removal it is brought to the knowledge of the Judge, by verified statement, that the person thus removed is not cared for properly, or is dangerous to persons or property by reason of such want of care, he may order such person returned to the asylum.

SEC. 16. Non-residents of this State, conveyed or coming herein while insane, shall not be committed to or supported in the State Asylum for the Insane; but this prohibition shall not prevent the commitment to and temporary care in said asylum of persons stricken with insanity while traveling or temporarily sojourning in the State, or sailors attacked with insanity upon the high seas and first arriving thereafter in some port within this State.

Non-residents not permitted to be taken.

SEC. 17. When a section of the asylum provided for in this Act is ready for the accommodation of patients, the Superior Judges in the counties more convenient to said asylum than to the asylums at Stockton and Napa, who are authorized herein to commit insane persons, shall order all persons thereafter by them duly examined and declared insane to the institution established by this Act; but the Superior Judges of this State may order the transfer of any insane person committed from their respective counties, from one State asylum to the other, upon the joint recommendation or consent of the Medical Superintendents of each, the cost of such transfer to be paid by the guardian or friends of the patient transferred.

Commitments to.

SEC. 18. To carry out the provisions of this Act, the State Board of Equalization shall levy, at the time other State taxes are levied, in the years eighteen hundred and ninety and eighteen hundred and ninety-one, a tax of such number of cents on each of one hundred dollars value of taxable property in the State as will produce a net sum of one hundred and seventy-five thousand dollars in each of said years, for the purpose of creating a special fund, to be denominated the "Special Mendocino Insane Asylum Fund," and the assessment and collection of said tax shall be performed in

Levy of tax for support of.

the same manner and at the same time as the ad valorem State taxes for other purposes are assessed and collected.

How expended.

SEC. 19. The money collected from the special tax herein provided shall be expended in establishing a new asylum according to the provisions of this Act; *provided*, if it be opened before the meeting of the next Legislature, the maintenance thereof shall be temporarily paid out of this special fund until other provisions shall be made by law for its support.

Duty of Controller.

SEC. 20. The Controller of State is hereby authorized and directed to draw his warrants on the Treasury of State in favor of the respective Directors, on their requisition upon the fund hereby created in accordance with the provisions of this Act; *provided*, not more than fifteen thousand dollars shall be drawn at any one time for building purposes; *and, provided further*, that a detailed account of the expenditures of the sum previously drawn shall be filed with the State Board of Examiners by said Directors before the approval of any other requisition from the same Board of Directors for money for the purposes aforesaid.

Accounts to be filed with Board of Examiners.

SEC. 21. This Act shall take effect from and after its passage.

CHAPTER XXIV.

An Act to encourage and provide for a general vaccination in the State of California.

[Approved February 20, 1889.]

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

Exclusion of children from schools unless vaccinated.

SECTION 1. The Trustees of the several common school districts in this State, and Boards of common school government in the several cities and towns, are directed to exclude from the benefits of the common schools therein any child or any person who has not been vaccinated, until such time when said child or person shall be successfully vaccinated; *provided*, that any practicing and licensed physician may certify that the child or person has used due diligence and cannot be vaccinated so as to produce a successful vaccination, whereupon such child or person shall be excepted from the operation of this Act.

Notice by School Trustees.

SEC. 2. The Trustees or local Boards, annually, or at such special times to be stated by the State Board of Health, must give at least ten days' notice, by posting a notice in two or more public or conspicuous places within their jurisdiction, that provision has been made for the vaccination of any child of suitable age who may desire to attend the common schools, and whose parents or guardians are pecuniarily or otherwise unable to procure vaccination for such child.

List of children not vaccinated.

SEC. 3. The said Trustees or Board must within sixty days after the passage of this Act, and every year thereafter, ascertain the number of children or persons in their respective

School Districts or subdivision of the City School Government being of an age suitable to attend common schools, who have not been already vaccinated, and make a list of the names of all such children or persons. It also shall be duty of said Trustees or Board to provide, for the vaccination of all such children or persons in their respective school districts, a good and reliable vaccine virus wherewith to vaccinate such children or persons who have not been vaccinated. And when so vaccinated to give a certificate of vaccination, which certificate shall be evidence thereof for the purpose of complying with section one.

Vaccine virus to be supplied.

SEC. 4. The necessary expenses incurred by the provisions of this Act shall be paid out of the common school moneys apportioned to the district, city, or town. And if there be not sufficient money, the Trustees must notify the Board of Supervisors of the amount of money necessary, and the Board must, at the time of levying the county tax, levy a tax upon the taxable property in the district sufficient to raise the amount needed. The rate of taxation is ascertained by deducting fifteen per cent for delinquencies from the assessment, and the rate must be based upon the remainder. The tax so levied must be computed and entered upon the assessment roll by the County Auditor, and collected at the same time and in the same manner as State and county taxes, and when collected shall be paid into the county treasury for the use of the district.

Expenses for, how paid.

Rate of taxation, how ascertained.

SEC. 5. The Trustees of the several school districts of this State are hereby required to include in their annual report, and report to the Secretary of the State Board of Health, the number in their several districts between the ages of five and seventeen years who are vaccinated and the number unvaccinated.

Annual report of Trustees.

SEC. 6. This Act shall take effect immediately.

CHAPTER XXV.

An Act to amend section seven hundred and thirty-seven of the Political Code, fixing and providing for the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Diego, Tulare, Fresno, Solano, Amador, San Bernardino, Kern, Placer, Humboldt, Marin, Mendocino, Tehama, El Dorado, Alpine, Stanislaus, and Calaveras.

[Approved February 21, 1889.]

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

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

Salaries of
Superior
Judges.

737. The annual salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Diego, Marin, Mendocino, Tehama, San Bernardino, Kern, Placer, Humboldt, Tulare, Fresno, and Solano are four thousand dollars each, and of the Judges of the Superior Courts of Amador, Calaveras, Stanislaus, and El Dorado three thousand five hundred dollars per annum, the Judge of the Superior Court of the County of Alpine, two thousand dollars per annum, one half of which shall be paid by the State and the other half thereof by the county for which the Judge is elected or appointed, except that in the Counties of Yuba and Sutter one fourth of the salary of the Superior Judge shall be paid by each county.

SEC. 2. The provisions of this Act shall not affect the salary of present incumbents.

CHAPTER XXVI.

An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies, and preservation of the public health.

[Approved February 25, 1889.]

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

SECTION 1. Section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February fourteenth, eighteen hundred and seventy-two, is amended so as to read as follows:

Willful viola-
tions.

377. Every person who is charged with a duty relating to the registration of deaths, under chapter three, title seven, of the Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, who—

1. Willfully fails to keep a registry of the name, age, residence, and time of death of a decedent; or,

2. Willfully fails to register with the County Recorder a certified copy of such register, as is provided for in said chapter; or,

3. Willfully inter, cremates, or otherwise disposes of any human body, in any city, county, or city and county, without having first obtained a permit, as provided for in said chapter; or,

4. Willfully grants a permit for the interment, cremation, or disposition of a dead human body, without the certificate provided for in said chapter; or,

5. Willfully violates any of the laws of this State relating to the preservation of the public health;

Is guilty of a misdemeanor, and is, unless a different punishment for such violation is prescribed by this Code, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment. Penalty.

CHAPTER XXVII.

An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven and a half, to protect the breeders of and the registration of thoroughbred cattle and other domestic animals.

[Approved February 25, 1889.]

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

SECTION 1. The Penal Code is hereby amended by adding a new section thereto, to be known and numbered as five hundred and thirty-seven and a half, to read as follows:

537½. Every person who shall, by any false or fraudulent pretense, obtain from any club, association, society, or company organized for the purpose of improving the breed of cattle, horses, sheep, swine, or other domestic animals, a certificate of registration of any animal in the Herd Register, or any other register of any such club, association, society, or company, or a transfer of any such registration; and any person who shall, for a legal consideration, give a false pedigree of any animal, with intent to mislead, shall be guilty of a misdemeanor. Fraudulent registration of thoroughbred cattle.

SEC. 2. Every person willfully advertising any of such animals for purposes of copulation, or profit, as having a pedigree other than the true pedigree of such animal, shall forfeit all right by law to collect pay for the services of said animal. Giving false pedigree, a misdemeanor.

SEC. 3. This Act shall take effect and be in force from and after its passage. False advertising character of animal.

CHAPTER XXVIII.

An Act to amend section four hundred and forty-seven of the Civil Code of the State of California, relating to the valuation of policies of life insurance.

[Approved February 25, 1889.]

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

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

Insurance corporations to furnish data to Insurance Commissioner.

447. Every life insurance corporation organized under the laws of this State must, on or before the first day of February of each year, furnish the Insurance Commissioner the necessary data for determining the valuation of all its policies outstanding on the thirty-first day of December, then next preceding. And every life insurance company organized under the laws of any other State or country, and doing business in this State, must, upon the written requisition of the Commissioner, furnish him, at such time as he may designate, the requisite data for determining the valuation of all its policies then outstanding; such valuations must be based upon the rate of mortality established by the American experienced life table, and interest at four and one half per cent per annum; *provided*, that from and after the thirty-first day of December, A. D. one thousand eight hundred and ninety-one, such valuations must be based upon the rate of mortality established by the combined experience or actuaries' table of mortality, with interest at the rate of four per cent per annum. When the laws of any other State or Territory require of a life insurance company organized under the laws of this State a valuation of its outstanding policies by any standard of valuation different from that named in this section, the Insurance Commissioner is hereby authorized to make such valuation for use in such other State or Territory, and to issue his certificate in accordance therewith. For the purpose of making the valuations, the Insurance Commissioner is authorized to employ a competent actuary, whose compensation for such valuations shall be three cents for each thousand dollars of insurance, to be paid by the respective companies whose policies are thus valued.

Employment of Actuary.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER XXIX.

An Act to amend section three thousand and eighty-four of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relative to the interment or cremation of human bodies.

[Approved February 25, 1889.]

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

SECTION 1. Section three thousand and eighty-four of the Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Permit to inter or cremate human bodies.

3084. No person shall inter, cremate, or otherwise dispose of any human body, in any city, county, or city and county, without having first obtained a permit therefor. In incorporated cities, or counties, or cities and counties, the

permit must be obtained from the person authorized to grant the same by any law, ordinance, or resolution passed for that purpose. But in the absence of such law, ordinance, or resolution, the permit must be obtained from either the Coroner, or Health Officer, Board of Health, or if the Coroner be absent, then from the Health Officer or Board of Health; and if there be no Board of Health or Health Officer, then from a Justice of the Peace. The person applying for a permit must produce and file with the officer issuing the permit a certificate signed by a physician, or a Coroner, or two reputable citizens, setting forth as near as possible, the name, age, color, place of birth, occupation, date, locality, and cause of death of deceased. And no permit shall be granted without the production of such certificate. Such permit must be filed with the County Recorder, and the person so filing is entitled to the compensation provided for in section three thousand and seventy-seven of this Code, but if any other registration of the death of the deceased shall have been made, the Recorder must record the name but once.

Who may grant.

Permit to be filed.

SEC. 2. This Act takes effect thirty days after its passage.

CHAPTER XXX.

An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

[Approved February 26, 1889.]

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

SECTION 1. Whenever any county shall have had, at twelve o'clock meridian, on the first day of January, eighteen hundred and eighty, an outstanding indebtedness evidenced by bonds or warrants thereof, theretofore legally issued, and such indebtedness or any part thereof shall have been thereafter paid out of the income and revenue received by such county since that date, and such county shall have since that date legally incurred an indebtedness evidenced by warrants thereof, and which warrants shall not have been paid by reason of such application of the current revenues of such county to the payment of the indebtedness of former years, the Board of Supervisors of such county, by a vote of two thirds of all the members thereof, are empowered, if they deem it for the public interest to fund such last mentioned indebtedness, and to issue bonds of such county therefor, in the manner provided in subdivision fourteen of section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March fourteenth, eighteen hundred and eighty-three; and all the provisions of said subdivision of said section shall apply to the issuance, disposal, and payment of such bonds, and to the levy of taxes for the redemption of the same, except as herein otherwise provided.

Outstanding indebtedness of counties, when may be funded.

When not permitted.

SEC. 2. No indebtedness of such county shall be funded under the provisions of this Act which in any year exceeded the income and revenue provided for such county for such year, nor which shall exceed the amount of the current revenue which shall have been so applied to the payment of indebtedness outstanding at twelve o'clock meridian on the first day of January, eighteen hundred and eighty.

Statement.

SEC. 3. Such bonds shall, in addition to the matters required to be stated therein by the provisions of the above mentioned Act, contain a statement that they are issued under the authority of this Act, referring to the same by its title and date of passage.

Exchange of bonds for warrants of county.

SEC. 4. Such bonds when issued may be exchanged by the County Treasurer, under the direction of the Board of Supervisors, only for warrants of such county legally issued since twelve o'clock meridian on the first day of January, eighteen hundred and eighty, which, together with warrants theretofore issued, did not, in any year, exceed the income and revenue provided for such county for such year, and which shall remain unpaid because the revenue otherwise applicable to the payment of the same shall have been so applied to the payment of the indebtedness of former years. If any portion of such bonds shall be sold for money, the proceeds thereof shall be applied exclusively to the payment of the warrants mentioned in this section.

Application of proceeds.

SEC. 5. This Act shall take effect immediately.

CHAPTER XXXI.

An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

[Approved February 26, 1889.]

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

Surveyor-General to correct eastern boundary line of State.

SECTION 1. The Surveyor-General of this State is hereby authorized and directed to correct and establish that portion of the eastern boundary line of the State of California, south-eastward from Lake Tahoe; that is to say, southeastward from the intersection of the thirty-ninth degree of north latitude with the one hundred and twentieth degree of longitude west of Greenwich; *provided*, the whole cost of the work shall not exceed the sum of five thousand dollars; *and, provided further*, that the work be completed within one year after the passage of this Act.

To employ assistance.

SEC. 2. The Surveyor-General of this State is hereby empowered to employ such assistance and purchase such material as may be necessary to carry out the provisions of this Act. The Surveyor-General shall certify to the State Board of Examiners the correctness of all accounts for assistance

rendered, and for materials furnished to him to carry out the provisions of this Act; who shall, if found correct, approve the same, and order their payment out of the fund created by this Act.

SEC. 3. It shall be the duty of the Surveyor-General, under the provisions of this Act, to first correct and establish said boundary line southeastward from the point of intersection of the thirty-ninth degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and there to mark with stakes in mounds of stones the said line as so corrected and established. The Surveyor-General shall cause three copies of the maps and field notes of such survey to be prepared and shall attach his certificate to each copy, setting forth that each map and accompanying field notes is a correct and true copy of the original survey made by him, one of which shall be sent to the Department of the Interior at Washington, with a copy of this law; one copy shall be filed in the office of the Secretary of State, and one copy retained in the office of the Surveyor-General; and such line or any part thereof, when corrected and marked as provided in this Act, shall thereafter be regarded as the legally established eastern boundary line of the State of California, when confirmed by the United States Government, from the points of intersection hereinbefore set forth; and the record of said boundary line, as corrected and established by this Act and confirmed as hereinbefore provided, shall be recognized and admitted in all the Courts of this State as conclusive evidence that such line is the true boundary line of that portion of the eastern boundary line of this State as this Act corrects and establishes.

Duty of Surveyor-General.

SEC. 4. The Surveyor-General shall enter upon the discharge of the duties enjoined by the provisions of this Act on or before the first day of June, eighteen hundred and eighty-nine next, and shall complete the survey as soon thereafter as practicable, and shall, within sixty days after completion of the work, cause to be made out the copies and field notes, and file and forward them as provided by this Act. He shall make to the next Legislature a full and detailed report of the manner in which the said survey and work has been made, the cost, in items, of the same, and the manner in which he has expended the funds placed in his hands by the provisions of this Act. And he shall pay into the State Treasury any of such funds which may be unexpended after the completion of said survey and work.

Commencement and completion of survey.

SEC. 5. The sum of five thousand dollars is hereby appropriated and set apart out of the General Fund of this State, to carry out the provisions of this Act.

Appropriation.

SEC. 6. The Controller is hereby directed to draw his warrant on the Treasurer, in favor of the Surveyor-General, payable out of the said five thousand dollars so appropriated and set apart, for the sum of one thousand dollars, to pay the contingent expenses of the survey and work required by this Act, and the Treasurer is directed to pay the same. The Controller is also hereby directed to draw his warrant, payable out of the balance of said five thousand dollars so appro-

Duties of Controller and Treasurer.

riated and set apart, in favor of such person or persons as the State Board of Examiners may certify have claims under the provisions of this Act, and the Treasurer is hereby directed to pay the same.

Property to
be sold at
auction.

SEC. 7. All the property purchased for this survey and work, and remaining on hand at its completion, shall be sold at public auction under direction of the Surveyor-General, and the proceeds thereof paid into the State Treasury.

Duty of Gov-
ernor.

SEC. 8. It is hereby made the duty of the Governor to forward a copy of this Act to the Governor of Nevada, and with it a request that the Governor of that State appoint some suitable person or persons of and for that State, to accompany and act in conjunction with the Surveyor-General of this State in correcting and establishing said eastern boundary; *provided*, that the State of Nevada shall pay all expenses of such person or persons so appointed.

SEC. 9. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

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

CHAPTER XXXII.

An Act making an appropriation for the deficiency in the appropriation for pay of Stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

[Approved February 28, 1889.]

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

Deficiency,
Stenog-
rapher to
Railroad
Commis-
sion.

SECTION 1. The sum of three thousand dollars (\$3,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for pay of Stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIII.

An Act making an appropriation to pay the claim of Thomas W. O'Neil.

[Approved February 28, 1889.]

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

To pay claim
of Thomas
W. O'Neil.

SECTION 1. The sum of one thousand nine hundred and seventy dollars is hereby appropriated out any money in the State Treasury not otherwise appropriated, to pay the claim

of Thomas W. O'Neil for services and material furnished in painting and frescoing the offices of the Superintendent of Public Instruction and the offices of the State Treasurer, as approved by the State Board of Examiners.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of Thomas W. O'Neil in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER XXXIV.

An Act making an appropriation to pay the claim of J. J. Lynch.

[Approved February 28, 1889.]

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

SECTION 1. The sum of five hundred and thirty-two dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of J. J. Lynch for services rendered as Clerk in the office of the Surveyor-General, approved by the State Board of Examiners. To pay J. J. Lynch for clerical services.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of J. J. Lynch in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER XXXV.

An Act making an appropriation to pay the claim of James Touhey.

[Approved February 28, 1889.]

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

SECTION 1. The sum of five hundred and eighty-five dollars and forty-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of James Touhey for grading Fifteenth Street, from L to N, in front of the State's property, in the City of Sacramento, as approved by the State Board of Examiners. To pay claim of James Touhey.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of James Touhey in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER XXXVI.

An Act making an appropriation to pay the claim of John A. Cole.

[Approved February 23, 1889.]

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

To pay claim
of John A.
Cole.

SECTION 1. The sum of one hundred and sixteen dollars and fifty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of John A. Cole, ex-Sheriff of San Bernardino County, for conveying a prisoner from the State Prison at Folsom to San Bernardino, upon the authority and direction of a certificate of probable cause for a new trial issued by the Supreme Court, as approved by the State Board of Examiners.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of John A. Cole in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER XXXVII.

An Act making an appropriation to pay the claim of Chas. E. Hughes.

[Approved February 23, 1889.]

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

To pay claim
of Chas. E.
Hughes.

SECTION 1. The sum of one hundred and thirty-one dollars and fifty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Chas. E. Hughes, ex-Sheriff of Del Norte County, for conveying a prisoner from the State Prison at San Quentin to Crescent City, Del Norte County, upon the authority and direction of a certificate of probable cause of appeal for a new trial, issued by the Supreme Court, as approved by the State Board of Examiners.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of Chas. E. Hughes in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER XXXVIII.

An Act to amend section three thousand and sixty-two of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to Boards of Health.

[Approved March 1, 1889.]

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

SECTION 1. Section three thousand and sixty-two of said Act to establish a Political Code is amended so as to read as follows:

3062. The Board of Supervisors of each county must appoint, in each unincorporated city or town of five hundred or more inhabitants, a Health Officer, who has all the duties and powers of the Board of Health and Health Officer, as specified in this and the two preceding articles. Appointment of a Health Officer.

SEC. 2. There is added to said Code a new section, to be called section three thousand and sixty-four, which shall read as follows:

3064. The Board of Supervisors must fix the salary or compensation of Boards of Health or Health Officer, and provide for the expenses of enforcing the provisions of this article. If the Board of Supervisors or Board of Trustees, Council, or other corresponding Board of any incorporated town, neglects to provide a Board of Health or Health Officer by the first day of July, eighteen hundred and eighty-seven, the State Board of Health may direct the District Attorney of the county to begin an action against such Board of Supervisors, or Board of Trustees, or corresponding Board, to compel the performance of their duty, or may appoint a Board of Health, or Health Officer with the powers of a Board of Health, for such town or city, and the expenses of such Board of Health or Health Officer shall be a charge against the incorporated city or town for which such appointment shall be made; and when the appointment is made for unincorporated towns the expenses of the Board of Health or Health Officer is a charge against the county. Salary of Boards of Health or Health Officer.
Neglect to provide Boards of Health, how may be compelled.

CHAPTER XXXIX.

An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

[Approved March 1, 1889.]

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

Appropriation to pay additional clerk to Superintendent of Public Instruction.

SECTION 1. The sum of one thousand six hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the salary of the assistant authorized by section four of an Act entitled "An Act to amend an Act entitled an Act to provide for compiling, illustrating, electrotyping, printing, binding, copy-righting, and distributing a State series of text-books, and appropriating money therefor," approved March fifteenth, eighteen hundred and eighty-seven, for the fortieth fiscal year.

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

CHAPTER XL.

An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding houses, and lodging houses.

[Approved March 1, 1889.]

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

Defrauding proprietors of hotels, inns, etc.

SECTION 1. Any person who obtains any food or accommodation at an inn or boarding house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an inn or boarding house by the use of any false pretense, or who, after obtaining credit or accommodation at any inn or boarding house, absconds and surreptitiously removes his baggage therefrom without paying for his food or accommodations, is guilty of a misdemeanor.

CHAPTER XLI.

An Act to amend section ten hundred and fifty-four of the Code of Civil Procedure of the State of California, relating to the time within which an Act is to be done may be extended.

[Approved March 1, 1889.]

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

SECTION 1. Section one thousand and fifty-four of the Code of Civil Procedure of the State of California is amended as follows:

1054. When an Act to be done, as provided in this Code, relates to the pleadings in the action, or the undertakings to be filed, or the justification of sureties, or the preparation of statements, or of bills of exceptions, or of amendments thereto, or to the services of notices other than of appeal, the time allowed by this Code may be extended, upon good cause shown by the Judge of the Superior Court in and for the county in which the action is pending, or by the Judge who presided at the trial of said action; but such extension shall not exceed thirty days without the consent of the adverse party.

Extension of time within which an act is to be done.

Limitation.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLII.

An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged or proved and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof.

[Approved March 1, 1889.]

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

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

1951. Every instrument conveying or affecting real property, acknowledged or proved and certified, as provided in the Civil Code, may, together with the certificate of acknowledgment or proof, be read in evidence in an action or proceeding, without further proof; also, the original record of such conveyance or instrument thus acknowledged or proved, or a certified copy of the record of such conveyance or instrument thus acknowledged or proved, may be read in evidence, with the like effect as the original instrument, without further proof.

Instruments affecting real property, used as evidence.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLIII.

An Act to amend sections ten and one hundred and thirty-four of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to legal holidays and non-judicial days.

[Approved March 1, 1889.]

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

SECTION 1. Section ten of the Code of Civil Procedure is hereby amended to read as follows:

Holidays.

10. Holidays within the meaning of this Code are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday.

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

Judicial business not to be transacted on.

134. No Court shall be open, nor shall any judicial business be transacted on Sunday, on the first day of January, on the twenty-second day of February, on the thirtieth day of May, on the fourth day of July, on the ninth day of September, on the twenty-fifth of December, on a day in which an election is held throughout the State, or on a day appointed by the President of the United States or by the Governor of this State, for a public fast, thanksgiving, or holiday, except for the following purposes:

Exceptions.

1. To give, upon their request, instructions to a jury when deliberating on their verdict.

2. To receive a verdict or discharge a jury.

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; *provided*, that the Supreme Court shall always be open for the transaction of business; *and provided further*, that injunctions and writs of prohibition may be issued and served on any day.

CHAPTER XLIV.

An Act to amend section seven of the Civil Code, relating to holidays.

[Approved March 1, 1889.]

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

SECTION 1. Section seven of the Civil Code is hereby amended to read as follows:

7. Holidays, within the meaning of this Code, are: Every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Holidays.

CHAPTER XLV.

An Act to amend section ten of the Political Code, relating to legal holidays.

[Approved March 1, 1889.]

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

SECTION 1. Section ten of the Political Code is hereby amended to read as follows:

10. Holidays, within the meaning of this Code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, or the twenty-fifth day of December, fall upon a Sunday, the Monday following is a holiday. Holidays.

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

CHAPTER XLVI.

An Act making an appropriation to pay the claim of W. E. Doan.

[Approved March 1, 1889]

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

To pay claim
of W. E.
Doan

SECTION 1. The sum of one hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of W. E. Doan for services rendered in reporting the proceedings of the Court-martial of Captain John A. Rapp, as approved by the State Board of Examiners.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of W. E. Doan in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER XLVII.

An Act making an appropriation to pay the claims of the Trustees of the State Normal School at Chico.

[Approved March 1, 1889]

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

To pay trav-
eling ex-
penses of
Trustees
State Nor-
mal School
at Chico

SECTION 1. The sum of five hundred and three dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the traveling expenses of the Trustees of the State Normal School at Chico, incurred in the discharge of their official duties under section fourteen hundred and ninety-two of the Political Code, as approved by the State Board of Examiners.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of the Trustees of the State Normal School at Chico for said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER XLVIII.

An Act making an appropriation to pay the claim of S. W. Ravely

[Approved March 1, 1889]

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

SECTION 1. The sum of one hundred and twenty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of S. W. Ravely for printing briefs in cases where the State was a party in interest, as approved by the State Board of Examiners. To pay claim
of S. W.
Ravely

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of S. W. Ravely in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER XLIX.

An Act making an appropriation to pay the claim of Wm. Guttenberger.

[Approved March 1, 1889]

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

SECTION 1. The sum of four hundred and ninety-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of William Guttenberger for the construction of an iron railing for counter in the office of the Treasurer of State, as approved by the State Board of Examiners. To pay claim
of William
Guttenber-
ger.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of William Guttenberger in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER L.

An Act making an appropriation to pay the claim of C. M. Bumbaugh.

[Approved March 1, 1889.]

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

To pay claim
of C. M.
Bumbaugh

SECTION 1. The sum of one thousand three hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of C. M. Bumbaugh for services in removing the rubbish deposited in the basement of the State Capitol, and thoroughly whitewashing and fumigating said basement, by order and direction of the State Capitol Commissioners, which claim has been approved by the State Board of Examiners.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of C. M. Bumbaugh in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER LI.

An Act making an appropriation to pay the claims for draping the State Capitol, on the occasion of the death of the late Governor Bartlett.

[Approved March 1, 1889.]

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

To pay
claims for
draping
State Capitol
on occasion
of death of
Governor
Bartlett

SECTION 1. The sum of two hundred and eighty-eight dollars and thirty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of E. Lyons & Co., one hundred and seventy-eight and thirty-five one hundredths dollars; C. M. Bambaur, one hundred dollars; L. M. Landborough, ten dollars, incurred in the draping of the State Capitol upon the occasion of the death of the late Governor Washington Bartlett, which claims have been approved by the State Board of Examiners.

SEC. 2. The Controller of State is hereby authorized to draw his warrants for said claims in favor of the persons named in section one hereof, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER LII.

An Act to appropriate money for the completion and furnishing of the building of the State Normal School at Chico.

[Approved March 1, 1889.]

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

SECTION 1. The sum of forty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of constructing, completing, and furnishing the building of the State Normal School at Chico. Appropriation for State Normal School at Chico.

SEC. 2. The money so appropriated shall be expended under the direction of the Board of Trustees of the State Normal School at Chico, and thirty thousand dollars thereof expended in the construction and completion of said building, and ten thousand dollars thereof expended for the purpose of furnishing said building.

SEC. 3. This Act shall take effect immediately.

CHAPTER LIII.

An Act making an appropriation to pay the claim of N. P. Cole and Company.

[Approved March 1, 1889.]

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

SECTION 1. The sum of one thousand two hundred and twenty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of N. P. Cole and Company for cabinets furnished the Governor's office, as approved by the State Board of Examiners. To pay claim of N. P. Cole and Company.

SEC. 2. The Controller of State is hereby authorized to draw his warrant for said sum in favor of N. P. Cole and Company, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER LIV.

An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-seventh fiscal year, with legal interest thereon.

[Approved March 4, 1889.]

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

Deficiency,
transportation
of
prisoners.

SECTION 1. The sum of three hundred and thirty-four dollars and sixty-nine cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-seventh fiscal year, with legal interest thereon.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LV.

An Act making an appropriation to pay the deficiency in the appropriation for the support of the Insane Asylum at Napa for the thirty-ninth and fortieth fiscal years.

[Approved March 4, 1889.]

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

Deficiency,
Insane Asy-
lum at Napa.

SECTION 1. The sum of forty-five thousand five hundred and sixty-nine dollars and forty-seven cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the Insane Asylum at Napa for the thirty-ninth and fortieth fiscal years.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LVI.

An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane for the thirty-seventh and thirty-eighth fiscal years, with legal interest thereon.

[Approved March 4, 1889.]

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

SECTION 1. The sum of five hundred and sixteen dollars and thirteen cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of insane for the thirty-seventh and thirty-eighth fiscal years, with legal interest thereon.

Deficiency,
transportation
of in-
sane.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LVII.

An Act making an appropriation to pay the deficiency in the appropriation for repairs to the State Capitol building and furniture, and the purchase of carpets for the thirty-seventh, thirty-eighth, and thirty-ninth fiscal years, with legal interest thereon.

[Approved March 4, 1889.]

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

SECTION 1. The sum of six thousand four hundred and thirty-six dollars and seventy-eight cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for repairs to the State Capitol building and furniture, and the purchase of carpets for the thirty-seventh, thirty-eighth, and thirty-ninth fiscal years, with legal interest thereon.

Deficiency,
repairs to
State Cap-
itol.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LVIII.

An Act making an appropriation to pay the deficiency in the appropriation for water for irrigation, purchase of hose, and implements to be used on the State Capitol grounds for the thirty-eighth fiscal year, with legal interest thereon.

[Approved March 4, 1889.]

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

Deficiency,
irrigation
for State
Capitol
grounds.

SECTION 1. The sum of forty dollars and ninety-eight cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for water for irrigation, purchase of hose, and implements to be used on the State Capitol grounds for the thirty-eighth fiscal year, with legal interest thereon.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LIX.

An Act making an appropriation to pay the deficiency in the appropriation for support of the State Printing Office, including the pay of the employes, for the thirty-eighth fiscal year, with legal interest thereon.

[Approved March 4, 1889.]

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

Deficiency,
State Print-
ing Office.

SECTION 1. The sum of seventeen thousand and fifty-one dollars and sixty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for support of the State Printing Office, including the pay of the employes, for the thirty-eighth fiscal year, with legal interest thereon.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LX.

An Act entitled "An Act to amend section three hundred and eighty-five of the Political Code of the State of California," relating to the salary of the Private Secretary of the Governor.

[Approved March 4, 1889.]

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

SECTION 1. Section three hundred and eighty-five of the Political Code is hereby amended so as to read as follows: Salary of Private Secretary of Governor.
385. The annual salary of the Private Secretary of the Governor is four thousand dollars.

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

CHAPTER LXI.

An Act to authorize the payment of claims against the State, which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.

[Approved March 4, 1889.]

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

SECTION 1. The Controller is hereby authorized and directed to draw warrants in favor of the claimants whose claims against the State were incurred under an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, and which have been or may hereafter be approved by the State Board of Examiners. Controller to pay claims under Act to promote drainage.

SEC. 2. The Controller is required to draw his warrants in payment of the claims referred to in section one of this Act, upon the State Drainage Construction Fund, to the extent of eight thousand one hundred and sixty-seven dollars and thirty cents, the amount now standing to the credit of that fund in the State Treasury; and then upon the Construction Fund of Drainage District Number One, to the extent of one thousand five hundred and forty-three dollars and fifteen cents, the amount now to the credit of that fund in the State Treasury. Funds to be drawn upon.

SEC. 3. The sum of twenty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of claims referred to in section one of this Act; and the Treasurer is hereby directed to pay all warrants drawn in accordance with the provisions of this Act. Appropriation.

Unused bal-
ance.

SEC. 4. The unused balance of the appropriation under the Act entitled "An Act to authorize the payment of claims against the State, which were incurred under an Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, and to appropriate money for their payment, approved March tenth, eighteen hundred and eighty-five, is hereby reappropriated for the purposes of this Act.

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

CHAPTER LXII.

An Act to create a Police Relief, Health, and Life Insurance and Pension Fund in the several counties, cities and counties, cities, and towns of the State.

[Approved March 4, 1889.]

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

Creation of
Police Relief
and Pension
Fund.

SECTION 1. The Chairman of the Board of Supervisors of the county, city and county, city, or incorporated town in which there is no Board of Police Commissioners, the Treasurer of the county, and the Chief of Police, and their successors in office, are hereby constituted a Board of Trustees of the Police Relief and Pension Fund of the Police Department, to provide for the disbursement of the same, and to designate the beneficiaries thereof as hereinafter directed, which Board shall be known as the "Board of Police Pension Fund Commissioners." Where there is in any county, city and county, city, or town, a Board of Police Commissioners, then the Chairman of such body shall be a member of said Police Pension Fund Commissioners, in lieu of the Chairman of the Board of Supervisors.

Organiza-
tion of Board
of.

SEC. 2. They shall organize as such Board by choosing one of their number as Chairman, and by appointing a Secretary. The County Treasurer shall be ex officio Treasurer of said fund. Such Board of Trustees shall have charge of and administer said fund, and to order payments therefrom in pursuance of the provisions of this Act. They shall report, annually, in the month of June, to the Board of Supervisors, the condition of the Police Relief and Pension Fund, and the receipts and disbursements on account of the same, with a full and complete list of the beneficiaries of said fund and the amounts paid them.

Report.

Who entitled
to receive
pensions.

SEC. 3. Whenever any person, at the taking effect of this Act or thereafter, shall have been duly appointed and sworn, and have served for the period of twenty years or more as a member in any capacity or any rank whatever of the regularly constituted Police Department of any such county, city and county, city, or town, which may be hereafter subject to the provisions of this Act, said Board shall be empowered to

order and direct that such person shall, after becoming sixty years of age and his service in such Police Department shall have ceased, be paid from such fund a yearly pension equal to one half the amount of salary attached to the rank which he may have held in said Police Department for one year next preceding the expiration of said term of twenty years.

SEC. 4. Whenever any person, while serving as a policeman in any such county, city and county, city, or town, shall become physically disabled while in and in consequence of the performance of his duty as such policeman, said Board may upon his written request, or without such request if it deem it for the good of said police force, retire such person from active service, and order and direct that he be paid from said fund a yearly pension equal to one half the amount of the salary attached to the rank which he may have held on such police force preceding such retirement; *provided*, that whenever such disability shall cease such pension shall cease, and such person shall be restored to active service at the same salary he received at the time of his retirement. When may be retired.
Restoration.

SEC. 5. No person shall be retired, as provided in the next preceding section, or receive any benefit from said fund, unless there shall be filed with said Board certificates of his disability, which certificates shall be subscribed and sworn to by said person, and by the county, city and county, city, or town physician (if there be one), and two regularly licensed practicing physicians of such county, city and county, city, or town, and such Board may require other evidence of disability before ordering such retirement and payment as aforesaid. Evidence of disability to be filed.

SEC. 6. Whenever any member of the Police Department of such county, city and county, city, or town shall lose his life while in the performance of his duty, leaving a widow, or child or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, such Board shall order and direct that a yearly pension, equal to one third the amount of the salary attached to the rank which such member held in said Police Department at the time of his death, shall be paid to such widow during her life, or if no widow, then to the child or children, until they shall be sixteen years of age; *provided*, if such widow, or child or children, shall marry, then such person so marrying shall thereafter receive no further pension from such fund. Pension to family.

SEC. 7. Whenever any member of the Police Department of such county, city and county, city, or town shall, after ten years and less than twenty years of service, die from natural causes, then his widow or children, or if there be no widow or children, then his mother or unmarried sisters, shall be entitled to the sum of one thousand dollars from such fund. Same.

SEC. 8. Any person retired for disability under this Act may be summoned before the Board herein provided for at any time thereafter, and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of such Board with reference thereto; and all members of the police force who may be retired under the provisions of this Act shall report to the Chief of Police Reexamination.

of the county, city and county, city, or town where so retired, on the first Mondays of April, July, October, and January of each year; and in cases of great public emergency may be assigned to and shall perform such duty as said Chief of Police may direct; and such persons shall have no claim against the county, city and county, city, or town for payment for such duty so performed.

Forfeiture of pension.

SEC. 9. When any person who shall have received any benefit from said fund shall be convicted of any felony, or shall become an habitual drunkard, or shall become a non-resident of this State, or shall fail to report himself for examination for duty as required herein, unless excused by the Board, or shall disobey the requirements of said Board under this Act, in respect to said examination or duty, then such Board shall order that such pension allowance as may have been granted to such person shall immediately cease, and such person shall receive no further pension, allowance, or benefit under this Act.

Meetings, and duties of Board.

SEC. 10. The Board herein provided for shall hold quarterly meetings on the first Mondays of April, July, October, and January of each year, and upon the call of its President; it shall biennially select from its members a President and Secretary; it shall issue warrants, signed by its President and Secretary, to the persons entitled thereto of the amount of money ordered paid to such persons from such fund by said Board, which warrant shall state for what purpose such payment is to be made; it shall keep a record of all its proceedings, which record shall be a public record; it shall at each quarterly meeting send to the Treasurer of the county, city and county, city, or town, and to the Auditor of such county, city and county, city, or town, a written or printed list of all persons entitled to payment from the fund herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the President and Secretary of such Board, attested under oath. The Auditor shall thereupon enter a copy of said list upon a book to be kept for that purpose, and which shall be known as "The Police Relief and Pension Fund" book. When such list has been entered by the Auditor he shall transmit the same to the Board of Supervisors, or other governing authority of such county, city and county, city, or town, which Board or authority shall order the payment of the amounts named therein out of "The Police Relief and Pension Fund." A majority of all the members of said Board herein provided for shall constitute a quorum and have power to transact business.

SEC. 11. The Board herein provided for shall, in addition to other powers herein granted, have power:

First—To compel witnesses to attend and testify before it, upon all matters connected with the operation of this Act, in the same manner as is or may be provided by law for the taking of testimony before Notaries Public; and its President, or any member of said Board, may administer oaths to such witnesses.

Second—To appoint a Secretary, and to provide for the payment from said fund of all its necessary expenses, including Secretary hire and printing; *provided*, that no compensation or emolument shall be paid to any member of said Board for any duty required or performed under this Act.

Third—To make all needful rules and regulations for its guidance, in conformity with the provisions of this Act.

SEC. 12. The Board of Supervisors, or other governing authority, of any county, city and county, city, or town shall, for the purposes of said "Police Relief and Pension Fund" hereinbefore mentioned, direct the payment annually, and when the tax levy is made, into said fund, of the following moneys:

First—Not less than five nor more than ten per centum of all moneys collected and received from licenses for the keeping of places wherein spirituous, malt, or other intoxicating liquors are sold.

Second—One half of all moneys received from taxes or from licenses upon dogs.

Third—All moneys received from fines imposed upon the members of the police force of said county, city and county, city, or town, for violation of the rules and regulations of the Police Department.

Fourth—All proceeds of sales of unclaimed property.

Fifth—Not less than one fourth nor more than one half of all moneys received from licenses from pawnbrokers, billiard-hall keepers, second-hand dealers, and junk stores.

Sixth—All moneys received from fines for carrying concealed weapons.

Seventh—Twenty-five per centum of all fines collected in money for violation of county, city and county, city, or town ordinances.

Eighth—All rewards given or paid to members of such police force, except such as shall be excepted by the Chief of Police.

Ninth—The Treasurer of any county, city and county, city, or town shall retain from the pay of each member of Police Department the sum of two dollars per month, to be forthwith paid into said Police Relief and Pension Fund, and no other or further retention or deduction shall be made from such pay for any other fund or purpose whatever.

SEC. 13. Any Police, Life, and Health Insurance Fund, or any fund provided by law, heretofore existing in any county, city and county, city, or town, for the relief or pensioning of police officers, or their life or health insurance, or for the payment of a sum of money on their death, shall be merged with, paid into, and constitute a part of the fund created under the provisions of this Act; and no person who has resigned or been dismissed from said Police Department shall be entitled to any relief from such fund; *provided*, that any person who, within one year prior to the passage of this Act, has been dismissed from the Police Department for incompetency or inefficiency, and which incompetency or inefficiency was caused solely by sickness or disability contracted or suffered while in service as a member thereof, and

Mergement
of other
insurance
funds.

who has, prior to said dismissal, served for twelve or more years as such member, shall be entitled to all the benefits of this Act.

Reports.

SEC. 14. On the last day of June of each year, or as soon thereafter as practicable, the Auditor of such county, city and county, city, or town shall make a report to the Board of Supervisors, or other governing authority of such county, city and county, city, or town, of all moneys paid out on account of said fund during the previous year, and of the amount then to the credit of the "Police Relief and Pension Fund," and all surplus of said fund then remaining in said fund exceeding the average amount per year paid out on account of said fund during the three years next preceding, shall be transferred to and become a part of the General Fund of every such county, city and county, city, or town, and no longer under the control of said Board, or subject to its order. Payments provided for in this Act shall be made quarterly, upon proper vouchers.

SEC. 15. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAPTER LXIII.

An Act making appropriation for a deficiency in the appropriations for the salary of the Secretary to the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

[Approved March 4, 1889.]

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

Deficiency,
salary of
Secretary to
State Engi-
neer.

SECTION 1. The sum of thirty-two hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the salary of the Secretary to the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIV.

An Act to amend an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be known as section (615) six hundred and fifteen, relative to cemetery corporations.

[Approved March 4, 1889.]

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

SECTION 1. A new section is hereby added to the Civil Code, to be known as section six hundred and fifteen, to read as follows:

615. Cemetery corporations may sell lands held by them upon obtaining an order for that purpose from the Superior Court of the county where the lands are situated. Before making the order, proof must be made to the satisfaction of the Court that notice of the application for leave to sell has been given by publication in such manner and for such time as the Court has directed, and that the lands are not required for and are not in use for burial purposes, and that it is for the interest of the corporation that such lands be sold. The application must be made by petition, and any member of the corporation may oppose the granting of the order by affidavit or otherwise.

Cemetery corporations, when may sell land.

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

CHAPTER LXV.

An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.

[Approved March 4, 1889.]

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

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

635. Every person who places or allows to pass into any of the waters of this State any lime, gas, tar, cocculus indicus, sawdust, or any substance deleterious to fish, is guilty of a misdemeanor. And every person who uses any poisonous or explosive substances for the purpose of taking or destroying fish is guilty of a misdemeanor. Any person who shall catch, take, or carry away any trout or other fish from any stream, pond, or reservoir, belonging to any person or corporation, without the consent of the owner thereof, which

Destruction of fish.

stream, pond, or reservoir has been stocked with fish by hatching therein eggs or spawn, or by placing the same therein, is guilty of a misdemeanor.

SEC. 2. This Act shall take effect on and after the first day of September, eighteen hundred and eighty-nine.

CHAPTER LXVI.

An Act to create a Police Court in and for the City and County of San Francisco, State of California.

[Approved March 5, 1889.]

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

Police
Court of San
Francisco.

SECTION 1. There is hereby created and established in and for the City and County of San Francisco, State of California, a Court, to be known as the "Police Court of the City and County of San Francisco," which Court shall consist of three Judges, who shall be elected at the general elections held according to law, each of whom shall hold office for the term of two years, any one or more of whom may hold Court. The Court shall be divided into departments known as Department Number One, Department Number Two, Department Number Three. There may be as many sessions of said Court, at the same time, as there are Judges thereof. The Judges shall choose from their number a presiding Judge, who may be removed at their pleasure. He shall assign the Judges to their respective departments; *provided, however,* that either of the Judges may preside in either of the departments in the absence or inability to act of the Judge regularly assigned thereto. The judgments, orders, and proceedings of any session of said Court, held by any one or more of the Judges of said Court respectively, shall be equally effectual as if all of the Judges of said respective Courts presided at such session.

Jurisdiction
of.

SEC. 2. The Police Court of the City and County of San Francisco shall have jurisdiction:

First—Of all violations of city ordinances, or orders of the Board of Supervisors of the City and County of San Francisco.

Second—Of all misdemeanors punishable by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year; or by both such fine and imprisonment.

Third—Of all examinations of felonies committed in the City and County of San Francisco.

Fourth—Said Court, or any Judge thereof, shall have the same powers in all criminal actions, cases, examinations, and proceedings as are now or hereafter conferred by law upon Justices of the Peace.

SEC. 3. Proceedings in said Court shall be conducted in conformity with the laws of this State regulating proceedings in Justices' and Police Courts, and appeals to the Superior Courts

Proceedings
111-

SEC. 4. No person except a licensed attorney of the Superior Court of this State shall practice law in said Court; *provided, however,* that a person accused of crime shall have the right to defend himself.

Who may
practice 111

SEC. 5. There shall be appointed for each of the departments of this Court, in the manner now provided by law, an attorney, whose duty it shall be to attend to the prosecution of all cases coming before the department for which he shall have been appointed, and who shall receive a salary of two hundred and fifty dollars per month. There shall also be appointed by each of the prosecuting attorneys aforesaid a clerk, who shall receive a salary of one hundred and twenty-five dollars per month, whose duty it shall be to be in attendance in the office of the Prosecuting Attorney from nine o'clock A. M. to twelve o'clock M., and from two o'clock P. M. to four o'clock P. M. (Sundays and legal holidays excepted), for the transaction of the business of the office.

Appoint-
ment of
Prosecuting
Attorney

Clerk of

SEC. 6. There shall be appointed a Clerk for each department of this Court, in the manner now provided by law, who shall receive a salary of two hundred dollars per month, who shall transact the business of Clerk of said Court as provided by law.

Clerks for
depart-
ments

SEC. 7. There shall be appointed by the Judge of each department of said Court a suitable person to act as Bailiff, who shall receive a salary of one hundred dollars per month.

Appoint-
ment of
Bailiffs.

SEC. 8. There shall be appointed by the Judge of each department of said Court a Stenographer, who shall receive for his services the pay now allowed by law.

Stenogra-
pher

SEC. 9. The Chief of Police shall appoint one or more police officers to attend constantly each department of said Court, to execute the orders and process of said Court.

Duty of
Chief of
Police.

SEC. 10. All fines and forfeitures imposed by said Court shall be paid into the treasury of said city and county by the Clerk of each department once a week, the Clerk, at the time of making such payment, filing with the City and County Auditor a sworn affidavit that his return to the City and County Treasurer was a correct statement of all fines and forfeitures collected by him during the preceding week.

Payment of
fines and for-
feitures

SEC. 11. Nothing in this Act shall be construed as affecting the two Judges at present acting as Police Judges in the City and County of San Francisco; but they shall, immediately after the passage of this Act, become Judges of the Police Court of the City and County of San Francisco, and hold office for the length of time for which they have been elected. Within thirty days after the passage of this Act, the Governor of the State of California shall appoint a suitable person to act as Judge of the Police Court of the City and County of San Francisco, who shall hold office until the first Monday in January, eighteen hundred and ninety-one, and he, together with two Judges aforesaid, shall constitute the Police Court of the City and County of San Francisco

Construction
of Act

Appoint-
ment of
Judge.

Salaries of
Judges.

until their successors are elected and qualified according to law. The salary of each of the Judges of said Court shall be the same as that now paid the Judge of "The Police Judges Court of the City and County of San Francisco."

SEC. 12. All salaries mentioned in this Act shall be paid in the same manner that the salaries of the other city and county officers are paid.

SEC. 13. All Acts and parts of Acts that are in conflict with the provisions of this Act are hereby repealed.

SEC. 14. This Act shall take effect from and after its passage.

CHAPTER LXVII.

An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, N. G. C., pursuant to Special Orders Number Twenty-six, series eighteen hundred and eighty.

[Approved March 5, 1889.]

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

To pay claim
of W. B.
Burtis.

SECTION 1. The sum of seven hundred and eight dollars and thirty-five cents (\$708 35) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Colonel W. B. Burtis for services rendered by him to the State of California as Second Lieutenant Company "F," Second Infantry Regiment, Second Brigade, N. G. C., in the receipt and issue of ordnance, ordnance stores, uniforms, and equipments purchased by the citizens of San Francisco, and presented to the companies of the Second Brigade, N. G. C., as State property, which said services were rendered as herein stated, in eighteen hundred and eighty, pursuant to Special Orders Number Twenty-six, series eighteen hundred and eighty, from General Headquarters. The Controller of State is hereby directed to draw his warrant for said sum and the Treasurer of State is hereby directed to pay the same, exempt from provisions of section six hundred and seventy-two of the Political Code.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVIII.

An Act making an appropriation to pay the claim of A. A. Bennett.

[Approved March 5, 1889.]

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

SECTION 1. The sum of twenty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of A. A. Bennett for professional services as consulting architect in making alterations in the State Capitol building, as approved by the State Board of Examiners. To pay claim of A. A. Bennett.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of A. A. Bennett in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER LXIX.

An Act making an appropriation to pay the claim of Ben Cohen.

[Approved March 5, 1889.]

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

SECTION 1. The sum of one hundred and eighteen dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Ben Cohen for decorating the State Capitol for the Grant obsequies, as approved by the State Board of Examiners. To pay claim of Ben Cohen.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of Ben Cohen in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER LXX.

An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River for the passage of fish up said stream and its tributaries, and appropriating money therefor.

[Approved March 5, 1889.]

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

Fish Commissioners to remove obstructions in the American River.

SECTION 1. The State Board of Fish Commissioners are hereby authorized and directed during the year eighteen hundred and eighty-nine to remove obstructions in the American River called Salmon Falls, in El Dorado County, State of California, so as to allow the free passage of fish up said river and its tributaries.

Appropriation for.

SEC. 2. The sum of five hundred dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of removing said obstruction.

SEC. 3. The State Controller is hereby authorized to draw his warrant for such sum of five hundred dollars, and the Treasurer is hereby authorized to pay the same.

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

CHAPTER LXXI.

An Act to pay the claim of William Pyburn, his heirs or assignees, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.

[Approved March 5, 1889.]

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

To pay claim of William Pyburn.

SECTION 1. The sum of five hundred and twenty-two dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of William Pyburn, his heirs or assignees, for services rendered as private soldier in defending the eastern frontier of this State against the attacks of Indians, and for which he was given a Controller's warrant, number eight hundred and ninety-one, upon the State Treasury, payable out of the War Loan Fund, for which fund no appropriation has been made. The Controller is hereby directed to draw his warrant for said amount of five hundred and twenty-two dollars, and the Treasurer is authorized to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXII.

An Act to add a new section to the Civil Code of the State of California, to be numbered section three hundred and sixty-three, authorizing corporations to own and improve property necessary for the transaction of their business, upon the unanimous vote of their Board of Directors.

[Approved March 5, 1889.]

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

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

363. By a unanimous vote of all the Directors at any regular meeting, any corporation existing or hereafter to be formed under the laws of this State, may acquire and hold the lots and building on and in which its business is carried on, and may improve the same to any extent required for the convenient transaction of its business.

Corporations
to own their
lots and
buildings.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIII.

An Act to appropriate money for the contingent expenses of the Senate for the twenty-eighth session of the Legislature.

[Approved March 6, 1889.]

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

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the contingent expenses of the Senate for the twenty-eighth session of the Legislature, and the Controller is hereby authorized to draw his warrants for the same, and the State Treasurer is directed to pay said warrants.

Contingent
expenses of
Senate.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIV.

An Act providing for the appointment of a Commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof.

[Approved March 6, 1889.]

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

Appoint-
ment of
Commission.

SECTION 1. A Commission consisting of five persons, to be appointed by the Governor, is hereby created to make proper preparations for the reception and entertainment of the members of the National Grange of the Patrons of Husbandry during their annual session to be held in this State in the year eighteen hundred and eighty-nine, said Commissioners to receive no pay for their services, but to be reimbursed for their actual expenses incurred in connection with the performance of their duties as such Commissioners.

Commis-
sioners to
draw appro-
priation, and
render state-
ment to Con-
troller.

SEC. 2. The said Commissioners are hereby empowered to draw from the State Treasury the amount hereby appropriated, and shall, at the close of said session of the Grange, render to the Controller an itemized statement of the moneys expended, together with the properly receipted bills for the same; and in case an unexpended balance of said appropriation shall exist they shall pay the same into the State Treasury.

Organization
of Board.

SEC. 3. Sixty days before the meeting of said Grange the Board hereby created shall meet in the City of Sacramento and shall organize, and shall elect one of their members President and another one Secretary of said Board; and said Board as a body shall act as an auditing committee to pass upon all bills presented for payment.

Appropriation.

SEC. 4. The sum of ten thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purposes of this Act. The Controller shall draw his warrant for the same and the Treasurer shall pay it.

SEC. 5. This Act shall take effect immediately.

CHAPTER LXXV.

An Act to provide a permanent site for the "California Home for the Care and Training of Feeble-Minded Children," to erect suitable buildings thereon, and making an appropriation therefor.

[Approved March 6, 1889.]

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

SECTION 1. The sum of one hundred and seventy thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be expended to purchase a suitable site for the permanent location of the California Home for the Care and Training of Feeble-Minded Children, and to erect proper and substantial buildings for the California Home for the Care and Training of Feeble-Minded Children upon said site.

Appropriation to purchase site.

SEC. 2. The site purchased shall consist of not less than three hundred acres of land, and the purchase price of said site shall not exceed thirty per cent of the sum of money herein appropriated.

Number of acres.

SEC. 3. The money herein appropriated shall be paid to the Trustees of the California Home for the Care and Training of Feeble-Minded Children, and shall be expended and used by the said Trustees as hereinbefore specified; *provided, however,* that no purchase of land shall be made without first receiving the approval of the Governor of the State and a majority vote of the entire Board of Trustees. For the purpose of locating the site, the Governor shall appoint two citizens to act with the Board of Trustees, who shall, upon this question, have full power with the Board; *provided,* that the traveling expenses incurred in locating the site shall be paid out of the appropriation herein mentioned.

Appropriation to be expended by Trustees.

Locating site.

SEC. 4. The Controller of State is hereby authorized and directed to draw his warrants in favor of said Trustees, and the Treasurer of the State is directed to pay said warrants according to the provisions of this Act.

SEC. 5. This Act shall take effect immediately.

CHAPTER LXXVI.

An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

[Approved March 6, 1889.]

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

Laying out, opening, closing, etc., streets, lanes, alleys, etc.

SECTION 1. Whenever the public interest or convenience may require, the City Council of any municipality shall have full power and authority to order the opening, extending, widening, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within the bounds of such city, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Resolution of Council declaring intention to perform street work.

SEC. 2. Before ordering any work to be done or improvement made which is authorized by section one of this Act, the City Council shall pass a resolution declaring its intention to do so, describing the work or improvement and the land deemed necessary to be taken therefor, and specifying the exterior boundaries of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the damages, cost, and expenses thereof.

Street Superintendent to post notice.

SEC. 3. The Street Superintendent shall then cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed, "Notice of Public Work," in letters not less than one inch in length, shall be in legible characters, state the fact of passage of the resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for a period of ten days in one or more daily newspapers published and circulated in said city, and designated by said City Council; or if there is no daily newspaper so published and circulated in said city, then by four successive insertions in a weekly or semi-weekly newspaper so published, circulated, and designated.

Notice, how headed.

Publication of notice.

Interested persons may file objections.

SEC. 4. Any person interested objecting to said work or improvement, or to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the cost and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of the City Council, who shall indorse thereon the date of its reception by him, and at the next meeting of the City Council after the expira-

tion of said ten days, lay said objections before said City Council, which shall fix a time for hearing said objections not less than one week thereafter. The City Clerk shall thereupon notify the persons making such objections, by depositing a notice thereof in the Post Office of said city, postage prepaid, addressed to such objector.

Hearing to be fixed.

SEC. 5. At the time specified or to which the hearing may be adjourned, the said City Council shall hear the objections urged and pass upon the same, and its decision shall be final and conclusive. If such objections are sustained, all proceedings shall be stopped, but proceedings may be again commenced at any time by giving notice of intention to do said work, or make said improvement. If such objection is overruled by the City Council, the proceedings shall continue the same as if such objection had not been made. At the expiration of the time prescribed during which objections to said work or improvement may be made, if no objections shall have been made, or if an objection shall have been made, and said Council, after hearing, shall have overruled the same, the City Council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvements to be made, which is authorized by section one of this Act.

Decision of Council to be final.

SEC. 6. Having acquired jurisdiction as provided in the preceding section, the City Council shall order said work to be done, and unless the proposed work is for closing up, and it appears that no assessment is necessary, shall appoint three Commissioners to assess benefits and damages and have general supervision of the proposed work or improvement until the completion thereof in compliance with this statute. For their services they shall receive such compensation as the City Council may determine from time to time; *provided*, that such compensation shall not exceed two hundred dollars per month each, nor continue more than six months, unless extended by order of the City Council. Such compensation shall be added to and be chargeable as a part of the expenses of the work or improvement. Each of said Commissioners shall file with the Clerk of the City Council an affidavit, and a bond to the State of California in the sum of five thousand dollars, to faithfully perform the duties of his office. The City Council may at any time remove any or all of said Commissioners for cause, upon reasonable notice and hearing, and may fill any vacancies occurring among them for any cause.

Jurisdiction.

Commissions to assess benefits and damages.

Compensation.

Affidavit and bond of Commissioners.

Removal of Commissioners.

SEC. 7. Said Commissioners shall have power to employ such assistance, legal or otherwise, as they may deem necessary and proper; also, to rent an office and provide such maps, diagrams, plans, books, stationery, fuel, lights, postage, expressage, and incur such incidental expenses as they may deem necessary.

Commissioners to employ assistance.

SEC. 8. All such charges and expenses shall be deemed as expenses of said work or improvement, and be a charge only upon the funds devoted to the particular work or improvement as provided hereinafter. All payments, as well for the land and improvements taken or damaged, as for

Expenses to be a charge upon the particular work required.

Payments. the charges and expenses, shall be paid by the City Treasurer, upon warrants drawn upon said fund from time to time, signed by said Commissioners, or a majority of them.

Warrants, what to state. All such warrants shall state whether they are issued for land or improvements taken or damaged, or for charges and expenses, and that the demand is payable only out of the money in said fund, and in no event shall the city be liable for the failure to collect any assessment made by virtue hereof, nor shall said warrant be payable out of any other fund, nor a claim against the city.

Viewing of lands, examination of witnesses. SEC. 9. Said Commissioners shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath to be administered by any one of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed, with all diligence, to determine the value of the land and the damage to improvements and property affected, and also the amount of the expenses incident to said work or improvement, and having determined the same shall proceed to assess the same upon the district of lands declared benefited, the exterior boundaries of which were fixed by the resolution of intention provided for by section two hereof. Such assessment shall be made upon the lands within said district in proportion to the benefit to be derived from said work or improvement, so far as the said Commissioners can reasonably estimate the same, including in such estimate the property of any railroad company within said district, if such there be.

How made.

Report to Council, accompanied with a plat of the assessment district. SEC. 10. Said Commissioners having made their assessment of benefits and damage, shall, with all diligence, make a written report thereof to the City Council, and shall accompany their report with a plat of the assessment district showing the land taken or to be taken for the work or improvement, and the lands assessed, showing the relative location of each district, block, lot, or portion of lot, and its dimensions, so far as the Commissioners can reasonably ascertain the same. Each block and lot, or portion of lot, taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in any suit entered to condemn, and in all respects. When the report and plat are approved by the City Council, a copy of said plat, appropriately designated, shall be filed by the Clerk thereof in the office of the Recorder of the county.

Plat to be filed in Recorder's office.

Report, what must specify. SEC. 11. Said report shall specify each lot, subdivision, or piece of property taken or injured by the widening or other improvement, or assessed therefor, together with the name of the owner or claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, so far as the same are known to such Commissioners, and the particulars of their interest, so far as the same can be ascertained, and the amount of value or damage, or the amount assessed, as the case may be.

SEC. 12. If in any case the Commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any lot of land, or of any improvements thereon, or of any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any land or improvements, or of the particulars of their interest, shall not affect the validity of the assessment or of the condemnation of the property to be taken.

When set down to unknown owners.

Validity of assessment, when not affected.

SEC. 13. Said report and plat shall be filed in the Clerk's office of the City Council, and thereupon the Clerk of said City Council shall give notice of such filing by publication for at least ten days in one or more daily newspapers published and circulated in said city; or if there be no daily paper, by three successive insertions in a weekly or semi-weekly newspaper so published and circulated. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the City Council, on or before a day fixed by the Clerk thereof, and stated in said notice, which day shall not be less than thirty days from the first publication thereof.

Filing of report and plat, and publication of.

Notice of publication, what must show.

SEC. 14. All objections shall be in writing and filed with the Clerk of the City Council, who shall, at the next meeting after the day fixed in the notice to show cause, lay the said objections, if any, before the City Council, which shall fix a time for hearing the same, of which the Clerk shall notify the objectors in the same manner as objectors to the original resolution of intention at the time set, or at such other time as the hearing may be adjourned to, the City Council shall hear such objections and pass upon the same; and at such time, or if there be no objections at the first meeting after the day set in such order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the Commissioners to make a new assessment, report, and plat, which shall be filed, notice given, and hearing had as in the case of an original report.

Objections must be in writing.

SEC. 15. The Clerk of said City Council shall forward to the Street Superintendent of the city a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the City Council. Such certified copy shall thereupon be the assessment roll. Immediately upon receipt thereof by the Street Superintendent the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

Duty of Clerk of Council!

SEC. 16. The Superintendent of Streets shall thereupon give notice by publication for ten days in one or more daily newspapers published and circulated in such city, or city and county, or by two successive insertions in a weekly or semi-weekly newspaper so published and circulated, that he has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to him within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that

Duty of Superintendent of Streets on receiving certified copy of report as confirmed by Council.

Same.

all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Superintendent of Streets he shall write the word "paid," and the date of payment opposite the respective assessment so paid, and the names of persons by or for whom said assessment is paid, and shall, if so required give a receipt therefor. On the expiration of said thirty days all assessments then unpaid shall be and become delinquent, and said Superintendent of Streets shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. The said Superintendent of Streets shall, within five days from the date of said delinquency, proceed to advertise and collect the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of State and county taxes; and after the date of said delinquency, and before the time of such sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments shall be published daily for five days in one or more daily newspapers published and circulated in such city, or by at least one insertion in a weekly newspaper so published and circulated, before the day of sale of such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said Superintendent of Streets. All property sold shall be subject to redemption in the same time and manner as in sales for delinquent State and county taxes; and the Superintendent of Streets may collect for each certificate fifty cents, and for each deed one dollar. All provisions of the law in reference to the sale and redemption of property for delinquent State and county taxes in force at any given time, shall also then, so far as the same are not in conflict with the provisions of this Act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certificates and execution of deeds. The deed of the Street Superintendent made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor. The Superintendent of Streets shall, from time to time, pay over to the City Treasurer all moneys collected by him on account of any such assessments. The City Treasurer shall, upon receipt thereof, place the same in a separate fund, designating such fund by the name of the street, square,

lane, alley, court, or place for the widening, opening, or other improvement of which the assessment was made. Payments shall be made from said fund to the parties entitled thereto upon warrants signed by the Commissioners or a majority of them.

SEC. 17. When sufficient money is in the hands of the City Treasurer, in the fund devoted to the proposed work or improvement, to pay for the land and improvements taken or damaged, and when in the discretion of the Commissioners, or a majority of them, the time shall have come to make payments, it shall be the duty of the Commissioners to notify the owner, possessor, or occupant of any land or improvements thereon to whom damages shall have been awarded, that a warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of such Commissioners upon tendering a conveyance of any property to be taken; such notification, except in the case of unknown owners, to be made by depositing a notice, postage paid, in the Post Office, addressed to his last known place of abode or residence. If at the expiration of thirty days after the deposit of such notice, he should not have applied for such warrant, and tendered a conveyance of the land to be taken, the warrant so drawn shall be deposited with the County Treasurer, and shall be delivered to such owner, possessor, or occupant, upon tendering a conveyance as aforesaid, unless judgment of condemnation shall be had, when the same shall be canceled.

Payments for land and improvements, when and how made.

SEC. 18. If any owner of land to be taken neglects or refuses to accept the warrant drawn in his favor as aforesaid, or objects to the report as to the necessity of taking his land, the Commissioners, with the approval of the City Council, may cause proceedings to be taken for the condemnation thereof, as provided by law under the right of eminent domain. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings herein provided for, and the resolution and ordinance ordering said work to be done shall be conclusive evidence of such necessity. Such proceeding shall be brought in the name of the municipality and have precedence so far as the business of the Court will permit; and any judgment for damages therein rendered shall be payable out of such portion of the special fund as may remain in the treasury so far as the same can be applied. At any time after trial and judgment entered, or preceding an appeal, the Court may order the City Treasurer to set apart in the City Treasury a sufficient sum from the fund appropriated to the particular improvement to answer the judgment and all damages, and thereupon may authorize and order the municipality to enter upon the land and proceed with the proposed work and improvement. In case of a deficiency in said fund to pay the whole of such judgment and damages, the City Council may, in their discretion, order the balance thereof to be paid out of the General Fund of the Treasury or to be distributed by the Commissioners over the property assessed by a supple-

Proceedings to condemn on refusal to accept payment.

mentary assessment; but in the last named case, in order to avoid delay, the City Council may advance such balance out of any appropriate fund in the treasury and reimburse the same from the collections of the assessment. Pending the collection and payment of the amount of the judgment and damages the Court may order such stay of proceedings as may be necessary.

Duty of
Treasurer on
payment of
warrants.

SEC. 19. The Treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation; *provided*, that warrants for land or improvements taken or damaged, shall have priority over warrants for charges and expenses, and the Treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

Supplement-
ary assess-
ments, when
may be
ordered.

SEC. 20. If after the sale of the property for delinquent assessments there should be a deficiency, and there should be unreasonable delay in collecting the same, or if for the purpose of equalizing the assessments supplying a deficiency, or for any cause it appears desirable, the Commissioners may so report to the City Council, who may order them to make a supplementary assessment and report the same in manner and form as the original, and subject to the same procedure.

Credit of sur-
plus collect-
ed to parties
paying same.

If by reason of such supplementary assessment, or for any cause, there should be at any time a surplus, the City Council may appropriate the same and declare a dividend pro rata to the parties paying the same, and they, upon demand, shall have the right to have the amount of such pro rata dividends refunded to them, or credited upon any subsequent assessment for taxes made against said parties in favor of said city.

Proceedings
to settle de-
fective title.

SEC. 21. If any title attempted to be acquired by virtue of this Act shall be found to be defective from any cause, the City Council may again institute proceedings to acquire the cause as in this Act provided, or otherwise, or may authorize the Commissioners to purchase the same and include the cost thereof in a supplementary assessment as provided in the last section.

Proceedings
when bound-
aries of dis-
tricts of
lands affect
the whole
city.

SEC. 22. If the City Council deem it proper that the boundaries of the districts of lands to be affected and assessed to pay the damages, cost, and expenses of any work or improvement under this Act, shall include the whole city, then the Commissioners appointed shall proceed in a summary manner to purchase the lands to be taken or condemned from the owners and claimants thereof. If said Commissioners and the owners and claimants cannot agree upon the price to be paid for said lands, they shall proceed to view and value the same, and shall thereupon make a summary report to the City Council. Upon final confirmation of the report, the City Council, if there be not sufficient money available in the City Treasury, shall cause the cost and expenses of the contemplated public improvement to be assessed upon the whole of the taxable property of said city, and to be included in and form part of the next general assessment roll of said city, and with like effect in all respects as if the same formed a part of the city, State, and county taxes; and when

the same shall have been collected the said City Council shall cause the land required to be paid for or the value thereof tendered, and the said contemplated public improvement to be forthwith made and completed. All the provisions of the preceding sections not in conflict with this section shall be applicable thereto.

SEC. 23. 1. The words "work" and "improvement," as used in this Act, shall include all work mentioned in section one of this Act.

Use of words "work" and "improvement."

2. In case there is no daily or weekly or semi-weekly newspapers printed and circulated in the city, then such notices as are herein required to be published in a newspaper shall be posted and kept posted for the length of time required herein for the publication of the same in a weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, or clerk of the newspaper, or of the poster of the notice.

Notices to be posted when publication cannot be had.

3. The word "municipality" and the word "city" shall be understood and so construed as to include all corporations heretofore organized and now existing, or hereafter organized, for municipal purpose.

Construction of words "municipality" and "city."

4. The term Street Superintendent and Superintendent of Streets, as used in this Act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no Street Superintendent or Superintendent of Streets, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of Street Superintendent or Superintendent of Streets; and all the provisions hereof applicable to the Street Superintendent or Superintendent of Streets shall apply to such persons so appointed.

Construction of terms Street Superintendent and Superintendent of Streets.

5. The term "City Council" is hereby declared to include any body or Board which, under the law, is the legislative department of the government of any city.

Construction of term "City Council."

6. The term "Clerk" and "City Clerk," as used in this Act, is hereby declared to include any person or officer who shall be Clerk of said City Council.

Construction of terms "Clerk" and "City Clerk."

7. The term "Treasurer," or "City Treasurer," as used in this Act, shall include any person or officer who shall have charge and make payment of the city funds.

Construction of terms "Treasurer" and "City Treasurer."

8. No publications or notice other than that provided for in this Act shall be necessary to give validity to any proceedings had thereunder.

SEC. 24. The proceedings in any work or improvement, such as is provided for in this Act, already commenced and now progressing under any other Act now in force, or by virtue of any ordinance passed by any City Council or Board of Supervisors of any city, county, or city and county, by virtue of any other Act now in force, may, from any stage of such proceedings already commenced and now progressing, be continued under this Act by resolution of the City Council.

Proceedings commenced before passage of this Act to be continued by resolution of Council.

The said work or improvement may then be conducted under the provisions of this Act with full force and effect in all respects, from the stage of such proceedings under such other Acts or ordinances at and from which such resolution shall declare an election or intention to have said work or improvement cease under such other Act or ordinance and continue under this Act; and from such election so made, all proceedings theretofore had under such other Act or ordinance are hereby ratified, confirmed, and made valid, and it shall be unnecessary to renew or conduct over again proceedings had under such other Act or ordinance. This section shall not apply to any work or improvement proceedings in which were commenced more than eighteen months prior to the passage of this Act.

Act to be liberally construed.

SEC. 25. The provisions of this Act shall be liberally construed to promote the objects thereof. This Act shall take effect and be in force from and after its passage.

CHAPTER LXXVII.

An Act to amend section one (1), to repeal sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), and eleven, and to renumber sections twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), and nineteen (19), of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same," approved April 15, 1880, amended March 6, 1883, amended March 9, 1885, amended March 14, 1885, amended March 9, 1887, to repeal all laws amendatory thereof and to provide for the reorganization of existing districts and the formation of new districts.

[Approved March 6, 1889.]

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

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

Agricultural districts.

Section 1. The several counties of this State divided and classified into Agricultural Districts and numbered as follows, to wit: the Counties of San Francisco and Alameda shall constitute Agricultural District No. 1. The Counties of San Joaquin and Stanislaus shall constitute Agricultural District No. 2. The Counties of Butte, Tehama, and Colusa shall constitute Agricultural District No. 3. The Counties of Sonoma and Marin shall constitute Agricultural District No. 4. The Counties of San Mateo and Santa Clara shall constitute Agricultural District No. 5. The Counties of Los Angeles and Ventura shall constitute Agricultural District No. 6. The Counties of Monterey and San Benito shall constitute Agricultural District No. 7. The County of El Dorado shall con-

stitute Agricultural District No. 8. The Counties of Del Norte and Humboldt shall constitute Agricultural District No. 9. The Counties of Siskiyou and Trinity shall constitute Agricultural District No. 10. The Counties of Plumas, Sierra, Lassen, and Modoc shall constitute Agricultural District No. 11. The Counties of Lake and Mendocino shall constitute Agricultural District No. 12. The Counties of Sutter, Yolo, and Yuba shall constitute Agricultural District No. 13. The Counties of Santa Cruz, save and except that part thereof southeast of the line beginning at a point where the Aptos Creek empties into the Bay of Monterey and extending directly northeast to the boundary line of Santa Clara County, shall constitute Agricultural District No. 14. The Counties of Tulare and Kern shall constitute Agricultural District No. 15. The County of San Luis Obispo shall constitute Agricultural District No. 16. The County of Nevada shall constitute Agricultural District No. 17. The Counties of Alpine, Mono, and Inyo shall constitute Agricultural District No. 18. The County of Santa Barbara shall constitute Agricultural District No. 19. The County of Placer shall constitute Agricultural District No. 20. The Counties of Merced, Mariposa, and Fresno shall constitute Agricultural District No. 21. The County of San Diego shall constitute Agricultural District No. 22. The County of Contra Costa shall constitute Agricultural District No. 23. All that part of Santa Cruz County southeast of a line beginning at a point where the Aptos Creek empties into the Bay of Monterey, and extending in a direct line northeast to the boundary line of Santa Clara County, shall constitute Agricultural District No. 24. The Counties of Solano and Napa shall constitute Agricultural District No. 25. The Counties of Sacramento and Amador shall constitute Agricultural District No. 26. The County of Shasta shall constitute Agricultural District No. 27. The County of San Bernardino shall constitute Agricultural District No. 28. The Counties of Calaveras and Tuolumne shall constitute Agricultural District No. 29.

SEC. 2. Sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), and eleven (11), of said Act are hereby repealed.

SEC. 3. Sections twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), and twenty (20) are hereby renumbered as follows, respectively, to wit: Section twelve (12) is hereby numbered two (2), section thirteen (13) is hereby numbered three (3), section fourteen (14) is hereby numbered four (4), section fifteen (15) is hereby numbered five (5), section sixteen (16) is hereby numbered six (6), section seventeen (17) is hereby numbered seven (7), section eighteen (18) is hereby numbered eight (8), section nineteen (19) is hereby numbered nine (9), and section twenty (20) is hereby numbered ten (10).

SEC. 4. All laws amendatory of "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same," approved April fifteenth, eighteen hundred and

eighty, and all laws or parts of laws in conflict with this Act are hereby repealed.

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

CHAPTER LXXVIII.

An Act to appropriate money to meet a deficiency in the appropriation for the State's portion of the salaries of the Superior Judges for the fortieth fiscal year.

[Approved March 6, 1889.]

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

Deficiency,
salaries of
Superior
Judges.

SECTION 1. The sum of five thousand three hundred and thirty-three dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay any deficiency that may be in the appropriation for the State's portion of the salaries of the Superior Judges in the fortieth fiscal year.

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

CHAPTER LXXIX.

An Act to amend sections numbers three thousand four hundred and forty-nine, three thousand four hundred and fifty-one, three thousand four hundred and fifty-eight, three thousand four hundred and sixty-two, three thousand four hundred and sixty-five, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, and three thousand four hundred and seventy-three of the Civil Code of the State of California, all in relation to assignments for the benefit of creditors.

[Approved March 7, 1889.]

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

SECTION 1. Section three thousand four hundred and forty-nine of the Civil Code is hereby amended so as to read as follows:

Assignment.

3449. An insolvent debtor may in good faith execute an assignment of property in trust for the satisfaction of his creditors in conformity to the provisions of this chapter; subject, however, to the provisions of this Code relative to trusts and fraudulent transfers, and to the restrictions imposed by law upon assignments by special partnerships, by corporations, or by other specific classes or persons. Every such assignment shall contain a list of the names of the creditors of the assignor, and their places of residence and

What must
contain.

amounts of their respective demands, and shall, subject to the other provisions of this section, be made to the Sheriff of the county, or city and county, wherein the assignor resides, if the assignor resides within this State, or in case the assignor resides out of this State, then to the Sheriff of the county or city and county wherein the property assigned or some of it is situated; but when the assignor resides out of the State, an assignment made as herein provided may by its terms transfer any property of the assignor in this State. The Sheriff shall forthwith take possession of all property so assigned to him, and keep the same till delivered by him as hereinafter provided. When the assignment has been made as herein provided, the Sheriff shall immediately by mail notify the creditors named in the assignment at their places of residence as given therein, to meet at his office on a day and hour to be appointed by him, of not less than eight nor more than ten days from the date of the delivery of the assignment to him, for the purpose of electing one or more assignees, as they may determine, in the place and stead of the said Sheriff in the premises, and shall also publish a notice of such meeting and the purpose thereof at least once before such meeting in some newspaper published in his county, or city and county. The notice so to be mailed shall also contain a statement of the amount of the demand of the creditor as set forth in the assignment, and if any creditor shall not find such amount to be correctly so stated, he may file with said Sheriff, at or before such meeting, a statement under oath of his demand, and such statement shall, for the purpose of voting as hereinafter provided, be accepted by said Sheriff as correct, and when no such statement is filed, the statement of amount as set forth in the assignment shall be accepted by the Sheriff as correct. At such meeting the Sheriff shall preside, and a majority in amount of demands present or represented by proxy shall control all questions and decisions. The creditors may adjourn such meeting from time to time and may vote on all questions, either in person or by proxy signed and acknowledged before any officer authorized to take acknowledgments, and filed with the Sheriff. At such meeting or any adjournment thereof, the creditors may elect one or more assignees from their own number in the place and stead of the Sheriff, and the person or persons so elected shall afterwards be the assignee or assignees under the provisions of this title, and the Sheriff, by transfer in writing acknowledged as required by section three thousand four hundred and fifty-eight, shall at once assign to such elected assignee or assignees, upon the trusts in this title provided, all the property so assigned to him, and deliver possession thereof. All recitals in such assignment by said Sheriff of notices of such meeting and the holding thereof, and of the due election of such assignee or assignees, shall be prima facie proof of the facts recited. The Sheriff shall, before the delivery of such assignment, be paid the expenses incurred by him, and fees in such amount as would by law be collectible, if the property assigned had been levied upon and safely kept under attachment. There-

Sheriff to take possession.

Notice to creditors of meeting.

Notice to contain demand of creditor.

Adjournment of meetings.

Sheriff's expenses and fees.

upon, and after the record of such last named assignment, as in this title provided, such elected assignee or assignees shall take and hold and dispose of all such property and its proceeds, upon the trusts and conditions and for the purposes in this title provided.

SEC. 2. Section three thousand four hundred and fifty-one of the Civil Code is hereby amended so as to read as follows:

A debtor outside of State may make transfer of property within this State.

3451. The provisions of this title do not prevent a person residing in another State or country from making there, in good faith and without intent to evade the laws of this State, a transfer of property situated within it; but such person cannot make a general assignment of property situated in this State for the satisfaction of all his creditors, except as in this title provided; nor do the provisions of this title affect the power of a person, although insolvent, and whether residing within or without this State, to transfer property in this State, in good faith, to a particular creditor for the purpose of paying or securing the whole or a part of a debt owing to such creditor, whether in his own right or otherwise.

SEC. 3. Section thirty-four hundred and fifty-eight of the Civil Code is hereby amended so as to read as follows:

Assignment to be in writing.

3458. An assignment for the benefit of creditors must be in writing, subscribed by the assignor, or by his agent thereto authorized in writing, and the transfer by the Sheriff must also be in writing, subscribed by the Sheriff in his official capacity. Both such assignment and such transfer must be acknowledged, or proved and certified, in the mode prescribed by the chapter on recording transfers of real property, and be recorded as required by sections thirty-four hundred and sixty-three and thirty-four hundred and sixty-four; but recording in one county constitutes a compliance with the following section.

SEC. 4. Section three thousand four hundred and sixty-two of the Civil Code is hereby amended so as to read as follows:

Affidavit of assignor to be filed with inventory.

3462. An affidavit must be made by every assignor executing an assignment for the benefit of creditors, to be annexed to and filed with the inventory mentioned in the last section, to the effect that the same is in all respects just and true according to the best of such assignor's knowledge and belief. If the assignor neglects or refuses to make and file such inventory and affidavit within said twenty days, the assignment shall not, for that reason, be affected in any way, but in that event the assignee or assignees elected by the creditors shall within twenty days thereafter make and file in the office of the County Recorder where the assignment is first recorded, a verified inventory of all assets received by them; and such assignee or assignees may at any time, or from time to time, after the transfer to them by the Sheriff, by petition to the Superior Court of the county or city and county where the assignment is first recorded, cause the assignor, by order or citation to appear before said Court, or a commissioner or referee to be appointed by it, at a time and place within the county, or city and county, to be designated in the order or citation, to be examined touching the matters

mentioned in section three thousand four hundred and sixty-one, and any other matters relative to the assignment, and to have with him all books of account, vouchers, and papers relating to the assigned property; and such Court may by its order require the surrender to such assignee or assignees of such books, vouchers, and papers, to be by them retained until their trust is fully completed and performed.

SEC. 5. Section three thousand four hundred and sixty-five of the Civil Code is hereby amended so as to read as follows:

3465. An assignment for the benefit of creditors is void against creditors of the assignor and against purchasers and incumbrancers in good faith and for value unless it is recorded as provided in this title, and unless either the inventory required by section three thousand four hundred and sixty-one, or the inventory required of the assignee or assignees by section three thousand four hundred and sixty-two is filed in the manner provided in this title and within the time designated.

Assignment, when void.

SEC. 6. Section three thousand four hundred and sixty-seven of the Civil Code is hereby amended so as to read as follows:

3467. No bond shall be given by the Sheriff, but he shall be liable on his official bond for the care and custody of the property while in his possession. Within forty days after date of the transfer by the Sheriff, the assignee must enter into a bond to the people of this State in such amount as may be fixed by a Judge of the Superior Court of the county, or city and county, in which an inventory in accordance with the provisions of this title is filed, with sufficient sureties to be approved by such Judge and conditioned for the faithful discharge of the trust and the due accounting for all moneys received by the assignee, which bond must be filed in the same office with the inventory; and any assignee failing to comply with the provisions of this section may be removed by the above named Superior Court on petition of the assignor or any creditor, and his successor appointed by such Court.

Sheriff liable on official bond.

Bond of assignee.

Removal of.

SEC. 7. Section three thousand four hundred and sixty-eight of the Civil Code is hereby amended so as to read as follows:

3468. Until a verified inventory has been made and filed either by the assignor or assignee, as required by the provisions of this title, and the assignee has given the bond required by the last section, such assignee has no authority to dispose of the property of the estate or any part of it (except in the case of perishable property which in his discretion he may dispose of at any time and receive the proceeds of sale thereof), nor has he power to convert the property or the proceeds of any sale of perishable property to the purposes of the trust. Within ten days after the filing of his bond the assignee must commence the publication (and such publication shall continue at least once a week for four weeks) in some newspaper published in the county, or city and county, where the inventory is filed, of a notice to creditors of the assignor,

Authority of assignee.

Notice of publication to creditors by assignee.

stating the fact and date of the assignment, and requiring all persons having claims against the assignor to exhibit them with the necessary vouchers and verified by the oath of the creditor, to the assignee at his place of residence or business, to be specified in the notice; and he shall also, within ten days after the first publication of said notice, mail a copy of such notice to each creditor whose name is given in the instrument of assignment at the address therein given. After such notice is given, a copy thereof, with affidavit of due publication and mailing, must be filed with the County Recorder with whom the inventory has been filed, which affidavit shall be prima facie evidence of the facts stated therein. At any time, or from time to time, after the expiration of thirty days from the first publication of said notice (provided the same shall also have been mailed as in this section provided) the assignee may, in his discretion, declare and pay dividends to the creditors whose claims have been presented and allowed. No dividend already declared shall be disturbed by reason of claims being subsequently presented and allowed; but the creditor presenting such claim shall be entitled to a dividend equal to the per cent already declared and paid before any further dividend is made; *provided, however,* that there be assets sufficient for that purpose; *and, provided,* that the failure to present such claim shall not have resulted from his own neglect, and he shall attach to such claim a statement under oath showing fully why the same was not before presented.

Dividends,
when may be
paid.

SEC. 8. Section three thousand four hundred and seventy-one of the Civil Code is hereby amended so as to read as follows:

3471. The elected assignee or assignees for the benefit of creditors shall be entitled to the same commissions on assignments heretofore and hereafter made as are allowed by law to the assignees in insolvency, and the assignment cannot grant more. Such assignee or assignees shall also be entitled to all necessary expenses in the management of their trust.

Commis-
sions of
assignees.

SEC. 9. Section three thousand four hundred and seventy-three of the Civil Code is hereby amended so as to read as follows:

3473. An assignment for the benefit of creditors which has been executed and recorded so as to transfer the property to the Sheriff, or a transfer by the Sheriff to the elected assignee or assignees which has been executed and recorded, cannot afterwards be modified or canceled by the parties without the consent of the assignor and of every creditor affected thereby.

Assignment
as to transfer
of property
cannot be
modified
without con-
sent of as-
signor and
creditors.

SEC. 10. This Act shall take effect immediately.

CHAPTER LXXX.

An Act making an appropriation of money for the use of the State Board of Forestry.

[Approved March 7, 1889.]

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

SECTION 1. There is hereby appropriated for the use of the State Board of Forestry, out of the money in the State Treasury not otherwise appropriated, the sum of thirty thousand dollars, for the maintenance of said Board for the two years beginning April first, one thousand eight hundred and eighty-nine; said sum to be used for the furtherance of the objects of said Board, the payment of the salaries of its assistants and employés, the necessary traveling expenses of the members of said Board and its employés, and such other needful expenditures in the execution of its duties as may be required of the said Board; and the State Controller shall draw his warrant on the State Treasury in favor of the said Board for the same, in accordance with this Act; *provided*, no further expenditures shall be made upon any station the fee of which is not unconditionally vested in this State, and that no other station be selected or used for any purposes connected with this Act, except upon lands unconditionally donated for that purpose.

Appropriation for State Board of Forestry.

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

CHAPTER LXXXI.

An Act authorizing the Boards of Supervisors of the several counties of this State to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

[Approved March 7, 1889.]

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

SECTION 1. Upon application of any individual, association, or corporation interested, the Board of Supervisors of any county of this State may, by ordinance, declare all or any portion of any river or stream lying within the county which has not been declared by law to be navigable, and which is not in fact navigable for commercial purposes, to be a public highway for the floating and transportation of logs, timber, and lumber, and the same shall thereupon become and be a public highway for such purpose, subject only to the reservations hereinafter contained; and the

Boards of Supervisors may declare innavigable streams public highways for certain purposes.

Board may also, at the same time or at any time thereafter, direct the widening, deepening, straightening, removing obstructions from, building of dams and booms in, and otherwise improving such streams as may be necessary to render the same fit and suitable for the purpose intended, and enter into contracts for the performance of such work according to law.

Purchase or
condemna-
tion of lands
by Boards of
Supervisors.

SEC. 2. In case any owner of land adjacent to or across which such stream flows does not consent to the use of the stream for such purpose, and the making of the improvements directed, with the right to pass along the banks of the stream for the purpose of doing the work and keeping the same in repair, and properly superintending and managing the use of such highway for the purpose intended, and the taking, at a fair rate of compensation, of such timber and other materials along the bed and banks of the stream as may be necessary for the construction and repair of the improvements, and grant the same to the county by suitable instrument in writing, on application, the Board of Supervisors may contract for and purchase any or all of such rights; or, if the same cannot be purchased at a satisfactory price, may authorize proceedings to be commenced in the name of the county to condemn and procure the same in the manner directed by title seven, part three, of the Code of Civil Procedure.

Right of
Supervisors
to contract
to lease such
highway.

SEC. 3. Instead of itself securing the various rights, and making the improvements necessary, the Board may enter into a contract with any corporation, association, or individual, leasing the use of such highway, with the right to collect tolls for the rafting, floating, and booming of logs, timber, and lumber thereon, at rates of toll for transporting and for booming to be fixed by the Board, for a period of years from the completion of the work, to be fixed by the Board, in consideration of an agreement in such contract to be contained that the lessee will secure the right of way and other necessary rights from land owners, and make all improvements necessary for the successful carrying on of the business and use of the stream for the purpose intended, without any expense to the county, and keep the same in good repair during the period of such lease.

Bonds of
lessee.

SEC. 4. Within twenty days from the making of such contract, and before the same shall go into effect, the lessee shall enter into a bond in such sum as may be fixed by the Board, and with sureties approved by the Board, conditioned for the faithful performance of the covenants and agreements on the part of the lessee in such contract contained.

Power of
lessee to con-
demn and
secure right
of way.

SEC. 5. Such lessee shall have power to proceed in the name of the county to condemn and secure the right of way, and other rights and privileges referred to in section two of this Act, in the manner directed by the provisions of title seven, part three, of the Code of Civil Procedure.

Privileges of
essee.

SEC. 6. Such lessee during the term of such lease shall receive and float, or allow to be floated, in such stream, all floatable logs, timber, and lumber that may be offered for transportation therein by any person; *provided*, the same be

plainly marked with a distinctive mark, and shall have the right to charge and collect for its own use tolls therefor, and for booming the same, at rates fixed by the Board of Supervisors, and inserted in the lease, and shall have a lien thereon for such tolls, which may be enforced in the manner provided in section three thousand and fifty-two of the Code of Civil Procedure.

SEC. 7. Upon expiration of the lease, such lessee shall turn the property, with all improvements, over to the county, in good repair. Duty of lessee on expiration of lease.

SEC. 8. This Act shall not be construed as repealing any existing law of this State upon the subject to which it relates not inconsistent with its provisions. Construction of Act.

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

CHAPTER LXXXII.

An Act to amend an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the treasury, into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section twenty-five hundred and sixty-nine of said Code.

[Approved March 7, 1889.]

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

SECTION 1. Section twenty-five hundred and sixty-nine of said Political Code is hereby amended to read as follows:

2569. The Board may:

1. Regulate the erection and extensions of wharves and piers, and prescribe the plans and dimensions thereof.

2. Regulate the tolls, wharfage, or dockage to be charged thereon.

3. Regulate the manner of constructing booms, and to limit their extent into the waters of the bay.

4. Prescribe and regulate the manner in which rafts, boats, or vessels must lie at anchor or be moved to any wharf or pier.

5. Prevent and remove obstructions to the regular ebb and flow of the tides and the deposit and escape into the waters of the bay of substances likely to injure, interfere with, or impede the navigation, or to create shoals or shallows in or lessen the depth of the waters thereof.

6. Impose penalties for violation of such rules and regulations, not exceeding for any one violation the sum of five hundred dollars, to be recovered by action in the name of the Board before any Court of competent jurisdiction, together with costs of suit; the net proceeds of which actions must be paid into the Treasury of Humboldt County.

SEC. 2. This Act shall take effect immediately.

Powers of Board of Harbor Commissioners for Port of Eureka.

CHAPTER LXXXIII.

An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka.

[Approved March 7, 1889.]

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

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

Compensation of Harbor Commissioners for Port of Eureka.

2571. The members of the Board must receive the sum of four dollars for every day actually and necessarily employed by them in performing the duties herein prescribed, to be paid from the Treasury of Humboldt County, California, as other claims against said county are paid. All expenses necessarily incurred by the Board in the performance of their duties must be paid in the same manner out of said treasury as the members of the Board are herein provided to be paid.

CHAPTER LXXXIV.

An Act making an appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the fortieth fiscal year.

[Approved March 7, 1889.]

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

Deficiency, State Board of Health.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the deficiency in the appropriation for the necessary expenses of the State Board of Health for the fortieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXV.

An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

[Approved March 7, 1889.]

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

SECTION 1. The sum of fifteen thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind. Not exceeding the sum of ten thousand five hundred dollars of said sum appropriated shall be expended for the purpose of erecting dormitories at said Home; not exceeding the sum of twenty-five hundred dollars shall be expended for the purpose of erecting a residence for the Superintendent of the said Home; and not exceeding the sum of twenty-five hundred dollars shall be expended for the purpose of enlarging the dining-room and making additions to the shops now upon the grounds of said Home. Appropriation.

SEC. 2. All said moneys shall be expended in accordance with law under the direction of the Trustees of said Home.

SEC. 3. The Controller of State is hereby directed to draw his warrant in favor of the Trustees of said Home for the amount herein appropriated, and the Treasurer is directed to pay the same.

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

CHAPTER LXXXVI.

An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal section nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

[Approved March 7, 1889.]

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

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

Section 3. The Board shall biennially elect a President, a Vice-President, a Chairman of the Finance Committee, and appoint from without their own number a Secretary, who Officers.

shall be ex officio Horticultural Officer, and elect of their own number a Treasurer, who shall give a bond to the State, with sureties approved by the Board, in the sum of ten thousand dollars, for the faithful discharge of his duties.

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

Appoint-
ment of
Clerk of
the Publish-
ing and
Quarantine
Bureau.

Section 6. Said Board shall appoint from without their number a competent person, especially qualified for the duties of his office, who shall be known as Clerk of the Publishing and Quarantine Bureau of the State Board of Horticulture (to hold office at the pleasure of the Board), who shall be qualified, by experience and education as a compiler, to correct reports and essays, to present in a logical order all the information to be published, and shall give his whole time in such work, and such other duties as may be required of him by the Board and by reason of his official position, and shall have power to enforce all rules and regulations regarding the spread of insect pests, quarantining districts or nurseries found to be infected. He shall be paid for his services as Clerk of the Publishing and Quarantine Bureau of the State Board of Horticulture one hundred and seventy-five dollars per month, to be paid as other State officers.

Duties of.

Salary.

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

SEC. 4. Section seven of said Act is hereby amended to read as follows:

Appoint-
ment of
Quarantine
Guardians.

Section 7. The said Board, and in case of necessity during the recess of the Board, the said Clerk of the Publishing and Quarantine Bureau, may appoint such Quarantine Guardians as may be needed to carry out the provisions of this Act, whose duties it shall be to see that the regulations of the Board, and the instructions of the Clerk of the Publishing and Quarantine Bureau are enforced and carried out; said Clerk may appoint, in case of emergency, a deputy, who shall have the same power as his own, whose salary shall not exceed three dollars per day for each day's services performed, said services to be paid for by the State Board of Horticulture. The said Quarantine Guardians shall report to said Clerk, or to the State Board, all infractions or violations of said directions, regulations, and of the law in regard to quarantine, disinfection, and destruction of insect and other pests injurious to fruit, fruit trees, or vines, and precautions against the spreading of all the aforesaid named pests and diseases. The salary of Quarantine Guardian shall not exceed three dollars per day, and shall be paid by the owners of orchards and other places and localities under quarantine regulations; and they may maintain an action therefor before any Justice of the Peace in any township in which any quarantined locality is wholly or in part situated, but in no case shall they have any claim upon the State for such services.

Duties of.

Salary of
Quarantine
Guardian.

SEC. 5. Section eight of said Act is hereby amended to read as follows:

Secretary,
duties of.

Section 8. It shall be the duty of the Secretary to attend all meetings of the Board and of the Executive Committee, and to preserve records of its proceedings and correspondence; to

collect books, pamphlets, and periodicals, and other documents containing information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this State and elsewhere; to correspond with agricultural and horticultural societies, colleges, and schools of agriculture and horticulture, and other persons and bodies, as he may be directed by the Board; and prepare, as required by the Board, reports for publication. He shall appoint, subject to the approval of the Board, a competent person as clerk, and he shall be held responsible for the acts of said clerk. He shall be paid for his services as such Secretary and ex officio Horticultural Officer a salary of one hundred and seventy-five dollars per month. His clerk shall be paid a salary (as such clerk) of fifty dollars per month, each to be paid as other State officers. Salary.

SEC. 6. Section twelve of said Act is hereby amended to read as follows:

Section 12. There is hereby appropriated for the uses of the State Board of Horticulture, as set forth in this Act, out of any moneys in the State Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, the sum of one thousand dollars, and the State Controller shall draw his warrants upon the State Treasurer in favor of the Treasurer of said Board for the same, upon proper demand. Appropriation.

SEC. 7. A new section is hereby added to said Act, to be known as section fourteen, to read as follows:

Section 14. The President (and in his absence the Vice-President) and the two Commissioners for the State at large shall constitute the Executive Committee; said committee shall have charge of the management of the affairs of the Board while the Board is not in session. The members of said committee shall receive their actual traveling expenses in attending quarterly meetings of the Executive Committee. The other members of the Board shall receive their actual traveling expenses (only) in attending semi-annual meetings of the Board. Executive Committee.

SEC. 8. A new section is hereby added to said Act, to be known as section fifteen, to read as follows:

Section 15. Vacancies occurring in any office shall be filled by appointment made by the President of the Board, with the consent of the Executive Committee, until the next meeting of the Board. Vacancies.

SEC. 9. A new section is hereby added to said Act, to be known as section sixteen, to read as follows:

Section 16. Said Board shall make and publish their reports annually. To publish reports.

SEC. 10. A new section is hereby added to said Act, to be known as section seventeen, to read as follows:

Section 17. It shall be the duty of the County Boards of Horticulture to make quarterly reports in writing to the State Board of the condition of fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting, and as to quarantine against new insects, and County Boards.

as to carrying out of all laws relative to the greatest good of the fruit interest. Said Board shall publish said reports in bulletin form, or may incorporate so much of the same in their annual reports as may be of general interest.

SEC. 11. A new section is hereby added to said Act, to be known as section eighteen, to read as follows:

Expendi-
tures, how
determined.

Section 18. The expenditures necessary to be made in experiments in the different districts shall be determined by the Board. On application of one or more of the fruit growers in such districts, the said Board shall select such person or persons to make such experiments, and pay the expenses thereof. The sum of not exceeding one thousand dollars for traveling expenses shall be allowed when the Board or the Executive Committee shall deem it necessary to send either the clerk of Bureau or Secretary to direct and supervise such experiments; *provided*, that not more than one thousand dollars shall be expended in any one year for such traveling expenses.

Traveling
expenses.

SEC. 12. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 13. This Act shall take effect immediately.

CHAPTER LXXXVII.

An Act to add a new section to the Code of Civil Procedure, to be known and designated as section sixteen hundred and sixty-three, relating to the partial distribution of the estates of deceased persons.

[Approved March 8, 1889.]

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 and designated as section sixteen hundred and sixty-three:

After one
year from
issuance of
letters testa-
mentary
petition may
be made for
distribution.

1663. At any time after the lapse of one year from the issuance of letters testamentary, or of administration, any heir, devisee, or legatee may present his or her petition to the Court for the distribution of the net proceeds of the share of the said estate to which he or she will be entitled. Notice of the application must be given, as required by section sixteen hundred and fifty-nine. The executor or administrator, or any other person interested in the estate, may appear at the time named and resist the application, or any other heir, devisee, or legatee may make a similar application for himself. If at the hearing it appear that the estate is but little indebted, and that the share of the party applying may be allowed to him without loss to the creditors of the estate, the Court must make an order in conformity with the prayer of the applicant, requiring:

Application
may be re-
sisted.

When Court
must grant
petition.

1. Each heir, legatee, or devisee, obtaining such order, before receiving his share, or any portion thereof, to execute and deliver to the executor or administrator a bond, in such sum as shall be designated by the Court, or a Judge thereof, with sureties to be approved by the Judge, payable to the executor or administrator, and conditioned for the payment, whenever required, of his proportion of the debts due from the estate, not exceeding the amount or portion of the proceeds of the estate which he has received; *provided*, that where the time for filing or presenting claims has expired, and all claims that have been allowed have been paid, or are secured by mortgage upon real estate sufficient to pay them, and the Court is satisfied that no injury can result to the estate, the Court may dispense with the bond.

Bond to be filed by heir, legatee, or devisee.

When bond may be dispensed with.

2. The executor or administrator to deliver to the heir, legatee, or devisee the proceeds of the estate to which he may be entitled, or only a part thereof, designating it. If in the opinion of the Court, it be necessary, in order to ascertain the proceeds that any or all of the heirs, legatees, or devisees may be entitled, that the interest of any heir, legatee, or devisee in one or more pieces or parcels of property of the estate shall be determined or ascertained, the Court may suspend proceedings and direct the petitioner or petitioners to take proceedings under section sixteen hundred and sixty-four of this Code to ascertain the interest the petitioner or petitioners will have under the will in any piece or parcel of property. The order must describe the property in relation to which proceedings are to be taken. Whenever any bond has been executed and delivered, proceedings upon any such bond may be taken under section sixteen hundred and sixty-two. The costs of these proceedings shall be paid by the applicant, or if there be more than one, shall be apportioned equally between them.

Delivery of proceeds by executor.

Court may suspend proceedings.

Costs, how paid.

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

CHAPTER LXXXVIII.

An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-eighth fiscal year.

[Approved March 8, 1889.]

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

SECTION 1. The sum of three hundred and ninety-nine dollars and eighty cents is hereby appropriated out of the General Fund of the State Treasury, to pay the deficiency, and interest thereon, in the appropriation for traveling expenses of the State Board of Equalization for the thirty-eight fiscal year.

Deficiency, traveling expenses Board of Equalization.

SEC. 2. This Act takes effect immediately.

CHAPTER LXXXIX.

An Act to ratify and confirm the conveyance of certain property to Trustees for charitable or educational purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

[Approved March 8, 1889.]

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

SECTION 1. Wherever the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town, has by deed of trust conveyed property, or any portion thereof, that has been set apart for a public park, to Trustees, for charitable or educational uses, such conveyance is hereby ratified and confirmed; *provided*, that no institution now existing or to be established on such property shall be private in its benefits, or sectarian in its work or teachings, or be to any extent under the management or control of or in any way tributary to any religious creed or order, church, or sectarian denomination whatsoever; *provided further*, that land so conveyed shall be kept open as public grounds by the Trustees of such institutions as are or may be placed thereon, and that the public visitation of such grounds shall not be restricted, excepting by such reasonable regulations as park property and the proper maintenance of such institutions may require; *provided further*, that property so conveyed shall revert to the grantors, whenever and so far as the grantees do not use the same in accordance with the stipulations of the deed of trust and with the requirements of this statute.

Confirming conveyance of property for charitable or educational purposes.

Restrictions.

Reversion.

SEC. 2. This Act shall take effect immediately.

CHAPTER XC.

An Act making an appropriation to pay the deficiency in the appropriation for postage and expenses of the Supreme Court, for the thirty-ninth fiscal year.

[Approved March 8, 1889.]

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

Deficiency, postage, etc., Supreme Court.

SECTION 1. The sum of six dollars and fifty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage and expenses of the Supreme Court for the thirty-ninth fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCI.

An Act making an appropriation to pay the deficiency in the appropriation for contingent expenses of the Secretary of State for the thirty-eighth and thirty-ninth fiscal years.

[Approved March 8, 1889.]

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

SECTION 1. The sum of thirty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for contingent expenses of the Secretary of State for the thirty-eighth and thirty-ninth fiscal years. Deficiency, contingent expenses of Secretary of State.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCII.

An Act making an appropriation to pay the deficiency in the appropriation for arrest and conviction of highway robbers, for the thirty-eighth fiscal year, with interest thereon.

[Approved March 8, 1889.]

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

SECTION 1. The sum of four hundred and fifty-six dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the arrest and conviction of highway robbers, for the thirty-eighth fiscal year, with legal interest thereon. Deficiency. arrest of highway robbers.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCIII.

An Act making an appropriation to pay the deficiency in the appropriation for bulkheading, sewerage, and improving the grounds at the Branch State Normal School at Los Angeles, for the thirty-eighth fiscal year, with legal interest thereon.

[Approved March 8, 1889.]

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

Deficiency,
Normal
School, Los
Angeles.

SECTION 1. The sum of two hundred and seventy-eight dollars and sixty-nine cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for bulkheading, sewerage, and improving the grounds of the Branch State Normal School at Los Angeles, for the thirty-eighth fiscal year, with legal interest thereon.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCIV.

An Act making an appropriation to pay the deficiency in the appropriation for expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-ninth fiscal year, with legal interest thereon.

[Approved March 8, 1889.]

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

Deficiency,
expenses of
Supreme
Court.

SECTION 1. The sum of two hundred and seventy dollars and sixty-two cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-ninth fiscal year, with legal interest thereon.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCV.

An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the limits of the State, for the thirty-ninth fiscal year, with legal interest thereon.

[Approved March 8, 1889.]

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

SECTION 1. The sum of seventeen hundred and eighty-eight dollars and thirty-nine cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for arresting criminals without the limits of the State, for the thirty-ninth fiscal year, with legal interest thereon. Deficiency, arresting criminals.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCVI.

An Act appropriating money to pay the deficiency in the appropriation for the care and training of feeble-minded children for the thirty-eighth fiscal year, and to pay the interest thereon.

[Approved March 8, 1889.]

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

SECTION 1. The sum of ten thousand nine hundred and twenty-one dollars and thirty-four cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the care and training of feeble-minded children for the thirty-eighth fiscal year, and to pay the interest thereon at the rate of eight per cent per annum. Deficiency, care of feeble-minded children.

SEC. 2. This Act shall take effect immediately on its passage.

CHAPTER XCVII.

An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and so forth, for the Legislature and State officers for the thirty-eighth fiscal year, with legal interest thereon.

[Approved March 8, 1889.]

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

Deficiency,
stationery,
fuel, lights,
etc.

SECTION 1. The sum of one thousand six hundred and fifty-nine dollars and seventy-one cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for stationery, fuel, lights, and so forth, for the Legislature and State officers for the thirty-eighth fiscal year, with legal interest thereon.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCVIII.

An Act making an appropriation for the payment of the deficiency in the appropriation for the uses of the State Board of Horticulture for the thirty-eighth fiscal year.

[Approved March 8, 1889.]

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

Deficiency,
State Board
of Horticult-
ure.

SECTION 1. The sum of one thousand one hundred and forty-five dollars and eighty-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the uses of the State Board of Horticulture for the thirty-eighth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIX.

An Act to provide for the deficiency in the appropriation for "stationery, fuel, and lights for the Legislature and State officers" for the fortieth fiscal year.

[Approved March 8, 1889.]

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

SECTION 1. The sum of one thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for "stationery, fuel, and lights for the Legislature and State officers" for the fortieth fiscal year. Deficiency, stationery, fuel, lights, etc.

SEC. 2. This Act shall take effect immediately.

CHAPTER C.

An Act to provide for the deficiency in the appropriation for the salaries of Secretaries to Justices of the Supreme Court for the thirty-eighth fiscal year.

[Approved March 8, 1889.]

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

SECTION 1. The sum of four hundred and forty-four dollars and seventy cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for salaries of Secretaries to Justices of the Supreme Court for the thirty-eighth fiscal year. Deficiency, salaries of Secretaries of Supreme Court.

SEC. 2. The Controller is hereby directed to draw his warrants on the General Fund for the amounts herein made payable, and the Treasurer to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CI.

An Act to provide for the deficiency in the appropriation for the salaries of Secretaries to Justices of the Supreme Court for the thirty-ninth fiscal year.

[Approved March 8, 1889.]

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

SECTION 1. The sum of one thousand five hundred and eighty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency, Deficiency, salaries of Secretaries of Supreme Court.

ciency in the appropriation for salaries of Secretaries to Justices of the Supreme Court, for the thirty-ninth fiscal year.

SEC. 2. The Controller is hereby directed to draw his warrants on the General Fund the amounts herein made payable, and Treasurer to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CII.

An Act to provide for a deficiency in the appropriation for the salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year.

[Approved March 8, 1889.]

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

Preamble. WHEREAS, There is a deficiency of sixteen hundred dollars in the appropriation for the salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year, which salaries are fixed by section seven hundred and thirty-nine of the Political Code, as amended by an Act of the Legislature of the State of California, approved March twenty-first, eighteen hundred and eighty-seven; now, therefore, be it enacted as follows:

Deficiency, salaries of Secretaries of Supreme Court.

SECTION 1. The sum of sixteen hundred dollars (\$1,600) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CIII.

An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor.

[Approved March 11, 1889.]

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

Preston School of Industry.

SECTION 1. There shall be established at or within a convenient distance from Lone City, in the County of Amador, in said State, an educational institution to be designated as the Preston School of Industry.

Appropriation.

SEC. 2. The sum of one hundred and sixty thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of pur-

chasing and preparing grounds for the erection of buildings thereon, for the purchase of the necessary furniture, machinery, and supplies, and for the payment of the current expenses of said school.

SEC. 3. The general supervision and government of said school shall be vested in the State Board of Prison Directors; and the said Board shall have the same powers and privileges in regard to the management of the said school as it now has, or hereafter shall have, in relation to the State Prisons, unless in this Act otherwise specially provided.

State Board of Prison Directors to manage.

SEC. 4. The Board shall, with all convenient dispatch, select and establish a site at some suitable place in said county for said institution, and procure the right of way for suitable drainage; said site to contain not less than one hundred acres nor more than three hundred acres of land, to have water facilities sufficient for the uses of said school, and for power in operating machinery; the land to be of a quality suitable for general farming purposes, and adapted to the cultivation of vines and fruit trees. The land so set apart by said purchase shall hereafter be used exclusively for the occupancy and purposes of said school. It shall be indicated by fixed corners and definite boundaries. A description thereof, together with the deed therefor, shall be filed with the Secretary of State at his office within thirty days after the purchase of the same.

To procure site.

SEC. 5. Thereafter the Board shall cause to be prepared and shall adopt plans for the grounds, buildings, and fixtures necessary for such an institution, of such form, dimensions, and style as to it shall seem best adapted to the purposes thereof. In the preparation of such plans, and in the construction of the buildings, it may employ a competent architect at a reasonable compensation.

Adoption of plans for grounds and buildings.

SEC. 6. The Board shall cause the buildings to be erected and improvements to be made with all convenient dispatch, and to this end may adopt such methods as it may deem expedient; but no member of the Board or employé of the institution shall be interested in any contract or enterprise in connection therewith. The Board is authorized and empowered to use such supplies and materials from the prison at Folsom or at San Quentin as may be available, and as can be diverted to such use without material detriment to the said prisons, including convict labor, rock from the quarries, and such other appliances or articles manufactured at the prisons as may be required; and may employ such free labor and may purchase such materials as may be necessary.

Use of supplies from State Prisons.

SEC. 7. This Act shall be construed as the sole and exclusive Act on the subject-matter contained herein, unless specially or otherwise herein provided; and none of the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections of buildings," approved March twenty-third, eighteen hundred and seventy-six, or any other Act, unless herein specially referred to, shall apply to or govern or limit this Act, or any of the powers or duties in this Act conferred upon said Board.

Construction of Act

Same. SEC. 8. Nothing in this Act contained shall be so construed as to permit any convict or convicts, undergoing sentence in either of the State Prisons of California, to associate with or to be so employed as to mingle with any person or persons undergoing commitment in the said school.

Maintain-
ing and con-
ducting of
school. SEC. 9. The said school shall be maintained separate and distinct from said State Prisons, so far as relates to the custody, management, discipline, employment, and education of its inmates. It shall be conducted on such plan as to the Board may seem best calculated to carry out the intentions of this Act, and its inmates shall be subject to military discipline, including daily drill. They shall be clothed in military uniform of such pattern and material as may be prescribed by the Board, but under no circumstances shall such inmates be clothed in convict stripes while undergoing commitment in said school.

Traveling
expenses
only allowed
Board. SEC. 10. The members of the Board shall receive no compensation for their services, but shall be allowed their reasonable traveling and other expenses incurred in the discharge of their official duties, as is now fixed by law for the members of the State Board of Prison Directors.

Board to
elect officers. SEC. 11. The Board shall elect a Superintendent, a Military Instructor, and a Secretary. The Superintendent and Secretary shall give such bonds for the faithful performance of their duties as the Board shall determine. The bond of the Superintendent shall be for a sum of not less than ten thousand dollars, and that of the Secretary of not less than five thousand dollars. The Military Instructor must be a man who is a good disciplinarian and skilled in military tactics. He shall receive from the Governor a commission with the rank of Major. He shall perform such duties and receive such salary as the Board may prescribe. The Board shall meet once in three months for the transaction of business. Special meetings may be called by the President when deemed necessary.

Instruction. SEC. 12. The Board shall cause to be organized and maintained a department of instruction for the inmates of said school, with a course of study corresponding as far as practicable with the course of study in the public schools of this State, but the course shall not be higher than the course prescribed in grammar schools. They shall adopt a system of government, embracing such laws and regulations as are necessary for the guidance of the officers and employes, for the regulation of the hours of study and labor, for the preservation of order, for the enforcement of discipline and military training, for the preservation of health, and for the industrial training of the inmates. The ultimate purpose of all such instruction, discipline, and industries shall be to qualify the inmates for honorable and profitable employment after their release from the institution, rather than to make said institution self sustaining. The Board shall also determine the number of officers and employes required, and shall prescribe their duties and fix the amount of their compensation.

SEC. 13. The Superintendent, before entering upon the discharge of his duties, shall make and file with the Board an oath that he will faithfully and impartially discharge the duties of his office. Thereupon he shall, subject to the regulations prescribed by the Board, be invested with the custody of the lands, buildings, and all other property belonging to and under the control of the said institution. He shall receive for his services a salary not exceeding the sum of three thousand dollars per annum. He shall appoint, except as hereinbefore provided, all officers and employes of said institution, who shall hold office during his pleasure. He shall provide a book in which shall be registered the name, residence, occupation, and religious creed of every boy received into the school; the date of his reception, and the date and condition of his discharge; the names, residence, and occupation of his parents; whether the boy was apprenticed or not, and if so apprenticed, the name, residence, and occupation of the person to whom he was apprenticed. He shall have charge of all persons committed to the institution by any magistrate or Court, shall use his best efforts to employ, instruct, discipline, and reform all such persons under his charge, and shall discharge such other duties as the said Board may direct, and shall at all times be subject to removal by the Board for incapacity, immorality, negligence of duty, or cruelty to the inmates.

Bond of Superintendent.

Salary.

Appointments by.

Duties.

SEC. 14. For the purpose of maturing the system of government, instruction, and discipline of the said institution, it shall be competent for the said Board to authorize one of its number to visit similar institutions in practical operation, and of the best repute, and, by personal inspection and investigation, to acquire an insight into the principles and workings thereof, for the information and benefit of said Board. He shall be allowed one thousand dollars for the expenses of his visit, which shall be payable out of the funds for the use and support of said institution.

To investigate workings of similar institutions.

SEC. 15. When any boy under the age of eighteen years shall be found guilty, by a magistrate or Court of competent jurisdiction, of any offense punishable by fine, or by imprisonment, or by both, and who, in the opinion of such magistrate or Court would be a fit subject for commitment to the said school, it shall be lawful for the magistrate or Court to suspend judgment or sentence (except when the penalty is life imprisonment or death), and to commit such boy to the said school for a period not exceeding the time when he shall attain his twenty-first birthday, unless sooner discharged by law, or as in this Act provided; but no boy who is under the age of eight years, or who is of unsound mind, shall be committed to the said school. The Board shall have authority to make rules reducing, as the reward for good conduct, the time for which such person or persons have been committed. It shall be the duty of all Courts and magistrates committing any boy to such school to certify to the Superintendent thereof the age of the person so com-

Commitment.

mitted, as nearly as can be ascertained by testimony taken under oath before such Court or magistrate, or in such manner as the Court or magistrate may direct.

Approval of
commit-
ments.

SEC. 16. Before any commitment, made by a Police Court, or by a Justice of the Peace, under this Act, shall be executed, it shall be approved by a Judge of the Superior Court of the county in which the Police Court or Justice of the Peace has jurisdiction, and his approval indorsed on the warrant of commitment. But if such sentence shall be disapproved, the Police Court or Justice of the Peace shall then impose the ordinary sentence prescribed by law.

Dismissals.

SEC. 17. It shall be lawful for the Board, whenever it may deem any inmate of said institution to have been so far reformed as to justify his discharge, to give him an honorable dismissal, and to cause an entry of the reasons for such dismissal to be made in the book of records prepared for that purpose. All persons thus honorably dismissed, and all those who shall have served the full term of their respective sentences, shall thereafter be released from all penalties and disabilities resulting from the offenses or crimes for which they were committed. Upon the final discharge of any inmate as in this section provided, the Superintendent shall immediately certify such discharge in writing, and shall transmit the certificate to the magistrate or Court by which such inmate or boy was committed. Said magistrate or Court shall thereupon dismiss the accusation and the action pending against said person.

Conditional
dismissal.

SEC. 18. The Board shall have authority also to issue certificates of conditional dismissal and parole to any worthy boy confined in the institution, on the following conditions: It may bind such boy, by articles of indenture, to any suitable person who will engage to educate him, and to instruct him in some useful art or trade, or it may return him to his parents, or it may place him under the care of any reputable person who is a citizen and a resident of this State, after such person, parent, guardian, or resident citizen shall have become bound to the said Board, with good and sufficient sureties, conditioned on the proper custody, care, education, and moral and industrial training of the said paroled boy. The time of such conditional release shall be made subject to good behavior and continued reformation on the part of the person thus paroled. Any boy who violates his parole, or who becomes habitually disobedient and incorrigible, may be returned to the said school to serve the unexpired term of his sentence, on complaint of his guardian and the written requisition of the Superintendent of the said school, and if received from either of the State Prisons may be returned to the same. Every paroled boy who properly observes and obeys the condition of his parole until the date of the expiration of his time of commitment, shall be entitled to all the benefits and immunities in this Act provided.

Return of
boy to com-
mitting
magistrate.

SEC. 19. Any boy who shall, during the time of his commitment, be found incorrigible, or who shall be an improper subject for detention in said school, may be returned to the magistrate or Court by which said boy was committed; and

upon written complaint of the Board, attested by the Superintendent and filed with the original complaint, it shall be lawful for said Court or magistrate to enter judgment and pass such sentence as would have been lawful at the time when the offender was first committed to the said school, and if committed from either of the State Prisons may be returned to the prison whence received to serve out his unexpired term.

SEC. 20. Any boy under the age of eighteen years, who is undergoing sentence in any State Prison in this State (except such as are undergoing a life sentence), and who shall be deemed a fit subject for training in the said school, may, upon recommendation of the State Board of Prison Directors, with the approval of the Governor, be transferred to said school for the unexpired period of his sentence, and when honorably discharged from said school, as hereinbefore provided, shall be entitled to such benefits and immunities as are provided for the other inmates of the institution.

Transfer to, from State Prison.

SEC. 21. Any person who knowingly permits, or who aids any boy to escape from the said school, or who knowingly promotes his departure, or conceals him with the intent of enabling such escaped boy to elude pursuit, shall be guilty of a misdemeanor, and shall, upon conviction, be punished according to law. Any fugitive from said institution, or from the parties to whom he is bound out or apprenticed, may be arrested and returned to the institution by any person upon written request or order of the Superintendent directed to such person.

Aiding escape.

SEC. 22. At the time of advertising for supplies for the State Prisons the Board shall also, in the same notice, advertise for supplies for the school; and all laws relative to awarding contracts for supplies to the State Prisons, wherever practicable, shall apply to contracts for supplies for the said school. No officer or employé of the institution shall be personally or pecuniarily interested in any contract, purchase, or sale of any kind or character which shall be made in behalf of said institution. Any contract, purchase, or sale made in violation of this section shall be null and void; and any officer or employé who violates this provision shall be immediately removed from office, and his successor elected or appointed by the proper authority or appointing power. Any money or other valuable consideration paid or given to any officer or employé on any contract, purchase, or sale in violation of the terms of this Act may be recovered in civil suit and returned to the funds of the institution.

Advertising for supplies.

Officers and employés not to be interested.

SEC. 23. When the premises are ready for occupancy, the Board shall certify such fact to the Governor, who shall make due proclamation thereof. Thereafter it shall be lawful for any competent magistrate or Court to commit juvenile offenders to the institution, as herein provided.

Proclamation of Governor.

SEC. 24. The Controller of State is hereby authorized and directed, on requisition of the said Board, to draw his warrant on the State Treasurer in favor of said Board, to pay for the necessary expenditures in the establishment and mainte-

Controller.

nance of the said school, and the State Treasurer is authorized to pay the same from the appropriations provided for in this Act.

Effect of
other Acts in
conflict.

SEC. 25. For the purpose of giving practical effect to the provisions of this Act, all laws or parts of laws which conflict with the provisions hereof are, for the purposes of this Act only, suspended, and hereby made inapplicable to any boy committed to and in the custody of said school.

Sheriff's fees.

SEC. 26. In all proceedings relating to commitments under this Act the fees and compensation of the Sheriff and other officers of the Court shall be such as are allowed by law for like proceedings and services in criminal cases.

Construc-
tion of Act.

SEC. 27. This Act shall be construed in conformity with the intent as well as with the express provisions hereof, and shall confer upon the Board authority to do all those lawful acts, from time to time, which are necessary to promote the prosperity of the institution and the well being and reformation of its inmates, including the organization of trade schools, the purchase and use of fixed and movable machinery, the erection of necessary buildings for machinery and other purposes, the improvement and management of a farm, orchard, and garden, the purchase of necessary supplies for the institution, and materials for manufacture, and performance of all other necessary and lawful acts, not otherwise prohibited, which may be required to comply with the purposes of this Act; but nothing herein contained shall be so construed as to permit said Board to incur any indebtedness or obligation in excess of the appropriations allowed by law for the establishment and maintenance of said school.

SEC. 28. This Act shall take effect and be in force from and after its passage.

CHAPTER CIV.

An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

[Approved March 11, 1889.]

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

Appropriation for boring wells at Insane Asylum, Stockton.

SECTION 1. The sum of forty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to bore wells to supply the State Insane Asylum at Stockton with water, light, and fuel.

SEC. 2. The work of boring the wells named in section one of this Act, and the expenditures necessary therein, shall be under the direction and control of the Board of Directors of the State Insane Asylum at Stockton.

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

CHAPTER CV.

An Act directing the transcription of all matters of record in the offices of the County Clerks and County Recorders of the Counties of Fresno and Merced, concerning real estate in the territory taken from those counties and added to that of the County of San Benito by Act of the Legislature, entitled an Act to amend an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County, approved March 11, 1887.

[Approved March 11, 1889.]

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

SECTION 1. The Board of Supervisors of the County of San Benito is hereby directed, within sixty days after the passage of this Act, to appoint some suitable and competent person to transcribe all matters of record in the offices of the County Recorder and County Clerk of the Counties of Fresno and Merced, relative to the real estate or evidencing or concerning title to the lands embraced within the territory taken from the Counties of Fresno and Merced and added to that of the County of San Benito by an Act of the Legislature entitled "An Act to amend an Act entitled an Act to create the County of San Benito, to establish the boundaries thereof and to provide for its organization," approved February twelfth, eighteen hundred and seventy-four, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County.

Transcrib-
ing records
of real prop-
erty in the
Counties of
Fresno and
Merced now
lying in the
County of
San Benito.

SEC. 2. The person so appointed shall within six months from his said appointment fully and correctly transcribe or cause to be transcribed all of the records mentioned in this Act, and shall index the same in separate index books in the same manner as similar matters are now required by law to be indexed. Upon the completion of said transcription by such person he shall certify to the correctness thereof and file the same in the office of the County Recorder of the said County of San Benito, and the same shall thereafter be valid and considered a part of the records of said County of San Benito and shall be received in all the Courts of this State or elsewhere, and in all proceedings as evidence, with the same force and full effect and subject to the same objections only as may be made to the records from which such transcription is made; that is to say, said transcription and all parts thereof

Time within
which to per-
form the
same.

Index o
work

Filing in
office of
County Re-
corder of
San Benito.

Validity of.

shall be considered as prima facie evidence of the original records and the papers from which said original record was made, and shall be received in evidence the same as said original records. Certified copies of said transcription or parts thereof may in all cases be used with the same force and effect as certified copies of the original record might have been used, and the custodian of said transcribed records is hereby authorized to make certified copies of said transcribed records the same as other records.

Compensation for transcribing.

SEC. 3. The person appointed and making such transcription shall receive as compensation therefor the sum of twenty-five cents per folio for all matters so transcribed, and ten cents for each name indexed; the same, together with the cost of all books, maps, and papers necessary for such transcription and indexing thereof, shall be a charge against said County of San Benito.

Access to records of Fresno and Merced Counties.

SEC. 4. The person appointed shall have access to all the records of said Counties of Fresno and Merced for said purpose of transcribing the same.

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

CHAPTER CVI.

An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen.

[Approved March 11, 1889.]

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

Fund for disabled firemen.

SECTION 1. The Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State in which Fire Departments exist, may, by appropriate ordinances, provide a fund, by general tax upon the property of the county, city and county, city, or town, for the relief of aged, infirm, or disabled firemen; *provided*, that such disability shall be caused by injuries received in the actual performance of duty, or disability caused by exposure while in the discharge of such duty.

Who entitled to benefits.

SEC. 2. No person shall be entitled to any benefit from any fund created by authority of this Act unless he shall have served in the Fire Department of such county, city and county, city, or town at least fifteen years, and no such benefit shall exceed one half of the salary provided by law at the time such disability occurred; *provided*, that any person injured in the actual discharge of fire duty shall be entitled to the benefit of this Act regardless of his length of service in the Fire Department of any such county, city and county, city, or town.

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

CHAPTER CVII.

An Act to amend Sections 'one thousand two hundred and fifty-seven, one thousand two hundred and fifty-eight, and one thousand two hundred and fifty-nine of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof.

[Approved March 11, 1889.]

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

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

1257. After the lists are thus signed the Board must proceed to count and ascertain the number of votes cast for each person voted for. All the ballots must be taken out of the ballot box, one at a time, and opened by one of the members of the Board, and as so taken out must be placed in separate piles, according to their respective ticket headings, vignettes, or other designations, in manner as follows, to wit: All the scratched ballots of each separate political or other party must be placed in a separate pile, and all the unscratched ballots of each such party must be placed in a separate pile, and all undesignated ballots must be placed in a separate pile in like manner. When all the ballots shall have been so placed in piles, the number of ballots in each such pile must be carefully, correctly, and distinctly counted aloud, by a member of the Board, in presence of the Board and of the bystanders, whereupon an official record must be made by each clerk, of the total number of ballots in each such pile, specifying its party designation, or that it is undesignated, and of the total number of ballots in each such pile. Immediately thereafter all unscratched ballots must be by one of the Judges strung upon one string in such a manner that all the unscratched ballots of each party shall be in direct succession and immediate proximity upon said string; and all such unscratched ballots shall thereupon be securely bound together by said string and replaced in the ballot box. Immediately thereafter each pile of scratched ballots and of undesignated ballots must be separately secured intact by twine or other convenient fastening, and replaced in the ballot box. Immediately thereafter, one, and only one such pile of scratched ballots must be freed from such twine or other fastening without removal from the ballot box, and such ballots must be taken out one at a time, by one of the members of the Board, and immediately thereafter each name erased, upon each such ballot, must be correctly and distinctly read aloud by a member of the Board, and each clerk must write down each name erased, and keep the number of erasures by tallies opposite each respective name as so read aloud. Immediately after all the erasures shall have been so recorded, the names substituted

Same.

for such erased names must be in like manner correctly and distinctly read aloud and written down, and in like manner be separately recorded by tallies by each clerk, and immediately after such tallying of the erasures and substituted names upon a ballot, the said ballot must be by one of the Judges strung upon another string, and thus each scratched ballot in its order, and each pile of scratched ballots in its order, must be freed and canvassed and strung upon the same string in such a manner that all the scratched ballots of each political or other party shall be in direct succession and immediate proximity upon said string. Immediately thereafter such pile of undesignated ballots must be freed from such twine or other fastening without removal from the ballot box, and such ballots must be taken out of the ballot box, one at a time, and opened by one of the members of the Board, and the ballot must immediately be distinctly read. Each clerk must write down the name of each person voted for upon each such undesignated ballot and the office he was voted for to fill, and must keep the number of times each person was so voted for upon undesignated ballots by tallies opposite his name as the ballots shall be so read aloud. Each such undesignated ballot so soon as thus read and tallied must be strung upon the same string with the scratched ballots, and all ballots rejected for illegality must then be strung upon said string of scratched ballots, whereupon all the ballots thus strung upon said string must be securely bound together by said string and replaced in the ballot box, whereupon the total number of ballots of each political and other party, the names erased, and the number of erasures of each name thereon, the names substituted for erasures, and the number of substitutions of each name thereon, also the total number of undesignated ballots cast, must be written out plainly by each clerk, and must be prominently posted in the room where counted and tallied, and a duplicate thereof must be prominently posted on the front of the building within which the precinct canvass shall be progressing, and a triplicate thereof must be sent to the Registrar's office, if in San Francisco, otherwise to the office of the County Clerk of the county. For the purposes of this section, a scratched ballot shall be a ballot having the name or names of one or more candidates thereon erased, and an unscratched ballot shall be a ballot having no name thereon erased, and an undesignated ballot shall be a ballot having no ticket heading, vignette, or other designation.

SEC. 2. Section one thousand two hundred and fifty-eight of the Political Code is hereby amended so as to read as follows:

Tallies.

1258. Each clerk must write down each office to be filled, and the name of each person voted for to fill such office, and opposite each such name to write down the total number of scratched ballots and the total number of unscratched ballots of each political or other party (designating the parties respectively) on whose party ballots such name shall have been originally printed (or written, if not a printed ballot), and next write down the number of times such name shall have been

erased upon scratched ballots, and lastly, write down the number of times such name shall have been inserted (substituted in lieu of a name, or names erased), upon scratched ballots; also the number of times each name appeared on undesignated ballots. Each clerk must then ascertain the net vote of each person voted for, from data thus written down opposite his name, by deducting from such total number of scratched and unscratched ballots the number of times his name was erased upon scratched ballots, and adding the number of times his name was inserted (substituted) upon scratched ballots, and the number of times it appeared upon undesignated ballots, and must then write down his net vote thus ascertained, immediately after the said data thus written down. All the exhibits severally written down by the clerks, under the provisions of this section, and of section one thousand two hundred and fifty-seven, next preceding this section, must be respectively disposed of in manner as provided for certain lists in sections one thousand two hundred and sixty-one and one thousand two hundred and sixty-two of this Code.

Same.

SEC. 3. Section one thousand two hundred and fifty-nine of the Political Code is hereby amended so as to read as follows:

1259. The ballots having been thus strung upon two strings, and bound together respectively, must not thereafter be examined by any person; but all such must be carefully sealed in a strong envelope, and each member of the Board must write his name across the seal.

Tickets to be strung and inclosed in sealed envelopes.

CHAPTER CVIII.

An Act to establish a State Reform School for juvenile offenders, and to make an appropriation therefor.

[Approved March 11, 1889.]

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

SECTION 1. There shall be established and maintained in this State, and located in the County of Los Angeles, an institution to be known as the "Reform School for Juvenile Offenders," for the confinement, discipline, education, employment, and reformation of juvenile offenders in the State of California.

Location of Reform School for juvenile offenders.

SEC. 2. The general supervision and government of said institution shall be vested in a Board of Trustees consisting of three citizens of the State of California, who shall be appointed by the Governor with the advice and consent of the Senate. The members of said Board shall hold their offices for the respective terms of two, three, and four years from the first day of March, eighteen hundred and eighty-nine, and until their successors shall be appointed and

Board of Trustees.

Terms of office.

Vacancy,
how filled.

qualified said respective terms to be designated in their appointments; and thereafter there shall be one of said Board appointed in the same manner every two years, whose term of office shall continue four years, and until his successor is appointed and qualified. If a vacancy shall occur in said Board by expiration of the term of any such Trustee, or otherwise, when the Senate is not in session, the Governor shall fill such vacancy for the unexpired term, subject to the approval of the Senate at its next regular session. Said Trustees, before entering on the discharge of the duties of their office, shall each take an oath faithfully to discharge the same.

Powers.

SEC. 3. The Trustees of such institution shall be a body corporate and politic for certain purposes, namely: To receive, hold, use, and convey or disburse moneys or other property, real and personal, in the name of said corporation but in trust and for the use and by the authority of the State of California, and to control, manage, and direct the several trusts committed to them respectively, including the organization, government, and discipline of all officers, employés, and other inmates of said institution, with power to make contracts, to sue and be sued, plead and be impleaded, to have and to use a common seal, and to alter the same at pleasure, and to exercise all the powers usually belonging to said corporations and necessary for the successful discharge of the obligations devolved by law upon said members of trust; *provided*, that they shall not have power to bind the State by any contract or obligation beyond the amount of appropriations which may at the time have been made for the purposes expressed in the contract or obligation, nor to sell or convey any part of the real estate belonging to such institution without the consent of the Legislature, except that they may release any mortgage, or convey any real estate which may be held by them as security for any money or upon any trust, the terms of which authorizes such conveyance; *and provided further*, that the Legislature shall have power at any time to amend, alter, revoke, or annul the grant of corporate powers herein contained.

To select
site.

SEC. 4. The said Board of Trustees are hereby empowered with full power and authority to select a site for the permanent location of said Reform School in the County of Los Angeles. Said Trustees shall within thirty days after their appointment and qualification, examine the different sites offered by the people of the County of Los Angeles for the location of the said Reform School, and select therefrom a suitable location for said buildings; and the site selected by them shall be and remain the permanent site for said Reform School; said site to contain not less than forty nor more than one hundred and sixty acres, giving preference, other things being equal, to a location central and easy of access from all parts of the county or State; *provided*, that no buildings shall be commenced or erected in said County of Los Angeles until a deed in fee simple of the land selected by the said Board of Trustees shall be made to the State, and recorded in the records of the County Recorder of said Los Angeles County, and said deed deposited in the office of the Secretary of State.

SEC. 5. The said Board of Trustees shall prepare and adopt plans for the grounds, buildings, and fixtures necessary and proper for such an institution, not in their judgment to exceed in cost the amount of money hereinafter appropriated, but if practicable of such description that other buildings can be added to or enlarged without injury to their symmetry or usefulness; and may let or make all necessary contracts, with the approval of the Governor, for the construction of such buildings and fixtures and the improvement of the grounds according to such plans. Said Board of Trustees shall use all practicable diligence in the commencement and completion of said buildings and fixtures, and the improvement of the grounds, according to such plans.

To adopt plans.

SEC. 6. No Trustee or employé of such institution shall be personally, directly or indirectly, interested in any contract, purchase, or sale made, or any business carried on in behalf of or for said institution. All contracts, purchases, or sales made in violation of this section shall be held and declared null and void, and all moneys paid to such Trustee, employé, or any other person for his benefit, in whole or in part, in consideration of such purchases, contracts, or sales made, may be recovered back by civil suit, to be instituted in the name of the State of California, against such Trustee, employé, or person acting in his behalf; and in addition it is hereby made the duty of the Governor and the Board of Trustees, as the case may be, upon proof satisfactory of the fact of such interest, to immediately remove the Trustee or employé delinquent as aforesaid, and to report the facts to the Attorney-General, who shall take such legal steps in the premises as he shall deem expedient.

Trustee or employé not to be interested.

SEC. 7. The Board shall make all needful rules and regulations concerning their meetings and the modes of transacting their business, shall take charge of said institution to see that its affairs are properly conducted, that strict discipline is maintained, and that suitable employment and education are provided for its inmates. They are authorized to make contracts for the purchase of furniture, apparatus, tools, stock, provisions, and everything necessary to equip the institution for the purposes herein specified, and to maintain and operate the same; *provided*, said Board shall incur no expense nor contract any debt beyond appropriations made or donations given for the said Reform School; and then only in such manner as may be prescribed by the Act of appropriation or the instrument of donation.

Rules and regulations.

Contracts.

SEC. 8. The Board shall annually elect from their own number a Chairman and a Vice-Chairman whose term of office shall be for one year, and until their successors shall be duly appointed and qualified. They shall also elect a Treasurer, not one of their own number, whose term of office shall be for two years, and until his successor shall be duly elected and qualified, who shall be at all times subject to removal by the Board for good cause.

Officers.

Superintendent. SEC. 9. The Board shall appoint a Superintendent of said Reform School, not of their own number, whose salary shall be fixed by said Board not to exceed three thousand six hundred dollars per annum, and shall also appoint such other officers and such assistants as the wants of the institution may from time to time require, and shall prescribe their duties and fix their salaries as may be reasonable.

Report of Trustees. SEC. 10. Said Board of Trustees shall, on or before the first day of December every two years, make to the Governor a full and detailed report of their doings as such Trustees, and of the expense of said institution, with such other information relating thereto as they may think interesting or useful to the State; which report shall be communicated by the Governor to the next succeeding session of the State Legislature. Said Trustees shall receive no salary for their services as such from the State, but shall be allowed all necessary expenses incurred in the discharge of their duties.

Meetings. SEC. 11. The Board of Trustees shall have a regular meeting once every three months, at such time and place as they may direct; special meetings may be called by the President of said Board in all cases where it becomes necessary for such a meeting.

Duty of Superintendent. SEC. 12. The Superintendent before entering upon the duties of his office shall take an oath faithfully to discharge the same and execute a bond with sureties to be approved by the Board, in a sum to be fixed by the Board, conditioned for the faithful performance of all his duties as such Superintendent. He shall be a resident at the institution, and shall be ex officio the Secretary of the Board, taking charge of all books and papers. He shall have charge of the land, buildings, furniture, apparatus, tools, stock, provisions, and every other species of property belonging to the institution, subject to the direction and control of said Board, and shall account to the Board in such manner as they may require for all property intrusted to him, and all moneys received by him from whatever source shall be deposited with the Treasurer. His books shall at all times be open to the inspection of the Board, who shall at least once in every three months carefully examine the same and all accounts, vouchers, documents connected therewith, and make a report of the result of such examination in a book provided for the purpose. He shall have charge of the inmates of said institution; he shall discipline, govern, instruct, employ, and use his best efforts to reform the children and youth under his care, and shall at all times be subject to removal by the Board for incapacity, cruelty, negligence, immorality, or any other good cause.

Duty of Treasurer. SEC. 13. The Treasurer before entering upon the duties of his office shall take an oath faithfully to discharge the same, and shall execute a bond to the people of California with sureties to be approved by said Board in at least double the sum of money for which he may be responsible as Treasurer, conditioned for the faithful performance of all his duties as such Treasurer; he shall take charge of all the funds of the institution, receiving the same and disbursing them on

the written order of the Superintendent, and shall account to the Board in such a manner as they may require for all funds intrusted to him from whatever source. His books shall at all times be open to the inspection of the Board and Superintendent, who shall at least once in every six months carefully examine the same and all the accounts, vouchers, and documents connected therewith, and make a report of the result of such examinations. Such Treasurer must be a citizen of Los Angeles County, and shall receive for his services a salary of six hundred dollars per annum.

SEC. 14. Said Board of Trustees shall arrange the building or buildings to be used for said Reform School and the grounds about the same, so that a portion thereof may be used for the proper confinement, care, and education of the male inmates, and the remaining portion for the proper confinement, care, and education of the female inmates, and to the absolute exclusion of all communication of any kind or character between the sexes.

Arrangement of building to suit sexes.

SEC. 15. Whenever said institution shall have been so far completed as to properly admit of the reception of inmates therein, the Governor shall make due proclamation of that fact; and thereafter it shall be lawful for said Board of Trustees to receive into its care and guardianship infants between the ages of ten and eighteen years committed to its custody, as hereinafter provided.

Proclamation when ready to admit inmates.

SEC. 16. Whenever any boy or girl between the ages of ten and sixteen years is convicted before any Court of competent jurisdiction of any crime which committed by an adult would be punishable by imprisonment in the county jail or penitentiary, such juvenile offender shall be committed by the order of said Court to said State Reform School for a term of not less than one nor more than five years; *provided*, that when the crime for which such conviction is had is punishable by imprisonment in the county jail, the Court may, in the exercise of its discretion, commit said offender to the county jail for the time authorized by law for the punishment of the offense for which the offender is convicted; *and provided further*, that nothing in this Act shall be construed to debar any Court from punishing any capital offense, or attempt to commit a capital offense, in such manner as is or may be provided by law.

Committal.

SEC. 17. If any accusation of the commission of any crime shall be made against any infant under the age of sixteen years before any Grand Jury, and the charge appears to be supported by evidence sufficient to put the accused upon trial, the Grand Jury may, in their discretion, instead of finding an indictment against the accused, return to the Court that it appears to them that the accused is a suitable person to be committed to the care and guardianship of said institution; the Court may thereupon order such commitment, if satisfied from the evidence that such commitment ought to be made, which examination may be waived by the parent or guardian of such infant.

Duty of Grand Jury.

When Judge
may commit.

SEC. 18. If any infant between the ages of ten and sixteen years shall be arraigned for trial in any Court having competent jurisdiction on a charge of any violation of any criminal law of this State, except for the commission of a capital offense, or an attempt to commit a capital offense, the Judge may, in his discretion, with the consent of the accused, arrest at any stage of the cause any further proceedings on the part of the prosecution, and commit the accused to the care and guardianship of this institution.

Private
examination
of accused.

SEC. 19. All infants between the ages of ten and sixteen years who may be accused of any offense punishable by imprisonment, shall, with a view to the question whether they ought to be committed to said institution, be entitled to a private examination and trial before a Court having competent jurisdiction, to which only the parties to the case and the parent or guardian of the accused, and their attorneys shall be admitted, unless one of the parents, the guardian, or other legal representative of the infant demand a public trial; in such case the proceedings shall be in the usual manner.

Receiving
inmates by
Trustees.

SEC. 20. It shall also be lawful for said Board of Trustees, under such rules as they may prescribe, to receive into the care and guardianship of this institution, whenever it may be convenient so to do, of infants between the ages of ten and eighteen years committed to its custody in any of the following modes:

First—Infants committed by any Judge of a Superior Court of this State on the complaint, in writing, filed, and due proof thereof by the parent or guardian of such infant, that by reason of the incorrigible and vicious conduct such infant has rendered his control beyond the power of such parent or guardian, and made it requisite that from a regard for the future welfare of such infant and for the protection of society that he be placed in such guardianship.

Second—Infants committed by any Judge of the Superior Court of this State where complaint in writing has been filed and due proof of the same has been made that such infant is a proper subject for the care and guardianship of such institution, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from a moral depravity, or otherwise, the parent or guardian in whose custody he may be, such parent or guardian is incapable or unwilling to exercise the proper care or discipline over such infant.

Third—Infants committed by any Judge of the Superior Court of this State where complaint in writing has been filed and due proof of the same has been made by the mother or guardian, when the father is dead or has abandoned his family or is an habitual drunkard or does not provide for the support of such infant, that such infant is destitute of a suitable home and of adequate means of obtaining an honest living, or is in danger of being brought up to lead an idle and immoral life, and where such mother or guardian is unable to provide the proper support and care for such infant.

SEC. 21. Before conveying infants to said institution, as provided under section twenty of this Act, the person or persons having charge of said infants shall ascertain from the Superintendent whether they can be received; and if they cannot, then the cases of such infants shall be disposed of as if this Act had never been passed, and no proceedings taken under it.

Ascertaining whether inmates can be received.

SEC. 22. In all cases where the commitment is executed by the official person, whose proceedings are usually evidenced by the record, or where the occasion of the commitment is a criminal charge or conviction against the infant, no other record shall be made (unless demanded by the infant, his parent, or guardian) than that, in substance, such infant (naming him), who on a day therein named was of the age of — years, having been brought before said Court, or officer, and it having been ascertained by the testimony of the witnesses that such infant was a suitable person to be committed to the instruction and discipline of such institution, and in case of conviction for crime (naming the offense), therefore such infant was ordered to be committed to said institution.

SEC. 23. Every person committed to the Reform School shall by good behavior earn to himself, or herself, and be credited with time as follows, to wit: Each month in the first year, five days; each month in the second year, six days; each month in the third year, seven days; each month in the fourth year, eight days; each month in the fifth year, ten days. When such person shall be degraded for misconduct, or violation of the rules of the institution, then for every time so degraded such person shall lose five days of the good time that may stand placed to his credit; and the Superintendent shall release every such person from the institution as many days before the expiration of the term of his sentence as such person shall have balance of good days to his credit. Upon the discharge of any person committed to the Reform School, except when committed under section twenty of this Act, the Superintendent shall provide him with suitable clothing and five dollars in money, and procure transportation for him to his home, if resident in this State, or to the county in which he may have been convicted, at his option.

Credits.

Discharge.

SEC. 24. Said Board of Trustees shall, with the approval of the Governor, estimate and determine as near as may be the actual expense per month of keeping and taking care of each infant committed to said institution, under the provisions of section twenty of this Act, not including the use of the grounds and buildings, and shall include a statement of such estimated price in each biennial report to the Governor. When any infant is committed to said institution at the instance of his or her parent or guardian, or other protector, the cost of keeping said infant, including the cost of transporting to and from the institution, shall be wholly paid by such parent or guardian, unless, by reason of the poverty of such parent or guardian or other good cause, said Board of Trustees shall otherwise order and direct; in each case such

Estimate of expenses.

Expenses of inmate, when to be paid.

Expenses
paid by
counties.

expenses, including the cost of transportation, shall be borne one half by the county from which such infant is committed, and the remaining one half shall be borne by the State. The expense which any county may be liable to pay on account of any infant committed to said institution under the provisions of this Act, shall be paid by the Board of Supervisors into the State Treasury on a certified and detailed statement as to the amount due therefor from such county being furnished to the Auditor of the county by said Superintendent; but in no case shall the amount charged to any county for the keeping of any infant exceed one half of the estimated cost to the State of his or her support, exclusive of the use of the permanent property of the institution. All moneys paid by such counties under the provisions of this section into the State Treasury shall be paid directly by the State Treasurer to the Superintendent of the Reform School for the use of said institution, as herein provided; *provided, however*, that no order shall be made by said Board of Trustees charging any county with one half of the cost of keeping in the institution any infant committed at the instance of his or her parent or guardian, or other protector, unless a certificate in writing is first produced signed by the President of the Board of Supervisors of such county, setting forth that the case is one in which the expense should be charged to the State and county, and also setting forth the reasons for their being so charged.

Estimated
monthly
expenses.

SEC. 25. Immediately after the Governor shall make proclamation that said institution is ready for the reception of inmates, the Board of Trustees shall make the estimated actual expense per month of keeping and taking care of the infants, as required under section twenty-four, which estimate shall control in such matters until the first biennial report of said Board is made.

Aiding
escapes.

SEC. 26. If any person procure the escape of any person committed to the Reform School, or advise or connive at, aid, or assist in such escape, or conceal any such person so committed after such escape, he shall, upon conviction thereof in any Court of competent jurisdiction, be punished by a fine of not less than two hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than two months nor more than one year, or by both such fine and imprisonment; or if such person so convicted be under the age of sixteen years, then he shall be sentenced to the Reform School, as in this Act provided.

Application
for discharge
of inmate.

SEC. 27. If any parent or guardian or master to whom an infant has been apprenticed, or any person occupying the position of parent, protector, or guardian in fact or in reality, by blood or marriage, not more remote than first cousin to such infant, shall feel aggrieved by such commitment to such institution, when such commitment has been made under section twenty of this Act, he may make written application to the Board of Trustees of the institution for the discharge of such infant; which application shall be filed with the Superintendent, who shall inform the Trustees thereof, and the same shall be heard and determined by such

Hearing.

Trustees at such time and place as they shall appoint for that purpose, not later than the next regular meeting of the Board. Such application shall state the grounds of the applicant's claim to the custody of the infant and the reasons for claiming such custody. Within ten days after hearing said application the Trustees shall make and announce their opinion thereon, and if they shall be of the opinion that the welfare of such infant would be promoted by granting the application, they shall make an order to that effect; otherwise, they shall deny the application. The applicant may upon the denial of his application, by first giving security for the payment of all costs (the security to be approved by the Clerk of the proper Court) commence an action in the Superior Court of the county in which the institution may be situated, for the recovery of the custody of such infant against the Trustees of such institution. The complaint in said action shall state the fact and manner of the infant's commitment to said institution, the making of the applicant's application to the Trustees for the custody of such infant, and the overruling of such application by such Trustees, as well as the ground upon which the applicant relies for the recovery of the custody of such infant. Said action shall be prosecuted in like manner as other civil actions, and the cost thereof shall be paid by the applicant without reference to the result of the action, unless the Court shall state in the judgment that the refusal of the Trustees to grant the application of the applicant was plainly unreasonable, or that the original commitment was manifestly improper and unnecessary.

Action for
release of
inmate.

SEC. 28. It shall be the duty of the Sheriff of any county wherein an order is made by a Superior Judge committing any infant to such Reform School, to execute any and all writs of commitment issued by said Judge, and to receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the State Prison; *provided*, that in all cases where the commitment shall be made under section twenty of this Act, the parent, guardian, or other protector of such infant may at his option, and in all cases where he is able, or the estate of such infant is sufficient, shall, without expense to the county or State, execute said writ of commitment, after having been duly sworn therefor, with like powers and with like effect as the Sheriff would have.

Duty of
Sheriff.

SEC. 29. In all cases where an infant has been committed to said Reform School for any of the causes mentioned in section twenty of this Act, and such infant at the time of his commitment or afterwards, and during his term of confinement at said school, succeeds to any estate which is of sufficient value to cover his expense to and from and while at said school, the same shall become subject to such expense; and the said Superior Court shall, by a proper order therein entered, cause the parent or guardian to sell so much of said infant's estate (there not being sufficient money) to pay such expenses. In each case the proceedings thereon shall be similar to those required of guardians in ordinary sales of the property of wards. When any money is realized by

When
inmate must
support
himself.

virtue of any such sales, the Court by proper order shall cause the same or a sufficient amount therefor to be paid to the Superintendent of such institution; or in case any expense of said infant has been borne already by the State or county, then such Court shall order said county and State to be fully reimbursed for said expense by causing a sufficient amount therefor to be placed in the State and County Treasury.

Appropriation.

SEC. 30. The sum of two hundred thousand dollars (\$200,000) is hereby appropriated out of the General Fund of the State of California for the erection, equipment, and maintenance of the building or buildings and grounds of said Reform School as herein provided, for the two years commencing April first, eighteen hundred and eighty-nine. Said sum herein appropriated shall be expended pursuant to the provisions of this Act. The said Board of Trustees shall examine, audit, and allow all demands arising under this Act, and the State Controller shall thereupon draw his warrants therefor, payable out of the said General Fund, and the State Treasurer is hereby ordered to pay such warrants.

SEC. 31. This Act shall take effect and be in force from and after its passage.

CHAPTER CIX.

An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California.

[Approved March 11, 1889.]

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

Southern California State Hospital for Insane.

SECTION 1. There shall be established in one of the counties hereinafter named, and upon a site to be selected by Commissioners appointed for that purpose, an institution for the care and treatment of the insane, to be designated as The Southern California State Hospital for the Insane.

Commissioners to select site.

SEC. 2. The Governor of the State of California is hereby authorized and directed to appoint five Commissioners, one from each of the following counties: San Diego, San Bernardino, Los Angeles, Ventura, and Santa Barbara, who shall be citizens of the United States, and residents of Southern California, to select a site for said institution.

Time within which to proceed to select.

SEC. 3. The Commissioners shall, within ten days after their appointment, proceed to select in the County of Los Angeles, San Bernardino, Ventura, Santa Barbara, or San Diego, a suitable site for said hospital, of not less than one hundred acres of land, and in the selection of such site the Commissioners shall be governed by advantages for health, convenience of access, and general sanitary surroundings.

To ascertain cost.

SEC. 4. The Commissioners shall ascertain the cost of the proposed site, and report the same to the Governor for approval, and when approved, shall purchase the same for and on behalf of the State.

SEC. 5. The Commissioners shall receive no compensation for their services, but their traveling expenses, not exceeding three hundred dollars for each Commissioner, shall be paid by the State, their bills for the same shall be audited by the State Board of Examiners, and paid out of the general fund.

Traveling expenses.

SEC. 6. Immediately after the purchase of such site, the Governor is hereby authorized and directed to appoint five Trustees of said hospital, residents of Southern California, of whom three shall serve for two years and two for four years; and thereafter the term of office of such Trustees shall be four years. If at any time a vacancy occurs in the Board of Trustees, the Governor shall appoint a suitable person to act as Trustee for the unexpired term. The Trustees shall qualify by taking an official oath within two days after the date of their appointment, and shall organize by selecting one of their number to act as Chairman. They shall also have power to select a Secretary, whose compensation shall be fixed by them, but shall not exceed twelve hundred dollars per annum.

Appointment of Trustees.

SEC. 7. As soon as practicable after their appointment, the said Trustees shall procure and adopt, by and with the advice of the Medical Superintendent of the Insane Asylum at Stockton, plans and specifications for the construction of the hospital to be constructed under the provisions of this Act, and shall submit the same to the Governor of the State for his approval, and upon the approval thereof by him, shall proceed with the construction of said hospital.

Adoption of plans.

SEC. 8. Upon the approval of such plans and specifications the Board of Trustees shall advertise in one or more newspapers of general circulation, for bids for the construction of said hospital, and shall award the contract for the erection of said hospital to the lowest responsible bidder; *provided, however*, that the said Board shall have the right to reject any and all bids.

Advertising for bids for construction of.

SEC. 9. There is hereby appropriated the sum of three hundred and fifty thousand dollars for the purpose of purchasing said site and erecting the said building, and to be placed in a fund to be known as the Southern California Insane Hospital Fund.

Appropriation.

SEC. 10. The Controller of State is hereby authorized and directed to draw his warrant on the Treasurer of State in favor of said Board of Trustees, on their requisition, on said fund hereby created, with the approval of the State Board of Examiners, but not more than twenty thousand dollars shall be drawn at any one time for building purposes, nor shall the Board of Examiners approve any requisition, except the first, until a detailed account of the expenditure of the sum previously drawn shall be filed with said State Board of Examiners, by the Board of Trustees; *provided, however*, that the Controller shall draw his warrant for the payment for the site for said hospital, upon the requisition of the Commissioners hereinbefore provided for with the approval of the Governor.

Duty of Controller.

**Appoint-
ment of
architect and
Superin-
tendent of
Construc-
tion.** SEC. 11. The Trustees shall have power to employ a competent architect to make the necessary plans, drawings, and specifications, and employ a competent person to superintend the construction of said hospital, and fix his compensation, subject to the approval of the State Board of Examiners. The Superintendent of Construction may be removed at any time by said Trustees, and another appointed in his place.

**Bond of
contractor.** SEC. 12. Said Trustees shall, at the time of entering into the contract for the construction of such hospital, require the contractor to give a bond, in such sum as they may designate, for the faithful performance and full execution of the said contract, which bond shall be executed by sufficient sureties, and subject to approval by the Board of Examiners.

**Manage-
ment.** SEC. 13. Upon the completion of said hospital, the same shall be conducted under the control and management of the Board of Trustees and their successors in office. They shall cause to be kept a full and correct record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to examine the same. As soon as said building is finished, furnished, and ready for the reception of patients, the Trustees shall elect a Medical Director for said hospital, whose term of office shall be four years. And thereafter the said Trustees shall elect a Medical Director when it becomes necessary, and one or more Assistant Physicians, as in the judgment of the Trustees the proper management of the hospital may demand, whose term of office shall be four years, and until his successor is appointed and qualified. The Medical Director and Assistant Physician shall be educated and experienced physicians, and regular graduates of medicine, and shall have practiced medicine not less than five years from the date of diploma. The duties of the Medical Director in his absence or sickness shall be performed by the Assistant Physician.

**Election of
physicians.** SEC. 14. The Medical Director and Assistant Physician shall both reside at the hospital, and shall not engage in practice other than in the employment of the State.

**To reside at
hospital.** SEC. 15. The salaries of the Medical Director and Assistant Physician shall be of the same amount as is allowed to the Physician in charge of the Insane Asylum at Stockton.

Salaries of. SEC. 16. Except in so far as is limited or enlarged by the provisions of this Act, the said Trustees shall have the same power, duties, responsibilities, and obligations as are conferred by law upon the Trustees of the State Asylum for the Insane at Napa, and shall receive like compensation; *provided, however,* that during the construction of said hospital, said Trustees may receive from the State their actual traveling and other expenses, while engaged in the duties of their office. The amount of such expenses to be allowed and approved by the State Board of Examiners.

**Powers and
duties of
Trustees.** SEC. 17. After said hospital is prepared to receive and take care of the insane, all persons committed to an insane asylum from the counties of Southern California, shall be

**Commit-
ments.**

committed to said Southern California State Hospital for Insane, and the insane from any part of the State may be committed to and admitted in said hospital.

SEC. 18. This Act shall take effect from and after its passage.

CHAPTER CX.

An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county.

[Approved March 11, 1889.]

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

SECTION 1. Upon the assent of two thirds of the qualified electors, voting at an election to be held for that purpose as provided in sections four and five of this Act, there shall be formed out of the southeast part of Los Angeles County a new county, to be known as the County of Orange, which shall rank as a county of the fifteenth class, until the census of eighteen hundred and ninety is taken and a new apportionment is had. Formation of County of Orange.

SEC. 2. The boundaries of Orange County shall be as follows: Beginning at a point in the Pacific Ocean three miles southwest of the center of the mouth of Coyote Creek, proceeding up said creek in a northeasterly direction until it intersects the township line between township three south of ranges ten and eleven west; thence north on said township line to the northwest corner of section six, township three south, range ten west; thence east on said township line until it intersects the boundary line between San Bernardino and Los Angeles Counties; thence along said boundary southeasterly until it intersects the boundary line of San Diego County; thence along said line southwest until it reaches the Pacific Coast; thence in the same direction to a point three miles in said Pacific Ocean; thence in northwesterly line parallel to said coast to the point of beginning. Boundaries.

SEC. 3. The county seat of the County of Orange shall be chosen as hereinafter provided. County seat.

SEC. 4. The Governor shall, when this Act takes effect, appoint five persons, residents and electors of the County of Orange, who shall be and constitute a Board of Commissioners, to perfect the organization of said county, a majority of whom shall constitute a quorum. Said Commissioners shall meet in the City of Santa Ana, within twenty days after their appointment, and after being duly sworn to faithfully discharge their duties as prescribed in this Act, shall organize by electing from their number a President and Secretary; upon the first Monday of the second month next succeeding the passage of this Act, it shall be the duty of the Commissioners to order a special election to be held within the boundaries of Appointment of Commissioners to perfect organization. Duties.

Same.

the proposed County of Orange, on the first Tuesday after the first Monday of the month following, and they shall cause notice of the same to be printed in two newspapers of general circulation published in said proposed County of Orange. The said notice shall contain the names of the election officers, and a list of the polling places, with the time of opening and closing the polls on election day (which day shall also be named). Such notices, if published in weekly newspapers shall appear as often as said newspapers are published between the day of meeting, as aforesaid, and the date of such election; if printed in papers issued oftener than once a week, then the same shall appear once in each week from the day of such meeting to the date of the election. The precincts existing at the general election held on November sixth, eighteen hundred and eighty-eight, and the fractions of such precincts then existing, as are divided by the creation of the proposed county, severally, constitute the precincts for such election. The said election shall be held and conducted under the general election laws of the State, applicable to special elections. At such election all persons voting for the creation of Orange County shall have written or printed on their ballots the words: "For the new County of Orange," or equivalent words; and all persons voting against the creation of the new County of Orange shall have written or printed on their ballots the words: "Against the new County of Orange," or equivalent words. If, at such election, less than two thirds of the qualified electors voting for and against the creation of the proposed county vote for the creation of said county, then this Act shall cease to be of any force or effect. If, at such election, two thirds of the qualified electors voting for and against the creation of the proposed county vote in favor thereof, said Commissioners shall then divide the new county into a convenient number of judicial townships, road, and school districts, define their boundaries, and designate the name of each. They shall also divide said county into five Supervisorial Districts, to contain as nearly as practicable an equal number of inhabitants, and number said districts. They shall also establish election precincts in said county. They shall give thirty days' notice, by publication in one or more newspapers published in the county, of the precincts established, and shall designate the name and boundaries of each precinct, and number and boundaries of each Supervisorial District. Said Commissioners, their President and Secretary, are hereby authorized and required to discharge the same duties as are now required by law of Boards of Supervisors and County Clerks in the counties of this State, so far as the same applies to holding elections, canvassing returns, and issuing certificates of election. They shall keep a full record of all their proceedings, transmitting to the Secretary of State a certified copy thereof, filing the originals with the original election returns, in the County Clerk's office, as soon as he shall have been qualified, and thereupon the powers and duties of said Commissioners shall cease and terminate.

SEC. 5. Within a period not exceeding six months from the time of the first meeting of the Commissioners heretofore provided for, said Commissioners shall order an election to be held in said County of Orange, which shall be held in the manner, so far as practicable, as required by the Political Code, sections one thousand and forty-one to one thousand two hundred and ninety-seven, inclusive; *provided*, that said Board of Commissioners shall continue to hold their meetings in the City of Santa Ana until they have completed the canvass of the returns of the election, and issued the certificates of election required by this Act. There shall be chosen at said election, by the qualified electors of said county, one Judge of Superior Court, one District Attorney, one County Clerk, who shall be ex officio Clerk of the Superior Court and Clerk of the Board of Supervisors, one Recorder, who shall be ex officio Auditor, one Sheriff, who shall be ex officio Tax Collector, one County Treasurer, one County Assessor, one County Superintendent of Public Schools, one County Surveyor, one County Coroner, who shall be ex officio Public Administrator. There shall be chosen at said election one Supervisor for each supervisorial district in said county; *provided*, that all duly elected and qualified Supervisors of Los Angeles County who, at the taking effect of this Act, are residents of Orange County, shall hold their offices for the term provided by law, upon having duly qualified as Supervisors of Orange County for the respective districts in which they reside, as said districts are organized by the action of the Board of Commissioners provided for in this Act. There shall be chosen at said election two Justices of the Peace, and two Constables for each township; *provided*, that all Justices of the Peace and Constables, acting as such at the time of the passage of this Act, residents of Orange County, shall hold their offices for the time provided by law, upon having qualified as Justices of the Peace and Constables of Orange County for the respective townships in which they severally reside, as said townships are organized by the action of the Board of Commissioners provided for in this Act. There shall be chosen at said election three School Trustees for each school district; *provided*, that all School Trustees acting as such at the time of the passage of this Act, residents of Orange County, shall hold their offices for the time provided by law, upon having duly qualified as School Trustees of Orange County for the respective school districts in which they severally reside, as said districts are organized by the Board of Commissioners provided for in this Act. There shall also be chosen at said election one Road Overseer for each road district; *provided*, that all Road Overseers acting as such at the time of the passage of this Act, residents of Orange County, shall hold their offices for the time provided by law, upon having duly qualified as Road Overseers of Orange County for the respective road districts in which they severally reside, as said districts are organized by the action of the Board of Commissioners provided for in this Act. All the officers elected at said election, or who qualify under the provisions of this Act, shall enter, immediately after their qualification, upon the discharge of

Election
for county
officers.

the duties of their respective offices, and shall hold such offices until the time provided by general law for the election and qualification of such officers of this State, and until their successors are elected and qualified. At said election shall also be submitted to the qualified electors the location of the county seat of said Orange County, and the place receiving the highest number of votes therefor shall be declared by the Commissioners the county seat of said county.

Qualifica-
tions of
electors.

SEC. 6. All qualified electors of this State, who have been residents and electors of said territory of Orange County for ninety days preceding the election provided for in section five of this Act, shall be qualified to vote at said election. The register of Los Angeles County, used at the general election held in the year eighteen hundred and eighty-eight, in the territory of the new created County of Orange, shall be prima facie evidence for the qualification of electors. The County Clerk of Los Angeles County is hereby directed to furnish the Commissioners of Orange County a certificate, under seal, showing the additional names of voters on the Great Register of Los Angeles County registered as residing in the territory forming the County of Orange since the last Great Register of Los Angeles County was printed, and the certificate of the County Clerk of Los Angeles County, under seal, showing the registration of any qualified voter who resides in the territory forming the County of Orange, up to the date of election, shall entitle the holder thereof, if otherwise qualified by law, to vote at said election.

Duty of
Supervisors.

SEC. 7. It shall be the duty of the Board of Supervisors of Orange County, whose election is by the Act provided for, to meet at the county seat on the first Monday of the month subsequent to their election and qualification, the member representing District Number One being Chairman. They shall then allow such remuneration to the Commissioners and officers of election as they may think just and proper; and such allowance shall be paid by a warrant drawn in favor of each by the proper officers. Said Board, or a majority of them, shall then appoint two freeholders, residents of Orange County, to act as a Board of Commissioners, whose duty it shall be to meet a like number of Commissioners, appointed by the Board of Supervisors of Los Angeles County, at a time and place agreed on. Such joint Commissioners shall then organize by appointing from their number a President and Secretary, and shall immediately proceed to determine the indebtedness of said county existing at the time this Act takes effect, as hereinafter provided. Said Commissioners shall have power to compel the attendance of such persons and the production of such books and papers before them as they may require in performing the duties imposed by this Act; and it shall be the duty of the Sheriffs of Los Angeles and Orange Counties to execute all lawful orders of said Commissioners in their respective counties; and for any services performed the Sheriffs shall be allowed the same fees as are allowed for like services in civil cases; and all the witnesses attending before these Commissioners, by their order, shall be entitled to the same compensation and mile-

age as is allowed to witnesses in civil cases; *provided*, no witness shall be excused from attendance at the time and place mentioned in said order or subpoena by reason of the failure of the officer making service thereof to tender his fees in advance. Should any vacancy occur in said Commissioners, by death, resignation, or otherwise, the Board of Supervisors of the county in which such vacancy shall occur shall have power to fill the vacancy by appointment. Should the Commissioners before designated be unable to agree in the discharge of duties imposed by the provisions of this Act, they are hereby required and empowered to appoint a fifth Commissioner, which Commissioner so appointed shall be a member of said Board of Commissioners from and after his appointment. The full number of Commissioners shall be necessary to constitute a quorum for the transaction of business; and if said Commissioners should fail, neglect, or refuse to appoint a fifth Commissioner, as provided in this section, it shall be the duty of the Governor of the State of California to appoint the fifth Commissioner. They shall ascertain the total amount of indebtedness of Los Angeles County existing at the time this Act takes effect, and also the total value of all assets of said county, including real estate, buildings, and bridges erected, or in progress of erection, money, and solvent credits of whatever nature, and any other property belonging to the said County of Los Angeles. They shall also ascertain the assessed value of all property in Los Angeles County under the assessment made in eighteen hundred and eighty-eight, and also the assessed value of the property under the same assessment assessed in the territory hereby set apart to form Orange County. They shall then find the balance of the total assets and indebtedness of Los Angeles County, and if there is a balance of indebtedness against said county, the same shall be divided between the two counties according to the following proportion: As the total assessed value of the property of Los Angeles County, at the time of the taking effect of this Act, is to the total assessed value of the property in Orange County, so is the balance of said indebtedness so as aforesaid ascertained, to the amount of said indebtedness to be assumed and paid by Orange County to Los Angeles County. Said Commissioners shall then certify forthwith to the respective Boards of Supervisors of said Counties of Orange and Los Angeles such amounts of the said indebtedness due from Orange County, together with the ascertained value of all bridges and other property estimated and reckoned among the assets of Los Angeles County, as aforesaid, erected or purchased by county funds, and situated in Orange County, which property shall be charged to the new county, and the amount thereof shall be an indebtedness to Los Angeles County, and shall thereupon become the property of said Orange County. In case said Commissioners shall find a balance of assets of Los Angeles County over and above its liabilities, they shall belong to Orange County by the proportion aforesaid, and shall certify the same to the said Boards of Supervisors, together with the

Same.

value of the bridges and other property as aforesaid; and if the amount of said balance of assets belonging to Orange County is less than the value of said property, then the difference between the two amounts shall be assumed and paid by Orange County to Los Angeles County; but if said amount is greater than the value of said property, then said Los Angeles County shall pay the difference between the two amounts to said Orange County. The Board shall, in accordance with the general laws, levy State and county taxes. Twenty per cent of the county tax shall be collected and set apart as a sinking fund, to liquidate the debt due from Orange County to the County of Los Angeles, being the former's portion of the original indebtedness; and when there shall be five hundred dollars, or more, placed to the credit of the sinking fund, it shall be the duty of the Board of Supervisors of Orange County, provided no coupons of said county are past due, or in danger of being unprovided for on maturity, to draw, upon their own order, such sum as may be required to pay the principal and interest of one or more of the bonds of the County of Orange, and upon presentation to the Treasurer of the County of Los Angeles, of the said sum of money, he shall surrender to the said Board of Supervisors such number of Orange County bonds as shall be redeemed by such payment. Said bonds shall then be canceled, and on their face countersigned by the Chairman of the Board of Supervisors, and filed in the Clerk's office. Said Board of Supervisors shall have and exercise such other powers and duties as are conferred by the general laws on Boards of Supervisors of this State. The levy of taxes and collections held for the first year, shall be as effective as if levied at the time provided in the general laws.

To transcribe records of property.

SEC. 8. The Board of Supervisors of Orange County are hereby authorized to provide suitable books, and contract with some competent person to transcribe from the records of Los Angeles County such parts thereof as relate to property situated in Orange County, and said records, when so transcribed and certified, shall have the same force and effect as such original records. The person so employed shall have access to said records of Los Angeles County for said purpose of transcribing the same. The compensation for said services shall be fixed and allowed by the Board of Supervisors of Orange County, not to exceed for transcribing fifteen cents per folio. The Recorder of Los Angeles County shall examine said transcript and certify to the correctness of each deed, mortgage, and other instrument, and affix his seal to the same; for which service he shall receive a sum not to exceed twenty-five cents for each instrument so examined, certified, and sealed. For each instrument found to be incorrectly transcribed, he shall receive a fee of fifty cents, to be deducted from the pay of the party who transcribed the same.

Removal of actions from Courts of Los Angeles County.

SEC. 9. All actions or special proceedings, whether original or upon appeal, civil or criminal, which shall be pending in the Superior Courts in the County of Los Angeles at the time of the organization of Orange County in which the defendants are residents of Orange County, shall be removed for

trial and final determination to the Superior Court of Orange County, on motion of any party interested; *provided*, that all actions commenced for collection of licenses shall not be removed from the Courts of Los Angeles County; *provided further*, that in all criminal cases where the offense was committed within the present limits of Orange County, upon the application of the District Attorney of Orange County, said cases shall be removed to Orange County.

SEC. 10. The county officers of Orange County shall, except as otherwise provided by this Act, be elected at the same time as county officers in other counties of this State, and shall hold their offices for the time fixed by law, and perform all duties required by the general laws of this State. They shall give bonds, as required in section four thousand one hundred and twenty-two of the Political Code, for the faithful discharge of their duties, to be approved by the Judge of the Superior Court.

Election of county officers.

SEC. 11. The Notaries Public of Los Angeles County, residents of Orange County at the date of their appointment, shall hold their offices until the expiration of their terms.

Notaries Public.

SEC. 12. The Superintendent of Public Schools of the County of Los Angeles shall furnish the Superintendent of Public Schools of Orange County with a certified copy of the last school census list of the different school districts in the territory set apart to form Orange County, and draw his warrant on the Treasurer of Los Angeles County, in favor of the Superintendent of Schools of Orange County, for all money that is or may be due by apportionment, or otherwise, to the different school districts of Orange County; and the Auditor of Los Angeles County shall, in like manner, draw his warrant in favor of the Auditor of Orange County for all money that is or may be due by apportionment, or otherwise, to the different road district funds in the territory set apart to form Orange County, and be properly credited to the respective districts in said county.

Duty of Superintendent of Public Instruction of Los Angeles County.

SEC. 13. The County of Orange shall be attached to and form a part of the Thirty-ninth Senatorial District and of the Seventy-eighth Assembly District, and until a new apportionment shall join Los Angeles County in electing a Senator and Assemblyman from said districts.

Senatorial and Assembly Districts.

SEC. 14. This Act shall take effect and be in force from and after the date of its passage and approval.

CHAPTER CXI.

An Act to amend sections one and fifteen of an Act to provide an additional Asylum for the Insane of the State of California, approved March 9, 1885.

[Approved March 11, 1889.]

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

SECTION 1. Section one of an Act to provide an additional Asylum for the Insane of the State of California, approved March ninth, eighteen hundred and eighty-five, is hereby amended to read as follows:

Title of
Asylum.

Section 1. The California Hospital for the Chronic Insane located at Agnews, in the County of Santa Clara, shall hereafter be known as the State Insane Asylum at Agnews.

SEC. 2. Section fifteen of an Act to provide for an additional Asylum for the Insane of the State of California, approved April fifteenth, eighteen hundred and eighty-five, is hereby amended to read as follows:

Admission
of patients.

Section 15. Patients shall be admitted to the State Insane Asylum at Agnews in the same manner and upon the same conditions that patients are now admitted to the State Insane Asylum at Stockton or at Napa.

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

CHAPTER CXII.

An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional Judges.

[Approved March 11, 1889.]

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

SECTION 1. The number of Judges of the Superior Court of the County of Los Angeles, State of California, is hereby increased from four to six.

Appoint-
ment of
Superior
Judges for
Los Angeles
County.

SEC. 2. Within ten days after the passage of this Act, the Governor shall appoint two additional Judges of the Superior Court of the County of Los Angeles, State of California, who shall hold office until the first Monday after the first day of January, A. D. eighteen hundred and ninety-one. At the next general election two Judges of the Superior Court of said county shall be elected in said county, who shall be successors of the Judges appointed hereunder, to hold office for the terms prescribed in the Constitution and by law.

SEC. 3. The salaries of such additional Judges shall be the same in amount, and be paid in the same manner and at the same time as the salaries of the other Judges of the Superior Court of said county now authorized by law.

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

CHAPTER CXIII.

An Act making an appropriation for the management and protection of the State Mineral Cabinet under direction of the Trustees thereof.

[Approved March 11, 1889.]

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

SECTION 1. The sum of three hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the expenses incurred by and the outlays suggested by the Trustees of the Mineral Cabinet, the property of the State, as specified by said Trustees in their report for the year ending June thirtieth, eighteen hundred and eighty-eight, to wit: For expenses of mineralogist to determine and name the minerals, fifty dollars; for preparing catalogue and labeling and arranging specimens, one hundred and fifty dollars; for estimated cost of glass covers to drawers, and the putting of proper locks upon the cases, one hundred and fifty dollars.

Appropriation for protection of State Mineral Cabinet.

SEC. 2. The Controller is hereby directed to draw his warrant for said sum of three hundred and fifty dollars in favor of the Chairman of said Board of Trustees, Eugene J. Gregory.

SEC. 3. Said Board shall disburse said sum of money in accordance with the specifications in their said report, to pay liabilities therein set forth as incurred, and to secure from improper handling the said property of the State, and shall return the vouchers and a report of said disbursements to the State Board of Examiners.

Manner of disbursement.

SEC. 4. This Act shall take effect immediately.

CHAPTER CXIV.

An Act making appropriation for the purchase of an electric plant, pump and pipe, sewer pipe, necessary wheels for utilizing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto.

[Approved March 11, 1889.]

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

Utilizing the American River for power purposes at Folsom State Prison.

SECTION 1. The sum of one hundred and twelve thousand five hundred dollars (\$112,500) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the State Board of Prison Directors, and to be expended for the objects hereinafter specified: For the purchase of necessary material for the construction of a fire-proof power house, to utilize the waters of the American River for power purposes at the State Prison at Folsom; the necessary wheels and machinery for same; pumping machinery and pipe necessary to supply the prison with water for all purposes; an electric plant for supplying light and power, with necessary motors and dynamos; sufficient iron-stone pipe for necessary sewers; and other expenses immediately appertaining to the carrying out of this Act. And the State Controller is hereby ordered and directed to draw the necessary warrants therefor, and the State Treasurer is hereby directed to pay the same.

Publication of contracts.

SEC. 2. No contract for lumber, iron, machinery, or material to be used for the purposes mentioned in section one of this Act shall be entered into by the Directors until publication shall be made in at least three (3) daily newspapers, two (2) of said newspapers to be published in the City of San Francisco, and one in the City of Sacramento, for at least twenty (20) days prior thereto, inviting bids for the supply of such material. Such bids, made in the form of sealed proposals, shall be opened at a public meeting of the Directors, and the contract shall be awarded to the lowest responsible bidder for the supplying of such material.

Auditing of bills.

SEC. 3. All bids for material and machinery shall be audited by the Board of Prison Directors and approved by the State Board of Examiners before being paid.

Directors of prison to sanction all plans, specifications, etc.

SEC. 4. All plans, descriptions, bills of materials, specifications, and estimates requisite, necessary, proper, or convenient for any of the purposes aforesaid shall receive the sanction of a majority of the State Board of Prison Directors, who shall cause an entry to be made in their minutes that such plans, descriptions, bills of materials, specifications, and estimates have been approved. It shall not be necessary to obtain the approval or sanction of any other Board, officer, or person to said plans.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER CXV.

An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of James W. Marshall.

[Approved March 11, 1889.]

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

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of the improvement of the grounds and the erection of an iron fence around the monument erected by the State of California to the memory of James W. Marshall, to be expended under the directions of the State Board of Marshall Monument Commissioners.

Monument
of J. W.
Marshall.

SEC. 2. The Controller is hereby authorized to draw his warrant for said amount in favor of said Board of Commissioners, upon filing a certificate of completion of the improvements specified in section one of this Act.

SEC. 3. The said Board is hereby authorized and required to complete said improvements provided for in section one of this Act, at an expense not to exceed four thousand dollars.

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

CHAPTER CXVI.

An Act making an appropriation to pay the deficiency in the appropriation for stationery and contingent expenses of the Bureau of Labor Statistics for the thirty-sixth, thirty-eighth, and thirty-ninth fiscal years.

[Approved March 11, 1889.]

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

SECTION 1. The sum of five hundred and eighty dollars and five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for stationery and contingent expenses of the Bureau of Labor Statistics for the thirty-sixth, thirty-eighth, and thirty-ninth fiscal years.

Deficiency,
Bureau of
Labor
Statistics.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXVII.

An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-seventh fiscal year.

[Approved March 11, 1889.]

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

Deficiency,
expenses
Clerk of
Supreme
Court.

SECTION 1. The sum of four and forty-six one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-seventh fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXVIII.

An Act to provide for the deficiency in the appropriation for "Repairs of State Capitol building and furniture and purchase of carpets" for the fortieth fiscal year.

[Approved March 11, 1889.]

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

Deficiency,
repairs of
State Capitol
building.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for "Repairs of State Capitol building and furniture and purchase of carpets" for the fortieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXIX.

An Act making an appropriation to pay the deficiency in the appropriation for support of the Insane Asylum at Stockton for the thirty-eighth, thirty-ninth, and fortieth fiscal years.

[Approved March 11, 1889.]

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

SECTION 1. The sum of thirty-eight thousand six hundred and fifty-one dollars and twenty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for support of the Insane Asylum at Stockton for the thirty-eighth, thirty-ninth, and fortieth fiscal years. Deficiency, support of Insane Asylum, Stockton.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXX.

An Act making an appropriation to pay the deficiency in the appropriation for purchase of ballot paper for the thirty-eighth and fortieth fiscal years, with legal interest thereon.

[Approved March 11, 1889.]

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

SECTION 1. The sum of five thousand eight hundred and twelve dollars and thirty-two cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the purchase of ballot paper for the thirty-eighth and fortieth fiscal years, with legal interest thereon. Deficiency, purchase of ballot paper.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXI.

An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Commissioners of Yosemite Valley for the thirty-eighth fiscal year.

[Approved March 11, 1889.]

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

Deficiency,
traveling
expenses of
Yosemite
Commis-
sioners.

SECTION 1. The sum of one hundred and fifty-three dollars and ninety-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for traveling expenses of the Board of Commissioners of Yosemite Valley for the thirty-eighth fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXII.

An Act making an appropriation to pay the deficiency in the appropriation for official advertising for the thirty-eighth and fortieth fiscal years.

[Approved March 11, 1889.]

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

Deficiency,
official
advertising.

SECTION 1. The sum of three thousand eight hundred and eighty-two dollars and forty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for official advertising for the thirty-eighth and fortieth fiscal years.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXIII.

An Act making an appropriation to pay the deficiency in the appropriation for the Special Contingent Expense Fund (secret service) for the thirty-eighth fiscal year.

[Approved March 11, 1889.]

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

SECTION 1. The sum of one hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the Special Contingent Expense Fund (secret service) for the thirty-eighth fiscal year. Deficiency, Secret Service Fund.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXIV.

An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the thirty-ninth fiscal year.

[Approved March 11, 1889.]

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

SECTION 1. The sum of nineteen dollars and ninety-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the thirty-ninth fiscal year. Deficiency, postage, etc., Attorney-General.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXV.

An Act making an appropriation to pay the deficiency in the appropriation for use of Library of Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

[Approved March 11, 1889.]

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

Deficiency,
Library
Normal
School,
Los Angeles.

SECTION 1. The sum of eighty-nine dollars and thirty-one cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for use of Library of Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXVI.

An Act making an appropriation to pay the claims against the State of California, incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

[Approved March 11, 1889.]

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

To pay
claims in-
curred in
prosecution
of violation
of fish laws.

SECTION 1. The sum of eighteen hundred and eighty-one one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims against the State incurred in the prosecution of violators of the fish laws of this State, and provided for by an Act entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State."

SEC. 2. The Controller of State is hereby authorized to draw his warrants in favor of the several claimants against the State for said claims as have been approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CXXVII.

An Act authorizing the Governor of the State of California to proceed with an investigation of the State Prison authorities of this State at the cost of the State, and appropriating money therefor.

[Approved March 11, 1889.]

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

SECTION 1. The Governor of the State of California is hereby authorized to proceed with an investigation of the authorities of the State Prisons of this State at the expense of said State. Investigation of State Prison.

SEC. 2. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for said investigation, the sum of ten thousand dollars. Appropriation.

SEC. 3. The Controller is hereby directed to draw his warrant upon the Treasurer, and the Treasurer is directed to pay the same, in favor of the Governor of this State, for said money in such sums and amounts as he, the said Governor, may from time to time demand.

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

CHAPTER CXXVIII.

An Act to amend an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons, approved April 1, 1878.

[Approved March 13, 1889.]

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

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

Section 6. Nothing in this Act contained shall be taken to apply to the removal of the remains of deceased persons from one place of interment to another cemetery or place of interment within this State; *provided*, that no permit shall be issued for the disinterment or removal of any body unless such body has been buried for one year or more, without the written consent of the Mayor, Chairman of the Board of Supervisors, or City Council of any municipality of the State. Removal of remains of deceased persons.

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

CHAPTER CXXIX.

An Act to provide an appropriation for the contingent expenses of the Assembly.

[Approved March 8, 1889.]

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

Contingent
expenses of
Assembly.

SECTION 1. The sum of twenty thousand dollars (\$20,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide for the contingent expenses of the Assembly for the twenty-eighth session of the Legislature.

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

CHAPTER CXXX.

An Act to appropriate money for the pay of officers and clerks of the Assembly for the twenty-eighth session of the Legislature.

[Approved March 8, 1889.]

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

Pay of
officers, etc.,
of Assembly.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the pay of officers and clerks of the Assembly for the twenty-eighth session of the Legislature, and the Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXI.

An Act to appropriate money for the pay of officers and clerks of the Senate for the twenty-eighth session of the Legislature.

[Approved March 8, 1889.]

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

Pay of
officers, etc.,
of Senate.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the pay of officers and clerks of the Senate for the twenty-eighth session of the Legislature,

and the Controller is hereby authorized to draw his warrants for the same, and the State Treasurer is directed to pay said warrants.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXII.

An Act for the relief of the widow and minor children of James Saultry for personal injuries received by him while in the service of the State, and which resulted in his death.

[Approved March 14, 1889.]

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

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of Mrs. Margaret Saultry, widow, aged thirty-six years, and Catherine Marie Saultry, aged twelve years; Mary Josephine Saultry, aged eight years; James Henry George Saultry, aged six years; John Joseph Saultry, aged two years; Ottwell Robert Saultry, aged two months, minor children of James Saultry, an ex-guard at the State Prison at San Quentin, in this State, for personal injuries inflicted upon the said James Saultry, to wit: the loss of both his arms while in the discharge of his duties, under the orders of his superior officer, and while in the service of the State of California, which said injuries resulted in the death of the said James Saultry on the thirteenth day of August, eighteen hundred and eighty-eight.

Appropriation for relief of Mrs. James Saultry and children.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the State Treasurer, who shall pay the same, for the sum of twenty thousand dollars (\$20,000) in favor of the State Board of Examiners, who shall invest the same in interest-bearing bonds of the State, or of some solvent county or counties thereof, and shall collect the interest thereon and pay the same to the said Margaret Saultry, for the support of herself and said minor children. In case of the death of said Margaret Saultry, then to the guardian of said minor children; *provided*, that whenever any of said minor children shall become of age, or in the event of the death of either of said minors before becoming of age, the State Board of Examiners shall sell one fifth of said bonds, and the amount realized therefor shall be returned to the General Fund of the State Treasury; *and provided further*, that upon all of said minors who may survive becoming of age, the balance of said bonds shall be sold as aforesaid, and the amount realized therefrom returned to the General Fund of the State Treasury.

Investment of.

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

CHAPTER CXXXIII.

An Act to provide for furnishing the boiler house and for repairing the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

[Approved March 14, 1889.]

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

Furnishing,
etc., State
Insane
Asylum,
Stockton.

SECTION 1. The following sum of money is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for furnishing and arranging boilers and machinery in boiler house, boring of wells, erection of water-tanks, cementing floors and walls, repairs of roofs, floors, plumbing, drains, ventilating shafts and pipes, and for painting roofs and woodwork of the buildings of the State Insane Asylum at Stockton, twenty-nine thousand seven hundred and fifty dollars. All of which may be expended during the forty-first fiscal year.

CHAPTER CXXXIV.

An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

[Approved March 14, 1889.]

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

Appropriation for purchase of roads within limits of Yosemite Grant.

SECTION 1. The sum of fourteen thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purchase of the following roads within the limits of the Yosemite Grant, to be expended as follows: The sum of six thousand dollars shall be paid to the Big Oak Flat and Yosemite Turnpike Road Company for their road, running from Gentry Station to the floor of the valley, a distance of six miles, and known as the "Big Oak Flat Road;" and the sum of eight thousand dollars shall be paid to the Yosemite Stage and Turnpike Company for their road, running from the line of the grant to the floor of the valley, by Inspiration and Artists' Points, a distance of eight miles, and known as the "Yosemite and Wawona Road."

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of the Big Oak Flat and Yosemite Road Company for the sum of six thousand dollars, and in favor of the Yosemite Stage and Turnpike Company for the sum of eight thousand dollars, for the purchase of the roads specified and provided for in section one of this Act, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CXXXV.

An Act to provide for the maintenance and support of the public parks heretofore created within the various cities and cities and counties of the State, and to amend the existing Acts in relation thereto.

[Approved March 14, 1889.]

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

SECTION 1. All lands, parks, highways, and avenues in any city or city and county of this State, which have been heretofore set apart by law as and for public parks, and which have been placed under the management or control of a Board or of Boards of Park Commissioners, shall hereafter remain and continue to be public parks, and subject to the management and control of the Board or Boards of Park Commissioners of said respective cities or cities and counties in the manner specified in this Act; and such Board or Boards of Park Commissioners, and the members thereof, shall be appointed and constituted in the manner and for the terms and shall have the qualifications set forth in this Act.

Maintenance of public parks.

SEC. 2. Every such Board of Park Commissioners shall consist of three persons, who shall be appointed by the Governor of the State, and shall hold their offices for four years, respectively, and shall receive no compensation for their services. In case of a vacancy in the membership of such Board, the same shall be filled by an appointee of the remaining members of the Board, for the residue of the term then vacant; but all vacancies occasioned by the expiration of the term of office of any member of such Board, or by the failure or neglect to qualify of any person appointed to such Board by the Governor, shall be filled by the Governor by the appointment of a new member. Each member of every Board of Park Commissioners shall be a freeholder, and a resident of the city or city and county in which the Board of which he is a member is to act. The Governor of the State shall issue a commission to every such Commissioner appointed by him; and each such Commissioner shall, within twenty days after receipt thereof, take and subscribe the oath of office prescribed by law. In every such Board of Park Commissioners two members of the Board shall constitute a quorum for the transaction of business; and the concurrent action of two members of such Board shall be sufficient to enable the said Board to make any contracts pertaining to the park or parks under the control of such Board, or to draw or expend any moneys which shall have been lawfully appropriated or set apart for the support of such park or parks, or which shall constitute any portion of the funds legally applicable to the support of the same.

Appointment of Park Commissioners.

Vacancies.

Qualifications.

Quorum.

Powers. SEC. 3. Every such Board of Park Commissioners shall have the full and exclusive power to govern, manage, and direct the parks, avenues, and grounds which have been or shall be placed under its care and charge; to lay out, regulate, and improve the same; to employ and appoint such laborers and superintendents, clerks, surveyors, engineers, and other officers and assistants as to said Board shall seem necessary for the proper management of the said parks and of its affairs; to prescribe and fix the duties, authority, and compensation of such appointees and employes; and to have the management and disbursement of all funds legally appropriated or provided for the support of said parks and grounds; *provided*, that no money shall for any of said purposes be paid out of the treasury of any city or city and county, except upon warrants duly signed by a majority of the Board of Park Commissioners thereof, and duly audited by the Auditor of such city or city and county.

Not to be interested in contract or work. SEC. 4. It shall be a felony for any Park Commissioner to be interested, directly or indirectly, in any contract or work of any kind connected with the park or grounds under the control of the Board of which he shall be a member; and it shall be the duty of any Commissioner or other person who shall know or be informed of the violation of the section, forthwith to report the same to the Governor, who shall hear the allegations and proofs in regard thereto; and if, after such hearing, he shall be satisfied of the truth of said charge, he shall immediately remove the Commissioner who has been guilty of the offense.

Reports. SEC. 5. Every such Board of Park Commissioners shall semi-annually, and on the second Monday of January and July of each year, make to the Legislature of the State, and to the Board of Supervisors or other municipal council of the city or city and county in which such Board shall be acting, a full report of the proceedings, and a detailed statement of its receipts and expenditures.

Power to lease. SEC. 6. It shall be lawful for every such Board of Park Commissioners to let or lease any portion of the grounds or parks under their control, for terms not exceeding three years, until the grounds so leased shall be required for the improvement of such parks or for public use as a part thereof. All moneys realized from such leases shall be paid into the treasury of the city or city and county in which such parks shall be situated, and shall be added to the funds otherwise appropriated or provided for the support of such parks.

To pass ordinances. SEC. 7. It shall be lawful for every such Board of Park Commissioners to pass and adopt such ordinances as they may deem necessary for the regulation, use, and government of the parks and grounds under their supervision, not inconsistent with the laws of the State of California. Such ordinances shall, within five days after their passage, be published for ten days, Sunday excepted, in a daily newspaper published in the city or city and county in which such Board shall be acting, to be selected by the said Board. All persons violating or offending against any such ordinances shall

Publication.

be deemed guilty of a misdemeanor, and shall be punished therefor on conviction in any Court of competent jurisdiction.

SEC. 8. Prisoners over the age of twenty-one years, and sentenced to hard labor in any of the jails, prisons, houses of correction, workhouses, or other penal establishment of any such city or city and county, may, upon the request and requisition of the Board of Park Commissioners of such city or city and county, be put to work upon the parks and grounds which are under the control of such Board. Working of
prisoners.

SEC. 9. Every such Board of Park Commissioners is authorized and empowered to accept and receive donations and aid from individuals and corporations, and legacies and bequests by the last wills of deceased persons, for the aid or improvement of the parks and grounds under the control of such Board; and all moneys that shall be derived by any such Board from such donations, legacies, and bequests shall, unless otherwise provided by the terms of such gift, legacy, or bequest, be deposited in the treasury of the city or city and county in which said parks and grounds shall be situated, and shall be withdrawn therefrom and paid out in the same manner as is provided for the payment of moneys legally appropriated for the support and improvements of such parks and grounds; *provided, however,* that if the moneys derived from such gifts, bequests, or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said parks and grounds, or if, in the judgment of the said Board of Park Commissioners, it should be advisable to invest the same, or a part thereof, in some interest-bearing or productive investment, the said Board of Park Commissioners are hereby authorized to invest the said moneys or any part thereof in interest-bearing bonds of the Government of the United States, or of the State of California, and thereafter to sell and dispose of said bonds, or to change the form of said investment, as to said Board shall seem best. Donations.

SEC. 10. The Board of Supervisors, Municipal Council, or other legislative body of any city or city and county in the State having within its limits parks or grounds under the control and management of a Board of Park Commissioners, and of an area or acreage of more than ten acres, is hereby authorized and empowered to levy and collect each year, in the mode prescribed by law for the levy and collection of taxes, a tax of not more than six (6) cents upon each one hundred dollars assessed valuation of taxable property within such city or city and county, for the purpose of preserving, maintaining, and improving the parks and grounds under the control of such Board of Park Commissioners. All moneys collected and arising from the said tax shall be paid by the Tax Collector, or other officer collecting the same, into the treasury of said city or city and county, and shall be deemed to be thereupon appropriated and set apart for the maintenance, preservation, and improvement of said parks and grounds, and shall be paid out by the Treasurer upon war- Tax levy.

rants signed by a majority of the said Board of Park Commissioners and audited by the Auditor of such city or city and county.

Debt, not to
be incurred.

SEC. 11. No Board of Park Commissioners shall in any year incur any debt or liability nor expend any money beyond the amount of moneys legally applicable during such year to the support, preservation, and improvement of the parks and grounds under the control of such Board.

SEC. 12. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

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

CHAPTER CXXXVI.

An Act to appropriate money to pay the claim of E. M. Gallagher, for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

[Approved March 14, 1889.]

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

To pay
claim of
E. M. Gallag-
her.

SECTION 1. The sum of four thousand two hundred and forty dollars and eighty-five cents (\$4,240 85) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of E. M. Gallagher, the said sum being the balance due the said E. M. Gallagher upon contracts of Noble and Gallagher with the State of California, for painting and glazing the Napa State Asylum for the Insane, the amount herein appropriated to be in full of all claims of E. M. Gallagher against the State for work on the Napa Insane Asylum.

SEC. 2. The Controller of the State is hereby authorized and directed to draw his warrant on the State Treasury in favor of E. M. Gallagher for the said sum of four thousand two hundred and forty dollars and eighty-five cents (\$4,240 85), and the Treasurer of the State is hereby authorized and directed to pay the same.

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

CHAPTER CXXXVII.

An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887.

[Approved March 14, 1889.]

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

SECTION 1. An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home, approved March seven-teenth, eighteen hundred and eighty-seven, is hereby amended as follows: Amending Act.

Section three of article two of said Act is hereby amended so as to read as follows:

Section 3. The salaries of the Superintendent, Secretary, and Physician, and all other expense accounts, including the wages of workmen at trades, and employés, must be paid monthly out of the moneys appropriated by the Legislature for the support of the Home, or from accumulations from the industries of the Home, or from donations and bequests to the Home, made without restraining conditions, whenever resort to said donations or bequests be necessary. All such claims in said expense account, excepting salaries of said officers, shall be first approved by the Board of Directors, and shall be so indorsed by the Secretary and attested by the President, and shall immediately thereafter be sent forward to the Secretary of the State Board of Examiners. When the claims have been approved by the said Board of Examiners, the Controllor must issue his warrant therefor, directed to the State Treasurer, in favor of the Board of Directors. The State Treasurer is authorized to pay such warrant only when indorsed by the Secretary, and attested by the President of the Board. No claim for wages of employés or workmen at trades shall be audited by the Board of Directors until having first received from the foreman his monthly time certificate, duly verified by his oath, and stating the amount of labor performed by the employé or workman. Salaries. Approval of claims.

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

Section 2. *First*—To elect a General Superintendent and all subordinate officers and employés, and to determine the number of subordinate officers and employés when not otherwise fixed in this Act. Election of officers and employés.

Second—To elect a Physician who shall not be a member of the Board of Directors, and whose salary shall not exceed twelve hundred dollars per annum.

Third—To elect a Secretary, whose salary shall not exceed six hundred dollars per annum, and who shall be required to give a bond in the sum of five thousand dollars.

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

CHAPTER CXXXVIII.

An Act to amend an Act entitled "An Act amendatory of and supplementary to an Act approved April 25, 1863, entitled an Act to incorporate the City of Sacramento," approved March 6, 1872.

[Approved March 14, 1889.]

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

SECTION 1. Section six of the Act, the title of which is recited in the title hereof, is hereby amended so as to read as follows:

Board of
Police Com-
missioners,
Sacramento
City.

Quorum.

Power to
remove.

Police force.

Salaries.

Section 6. As there has been heretofore since the first day of April, eighteen hundred and seventy-two, there shall be in said city a Board of Police Commissioners, which Board shall consist of the President of the Board of Trustees, the Chief of Police, and Police Judge. Any two of said Commissioners shall be a quorum to transact business. The said Board are hereby authorized to appoint a permanent police force for said city, which they shall equip and uniform under such rules and regulations as they may from time to time prescribe. The Board shall have the power to remove any member of the Police Department for the violation of any rules and regulations which they may make and promulgate to the said Police Department, or for other good cause; but only on written charges preferred against and served upon him and upon a public trial and conviction by said Commissioners. The said police force shall consist of a Captain of Police and such number of policemen, not exceeding thirty, as said Board of Police Commissioners may deem necessary for the protection and good government of the city. The Chief of Police shall receive one hundred and seventy-five dollars per month; the Captain of Police one hundred and twenty-five dollars per month, and policemen one hundred dollars per month, to be paid monthly, from the City Treasury.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXIX.

An Act making an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

[Approved March 14, 1889.]

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

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated for the support and maintenance of the Mining Bureau, created under an Act entitled "An Act to provide for the establishment and maintenance of a Mining Bureau," approved April sixteenth, eighteen hundred and eighty, and the Act supplementary thereto, approved March twenty-first, eighteen hundred and eighty-five; and at least seventy per cent of this appropriation shall be used for geological work in the field.

Appropriation for State Mining Bureau.

SEC. 2. Not more than one half of the said sum appropriated under this Act shall be expended during the forty-first fiscal year.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXL.

An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard for the thirty-ninth and fortieth fiscal years.

[Approved March 14, 1889.]

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

SECTION 1. The sum of sixteen thousand six hundred (\$16,600) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard for the thirty-ninth and fortieth fiscal years.

Deficiency, National Guard.

SEC. 2. Demands for the moneys hereby appropriated shall be presented to, audited, and allowed by the Board of Military Auditors, and paid as other demands of the National Guard.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXI.

An Act providing for the enlarging, strengthening, and improving of the State Printing Office building, and appropriating money therefor.

[Approved March 14, 1889.]

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

Appropriation for enlarging State Printing Office building.

SECTION 1. The Superintendent of State Printing is hereby directed to procure suitable plans for the enlarging, strengthening, and improving of the State Printing Office building, said plans to be approved by the State Board of Examiners.

SEC. 2. It shall be the duty of the Superintendent of State Printing, when the plans have been approved, to advertise for one week in one daily paper published in the City of Sacramento for proposals for doing the work, and, with the approval of the Board of Examiners, he shall let the contract to the lowest bidder, who shall give bonds as required by law for the faithful performance of said contract.

SEC. 3. The sum of eleven thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the carrying out of the provisions of this Act, and the State Controller is hereby authorized and directed to draw his warrant for the same, and the State Treasurer to pay it.

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

CHAPTER CXLII.

An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

[Approved March 14, 1889.]

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

Appropriation for improvement of State Capitol grounds.

SECTION 1. The State Capitol Commissioners are hereby authorized and directed to have all that part of the State Capitol grounds, in Sacramento, lying east of the old west line of Twelfth Street of said city, raised by filling with earth to the grade of the adjacent streets, with sufficient slope toward its sides to insure proper drainage; and to have the trees thereon reset as the filling progresses; to have laid out and graveled the necessary walks and driveways; to raise the water pipes now in place, and to add about two thousand three hundred and forty feet more of water pipes, with the necessary hydrants, etc.; to have the driveway east of the Capitol paved, and the old pavement of the driveways in front of and upon both sides of the Capitol repaired; to have

such seats and drinking fountains erected in different parts of the Capitol grounds, as in their judgment may seem best; and to provide for a proper placarding, with their popular and botanical names, of the trees and shrubbery in said grounds.

SEC. 2. The sum of forty thousand two hundred and fifty dollars is hereby appropriated out of the General Fund of the State Treasury for the purpose of carrying out the provisions of this Act.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLIII.

An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

[Approved March 14, 1889]

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

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, for the purpose of grading and graveling the west side of Fifteenth Street, between L and N Streets, in the City of Sacramento, being that part of Fifteenth Street immediately adjoining the State Capitol grounds on the east.

Appropriation for graveling streets adjoining Capitol grounds.

SEC. 2. The Controller is hereby directed to issue a warrant payable out of the General Fund of the State Treasury for said sum of two thousand dollars, in favor of the State Capitol Commissioners, who shall pay out so much of said sum as shall be the State's portion, for the grading and graveling of said street, and if any balance is left it shall be by them paid into the General Fund aforesaid.

SEC. 3. The State Capitol Commissioners are hereby given full authority to and are directed to petition for the grading and graveling of said street, and in all respects to act in the same manner as if they were the owners of the Capitol grounds adjoining said street herein referred to, and to do all matters and things that would be necessary to be done as owners of said property for the grading and graveling of said street as provided by law.

SEC. 4. This Act shall take effect immediately.

CHAPTER CXLIV.

An Act to provide for walk in the State Capitol grounds, and to appropriate money therefor.

[Approved March 14, 1889.]

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

Appropriation to provide for walks in Capitol grounds.

SECTION 1. The State Capitol Commissioners are directed to construct two walks in the State Capitol grounds—one to begin from N Street, opposite Twelfth Street, and continue obliquely to the Capitol driveway, and the other to begin on L Street, opposite Twelfth Street, and continue obliquely to the Capitol driveway, opposite the north and south ends of the Capitol. The walks are to be constructed of concrete, and laid down in the manner like and of a quality and in workmanship equal to the concrete walks already laid down in front and westerly of the Capitol.

SEC. 2. The sum of three thousand two hundred dollars is hereby appropriated out of the General Fund of the State Treasury for the purpose of carrying out the provisions of this Act.

SEC. 3. This Act takes effect immediately.

CHAPTER CXLV.

An Act to appropriate the money now in the Treasury of the State of California known as the "Adult Blind Fund, Unavailable."

[Approved March 14, 1889.]

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

Appropriation for Industrial Home for the Adult Blind.

SECTION 1. The money now in the Treasury of the State of California, being the proceeds of the industries of the Industrial Home of Mechanical Trades for the Adult Blind, and now amounting to the sum of seventeen thousand nine hundred and fifty-five and fifty-five one hundredths dollars, together with the accumulations for the month of January and February, eighteen hundred and eighty-nine, is hereby appropriated as follows: The sum of two hundred and five and twenty one hundredths dollars is hereby appropriated to pay the balance due for the construction of the dormitories at said Home.

SEC. 2. The sum of five hundred and thirty-four and five one hundredths dollars, with interest on said sum at the rate of seven and one half per cent per annum from May first, eighteen hundred and eighty-eight, to date of passage of this Act, is hereby appropriated for the purpose of releasing the

mortgage on the property conveyed by Peter Thomson to the Industrial Home of Mechanical Trades for the Adult Blind, together with the sum of one hundred dollars to pay said Peter Thomson for the use and occupation of said property by the Home prior to the date of its conveyance.

SEC. 3. All the remainder of said sum of money is hereby directed to be turned into the fund of the Industrial Home of Mechanical Trades for the Adult Blind, to be used as other moneys belonging to said fund, in accordance with law, under the direction of the Board of Directors, for subsistence, purchase of raw materials, and for improving the grounds of said Home.

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

CHAPTER CXLVI.

An Act to provide for the removal of ten tiers of wooden steps and to construct in their stead granite steps on the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

[Approved March 14, 1889.]

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

SECTION 1. The State Capitol Commissioners are hereby authorized and directed to have the ten tiers of wooden steps now in the walks on the State Capitol grounds in Sacramento removed, and in their stead have constructed cut granite steps, buttresses, and posts, the foundation therefor to be constructed of brick and concrete. Said work to be done by day labor and according to plans and specifications furnished by said Capitol Commissioners, the rise of said steps to be not less than eight cut work and the tread not less than six cut work; *provided*, that said granite be obtained from the Folsom State Prison. The Board of State Prison Directors is hereby instructed to furnish the same to said Commissioners.

Construction of granite steps, State Capitol grounds.

SEC. 2. The sum of seventeen thousand nine hundred and twenty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act.

Appropriation.

CHAPTER CXLVII.

An Act entitled an Act to appropriate money to pay the claim of Mrs. J. G. Lemon as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Centennial Exposition, from November 15, 1884, to June 15, 1885.

[Approved March 14, 1889.]

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

To pay
claim of
Mrs. J. G.
Lemon.

SECTION 1. The sum of (1) one thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of the claim of Mrs. J. G. Lemon, for services as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Exposition, from November fifteenth, eighteen hundred and eighty-four, to June fifteenth, eighteen hundred and eighty-five, and the Controller of State is hereby directed to draw his warrant for said amount, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLVIII.

An Act making an appropriation to pay the deficiency in the appropriation for furnishing the buildings of California Hospital for the Chronic Insane at Agnews, for the fortieth fiscal year.

[Approved March 14, 1889.]

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

Deficiency,
Chronic
Insane,
Agnews.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for furnishing the buildings of California Hospital for the Chronic Insane at Agnews, for the fortieth fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLIX.

An Act to amend "An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

[Approved March 14, 1889.]

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

SECTION 1. Section four of "An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March ninth, eighteen hundred and eighty-seven, is hereby amended to read as follows: Amending Act, 1887.

Section 4. The Trustees shall elect a Secretary and a Treasurer, who shall not be members of their Board, and shall fix their compensation. The Secretary shall keep true and correct minutes of the meetings and transactions of the Board, and shall enter the same in a suitable book to be provided for the purpose, and shall perform such other duties as the Board may require of him. The Treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the Home. He shall keep full and accurate accounts of receipts and payments, in the manner directed by the by-laws, and such other accounts as the Trustees shall prescribe. He shall balance his accounts at the close of the fiscal year, and make a statement of the balances therein, and an abstract of all receipts and payments of the past year, which he shall, upon demand, deliver to the Auditing Committee of the Board of Trustees, who shall compare the same with his books and vouchers, and verify the same by a further comparison with the books of the Superintendent, and certify their findings upon such examinations to the Trustees at their annual meeting. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required to do so by the Trustees. The Secretary and Treasurer shall each give a bond for the faithful performance of his duties in such sums as the Board shall fix, with at least two sureties, to be approved by the Board. Secretary.
Treasurer.
Bonds of.

SEC. 2. Section six of the said Act is hereby amended to read as follows:

Section 6. The Board shall appoint a Superintendent, whose annual salary shall be twenty-four hundred dollars. Before entering upon the discharge of any duty the appointee shall give a bond to the State of California in the sum of ten thousand dollars, with sureties to the satisfaction of the Board of Trustees, for the faithful performance of all duties. The Superintendent shall be chief executive officer of the Home; shall have the general superintendence of the buildings, workshops, grounds, and farm, together with their furniture, implements, fixtures, and stock, and the direction and con- Superintendent.

Matron.

Duties of Superintendent.

trol of all persons employed in and about the same, subject to the laws and regulations established by the Trustees. The Board shall appoint a Matron, and fix her salary, not exceeding nine hundred dollars per annum; and it may remove either Superintendent or Matron for cause. The Superintendent shall employ and discharge, subject to the approval and supervision of the Board of Trustees, such teachers, attendants, assistants, artisans, and laborers as he may think proper and necessary for the economical and efficient carrying into effect of the design of the institution, and shall prescribe their several duties and places. The Superintendent shall also, from time to time, give such orders and instructions as may appear best calculated to induce good conduct, fidelity, and economy in any department of labor and expense, and is authorized and enjoined to maintain salutary discipline among all who are employed by the institution or Home, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the Home, and shall further cause full and fair accounts and records of all his doings and of the entire business and operations of the institution, together with the condition and prospects of the pupils, to be kept regularly from day to day in books provided for that purpose, and shall see that all such accounts and records are fully made up to the date of each half fiscal year, and that the principal facts and results, with an official report thereon, is laid before the Board at its semi-annual meetings, except it may be otherwise specially ordered. The exercise of all the powers of the Superintendent shall be subject to the approval of the Trustees. The Superintendent shall conduct the official correspondence, and keep a record of the applications received and the pupils admitted, and shall be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the Home, and prepare and present to the Board, at its semi-annual meetings, a true and complete inventory of all personal property belonging to the Home.

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

Admission to Home.

Section 8. When the capacity of the Home allows the reception of any additional pupils, the Trustees may admit younger or older persons of the same class upon the same terms before specified, and also non-residents of the State; but for all of this last class the Trustees shall charge and receive for the Home a fair rate of compensation, to be fixed by the Trustees; and residence in the Home, on the part of a person admitted as a non-resident of the State, shall not be held to change that status. The Board of Trustees may admit into said Home any inmate for life upon such terms of donation, bequest, or grants as they may deem best and just under the circumstances, or for the best interests of the Home. All moneys received by the Home for the support and care of resident and non-resident persons shall be paid into the treasury of the Board, and shall be used by the Trustees only for the maintenance of the inmates of the Home.

CHAPTER CL.

An Act making an appropriation to pay the expenses incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

[Approved March 14, 1889.]

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

SECTION 1. The sum of eight hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the expenses incurred in the prosecution of violators of the fish laws of this State, chargeable against the State, as provided for by an Act entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State." Appropriation for prosecution of violators of fish laws.

SEC. 2. The Controller of State is hereby authorized to draw his warrants for the expenses so incurred, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CLI.

An Act to amend sections two, three, four, five, seven, eight, nine, twelve, thirteen, nineteen, twenty-four, twenty-six, thirty-four, and thirty-seven of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add a new section thereto, to be called section twelve and one half, relating to the payment for work in installments.

[Approved March 14, 1889.]

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

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

Section 2. Whenever the public interest or convenience may require, the City Council is hereby authorized and empowered to order the whole or any portion, either in length or width, of the streets, avenues, lanes, alleys, courts, or places of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, and to order sidewalks, sewers, manholes, culverts, cesspools, curbing, and crosswalks to be constructed Power of City Council.

therein, and to order any other work to be done which shall be necessary to complete the whole or any portion of said streets, avenues, sidewalks, lanes, alleys, courts, or places, and it may order any of the said work to be improved.

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

To pass
resolution
of intention
to perform
work.

Notice of.

Objections
by property
owner.

Renewal of
work.

Section 3. Before ordering any work done or improvements made, which is authorized by section two of this Act, the City Council shall pass a resolution of intention so to do, and describing the work, which shall be published and posted for two days, in the manner prescribed by section thirty-four of this Act. The Street Superintendent shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is the improvement of an entire crossing in front of each quarter block and irregular block liable to be assessed, notices of the passage of said resolution. Said notice shall be headed "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for six days in one or more daily newspapers published and circulated in said city, and designated by said City Council, or, in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated, and designated, in case there is any such paper in said city. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, where the same is for one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication and posting of said notice, which objection shall be delivered to the Clerk of the City Council, who shall indorse thereon the date of its reception by him, and such objections so delivered and indorsed shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of the majority of the frontage, as aforesaid, shall meanwhile petition for the same to be done. At or after the end of said six months, if said work so barred for six months shall not have been done, the City Council may order said work to be done after republication and posting of a resolution of intention by virtue of the proceedings already had and taken, but within like time like objections may again be filed with like effect, and so on at the expiration of each six months until the work is done. At any time before the issuance of the assessment roll all owners of lots or lands liable to assessment therein, who, after the first publication of said resolution of intention, may feel aggrieved, or who may have objections to any of the subsequent proceedings of said Council in relation to the performance of the work mentioned in said notice of intention, shall file with the Clerk a petition of remonstrance, wherein they

shall state in what respect they feel aggrieved, or the proceedings to which they object, such petition or remonstrance shall be passed upon by the said City Council, and its decisions therein shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts or cesspools, crosswalks or sidewalks, and the objection thereto is signed by the owners of a majority of the frontage liable to be assessed for the expense of said work, as aforesaid, the said City Council shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The City Clerk shall thereupon notify the persons making such objections, by depositing a notice thereof in the Post Office of said city, postage prepaid, addressed to each objector, or his agent when he appears for such objector. At the time specified said City Council shall hear the objections urged, and pass upon the same, and its decisions shall be final and conclusive, and the said bar for six months to any further proceedings shall not be applicable thereto. And when not more than two blocks, including street crossings, remain ungraded or unimproved, in whole or in part, between one or more blocks which have been graded, said City Council may order that part of said street or highway so remaining ungraded or unimproved in whole or in part, not exceeding two blocks and intervening crossings, to be graded and improved, and the grading or improvement of said two blocks and street crossings, or less, shall not be stayed or prevented by any written or other objection, unless such Council shall deem proper. And if one half or more in width or in length, or as to grading one half or more of the grading work of any street lying and being between two successive main street crossings, or if a crossing has been already partially graded or improved, as aforesaid, said Council may order the remainder improved, graded, or otherwise, notwithstanding such objections of property owners. At the expiration of ten days after the expiration of the time of said publication of said Street Superintendent, and at the expiration of fifteen days after the advertising and posting, as aforesaid, of any resolution of intention, if no written objection to work therein described has been delivered, as aforesaid, by the owners of a majority of the property liable to be assessed for the expense of said work or improvement, or if said protest be disallowed, the City Council shall be deemed to have acquired jurisdiction to order any of the work to be done, or improvement to be made, which is authorized by this Act; which order when made shall be published for two days, the same as provided for the publication of the resolution of intention. Before passing any resolution for the construction of said improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said City Council if required by it by the City Engineer of said city; and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the contemplated work of improvement, in the opinion of the City Council, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the

Jurisdiction
of Council.

Same.

City Engineer, the total estimated costs and expenses thereof would exceed one half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the City Council may make the expense of such work or improvement chargeable upon a district, which the said City Council shall in its resolution of intention declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof, may be made by interested parties, in writing, within ten days after the expiration of the time of the publication of the notice of the passage of the resolution of intention. The City Clerk shall lay said objections before the City Council, which shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The City Clerk shall thereupon notify the persons making such objections by depositing a notice thereof in the Post Office of said city, postage prepaid, addressed to each objector. At the time specified the City Council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. If the objections are sustained all proceedings shall be stopped, but proceedings may be immediately again commenced by giving the notice of intention to do the said work or make said improvements. If the objections are overruled by the City Council, the proceedings shall continue the same as if such objections had not been made.

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

Owners may
petition to
grade.

Section 4. The owners of a majority in frontage of lots and lands fronting on any street, avenue, lane, alley, place, or court, or of lots or lands liable to be assessed for the expense of the work petitioned to be done, or their duly authorized agents, may petition the City Council to order any of the work mentioned in this Act to be done, and the City Council may order the work mentioned in said petition to be done, after notice of its intention so to do has been posted and published as provided in section two of this Act, amending section three of the Act of which this is amendatory.

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

Proposals to
do the work.

Section 5. Before the awarding of any contract by the City Council for doing any work authorized by this Act, the City Council shall cause notice, with specifications, to be posted conspicuously for five days on or near the Council chamber door of said Council, inviting sealed proposals or bids for doing the work ordered. The notice of such posting, referring to the specifications on file describing the work so ordered to be done, and referring to the notice and specifications posted, shall be published for two days in the same

manner as in this section of this Act provided for the publication of the award, and in case there is no newspaper published in such city, then it shall be kept posted as provided for the posting of award in this section of this Act. All proposals or bids offered shall be accompanied by a check payable to the order of the Mayor of the city, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal; or, if so prescribed by the City Council, by a bond for the said amount signed by the bidder and by two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the Clerk of the said City Council, and said Council shall in open session examine and publicly declare the same; *provided, however*, that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the Council. The City Council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid, which award shall be approved by the Mayor, or a three-fourths vote of the City Council. If not approved by him, or a three-fourths vote of the City Council, without further proceedings, the City Council may readvertise proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bids so rejected. But the checks accompanying such accepted proposals or bids shall be held by the City Clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three-fourths part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects, or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be declared to be forfeited to said city, and shall be collected by it, and paid into its fund for repairs of streets; and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund. Notice of such awards of contract shall be posted for five days, in the same manner as hereinbefore provided for the posting of proposals for said work, and shall be published for two days in a daily newspaper published and circulated in said city, and designated by said City Council, or in cities where there is no daily newspaper, by one insertion in a semi-weekly or weekly newspaper so published, circulated, and designated; *provided, however*, that in case there is no newspaper printed

Rejection of bids

Notice of awards to be posted.

Owners may
perform the
work.

or published in any such city, then such notice of award shall be kept posted as is provided by subdivision four of section thirty-four of this Act. The owners of three fourths of the frontage of lots and lands upon the street whereon said work is to be done, or of the lots and lands which are liable to be assessed for said work, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first posting and publication of said notice of said award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days, or to commence the work within fifteen days after the first posting and publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the Superintendent of Streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if such original bidder neglects, fails, or refuses, for fifteen days after the first posting and publication of the notice of award, to enter into the contract, then the City Council, without further proceedings, shall again advertise for proposals or bids as in the first instance, and award the contract for said work to the then lowest regular bidder. The bids of all persons and the election of all owners as aforesaid, who have failed to enter into the contract as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work. If the owner or contractor who may have taken any contract do not complete the same within the time limited in the contract, or within such further time as the City Council may give them, the Superintendent of Streets shall report such delinquency to the City Council, which may relet the unfinished portion of said work after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance. All contractors, contracting owners included, shall at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the Superintendent of Streets of said city, with two or more sureties, and payable to such city, in such sums as the Mayor shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in said bond over and above all statutory exemptions. Before being entitled to a contract, the bidder to whom award was made, or the owners who have elected to take the contract, must advance to the Superintendent of Streets, for payment by him, the cost of publication of the notices, resolutions, orders, or other incidental expenses and matters required under the proceedings prescribed in this Act, and such other notices as may be deemed requisite by the City Council.

Contractors
to file bonds.

SEC. 5. Section seven of said Act is hereby amended to read as follows:

Section 7. Subdivision One. The expenses incurred for any work authorized by this Act (which expense shall not include the cost of any work done in such portions of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited,) shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

Assessments to be made per front foot.

Subdivision Two. The expenses of all improvements, except such as are done by contractors under the provisions of section thirteen of this Act, until the streets, avenues, street crossings, lanes, alleys, places, or courts are finally accepted, as provided in section twenty of this Act, shall be assessed upon the lots and lands as provided in this section, according to the nature and character of the work; and after such acceptance the expense of all the work thereafter done thereon shall be paid by said city out of the Street Department Fund.

Expenses to be assessed upon the lots and lands.

Subdivision Three. The expense of work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossing, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, but only according to its frontage in said quarter blocks and irregular blocks.

Main street crossings.

Subdivision Four. Where a main street terminates in another main street, the expenses of the work done on one half the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street, upon the lot or lots fronting on the latter half of the street opposite such termination.

Subdivision Five. Where any small or subdivision street crosses a main street the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said small streets to the next crossing or intersection, or to the end of such small or subdivision street if it does not meet another.

Subdivision street

Subdivision Six. The expense of work done on small or subdivision street crossings shall be assessed upon the lots fronting upon such small streets on each side thereof, in all directions, half way to the next street, place, or court, on either side, respectively, or to the end of such street if it does not meet another.

Subdivision Seven. Where a small street, avenue, lane, alley, place, or court terminates in another street, avenue, lane, alley, place, or court, the expense of the work done on one half of the width of the street, avenue, lane, alley, place,

Small streets.

or court opposite the termination, shall be assessed upon the lot or lots fronting on such small street, or avenue, lane, alley, place, or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, avenue, lane, alley, court, or place, or to the end of such street, avenue, lane, alley, place, or court if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Center line
of streets.

Subdivision Eight. Where any work mentioned in this Act (sewers, manholes, cesspools, culverts, crosswalks, crossings, piling, and capping excepted) is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street, the assessment to cover the total expenses of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered.

Act of April,
1857-1859,
not applica-
ble.

Subdivision Nine. Section one of chapter three hundred and twenty-five of the laws of this State, entitled an Act amendatory of and supplementary to an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section, but the property herein mentioned shall be subject to the provisions of this Act, and to be assessed for work done under the provisions of this section.

Owner may
grade at his
own expense.

Subdivision Ten. It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the City Council, to perform at his or their own expense (after obtaining from the Council permission so to do, but before said Council has passed its resolution of intention to order grading inclusive of this) any grading upon said street to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the City Engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the Superintendent of Streets, which certificate the Superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the City Council orders the grading of said street, or any portion thereof on which any grading certified as aforesaid has been done, the bids and the contract must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners, and his or their successors in interest, shall be entitled to credit on the assessment upon his or their lots and lands fronting on said street for the grading thereof to the amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling;

Filing of
certificate
of City
Engineer.

or if the grade meanwhile has been duly altered, only for so much of said certified work as would be required for grading to the altered grade; *provided, however*, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the Superintendent of Streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned respectively by said certificated owners and their successors in interest; *provided, however*, that he shall not so include any grading qualities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certificated owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done or shall hereafter do any work (except grading) on such street in front of any block, at his or their own expense, and the City Council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision eleven of this section of this Act; *provided*, that the work so done at the expense of such owner or owners shall be upon the official grade and in a condition satisfactory to the Street Superintendent at the time said order is passed.

Subdivision Eleven. The City Council may include in one resolution of intention and order any of the different kinds of work mentioned in this Act, and it may except therefrom any of said work already done upon the street to the official grade. The lots and portions of lots fronting upon said excepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; *provided*, that this shall not be construed so as to affect the special provisions as to grading contained in subdivision ten of this section.

Resolution may include different kinds of work.

Subdivision Twelve. Whenever the resolution of intention declares that the costs and expenses of the work and improvement are to be assessed upon a district, the City Council shall direct the City Engineer to make a diagram of the property affected or benefited by the proposed work or improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece, or parcel of land, the area in square feet of each of such lots, pieces, or parcels of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the

City Engineer to make diagram of proposed work.

City Council, the Clerk shall, at the time of such approval, certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the Superintendent of Streets of said city, who shall, after the contractor of any street work has fulfilled his contract to the satisfaction of said Superintendent of Streets, or City Council on appeal, proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work and to be received by each such lot, portion of lot, piece, or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots, or portions of lots, and subdivisions of land in said district benefited thereby, to wit: Upon each, respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section (section eight of amended Act), and the provisions of subdivisions three, four, five, six, seven, and eight of this section shall not be applicable to the work or improvement provided for in this subdivision (subdivision twelve).

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

Superintendent to make an assessment for work.

Section 8. After the contractor of any street work has fulfilled his contract to the satisfaction of the Street Superintendent of said city, or City Council on appeal, the Street Superintendent shall make an assessment to cover the sum due for the work performed and specified in said contract (including any incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done; or, if any direction and decision be given by said Council on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, if the assessment be made per front foot, the amount of each assessment, the name of the owner of each lot, or portion of a lot (if known to the Street Superintendent); if unknown, the word "unknown" shall be written opposite the number of the lot, and the amount assessed thereon, the number of each lot or portion or portions of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place, or court on which any work has been done, and showing the relative location of each district, lot, or portion of lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting, or number of lots assessed, for said work contracted for and performed.

SEC. 7. Section nine of said Act is hereby amended to read as follows:

Section 9. To said assessment shall be attached a warrant, Form of warrant. which shall be signed by the Superintendent of Streets and countersigned by the Mayor of said city. The said warrant shall be substantially in the following form:

FORM OF THE WARRANT.

By virtue hereof, I (name of the Superintendent of Streets), of the City of ———, County of ———, (or City and County of ———), and State of California, by virtue of the authority vested in me as said Superintendent of Streets, do authorize and empower (name of contractor) (his or their) agents or assigns to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date)———. (Name of Superintendent of Streets.)

Countersigned by (name of Mayor).

Said warrant, assessment, and diagram, together with the certificate of the City Engineer, shall be recorded in the office of said Superintendent of Streets. Warrant, assessment, and diagram to be recorded. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, diagram, and certificate, all persons mentioned in section eleven of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, diagram, and certificate are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payments to the said Superintendent of Streets of the incidental expenses not previously paid by the contractor or his assigns; and by virtue of said warrant said contractor, or his agent or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments. Final judgment to foreclose lien for street work. Whenever it shall appear by any final judgment of any Court of this State that any suit brought to foreclose the lien of any sum of money assessed to cover the expense of said street work done under the provisions of this Act has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality in any assessment hereafter to be made and issued, or in the recording thereof, or of the return thereto made or suffered by said Superintendent of Streets, any person interested therein may, at any time within three months after the entry of said final judgment, apply to said Superintendent of Streets who issued the same, or to any Superintendent of Streets in office at the time of said application, for another assessment to be issued in conformity to law; and said Superintendent shall, within fifteen days after the date of said application, make and deliver to said applicant a new assessment, diagram, and warrant in accordance with law; and the acting Mayor shall countersign the same as now provided by law, which assessment shall be a lien for the period of two years from the

date of said assessment, and be enforced as provided in section seven of this Act.

SEC. 8. Section twelve of said Act is hereby amended to read as follows:

Contractor
may sue.

Section 12. At any time after the period of thirty-five days from the day of the date of the warrants, as herein provided; or if an appeal is taken to the City Council, as provided in section eleven of this Act, at any time after five days from the decision of said Council, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in said section eleven (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lots, assessed on the day of the date of the recording of the warrant, assessment, and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of ten per cent per annum until paid. And in all cases of recovery under the provisions of this Act, the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable cost, as attorney's fees, but not any percentage upon said recovery. And when suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor. Suit may be brought in the Superior Court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands the owners thereof cannot, with due diligence, be found, the service in each of such actions may be had in such manner as is prescribed in the Codes and laws of this State. The said warrant, assessment, certificate, and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the Superintendent of Streets and City Council upon which said warrant, assessment, and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The Court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said Courts; and on appeal, the appellate Courts shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act and,

In Superior
Court.

also, when not in conflict herewith, by the Codes of this State. This Act shall be liberally construed to effect the ends of justice.

SEC. 9. A new section, to be called section twelve and one half of said Act, is hereby added thereto, and shall read as follows:

Section 12½. The City Council, instead of waiting until the completion of the improvement, may, in its discretion, and not otherwise, upon the completion of two blocks or more of any improvement, order the Street Superintendent to make an assessment for the proportionate amount of the contract completed, and thereupon proceedings and rights of collection of such proportionate amount shall be had as in sections eight, nine, ten, eleven, and twelve of the Act of which this is amendatory is provided.

City Council may use discretion in completion of improvements.

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

Section 13. When any portion of any street, avenue, lane, alley, court, or place in said city improved, or any sidewalk constructed thereon shall be out of repair, or needing reconstruction, and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of said Superintendent of Streets to require, by notice in writing, to be delivered to them or their agents personally, or left on the premises, the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court, or place, or of said portion of said sidewalk so out of repair or needing reconstruction as aforesaid, to repair or reconstruct, or to do both, forthwith, said portion of said street, avenue, lane, alley, court, or place, to the center line of said street in front of the property of which he is the owner, or tenant, or occupant; and said Superintendent of Streets shall particularly specify in said notice what work is required to be done, and how the same is to be done, and what material shall be used in said repairs, or reconstructions, or both. If said repairs, or reconstructions, or both, be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said Superintendent of Streets may, under authority from said City Council, make such repairs, reconstruction, or both, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specification for the doing of said work shall have been conspicuously posted by him in his office for two days, inviting bids for the doing of said work, which bids shall be delivered to him at his office on or before the second day of said posting, and opened by him on the next day following the expiration of said two days of posting, and the contract by him be awarded to the lowest bidder, if such lowest bid, in the judgment of said Street Superintendent, shall be reasonable. All of said bids shall be preserved in his office and open at all times after the letting of the contract to the inspection of all persons, and such owner, tenant, or occupant shall be liable to pay said contract price. Such work shall

Duty of Superintendent.

be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of said Street Superintendent. Upon the completion of said repairs, or reconstruction, or both, by said contractors as aforesaid to the satisfaction of said Superintendent of Streets, said Superintendent of Streets shall make and deliver to said contractor a certificate to the effect that said repairs, or reconstruction, or both, have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that he, said Superintendent, has accepted the same.

· SEC. 11. Section nineteen of said Act is hereby amended to read as follows:

Notices, how served.

Section 19. Notices in writing which are required to be given by the Superintendent of Streets under the provisions of this Act, may be served by any person with the permission of the Superintendent of Streets, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent of Streets, who for that purpose and for all other purposes and in all cases where a verification is required under the provisions of this Act is hereby authorized to administer oaths, or other person authorized to administer oaths, or such notices may be delivered to the Superintendent of Streets himself, who must also verify the service thereof, and who shall keep a record of the fact of giving such notices, when delivered by himself personally, and also of the notices and proof of service when delivered by any other person.

SEC. 12. Section twenty-four of this Act is hereby amended to read as follows:

Construction of sewers.

Section 24. The City Council of such city shall have full power and authority to construct sewers and manholes and provide for the cleaning of the same, and culverts, with crosswalks or culverts, or cesspools, or crosswalks, or sidewalks, or any portion of any sidewalk upon or in any street, avenue, lane, alley, court, or place in such city, of such materials, in such a manner, and upon such terms as it may deem proper. None of the work or improvements described in this section shall be stayed or prevented by any written or any other remonstrance or objection, unless such Council deems proper.

SEC. 13. Section twenty-six of said Act is hereby amended to read as follows:

Cost of work may be paid out of any fund.

Section 26. The City Council may in its discretion order that the whole or any part of the cost and expenses of any of the work mentioned in this Act be paid out of the treasury of the municipality from such fund as the Council may designate. Whenever a part of such costs and expenses is so ordered to be paid, the Superintendent of Streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said costs and expenses proportionately upon the lots, parts of lots,

and lands fronting on the streets where said work was done, or liable to be assessed for such work, and in the manner heretofore provided.

PART III.

SEC. 14. Section thirty-four of said Act is hereby amended to read as follows:

Section 34. *First*—The City Engineer, or where there is no City Engineer, the County or City and County Surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this Act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all Courts in this State of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this Act, as in other cases. In all those cities where there is no City Engineer, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of City Engineer, and all the provisions hereof applicable to the City Engineer shall apply to such person so appointed. Said City Council is hereby empowered to fix his compensation for such services.

Surveying,
by whom
done.

Second—The words “work,” “improve,” “improved,” and “improvement,” as used in this Act, shall include all work mentioned in this Act, and also the construction, reconstruction, and repairs of all or any portion of said work.

Definitions.

Third—The term “incidental expenses,” as used in this Act, shall include the compensation of the City Engineer for work done by him; also the cost of printing and advertising as provided in this Act, and not otherwise; also the compensation of Superintendent of Sewers, and of piling, and capping, and paving in whole or in part, of one block or more, including street crossing. All demands for incidental expenses mentioned in this subdivision shall be presented to the Street Superintendent, by itemized bill, duly verified by oath of the demandant.

Fourth—The notices, resolutions, orders, or other matter required to be published by the provisions of this Act, and of the Act of which this is amendatory, shall be published in a daily newspaper, in cities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the Council of such city as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; *provided, however,* that in case there is no daily, semi-weekly, or weekly newspaper printed or circulated in any such city, then such notices, resolutions, orders, or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a daily, semi-weekly, or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner,

Notices, how
published.

publisher, or clerk of the newspaper, or of the poster of the notice. No publication or notice other than that provided for in this Act shall be necessary to give validity to any of the proceedings provided for therein.

Definitions. *Fifth*—The word “municipality” and the word “city,” as used in this Act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Sixth—The words “paved” or “repaved,” as used in this Act, shall be held to mean and include pavement of stone, iron, wood, or other materials, whether patented or not, which the City Council may by ordinance adopt.

Seventh—The word “street,” as used in this Act, shall be deemed to and is hereby declared to include avenues, highways, lanes, alleys, crossings or intersections, courts, and places; and the term “main street” means such actually opened street or streets as bound a block; the word “blocks,” whether regular or irregular, shall mean such blocks as are bounded by main streets.

Eighth—The term “Street Superintendent” and “Superintendent of Streets,” as used in this Act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets or the improvement thereof in any city. In all those cities where there is no Street Superintendent, or Superintendent of Streets, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of Street Superintendent, or Superintendent of Streets; and all provisions hereof applicable to the Street Superintendent, or Superintendent of Streets, shall apply to such person so appointed.

Ninth—The term “City Council” is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

Tenth—In municipalities in which there is no Mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the President of the Board of Trustees or other chief executive officer of the municipality.

Eleventh—The term “Clerk” and “City Clerk,” as used in this Act, is hereby declared to include any person or officer who shall be Clerk of the said City Council.

Twelfth—The term “quarter block,” as used in this Act, as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on each intersecting street, or intersections to the next main street.

Thirteenth—The term “one year,” as used in this Act, shall be deemed to include the time beginning with January first and ending with the thirty-first day of December of the same year.

Fourteenth—References in certain sections, by number, to certain other sections of “this Act,” refer to the numbers of the sections of the original Act, unless it appears from the

context that the reference is to the section of the amendatory Act, when it shall be construed according to the context.

SEC. 15. Section thirty-five of said Act is hereby amended to read as follows:

Section 35. The Superintendent of Streets shall, when necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this Act, and of piling and capping, or of the paving, in whole or in part, of one block or more, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the Superintendent of Streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined by this Act.

Superintendent to appoint an overseer.

SEC. 16. Section thirty-seven of said Act is hereby amended to read as follows:

Section 37. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts in conflict with this Act are hereby repealed; and, provided, however, that any work or proceedings commenced under the Act of which this is amendatory, shall in nowise be affected thereby, but shall in all respects be finished and completed thereunder, and this Act shall in nowise affect said work or proceedings.

Work under former Acts not in conflict.

CHAPTER CLII.

An Act appropriating the sum of two hundred and five thousand dollars for the erection of additional buildings at Agnews for the use of the chronic insane, to appropriate money therefor, and to provide for the expenditure of the same.

[Approved March 14, 1889.]

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

Section one is hereby amended so as to read as follows:

SECTION 1. There is hereby appropriated out of the Treasury not otherwise appropriated the sum of two hundred and five thousand dollars for the erection of additional buildings for the use and occupation of the officers, attendants, and patients for the California Hospital for the Chronic Insane at Agnews, of which sum one hundred and twenty-five thousand dollars is appropriated for the erection of an administration building, and eighty thousand dollars is appropriated for the erection of an additional ward building. Said sum herein appropriated shall be expended pursuant to the provisions of an Act to provide for an additional asylum for the

Appropriation, erection of buildings for Chronic Insane, Agnews.

insane of the State of California, approved March ninth, eighteen hundred and eighty-five, and of an Act to regulate contracts in behalf of the State in relation to erections and buildings, approved March twenty-third, eighteen hundred and seventy-six. The State Board of Examiners shall examine, audit, and allow all demands arising under this Act and the said Acts herein mentioned, and the State Controller shall thereupon draw his warrant therefor, payable out of the said General Fund, and the State Treasurer is hereby ordered to pay such warrants.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLIII.

An Act to provide for furnishing the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

[Approved March 14, 1889.]

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

Appropriation, for furnishing Home for Feeble-Minded Children.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide furniture for and furnishing the California Home for the Care and Training of Feeble-Minded Children. The Controller of State is hereby directed to draw his warrants from time to time for said sum in favor of the Board of Trustees of the Home, and the Treasurer of State is hereby directed to pay the same.

CHAPTER CLIV.

An Act to amend section two thousand one hundred and fourteen of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the sum with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof.

[Approved March 14, 1889.]

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

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

Salary of Assistant Adjutant-General.

2114. The annual salary of the Assistant Adjutant-General of the State of California is the same as the salary paid to deputies for other State officers, namely, two thousand four hundred dollars.

SEC. 2. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of two hundred and fifty dollars (\$250), for the payment of said increased salary for the fortieth fiscal year.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLV.

An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

[Approved March 14, 1889.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children. The Controller of State is hereby directed to draw his warrants from time to time for said sum in favor of the Board of Trustees of the Home, and the Treasurer of State is hereby directed to pay the same.

Appropriation, water supply, etc., Home for Feeble-Minded Children.

CHAPTER CLVI.

An Act making an appropriation to pay the claim of W. F. Purnell.

[Approved March 15, 1889.]

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

SECTION 1. The sum of one thousand four hundred and sixty-six dollars and sixty-seven cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of W. F. Purnell, for services as special clerk in the office of the Superintendent of Public Instruction, from August first, eighteen hundred and eighty-seven, to June thirtieth, eighteen hundred and eighty-eight, as authorized by an Act of the Legislature entitled "An Act to amend an Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing a State series of school text-books, and appropriating money therefor," approved March fifteenth, eighteen hundred and eighty-seven, and which claim has been approved by the State Board of Examiners.

To pay claim of W. F. Purnell.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of W. F. Purnell in said sum, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CLVII.

An Act for the relief of I. G. Wickersham for moneys expended in the matter of the extradition of Ang Tai Duck.

[Approved March 15, 1889.]

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

Belief of
I. G. Wicker
sham.

SECTION 1. The sum of one thousand seven hundred and seventy-five dollars and fifty cents is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to reimburse I. G. Wickersham for moneys expended by him in the matter of the extradition of Ang Tai Duck, charged with the murder of J. C. Wickersham and wife, of Sonoma County.

SEC. 2. The Controller is hereby directed to draw his warrant on the Treasury in favor of I. G. Wickersham for the sum of one thousand seven hundred and seventy-five dollars and fifty cents, and the Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLVIII.

An Act to authorize the Board of State Harbor Commissioners to pay the claim of Gregory Valerro.

[Approved March 15, 1889.]

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

To pay
claim of
Gregory
Valerro.

SECTION 1. The Board of State Harbor Commissioners is hereby authorized to consider, adjust, and pay out of the San Francisco Harbor Improvement Fund, the claim of Gregory Valerro for the damage sustained by him in consequence of his horse having been injured by a defect in the planking of Mission Street on the waterfront of the City and County of San Francisco; *provided*, that the amount shall not exceed three hundred (\$300) dollars.

CHAPTER CLIX.

An Act to amend an Act entitled "An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton, approved March 13, 1883.

[Approved March 15, 1889.]

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

SECTION 1. Section two thousand one hundred and thirty-seven of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

2137. The powers and duties of the Board of Directors of the Insane Asylum at Stockton are as follows:

Powers and duties of Directors of Insane Asylum, Stockton.

1. To make by-laws not inconsistent with the laws of the State for their own government, and for the government of the asylum.

2. To hold stated meetings at the asylum for the transaction of business on the tenth day of each month, except when the tenth day of the month shall fall on Saturday or Sunday, and, in such case, the meeting shall be held on the preceding Friday.

3. To keep a record of their proceedings open at all times to the inspection of any citizen.

4. To elect a Medical Superintendent, three Assistant Physicians, and a Treasurer.

5. To provide on the asylum grounds residences, furniture, provisions, fuel, and lights for the Medical Superintendent and Assistant Physicians and their families, and until such residences are provided, there shall be allowed to each of the Assistant Physicians a sum not exceeding one hundred and fifty dollars per month, for the subsistence of themselves and their families.

6. To make diligent inquiry into the departments of labor and expense, the condition of the asylum and its property.

7. To report to the Governor a statement of the receipts and expenditures, the condition of the asylum, the number of patients under treatment, and of such other matters touching the duties of the Board as is advisable.

CHAPTER CLX.

An Act to amend sections fifteen hundred and seventeen, fifteen hundred and twenty, fifteen hundred and twenty-one, fifteen hundred and thirty-two, fifteen hundred and forty-three, fifteen hundred and forty-four, fifteen hundred and fifty-two, fifteen hundred and fifty-five, fifteen hundred and seventy-seven, fifteen hundred and seventy-eight, fifteen hundred and ninety-three, sixteen hundred and fourteen, sixteen hundred and seventeen, sixteen hundred and twenty, sixteen hundred and thirty-six, sixteen hundred and thirty-nine, sixteen hundred and fifty, sixteen hundred and fifty-one, sixteen hundred and sixty-three, sixteen hundred and sixty-five, sixteen hundred and eighty-seven, sixteen hundred and ninety-six, sixteen hundred and ninety-nine, seventeen hundred and twelve, seventeen hundred and sixty-eight, seventeen hundred and seventy, seventeen hundred and seventy-one, seventeen hundred and seventy-two, seventeen hundred and seventy-three, seventeen hundred and seventy-five, seventeen hundred and ninety-two, eighteen hundred and seventeen, eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, eighteen hundred and sixty-nine, eighteen hundred and seventy-three, eighteen hundred and seventy-nine, eighteen hundred and eighty, and to repeal sections fifteen hundred and eighty, fifteen hundred and eighty-two, fifteen hundred and ninety-four, sixteen hundred and twelve, sixteen hundred and eighteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools, and adding new sections thereto, to be known as sections seventeen hundred and seventy-six and eighteen hundred and eighty-nine, also relating to public schools.

[Approved March 15, 1889.]

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

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

Board, how constituted.

1517. The State Board of Education consists of the Governor, the Superintendent of Public Instruction, and the Principals of the State Normal Schools.

SEC. 2. Section fifteen hundred and twenty of the Political Code is hereby amended so as to read as follows:

Meetings of.

1520. The Board meets at the call of the Secretary, and not less than four times in each year.

SEC. 3. Section fifteen hundred and twenty-one of the Political Code is hereby amended so as to read as follows:

General powers and duties.

1521. The powers and duties of the Board are as follows:

First—To adopt rules and regulations not inconsistent with the laws of this State for its own government and for the government of the public schools and district school libraries.

Second—To recommend rules for the examination of teachers. Same.

Third—To recommend a course of study for the public schools.

Fourth—To recommend a list of books for district school libraries.

Fifth—To grant educational diplomas, valid for six years, and life diplomas.

Sixth—To revoke for immoral or unprofessional conduct or evident unfitness for teaching, life diplomas and educational diplomas heretofore issued or which may be issued hereafter.

Seventh—To have done by the State Printer or other officer having the management of the State printing, any printing required by it.

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

Ninth—To keep a record of its proceedings.

Tenth—State educational diplomas may be issued to such persons only as have held for one year a first grade, a grammar grade, a grammar school course, or high school city or county, or city and county certificate, and who shall furnish satisfactory evidence of having been successfully engaged in teaching for at least five years. Every application for an educational diploma must be accompanied by a certified copy of a resolution adopted by a city or a county Board of Education, recommending that the same be granted. The term five years shall be construed to mean five years of not less than seven months each.

Eleventh—Life diplomas may be issued upon all and the same conditions as educational diplomas, except that the applicant must furnish satisfactory evidence of having been successfully engaged in teaching for at least ten years. Ten years shall be construed to mean ten years of not less than seven months each.

Twelfth—To designate some educational monthly journal as the official organ of the Department of Public Instruction. One copy of the journal so designated shall be furnished by the County Superintendent to the Clerk of each Board of District Trustees, to be by him placed in the district library. The County Superintendent of Schools shall draw his warrant semi-annually in favor of the publishers of such school journal for a sum not exceeding one dollar and fifty cents (\$1 50) per district for each school year, and charge the same to the library fund of the district; *provided*, that the publishers of such journal shall be required to file an affidavit with the Superintendent of Public Instruction on or before the tenth day of each month, stating that he has mailed one copy of said journal to the Clerk of each school district in the State. It is hereby made the duty of the Clerk of each Board of District Trustees, and the Secretary of each Board of Education, to place each number of such journal in the school library of his district on or before the end of the month in which such number was issued.

SEC. 4. Section fifteen hundred and thirty-two of the Political Code is hereby amended so as to read as follows:

General
duties of
Superintend-
out.

1532. It is the duty of the Superintendent of Public Instruction:

First—To superintend the public schools of this State.

Second—To report to the Governor, on or before the fifteenth of December preceding each regular session of the Legislature, a statement of the condition of the State Normal Schools, and other educational institutions supported by the State, and of the public schools.

Third—To accompany his report with tabular statements, showing the number of school children in this State, the number attending public schools, the number enrolled in the grammar school course and the average attendance, the number attending private schools, and the number not attending schools; the amount of State School Fund apportioned, and the sources from which derived; the amount raised by county and district taxes, or from other sources of revenue, for school purposes, and the amount expended for salaries of teachers, for building school houses, and for district school libraries.

Fourth—To apportion the State School Fund, and also the Grammar School Course Fund, at the rate of three dollars for each pupil enrolled in the grammar school course, the apportionment of these funds to be separate. An abstract of such apportionment to be furnished to the Controller, State Board of Examiners, and each County Treasurer, and County Superintendent.

Fifth—To draw his order on the Controller, in favor of each County Treasurer, for school moneys apportioned to the county.

Sixth—To prepare, have printed, and furnished all officers charged with the administration of the laws relating to public schools, and to teachers, such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by County Boards of Education.

Seventh—To have the law relating to public schools printed in pamphlet form, and annex thereto forms for making reports and conducting school business, the course of study, rules and regulations, a list of library books, and such suggestions on school architecture as he may deem useful.

Eighth—To supply school officers and teachers, school libraries, and State libraries with one copy each of the pamphlets mentioned in the preceding subdivision.

Ninth—To visit the several orphan asylums to which State appropriations are made, and examine into the course of instruction therein.

Tenth—To visit the schools in the different counties, and inquire into their condition, and the actual traveling expenses thus incurred, provided they do not exceed fifteen hundred dollars per annum, shall be allowed, audited, and paid out of the General Fund in the same manner as other claims are audited and paid.

Eleventh—To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office. Same.

Twelfth—To have bound, at the State Bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him, payable out of the State School Fund.

Thirteenth—To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

Fourteenth—He shall have power to call, biennially, a convention of County Superintendents, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of the public schools, the laws relating thereto, and such other subjects affecting the welfare and interest of the public schools as shall properly be brought before it. It is hereby made the duty of all County Superintendents to attend and take part in the proceedings of such convention, when it is called; and the actual expenses of County Superintendents in attending the convention shall be allowed by the Board of Supervisors, and paid out of the same fund as the salary of the County Superintendent is paid; *provided*, the several County Boards of Education may be represented in said convention by one delegate elected from each Board of Education, said delegate to be paid the same as is herein provided for the Superintendent attending said convention.

SEC. 5. Section fifteen hundred and forty-three of the Political Code is hereby amended so as to read as follows:

1543. It is the duty of the County Superintendent of each county:

General
duties of
School
Superintend-
ents.

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 school six months in each district, the Superintendent of Schools shall apportion the same as other school funds are apportioned. If in any school district there shall be an average attendance for three consecutive 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 districts. The property of any school district that shall lapse shall be sold by the Board of Supervisors, and the proceeds of such sale, after the payment of any indebtedness of the district, shall be placed in the County

Same.

School Fund. The territory included within the boundaries of said district shall, by order of the Board of Supervisors, be attached to one or more adjoining school districts.

Third—To apportion to each school district where the grammar school course is taught, all moneys provided by the State under section four hundred and forty-four of this Code, at the rate of three dollars for each pupil enrolled in said course on the first day of May preceding the date of apportionment.

Fourth—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 requisition 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 the receipt of such requisition the Auditor shall draw his warrant upon the County Treasurer in favor of the parties for the amount stated in such requisition.

Fifth—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, and also a receipt from the person to whom the requisition was delivered.

Sixth—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.

Seventh—To preside over Teachers' Institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, and to report to the County Board of Education the name 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.

Eighth—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.

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

Tenth—To keep in his office the reports of the Superintendents of Public Instruction.

Eleventh—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, which shall be open to the inspection of any applicant or his authorized agent.

Twelfth—Except in incorporated cities, to pass upon and approve or reject plans for school houses.

Thirteenth—To appoint Trustees to fill all vacancies, to hold until the first day of July succeeding such appointment; when new districts are organized, to appoint Trustees for the same, who shall hold office until the first day of July next succeeding their appointment. In case of the failure of the Trustees to employ a janitor, as provided in section sixteen hundred and seventeen, subdivision seventh, of this Code, he shall appoint a janitor, who shall be paid out of the School Fund of the district.

Fourteenth—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.

Fifteenth—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.

Sixteenth—The County Superintendent shall, unless otherwise provided by law, in the month of July of 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 this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same.

Seventeenth—The County Superintendent shall keep a record of pupils enrolled in the grammar school course, if there be such schools in his county, and shall, on or before the first day of August in each year, transmit a copy thereof to the Superintendent of Public Instruction.

SEC. 6. Section fifteen hundred and forty-four of the Political Code is hereby amended to read as follows:

1544. If he fails to make a full and correct report, as required under the provisions of subdivision fourteen 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.

Forfeiture
for failure
to report.

SEC. 7. Section fifteen hundred and fifty-two of the Political Code is hereby amended so as to read as follows:

Compensation and allowances for expenses.

1552. Each County Superintendent shall receive his actual and necessary traveling expenses, said expenses to be allowed by the Board of Supervisors, and to be paid out of the County General Fund; *provided*, that this amount shall not exceed ten dollars per district per annum. He shall also be allowed postage and expressage, payable out of the County School Fund, two dollars for each school district; *provided*, that in incorporated cities each school containing three hundred pupils shall be considered equal to one school district.

SEC. 8. Section fifteen hundred and sixty-five of the Political Code is hereby amended so as to read as follows:

Fee for teacher's certificate.

1565. Every applicant for a teacher's certificate, except temporary, upon presenting his application, shall pay to the County Superintendent a fee of two dollars, to be by him immediately deposited with the County Treasurer to the credit of a fund to be known as the Teachers' Institute and Library Fund. All funds so credited shall be drawn out only upon the requisition of the County Superintendent of Schools upon the County Auditor, who shall draw his warrant in payment of the services of such instructors in the County Teachers' Institute as shall not be residents of that county and for the purchase of books for a library for the use of the teachers of the county. At least fifty per cent of the Teachers' Institute and Library Fund shall be expended for books.

SEC. 9. Section fifteen hundred and seventy-seven of the Political Code is hereby amended so as to read as follows:

Formation of new districts. Changing boundaries of old districts.

1577. No new school district shall be formed at any other time than between the first day of January and the tenth day of May, nor at that time unless the parents or guardians of at least fifteen census children between the ages of five and seventeen (residents of such proposed new district), and residing at a greater distance than two miles by a traveled road from any public 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 changes of boundaries desired and the reasons for the same; *provided*, that two or more districts lying contiguous may, upon a petition of a majority of the heads of families residing in each of said districts, be united to constitute but one district. Joint districts (districts lying partly in one county and partly in another) may be formed in the same manner as other new districts are formed, except that the petition herein provided for shall be made to the County Superintendent of each county affected; *and, provided*, that in the case of joint districts all the provisions herein enumerated for the formation of a new district shall be by concurrent action of the Superintendent and the Board of Supervisors of each county affected; *provided, further*, that children residing in the new district shall be permitted to attend school in the district or

districts from which the new district was formed until the first day of July next succeeding.

SEC. 10. Section fifteen hundred and seventy-eight of the Political Code is hereby amended so as to read as follows:

1578. After giving due notice to all parties interested, by sending notice by registered mail to each of the Trustees of any school district that may be affected by the proposed change, or by causing notices to be posted in three public places in each district affected, one of which shall be at the door of the school house of said districts for at least one week, the County Superintendent must transmit the petition to the Board of Supervisors, with his approval or disapproval. If he approves the petition he may note such changes in the boundaries as he may think desirable.

Duties of Superintendent on petition for either.

SEC. 11. Section fifteen hundred and eighty of the Political Code is hereby repealed.

SEC. 12. Section fifteen hundred and ninety-three (1593) of the Political Code of the State of California is hereby amended so as to read as follows:

1593. An election for School Trustees must be held in each school district on the first Tuesday of June of each year, at the district school house, if there is one, and if there is none, at the place to be designated by the Board of Trustees.

Election of Trustees, when and where.

1. The number of School Trustees for any school district, except where 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.

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

3. 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. 13. Section fifteen hundred and eighty-two of the Political Code is hereby repealed.

SEC. 14. Section fifteen hundred and ninety-four of the Political Code is hereby repealed.

SEC. 15. Section sixteen hundred and twelve of the Political Code is hereby repealed.

SEC. 16. Section sixteen hundred and fourteen of the Political Code is hereby amended so as to read as follows:

1614. Vacancies in the office of School Trustee are caused by the happening of either of the events specified in section nine hundred and ninety-six of the Political Code, or by resignation. The resignation of a School Trustee must be sent in writing to the County Superintendent of Schools.

Vacancies, how filled.

SEC. 17. Section sixteen hundred and seventeen of the Political Code is hereby amended so as 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 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, and

Same.

to transact their business at regular or special meetings called for such purpose, notice of which shall be given to each member.

Second—To manage and control the school property within their districts, and to pay all moneys collected by them from any source whatever for school purposes into the County Treasury, to be placed to the credit of the Special Fund of their district.

Third—To purchase school furniture, including organs and pianos, and apparatus, and such other things as may be necessary for the use of schools; *provided*, that except in incorporated cities having Boards of Education they purchase such books and apparatus only as have been adopted by the County Board of Education.

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, and, excepting in incorporated cities having Boards of Education, immediately notify the Superintendent of Schools, in writing, of such employment, naming the grade of certificate held by the teachers employed; also, to employ janitors and other 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 school 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 admission and entitled to be admitted into the schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into 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 in case the Trustees fail to agree, the parents of such ^{same} 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; *provided*, that in cities the appointment shall be subject to the approval of the City Superintendent of Schools.

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 and upon a petition signed by a majority of the heads of families resident in the district must 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 affairs of the district. Such meetings shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the school house, for not less than ten days previous to the time for which the meetings 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, or the use of the same for other than school purposes.

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 these purposes, in addition to any amount which may be raised by the sale of district school property, and the insurance of property destroyed by fire; *provided*, that the proceeds of the insurance of the library and apparatus shall be paid into the Library Fund. All funds raised by the 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.

Same.

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. 18. Section sixteen hundred and eighteen of the Political Code is hereby repealed.

SEC. 19. Section sixteen hundred and twenty of the Political Code is hereby amended so as to read as follows:

Stationery, etc., to be furnished to pupils.

1620. Writing and drawing paper, pens, ink, blackboards, blackboard rubbers, crayons, and lead and slate pencils, and other necessary supplies 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.

SEC. 20. Section sixteen hundred and thirty-six of the Political Code is hereby amended so as to read as follows:

Report of Census Marshal.

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

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

Second—The names of the parents or guardians of said children, arranged alphabetically, and in the cities the number and street of residence must be given.

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. 21. Section sixteen hundred and thirty-nine of the Political Code is hereby amended so as to read as follows:

Compensation of.

1639. The compensation of Census Marshal must be audited and paid as other claims upon the School Fund of the district are audited and paid; *provided*, such compensation shall not exceed six dollars per day for time actually and necessarily employed; *and provided further*, that in no case shall the compensation be computed at a per capita sum.

SEC. 22. Section sixteen hundred and fifty of the Political Code is hereby amended so as to read as follows:

General duties of Clerk.

1650. It is the duty of the Clerk:

First—To call meetings of the Board at the request of two members, and to act as Clerk of the Board and keep a record of its proceedings.

Second—To keep an account of the receipts and expenditures of school moneys.

Third—To keep his records and accounts open to the inspection of the electors of the district.

Fourth—To place the monthly journal designated as the official organ of the Department of Public Instruction in the

library each month, and if he fails to receive it regularly to notify the publishers of such fact.

Fifth—To perform such other duties as may be prescribed by the Board.

SEC. 23. Section sixteen hundred and fifty-one of the Political Code is hereby amended so as to read as follows:

1651. The Clerk of each district must, under the direction of the Board of Trustees, provide all school supplies authorized by this chapter, and keep the school house in repair during the time school is taught therein. When to provide supplies, etc.

SEC. 24. Section sixteen hundred and sixty-three of the Political Code is hereby amended to read as follows:

1663. 1. All schools, unless otherwise provided by law, must be divided into primary and grammar grades. The County Board of Education must, except in incorporated cities having Boards of Education on or before the first day of July, prescribe the course of study in each grade for the ensuing year. Grading of schools.

2. The Board shall also prescribe a course of study not in conflict with said section one thousand six hundred and sixty-five, that will fit and prepare students therein to enter the Scientific Department of the University of California, to be divided into four grades, requiring one year to each grade, and to be known as the grammar school course.

3. The grammar school course shall apply to and be taught in school districts which have elected to have the same taught as hereinafter prescribed.

4. The Board of Trustees of any district may, by order duly made and entered on its minutes, upon petition or otherwise, call meetings of the qualified electors of the district, as provided in subdivision twenty of section sixteen hundred and seventeen of this Code, to determine whether the grammar school course shall be taught in such district.

5. If such course shall be chosen, it shall thereafter in such district take the place of and be substituted for the course prescribed for the grammar grade.

6. Except in incorporated cities having Boards of Education, the County Board of Education shall require that examinations in each of said courses shall take place at stated periods, at least once in each school year, for promotion. It shall also provide for conferring diplomas at the end of the course of study in the grammar grade, and in the grammar school course for those who satisfactorily pass the required examination.

7. The County Board of Education may amend and change, subject to said section sixteen hundred and sixty-five, either of the above courses of study, whenever necessary.

SEC. 25. Section sixteen hundred and sixty-five of the Political Code is hereby amended so as to read as follows:

1665. Instruction must be given in the following branches, in the several grades in which each may be required, viz.: Reading, writing, orthography, arithmetic, geography, grammar, history of the United States, elements of physiology and hygiene, with special instruction as to the nature of alcoholic drinks and narcotics and their effects upon the human sys- Instruction, branches in.

tem, vocal music, elements of bookkeeping, industrial drawing, practical entomology, and civil government.

SEC. 26. Section sixteen hundred and eighty-seven of the Political Code is hereby amended so as to read as follows:

Experienced
teachers for
beginners.

1687. In schools having more than two teachers beginners shall be taught by teachers who have had at least two years' experience, or by Normal School graduates; and in cities such teachers shall rank, in point of salary, with those of the first grade.

SEC. 27. Section sixteen hundred and ninety-six of the Political Code is hereby amended so as to read as follows:

General
duties of
teachers.

1696. Every teacher in the public schools must:

First—Before assuming charge of a school, file his or her certificate with the County Superintendent.

Second—Before taking charge of a school, and one week before closing a term of school, notify the County Superintendent of such fact, naming the day of opening or closing.

Third—Enforce the course of study, the use of text-books, and the rules and regulations prescribed for schools.

Fourth—Hold pupils to a strict account for disorderly conduct on the way to and from school, on the playgrounds, or during recess; suspend, for good cause, any pupil in the school, and report such suspension to the Board of Trustees or City Board of Education for review. If such action is not sustained by them, the teacher may appeal to the County Superintendent, whose decision shall be final.

Fifth—Keep a State School Register, in which shall be left at the close of the term a report showing programme of recitations and classifications and grading of all pupils who have attended school at any time during the school year.

Sixth—Make an annual report to the County Superintendent at the time and in the manner and on the blanks prescribed by the Superintendent of Public Instruction. Any teacher who shall end any school term before the close of the school year, shall make a report to the County Superintendent immediately after the close of such term; and any teacher who may be teaching any school at the end of the school year shall, in his or her annual report, include all statistics for the entire school year, notwithstanding any previous report for a part of the year.

Seventh—On or before the thirty-first day of May of each year the teacher of every school district, or principal, where there is one, shall report to the County Superintendent the names of all the pupils enrolled in the grammar school course during the current school year.

Eighth—Make such other reports as may be required by the Superintendent of Public Instruction, County Superintendent, Board of Trustees, or City Board of Education.

SEC. 28. Section sixteen hundred and ninety-nine of the Political Code is hereby amended so as to read as follows:

Appeals.

1699. Any teacher whose salary is withheld may appeal to the Superintendent of Public Instruction, and his decision shall be final.

SEC. 29. Section seventeen hundred and twelve of the Political Code is hereby amended so as to read as follows:

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, including books for supplementary work, 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 of which the order is drawn, and unless such books and apparatus have been adopted by the County or City Board of Education. The Trustees of each district shall cause each book now in their District School Library, or that may hereafter be placed in said library, to be stamped on the fly leaf, on the title page, and on each one hundredth page of the book with the words "Department of Public Instruction, State of California, _____ County, _____ District Library," and the County Superintendent is hereby authorized and instructed to procure such stamp for each district in his county, and to pay for the same out of the County School Fund of such district.

Library Fund, how expended.

Sec. 30. Section seventeen hundred and sixty-eight of the Political Code is hereby amended so as to read as follows:

1768. In each county having a population of less than two hundred thousand inhabitants there shall be a County Board of Education, which shall consist of the Superintendent of Schools and four other members, of whom at least two shall always be experienced teachers, holding grammar grade certificates in full force and effect, appointed by the Board of Supervisors, who shall hold their office for two years, or until their successors are appointed and qualified. A vacancy in the Board of Education may be filled at any time after its occurrence by the Board of Supervisors. For the transaction of business three members shall constitute a quorum; but no certificate shall be issued, renewed, or revoked, nor any textbooks adopted, except by an affirmative vote of three members. On the call of any member, the "ayes and noes" shall be taken upon any proposition, and the vote recorded in the minutes. If the Board of Supervisors of any county shall refuse or neglect to appoint a Board of Education, or fill any vacancy therein, as herein provided, then the County Superintendent shall appoint such Board of Education and fill such vacancy; and the Board so appointed shall have all the rights, exercise all the powers, and be governed by all the regulations prescribed for County Boards until an appointment be made by the Board of Supervisors.

County Boards of Education, how composed.

Sec. 31. Section seventeen hundred and seventy of the Political Code is hereby amended so as to read as follows:

1770. Each County Board of Education must meet at fixed periods and hold examinations for the granting of teachers' certificates, semi-annually. 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

Meetings of.

of Supervisors shall allow to each member of the Board of Education, including the Secretary, a compensation of five dollars per day for his 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 shall be audited and paid as other claims against the General Fund of the county.

SEC. 32. Section seventeen hundred and seventy-one of the Political Code is hereby amended so as to read as follows:

Power of
County
Boards.

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 three grades valid, except in incorporated cities having Boards of Examination as follows:

1. Grammar school course or high school: valid for four years, authorizing the holder to teach in any high school, grammar school course, grammar grade, or primary school.

2. Grammar grade: valid for three years, authorizing the holder to teach any grammar grade and primary school.

3. Primary: valid for two years, authorizing the holder to teach any primary school. Also, to grant special certificates, valid for three years, which shall entitle the holder to teach such special branches as may be required by City or County Boards of Education.

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

Fifth—To revoke or suspend 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, except in incorporated cities having Boards of Education, 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 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 the applicant, or his authorized agent.

SEC. 33. Section seventeen hundred and seventy-two of the Political Code is hereby amended so as to read as follows:

1772. Except as provided in section seventeen hundred and seventy-five, certificates may be granted only to those who have passed a satisfactory examination in all the studies prescribed by the County Board of Education; *provided*, that applicants for primary county certificates shall be required to pass an examination only in arithmetic, grammar, geography, composition, history of the United States, orthography, defining, penmanship, reading, methods of teaching, school law, industrial drawing, physiology, entomology, civil government, elementary bookkeeping, and vocal music.

Certificates, to whom granted.

SEC. 34. Section seventeen hundred and seventy-three of the Political Code is hereby amended so as to read as follows:

1773. All examinations shall be in writing in answer to questions formulated by the Board of Education. The said Board shall also examine all applicants, orally, touching the questions asked and such other matters in connection therewith as shall have a tendency to demonstrate the fitness of the applicant to assume the duties of teacher. The said Board shall ask questions of practical utility, with a view of ascertaining the knowledge and ability of the applicant. All examinations shall be public.

Examination, how conducted.

SEC. 35. Section seventeen hundred and seventy-five of the Political Code is hereby amended so as 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, Nevada, and Oregon State educational diplomas, California Normal School diplomas, San Francisco Normal Class diplomas, when recommended by the Superintendent of Public Schools, California State University diplomas, when recommended by the Faculty of the University, and State Normal School diplomas of other States, and grammar school course and grammar grade certificates of other counties in California; and may also, without examination, renew unexpired certificates previously issued by them, or renew or indorse unexpired certificates previously granted in their county; such renewed or indorsed certificates to remain valid for the same length of time for which new certificates may be granted; and the certificates issued, renewed, or indorsed by the County Board of Education shall entitle the holder thereof to teach in any city or district school in the county, except in incorporated cities having Boards of Examination, in grades corresponding to the grades of their certificates; County Boards of Education must issue certificates upon the blank forms prepared and distributed by the Superintendent of Public Instruction.

Renewal and revocation certificates.

SEC. 36. Section seventeen hundred and ninety-two of the Political Code is hereby amended so as to read as follows:

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, Nevada, and Oregon educational diplomas, California State Normal School diplomas, California State University diplomas, when

When may be granted without examination.

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. 37. Section eighteen hundred and seventeen of the Political Code is hereby amended so as to read as follows:

County Superintendent to furnish annual statement of funds needed.

1817. The County Superintendent of each county having a population of less than two hundred thousand inhabitants must, on or before the first regular meeting of the Board of Supervisors, in September in each year, furnish the Supervisors and the Auditor, respectively, an estimate, in writing, of the minimum amount of county school fund needed for the ensuing year. This amount he must compute as follows:

First—He must ascertain, in the manner provided for in subdivisions one and two of section eighteen hundred and fifty-eight, the total number of teachers for the county.

Second—He must calculate the amount required to be raised at five hundred dollars per teacher. From this amount he must deduct the total amount of State apportionments, less ten per cent received by the county for the next preceding school year, and the remainder shall be the minimum amount of county school fund needed for the ensuing year; *provided*, that if this amount is less than sufficient to raise a sum equal to four dollars for each census child in the county, then the minimum amount shall be such a sum as will be equal to four dollars for each census child in the county.

SEC. 38. Section eighteen hundred and fifty-eight of the Political Code is hereby amended so as to read as follows:

Apportionment of State and county school fund.

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, as shown by the returns of the School Census Marshals of the preceding school year; *provided*, that Indian children not living under the guardianship of white persons and Mongolian children not native born shall not be included in the apportionment list. The School Superintendent in each county must apportion all State and county school moneys as follows:

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, 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 to it; *provided*, that to districts having ten and less than twenty school census children shall be apportioned four hundred dollars; *provided further*, that to districts having over seventy school census children and a fraction of less than twenty, there shall be apportioned twenty dollars for each census child in said fraction. Same.

Fourth—All school money remaining on hand after apportioning to the districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in each district during the preceding school year. Census children, where mentioned in sections one thousand eight hundred and seventeen and one thousand eight hundred and fifty-eight, shall be construed to mean those between the ages of five and seventeen years.

Fifth—Whenever in any school year, prior to the receipt by the counties, cities, or cities and counties of this State of their State, county, or city school fund, the school district or cities shall not have sufficient money to their credit to pay the lawful demands against them, the county, city, or city and county Superintendent shall give the Treasurer of said county, city, or city and county an estimate of the amount of school money that will next be paid into the county, city, or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate, it shall be the duty of the Treasurer of said county, city, or city and county to transfer from any fund, not needed to pay claims against it, to the proper school fund, an amount not to exceed ninety per cent of the amount estimated by the Superintendent, and he shall immediately notify the Superintendent of the amount so transferred. The funds so transferred to the School Fund shall be transferred by the Treasurer to the fund from which they were taken, from the first money paid into the School Fund after the transfer.

SEC. 39. Section eighteen hundred and fifty-nine of the Political Code is hereby amended so as to read as follows:

1859. No school district, except one newly formed, is entitled to receive any apportionment of State or county school moneys which has not maintained a public school for at least six months during the next preceding school year. A district which is prevented by fire, flood, or prevailing epidemic from maintaining a school for the length of time designated in this section, is nevertheless entitled to its apportionment of State and county school moneys.

Districts entitled to.

SEC. 40. Section eighteen hundred and sixty-nine of the Political Code is hereby amended so as to read as follows:

1869. Any State, county, or city and county Superintendent, or any State, county, or city and county Board of Education, who shall issue a certificate or diploma, except as provided for in this title, shall be guilty of a misdemeanor.

Issuance of certificate, when deemed a misdemeanor.

SEC. 41. Section eighteen hundred and seventy-three of the Political Code is hereby amended so as to read as follows:

School officers may administer oaths.

1873. Every officer, including Secretaries and Assistant Secretaries of Boards of Education, charged with the performance of duties under the provisions of this chapter, may administer and certify oaths relating to officers or official matters concerning public schools.

SEC. 42. Section eighteen hundred and eighty of the Political Code is hereby amended so as to read as follows:

Trustees may call election to raise money for school purposes.

1880. The Board of Trustees of any school district may, when in their judgment it is advisable, and must, upon petition of a majority of the heads of families residing in the district, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money for purchasing school lots, and for building or purchasing one or more school houses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

SEC. 43. A new section is hereby added to the Political Code, to be known as section seventeen hundred and seventy-six, and to read as follows:

Member of County Board of Education prohibited from giving special instruction for purpose of passing an examination.

1776. Any member of a County Board of Education who shall, except in the regular course of study in the public schools, teach any classes where pupils are given special instruction, to prepare them for passing examination to obtain teachers' certificates, or who shall give special instruction to any person preparing for examination to obtain a teacher's certificate, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, his office shall be declared vacant. No certificate shall be issued to any applicant who has received special instructions when preparing for examination from any member of a County Board of Education.

SEC. 44. Section eighteen hundred and seventy-nine of the Political Code is hereby amended to read as follows:

Influencing members of Board, felony.

1879. The offering of any valuable thing to any member of a Board of Education, with the intent thereby to influence his action in regard to the granting of any teacher's certificate, the appointment of any teacher, Superintendent, or other officer or employé, the adoption of any text-book, or the making of any contract to which the Board of Education of which he is a member shall be a party, or the acceptance by any member of a Board of Education of any valuable thing, with corrupt intent, shall be a misdemeanor, punishable as by law provided. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with any offense described in this section, 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. Any contract or appointment obtained from a Board of Education by corrupt means shall be void. Any County Board of Supervisors, or any City Council, or any duly authorized committee thereof, may investigate the conduct of any member of a county, or city, or city and county Board of Education, or

school officer, or employé, who may be charged with malfeasance in office, and in such capacity shall be entitled to the process of the Courts to compel the attendance of witnesses, and the officer who shall preside at such investigation shall have power to administer all necessary oaths.

SEC. 45. A new section is added to the Political Code, to be known as section one thousand eight hundred and eighty-nine, to read as follows:

1889. Whenever any bonds issued under the provisions of this title shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the Board of Supervisors, the Board of Trustees, or Board of Education of the school district for or on account of which such bonds were issued, or of any school district composed wholly or partly of territory which, at the time of holding the election mentioned in section eighteen hundred and eighty-three, was embraced within the district for or on account of which such bonds were issued, may petition the Board of Supervisors to cause such unsold bonds to be withdrawn from market and canceled. Upon receiving such petition, signed by a majority of the members of said Board of Trustees or Board of Education, the Supervisors shall fix a time for hearing the same, which shall not be more than thirty days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for ten days prior to the day of hearing, in some newspaper published in said school district, if there is one, and if there is no newspaper published in said school district, then in a newspaper published at the county seat of the county in which such school or some part thereof is situated. At the time and place designated in the notice for hearing said petition, or at any subsequent time to which said hearing may be postponed, the Supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they shall deem it for the best interests of the school district named in the petition that such unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that said unsold bonds are canceled, and thereupon said bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

Unsold
bonds, dis-
position of.

CHAPTER CLXI.

An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses.

[Approved March 15, 1889.]

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

Supervisors
to provide
for burial of
ex-Union
soldiers,
sailors, and
marines.

SECTION 1. It shall be the duty of the Board of Supervisors of each county in this State to designate a proper person in the county, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor, or marine who served in the army or navy of the United States during the late war, or in the war with Mexico, who may hereafter die without having sufficient means to defray funeral expenses. Such burial shall not be made in any cemetery or burial ground or any portion of such cemetery or burial ground used exclusively for the burial of the pauper dead. The expenses of each burial shall not exceed the sum of fifty dollars (\$50).

Expenses,
how paid.

SEC. 2. The expenses of such burial shall be paid by the county in which said soldier, sailor, or marine died; but if such deceased person had a residence in any other county in this State than the one paying the expenses, the county of his residence shall refund the money advanced by the county where he died. Expenses of such burial shall be audited and paid as other accounts are audited and paid by the county; *provided*, that this Act shall not apply to such soldiers, sailors, or marines who may hereafter die in the National or State Soldiers' Home in this State.

Circum-
stances of
deceased to
be inquired
into.

SEC. 3. It shall be the duty of the person appointed, as provided in section one of this Act, before he assumes the charge and expenses of any such burial, to first satisfy himself, by a careful inquiry into and examination of all the circumstances in the case, that the family of such deceased soldier, sailor, or marine, if he had any at the time of his decease residing in such county, is unable for want of means to defray the expenses of such burial or funeral; and if he finds such inability to exist he shall cause such deceased soldier, sailor, or marine to be buried, as provided in this Act, and he shall immediately report his action to the Clerk of the Board of Supervisors of the county, stating forthwith all the facts, and that he found the family of such deceased person, if he had any, in indigent circumstances, and unable to pay the expenses of such funeral or burial, together with the name, rank, and command to which he belonged as such soldier, sailor, or marine, the date of his death, place where buried, and his occupation while living, and also an itemized statement of the expenses incurred by reason of such burial.

SEC. 4. It shall be the duty of the Clerk of the Board of Supervisors, upon receiving the report and statement of expenses provided for in this Act, to transcribe in a book kept for that purpose, all the facts contained in such report respecting such deceased soldier, sailor, or marine. It shall also be the duty of said Clerk, upon the death and burial of any such soldier, sailor, or marine, to make application to the proper authorities under the government of the United States, for a suitable headstone, as provided by Act of Congress, and to cause the same to be placed at the head of such soldier, sailor, or marine's grave.

Duty of Clerk of Board of Supervisors.

SEC. 5. The person appointed as provided in section one of this Act, shall not receive any compensation for any duties he may perform in compliance with this Act.

This Act shall take effect immediately.

CHAPTER CLXII.

An Act to provide for the erection of new buildings, and for the permanent improvement of the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

[Approved March 15, 1889.]

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

SECTION 1. The following sum of money is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the erection of boiler house, engine rooms, workshops, morgue, lavatories, ironing room, associated dining room, residences for two Assistant Physicians and Supervisor, and for the permanent improvement of the buildings upon the grounds of the State Asylum for the Insane at Stockton: fifty thousand five hundred dollars, all of which may be expended during the forty-first fiscal year.

Appropriation for improvements for Insane Asylum, Stockton.

CHAPTER CLXIII.

An Act to pay the claim of John Cravens, Janitor of the Supreme Court at Sacramento, and to appropriate money therefor.

[Approved March 15, 1889.]

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

SECTION 1. The sum of one hundred and four dollars and twenty-five cents is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the claims of John Cravens, for services as Janitor of the Supreme

To pay claim of John Cravens.

Court at Sacramento, incurred by virtue of section forty-seven (47) of the Code of Civil Procedure, said claims having been approved by the Justice of the Supreme Court and the State Board of Examiners, and warrants for the payment of the same having been issued by the Controller of State, but not paid to the said John Cravens, by the then Clerk of the Supreme Court.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of John Cravens for the sum of one hundred and four dollars and twenty-five cents, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CLXIV.

An Act to provide for the deficiency in the appropriation for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year.

[Approved March 15, 1889.]

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

Deficiency,
traveling
expenses
Superintend-
ent Public
Instruction.

SECTION 1. The sum of forty-six dollars and fifty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXV.

An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State Prisons and insane persons to the Insane Asylums," approved March 14, 1885, providing for compensation to Sheriffs for services rendered since the fourteenth day of March, eighteen hundred and eighty-five.

[Approved March 15, 1889.]

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

SECTION 1. An Act entitled an Act to allow compensation to Sheriffs for conveying prisoners to the State Prisons and insane persons to the Insane Asylums, is hereby amended so as to read as follows:

Compensa-
tion of
Sheriffs for
transporting
prisoners.

Section 1. There shall be allowed by the State Board of Examiners to the Sheriff, to be retained by him for his own use, for delivering a prisoner to either of the State Prisons,

actual expenses, and five dollars per diem for the time necessarily consumed in delivering such prisoner.

SEC. 2. There shall be allowed by the State Board of Examiners to the Sheriff, to be retained by him for his own use, for delivering any insane person to either of the Insane Asylums, his actual expenses, and the same per diem as is allowed in section one of this Act.

Compensation of Sheriffs for transporting insane.

SEC. 3. The Sheriff shall be allowed, and is entitled to receive and retain for his own use, the same compensation and expenses for all like services mentioned in sections one and two of this Act, rendered by him since the fourteenth day of March, eighteen hundred and eighty-five.

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

CHAPTER CLXVI.

An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

[Approved March 15, 1889.]

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

SECTION 1. For the purpose of enabling the Government of the United States to construct a breakwater, and otherwise improve the entrance to Humboldt Bay, the State of California hereby grants to the Government of the United States certain tide lands hereinafter described; and the Governor of the State is hereby authorized and directed to cause to be executed a patent from the State of California conveying said lands to the United States.

Grant of tide lands to United States Government, to improve Humboldt Bay.

SEC. 2. The lands referred to in section one of this Act are located in Humboldt County, California, and described as follows: Beginning at a granite monument marked U. S. E. 1, on the high-water line of the Pacific Ocean, situated north seven and twenty-two hundredths chains; thence south sixty-seven degrees forty minutes east, sixteen and sixty-one hundredths chains from the southwest corner of the northwest quarter of section seven, township four north, range one west, Humboldt meridian, and running north fifty-seven degrees west, nine chains; thence north seventy-six degrees forty minutes east, twelve chains; thence south eighty-four degrees fifty-five minutes east, eleven chains; thence north seventy-two degrees twenty minutes east, fourteen chains; thence south seventy-three degrees thirty-two minutes east, five chains; thence south twenty-two degrees fifty-five minutes west, ten chains; thence south twenty-six degrees twenty-five minutes west, eight and fifty hundredths chains; thence north thirty-three degrees twenty minutes west, two and eleven hundredths chains, to a granite monument marked U. S. E. 3; thence north twenty-three degrees

Description of lands.

seventeen minutes east, five and fifteen hundredths chains, to a granite monument marked U. S. E. 4; thence north fifteen degrees west, four and fifty-four hundredths chains; thence south eighty-two degrees twenty-five minutes west, twenty-five and forty-five hundredths chains, to the point of beginning, and containing twenty-four and twenty-five one hundredths acres, more or less.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXVII.

An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry.

[Approved March 16, 1889.]

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

To pay
claim of
George W.
Mayberry.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of George W. Mayberry, for damages sustained by him in falling through the sidewalk on the State Capitol grounds, which sidewalk was then in charge of the State officials, whereby he suffered severe internal injuries which have been pronounced incurable, and which wholly incapacitate him from performing labor; and the Controller is hereby directed to draw his warrant in favor of the said George W. Mayberry for the said sum of five thousand dollars, and the Treasurer is hereby directed to pay the same.

SEC. 2. This Act is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code of the State of California.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXVIII.

An Act for the protection of the owners of ditches and flumes.

[Approved March 16, 1889.]

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

Joint liability
of owners
of ditch or
flume.

SECTION 1. When two or more persons are associated by agreement in the use of a ditch or flume, or are using for the irrigation of land a ditch or flume, to the construction of which they or their grantors have contributed, each of them shall be liable to the other for the reasonable expense of maintaining and repairing the same in proportion to the share in the use of the water to which he is entitled.

SEC. 2. If any of them refuse or neglect, after demand in writing, to pay his proportion of such expenses, he shall be liable therefor in an action for contribution in the nature of an action on the case, and in any judgment obtained against him, interest from the time of such demand at the rate of two per cent per month may be included.

Action for refusal to pay proportional expense.

SEC. 3. If any of them willfully appropriate to his own use more than his proportionate share of the water from such ditch or flume, to the detriment of his associates, or any of them, he shall be liable in damages in treble the value of the water so appropriated in excess of his proper share.

Willful appropriation a misdemeanor.

SEC. 4. The actions provided for in sections two and three may be brought by any or either of the parties injured, and may be joint or several.

Actions, how brought.

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

CHAPTER CLXIX.

An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 16, 1889.]

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

SECTION 1. All cities and counties, cities, or towns, reorganized, or claiming to have been reorganized, since the passage of the Act the title of which is recited in the title hereof, or which have attempted since said date to reorganize or incorporate under the provisions of said Act, and have acted as municipal corporations since such reorganization, are hereby declared to be and to have been from the date of such reorganization, or attempted reorganization, duly and legally incorporated and reorganized cities, and all proceedings for the reorganization of such municipal corporations are hereby validated and declared legal.

Acts of municipal corporations validated.

CHAPTER CLXX.

An Act to amend chapter two, of title nine, section three thousand six hundred and seventeen, of the Political Code of the State of California, relating to definition of terms.

[Approved March 16, 1889.]

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

SECTION 1. Section three thousand six hundred and seventeen, of chapter two, title nine, of the Political Code, is hereby amended so as to read as follows:

Terms.

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

PROPERTY.

Definitions.

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.

REAL ESTATE.

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.

IMPROVEMENTS.

Third—The term “improvements” includes:

1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land.

PERSONAL PROPERTY.

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

VALUE.

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.

CREDITS.

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 fide residents of this State, or firms, associations, or corporations doing business therein; but credits, claims, debts, and demands due, arising 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.

GROWING CROPS.

Seventh—The term "growing crops" includes:

Definitions.

1. All growing crops, cereals, vines, nut-bearing, fruit, and ornamental trees.

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

CHAPTER CLXXI.

An Act to provide for certain improvements and repairs at the Napa State Asylum for the Insane, and making an appropriation therefor.

[Approved March 16, 1889.]

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

SECTION 1. The sum of four thousand dollars (\$4,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the Board of Trustees of the Napa State Asylum for the Insane, and to be expended by them as follows: 1. Two thousand of said sum or as much as is necessary, for the improving and laying new planking and flooring in corridors and hallways of the asylum under their charge and control in Napa County; second, two thousand dollars for the improvement and enlargement of the gasworks of said asylum.

Appropriation, Napa State Asylum for Insane.

SEC. 2. The Controller is hereby directed to draw his warrant in favor of the said Board of Trustees for the amount appropriated by section one of this Act, and the Treasurer is hereby directed to pay the same, payable as provided by said section one.

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

CHAPTER CLXXII.

An Act to prevent the capture and destruction of blue cranes in this State.

[Approved March 16, 1889.]

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

SECTION 1. Any person or persons who shall willfully and knowingly shoot, wound, trap, snare, or in any other manner catch or capture any blue crane in the State of California, or shall knowingly take, injure, or destroy the nest of any white or blue crane, or shall take, injure, or destroy any blue crane's eggs, in the nest or otherwise, in said State, shall be deemed

Destruction of cranes prohibited.

Misde-
meanor.

guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace of the township in which the offense shall have been committed, shall be fined in a sum not less than fifty dollars nor exceeding one hundred dollars, and cost of the action for each offense, or may be imprisoned not less than fifty days nor more than one hundred days, or by such fine and imprisonment as the judgment of the Court may direct.

Fines, how
disposed.

SEC. 2. Of all fines collected under the provisions of this Act one half shall be paid to the informer or informers, and one half shall be paid into the County Treasury for the benefit of the Common School Fund.

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

CHAPTER CLXXIII.

An Act to provide for the building and furnishing of the Home for Soldiers' Widows and Orphans and Army Nurses, and for the State to inquire into the management of such institution by a uniform rule proportioned to the number of inmates in said institution, for the management of the same, and for the support of indigent persons residing in the said Home.

[Approved March 16, 1889.]

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 any money in the State Treasury not otherwise appropriated, the sum of twenty-five thousand (\$25,000) dollars for the building and furnishing of the Home for Soldiers' Widows and Orphans and Army Nurses in indigent circumstances.

How expended.

SEC. 2. The said sum of money for the purpose in section one of this Act provided, shall be expended in the manner and in the sums in this Act hereinafter specified immediately after the completion of the main building of the Home, and upon satisfactory evidence furnished the Governor of the State that the Board of Directors of the Woman's Relief Corps Home Association have accepted the main building from the contractors, the Controller of State shall, upon the order of the Governor, issue his warrant for the sum of ten thousand (\$10,000) dollars in favor of the President and Treasurer of the Board of Directors of the Woman's Relief Corps Home Association, and the State Treasurer is hereby directed to pay the same.

Same.

SEC. 3. The said Directors are authorized and directed to expend out of the moneys herein appropriated the sum of fifteen thousand (\$15,000) dollars for the support and maintenance of the widows and orphans of Union soldiers, sailors, and marines, and for ex-Union army nurses in indigent circumstances, residing in the Home in Santa Clara County, under the auspices of the Woman's Relief Corps Home Asso-

ciation, a corporation duly created and existing under the laws of this State, in the manner following, to wit: the sum of one hundred and fifty dollars per annum for each widow and army nurse, and the sum of seventy-five (\$75) dollars per annum for each orphan duly admitted to and residing in such Home; *provided*, the whole of said sum shall not be expended in any one year for such support and maintenance.

SEC. 4. The aid granted in section three of this Act shall commence on the first day of the month after each such widow, orphan, or army nurse shall commence bona fide to reside in, and be supported in such Home, and shall be paid by the State in semi-annual installments.

When to commence.

SEC. 5. *First*—It shall be the duty of such corporation to keep a book in which shall be entered the date of admission, names, age, and place of birth of each widow, orphan, or army nurse, and also the military history, if it can be obtained, of the husband or father of such widow or orphan who is or may hereafter be admitted to such institution, and the estate or income, if any, to which she may be entitled.

Books of corporation.

Second—Said corporation shall also keep a book entitled "Monthly Accounts." In it shall be entered on the debtor side all moneys received from any and all sources, segregated under their proper heads, and on credit side all disbursements made, specifying for what purpose made, and the amounts entered in detail so disbursed, segregated under their proper heads, each entry to be made under its proper dates.

Third—A payroll shall be kept of the employés and the amounts disbursed to each, and at what rate of wages, and for what length and kind of services.

Fourth—A book shall be kept in which shall be entered in detail the amounts and dates of all payments from outside sources, made to each such widow, orphan, or army nurse during her said residence or to such association for her benefit.

Fifth—A transcript of such books and payroll verified by the oath of the manager of such institution or person in charge of the same shall be made and forwarded to the State Board of Examiners at the time of making demand or presenting claims for State aid, conveying in accordance with section three of this Act, covering the time for which such claim or demand for State aid is made; also a list of all the inmates for whom such claim or demand for such aid is made.

Sixth—Such books and payroll shall be open also at all times to the inspection of the State Board of Examiners, or of any person authorized by it to examine the same, or of any committee of the Legislature or clerk thereof duly authorized so to do.

SEC. 6. The State Board of Examiners are authorized in behalf of the State, at any time, to inquire, either in person or by authorized agent, into the management of such institution; and upon refusal, after due demand, to permit such inquiry, such institution shall not thereafter receive any aid under this Act. All necessary expenses incurred in making

Powers of State Board of Examiners.

such inquiry shall be audited and allowed by the State Board of Examiners out of the appropriations of the State for the aid of such institutions.

Claims, what to contain.

SEC. 7. Every claim for aid under this Act shall be presented to and audited and allowed by the State Board of Examiners. Such claims shall contain:

1. The name and location of the institution making the claim.

2. The name of the person or persons having control thereof.

3. The number and class of inmates.

4. The date of admission and age of each.

5. The amount of pension or other income the institution is receiving from each inmate.

Such claim and the statements therein contained shall be verified by the oath of the Superintendent or other person having charge of the institution, and the Board of Examiners may, in their discretion, require the production of the books of such institution in support of such claim.

Payment of claims.

SEC. 8. If such claim be audited and allowed, in whole or in part, by said Board, it shall be the duty of the Controller to draw his warrant for the amount thereof in favor of the President and Treasurer of said association, and it shall be the duty of the State Treasurer to pay the same on due presentation.

Support of inmates.

SEC. 9. No person for whose specific support there is paid said institution the sum of twelve dollars and fifty cents or more per month, shall be entitled to any aid under this Act. But if such sum be less than twelve dollars and fifty cents per month, aid shall be granted for such sum only as is necessary to make the full amount of support, including the State aid, twelve dollars and fifty cents per month.

Presentation of claims or demands

SEC. 10. Such claims or demands for State aid shall be presented to and acted on by said Board, and paid by said Treasurer semi-annually, commencing from the first day of the month after said Home shall be open to and receive its inmates, the first of said claims to be so presented at the expiration of six months from said last mentioned time, and each subsequent claim at regular intervals of six months thereafter.

State appropriation, how used.

SEC. 11. No money appropriated by the State under this Act shall be expended either in improvements or any erection of new buildings for such institution, except as provided in sections one and two of this Act.

Who entitled to aid.

SEC. 12. No person shall be entitled to receive any aid under this Act unless she has been admitted to and kept in said Home by reason of her services as army nurse; or by reason of the military services of her husband or father; nor unless she has been continuously a resident of this State for two years next prior to her admission to said Home; nor unless she would be entitled to receive such aid by virtue of the laws and Constitution of this State. Before allowing a claim in behalf of any inmate of said Home, the Board of Examiners shall require proof of such facts.

CHAPTER CLXXIV.

An Act to amend section two of an Act entitled "An Act to prevent the circulation of bogus election tickets, and to prevent frauds upon voters," approved March 7, 1878.

[Approved March 16, 1889.]

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

SECTION 1. Section two of an Act entitled "An Act to prevent the circulation of bogus election tickets, and to prevent frauds upon voters," approved March 7, 1878, is amended so as to read as follows:

Section 2. When such vignette and inscription have been adopted and proposed, an impression of the same, followed by the regular ticket of such party, printed so as to constitute a lawful election ballot, and sealed up in an envelope, may be filed with the County Clerk of the county at any time prior to ten days before the opening of the polls on election day. Such ballot shall be kept by said Clerk on deposit, and from the time of said filing it shall be unlawful for any person to imitate, copy, or in any manner counterfeit the same. Any person violating the foregoing provisions shall be deemed guilty of a misdemeanor, and on conviction punished accordingly. And it shall be taken as the intent of any person or elector casting a ballot having such vignette and inscription, or such imitation, copy, or counterfeit thereof, to have cast the regular ticket of such party adopting and preparing said regular ticket, and the same shall be counted as the complete regular ticket, except as to names erased or inserted upon said ticket, if done in writing.

Vignette of election ballot to be filed with County Clerk.

Imitation of, unlawful.

Counting of ballot.

CHAPTER CLXXV.

An Act to provide for the construction and furnishing of two infirmaries at the Napa State Asylum for the Insane, and making an appropriation therefor.

[Approved March 16, 1889.]

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

SECTION 1. There shall be erected upon lands belonging to the State in connection with the Napa State Asylum for the Insane, two infirmaries, one for males and one for females, of sufficient capacity to accommodate thirty patients each. The same to be constructed under the direction of the Board of Trustees of said asylum.

Infirmaries at Insane Asylum, Napa.

Appropriation.

SEC. 2. The sum of twenty-eight thousand (\$28,000) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the erection and furnishing of said infirmaries. The Controller of State shall draw warrants from time to time as the work shall progress, in favor of the Board of Trustees of said asylum upon their requisition for the same, and such requisition in the aggregate shall not exceed the following amounts:

1. For the erection and construction of said two infirmaries twenty-five thousand (\$25,000) dollars.

2. For the carpeting and furnishing of said two infirmaries, three thousand (\$3,000) dollars.

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

CHAPTER CLXXVI.

An Act to authorize the Trustees of the State Normal School to construct a sidewalk around the grounds of the State Normal School located in the City of San José, California, and to appropriate money therefor.

[Approved March 16, 1889.]

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

To construct sidewalk, Normal School, San José.

SECTION 1. The Trustees of the State Normal School are hereby authorized to construct a suitable sidewalk around the grounds of the State Normal School located at the City of San José, California, and the sum of sixty-four hundred dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay for the construction of said sidewalk.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXVII.

An Act to amend section eleven hundred and ninety-one of the Political Code, relating to election tickets and ballots.

[Approved March 16, 1889.]

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

SECTION 1. Section eleven hundred and ninety-one of the same Code is amended to read as follows:

Form of ballot.

1191. No ticket must be used at any election, or circulated on the day of election, unless:

1. It is written or printed on paper furnished by the Secretary of State, or upon paper in every respect precisely like such paper.

2. It is six inches in width, or within one fourth of an ^{Same.} inch of such width. If not more than fifty offices are designated to be filled, it is twelve inches in length, or within one half of an inch of such length. If more than fifty offices, and not more than eighty offices, are designated to be filled, it is eighteen inches in length, or within one half of an inch of such length. If more than eighty offices are designated to be filled, it is twenty-four inches in length, or within one half of an inch of such length.

3. If printed, the names of the persons voted for and the offices are printed in black ink, and in long primer capitals—the names of the offices in small capitals and of the persons in large capitals—and both without spaces except between the different words or initials in each line, and between the numbers and initials.

4. If printed, the same margin is left above the printed matter as below it.

5. If printed, the lines are straight, and the matter double-leaded with six-to-pica leads. The word "For" comprises the top line, the margins both sides of it being equal in size. The line after the top one commences with the figure one, then follows immediately on the same line the name of the first officer designated by the Board of Supervisors, or other Board having charge and control of elections, in its order, issued under section one thousand one hundred and thirty-one; and lastly, on the same line, the name of the person voted for. Each subsequent line commences with the figure next in numerical order, and such number is in like manner immediately followed by the name of the office designated and the person voted for, so that the offices shall appear upon the ticket in the order designated by the Board of Supervisors or other Board having charge and control of elections, and be numbered in numerical order, commencing with the number one. The numbers are in a straight line from top to bottom, and are within one quarter of an inch of the left hand edge of the ticket so that the blank space for substituted names shall be on the right hand side of the ticket. The ticket shall be substantially in the following form:

For—

1. STATE SENATOR, FRANK COWPER.
2. STATE SENATOR, PHILIP ROSS.
3. MEMBER OF ASSEMBLY, A. S. WARDEN.
4. MEMBER OF ASSEMBLY, WASHINGTON SWIFT.
5. MEMBER OF ASSEMBLY, CALEB T. HOLIDAY.

CHAPTER CLXXVIII.

An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act.

[Approved March 16, 1889.]

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

Proceeding to determine as to sale of bonds.

SECTION 1. The Board of Directors of an irrigation district, now or hereafter organized under the provisions of the Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March seventh, eighteen hundred and eighty-seven, may commence a special proceeding in and by which the proceedings of said Board and of said district, providing for and authorizing the issue and sale of the bonds of said district, whether said bonds or any of them have or have not then been sold, may be judicially examined, approved, and confirmed.

Petition of Directors asking judicial determination.

SEC. 2. The Board of Directors of the irrigation district shall file in the Superior Court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying, in effect, that the proceedings aforesaid may be examined, approved, and confirmed by the Court. The petition shall state the facts showing the proceedings had for the issue and sale of said bonds; and shall state generally that the irrigation district was duly organized, and that the first Board of Directors was duly elected; but the petition need not state the facts showing such organization of the district, or the election of said first Board of Directors.

Hearing.

SEC. 3. The Court shall fix the time for the hearing of said petition, and shall order the Clerk of the Court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time, that a notice of a special election provided for by said Act to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of

the Board of Directors of —— Irrigation District (giving its name) praying that the proceedings for the issue and sale of the bonds of said district may be examined, approved, and confirmed by said Court.

SEC. 4. Any person interested in said district, or in the issue or sale of said bonds, may demur to or answer said petition. The provisions of the Code of Civil Procedure respecting the demurrer, and the answer to a verified complaint, shall be applicable to a demurrer and answer to said petition. The persons so demurring to or answering said petition shall be the defendants to said special proceeding, and the Board of Directors shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer, must, for the purposes of said special proceeding, be taken as true; and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice, provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this Act, are applicable to the special proceeding herein provided for. A motion for a new trial must be made upon the minutes of the Court. The order granting a new trial must specify the issues to be re-examined on such new trial, and the findings of the Court upon the other issues shall not be affected by such order granting a new trial.

Interested parties may answer petition.

Pleading and practice applicable thereto.

SEC. 5. Upon the hearing of such special proceedings, the Court shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm, each and all of the proceedings for the organization of said district under the provisions of the said Act, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds, and the order for the sale, and the sale thereof. The Court, in inquiring into the regularity, legality, or correctness of said proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said special proceeding; and it may approve and confirm such proceedings in part, and disapprove and declare illegal or invalid other and subsequent parts of the proceedings. The Court shall find and determine whether the notice of the filing of said petition has been duly given and published, for the time and in the manner in this Act prescribed. The costs of the special proceedings may be allowed and apportioned between all the parties, in the discretion of the Court.

Jurisdiction of Court.

SEC. 6. An appeal from an order granting or refusing a new trial, or from the judgment, must be taken by the party aggrieved within ten days after the entry of said order or said judgment.

Appeal, when must be taken.

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

CHAPTER CLXXIX.

An Act to amend section nine hundred and eight of the Penal Code, concerning orders made by the Superior Court, for a special grand jury.

[Approved March 16, 1889.]

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

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

Order for
special
grand jury.

908. The order must require the Sheriff to summon at least nineteen (19) persons, qualified to serve as grand jurors, to appear at a time specified, and a copy thereof, under the seal of the Court, must by the Clerk be delivered to the Sheriff.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXX.

An Act to establish a Police Court in and for the City of Marysville.

[Approved March 16, 1889.]

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

Police Court
established.

Jurisdiction.

SECTION 1. A Police Court is hereby established within and for the City of Marysville, in said State of California, which shall be presided over by the Police Judge. The Police Court shall have exclusive jurisdiction of all violation of city ordinance, and may grant bail, try, fine, or commit to prison any offender in accordance with the provisions of such ordinances, and pass judgment that the defendant pay a fine; may also direct that he be imprisoned until the fine be satisfied in the proportion of one day's imprisonment for every dollar of the fine. Said Court shall also have jurisdiction of all misdemeanors committed in the City of Marysville, punishable by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment; and shall also have jurisdiction of the crime of battery committed within the City of Marysville. The Police Judge shall have and exercise all the jurisdiction and powers of a Justice of the Peace, as to offenses committed within the City of Marysville; may administer all oaths known to law. Whenever sentence of imprisonment is passed upon any offender the Police Judge may include in such judgment that such offender shall be subject to labor under the custody of the Marshal of the city. The Clerk of

the Police Court shall keep a record of the proceedings in the Police Court, receive, and pay weekly to the Treasurer all the moneys collected by him, and render to the Treasurer monthly a detailed account under oath, of all fines imposed and the moneys collected since his last account. The Clerk of the Police Court shall not collect or receive for his own use any fee or perquisite for the discharge of the duties of his office; but all moneys collected by him shall be paid into the City Treasury. The Police Judge shall receive for the services herein required an annual salary of five hundred dollars, and give a bond in the sum of one thousand dollars, to be approved by the Common Council, conditioned upon the faithful discharge of his duties.

Clerk of.

Moneys to be paid into City Treasury.

Salary and bond.

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

CHAPTER CLXXXI.

An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as section ten hundred and fifty-six (1056), and to amend section ten hundred and fifty-seven (1057) of said Act, relating to sureties on undertakings and bonds.

[Approved March 16, 1889.]

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

SECTION 1. The following section is hereby added to said Code of Civil Procedure of the State of California, next after section ten hundred and fifty-five thereof, and designated as ten hundred and fifty-six:

1056. In all cases where an undertaking or bond, with any number of sureties, is authorized or required by any provision of this Code, or of any law of this State, any corporation with a paid up capital of not less than one hundred thousand dollars, incorporated under the laws of this or any other State of the United States for the purpose of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law, or which, by the laws of the State where it was originally incorporated has such power, and which shall have complied with all the requirements of the law of this State regulating the formation or admission of these corporations to transact such business in this State, may become and shall be accepted as security or as sole and sufficient surety upon such undertaking or bond, and such corporate surety shall be subject to all the liabilities and entitled to all the rights of natural persons' sureties; *provided*, that the Insurance Commissioner shall have the same jurisdiction and powers to examine the affairs of such corporations as he has in other cases; shall require them to file similar statements and issue to them a similar certificate. And whenever the liabilities of

Corporations may become sureties on undertakings and bonds.

Insurance Commissioner to examine affairs of such corporation.

any such corporation shall exceed its assets, the Insurance Commissioner shall require the deficiency to be paid up in sixty days, and if it is not so paid up, then he shall issue a certificate showing the extent of such deficiency, and he shall publish the same once a week for three weeks, in a daily San Francisco paper. And, until such deficiency is paid up, such company shall not do business in this State. In estimating the condition of any such company, the Commissioner shall allow as assets only such as are allowed under existing laws at the time, and shall charge as liabilities, in addition of eighty per cent of the capital stock, all outstanding indebtedness of the company, and a premium reserve equal to fifty per centum of the premiums charged by said company on all risks then in force.

SEC. 2. Section ten hundred and fifty-seven of said Code of Civil Procedure is hereby amended so as to read as follows:

Undertaking, requisites of.

1057. In any case where an undertaking or bond is authorized or required by any law of this State, the officer taking the same must, except in the case of such a corporation as is mentioned in the next preceding section, require the sureties to accompany it with an affidavit that they are each residents and householders, or freeholders, within the State, and are each worth the sum specified in the undertaking or bond, over and above all their just debts and liabilities, exclusive of property exempt from execution; but when the amount specified in the undertaking or bond exceeds three thousand dollars, and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than the amount specified in the undertaking or bond, if the whole amount be equivalent to that of two sufficient sureties. Any corporation such as is mentioned in the next preceding section, may become one of such sureties. No such corporation shall be accepted in any case as a surety whenever its liabilities shall exceed its assets as ascertained in the manner provided in section ten hundred and fifty-six.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXXII.

An Act authorizing and empowering the Boards of Supervisors of the several counties of the State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and to define the duties and powers of Commissioner.

[Approved March 16, 1889.]

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

Appointment of Sheep Commissioner.

SECTION 1. Whenever a petition shall be filed with the Board of Supervisors of any county in this State, signed by not less than fifty resident freeholders of such county, pray-

ing for the appointment of the Commissioner herein named, said Board may, if deemed advisable, appoint some competent person, a resident of the county, who shall act and be known as Sheep Commissioner, whose duties and powers, which are to be exercised in the prevention and eradication of contagious diseases among sheep, shall be defined and determined by said Board; and the fees and compensation of such Commissioner, only to be charged when he is actually and necessarily engaged in the performance of his duties, shall be paid out of the treasury of said county as claims against counties are now paid, and be fixed by said Board at the time of such appointment.

Duties.

Compensation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXXIII.

An Act to amend sections three thousand seven hundred and forty-seven and three thousand seven hundred and forty-eight of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the place where taxes may be paid.

[Approved March 16, 1889.]

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

SECTION 1. Sections three thousand seven hundred and forty-seven and three thousand seven hundred and forty-eight of an Act entitled an Act to establish a Political Code, approved March 12, 1872, are amended so as to read as follows:

3747. In the City and County of San Francisco the notice must specify the office of the Collector as the place where taxes may be paid.

Taxes in San Francisco, where paid.

3748. In all other counties the taxes must be paid at the office of the Collector, unless the Board of Supervisors, by order made on or before the first Monday in October, direct that the taxes must be collected in the several townships of the county, or in either thereof, or in any municipal corporation in said county, in which case the notice by the collector must specify a time and place within any township or municipal corporation named in such order, when and where the Collector will attend to receive the payment of taxes.

County taxes, where paid.

CHAPTER CLXXXIV.

An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fifth fiscal year.

[Approved March 16, 1889.]

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

To pay
claim of
J. C. Edgar.

SECTION 1. The sum of one hundred and forty dollars (\$140) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for transporting two (2) insane persons, to wit: John Sweeney and — La Turno, from the county seat of said County of San Mateo, viz.: Redwood City, and delivering said persons at the Insane Asylum of the State of California at Stockton, for the twenty-fifth fiscal year.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said John C. Edgar for the sum of one hundred and forty dollars, and deliver the same to said Edgar, upon said Edgar surrendering to said Controller of State the receipts for said insane persons issued by the Medical Superintendent or Resident Physician of said Insane Asylum to said Edgar. And the State Treasurer is hereby authorized and directed to pay such warrant.

SEC. 13. This Act shall take effect immediately.

CHAPTER CLXXXV.

An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling.

[Approved March 16, 1889.]

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

To pay
claim of W
T. Beville.

SECTION 1. The sum of four hundred and sixty-eight dollars and fifteen cents (\$468 15) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of W. T. Beville, Sheriff of Colusa County, for expenses incurred in the extradition of W. S. Welling, a fugitive from the justice of this State, charged with murder.

SEC. 2. The Controller of State is hereby authorized to draw his warrants in favor of W. T. Beville for the said sum of four hundred and sixty-eight dollars and fifteen cents (\$468 15), and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXXVI.

An Act to authorize the payment of claims against the State, which were incurred under "An Act entitled an Act to promote drainage," approved April 23, 1880, and to appropriate money for the payment of the same.

[Approved March 16, 1889.]

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

SECTION 1. The sum of forty-nine thousand two hundred and ninety-four dollars and fifty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims against the State which were incurred under an Act entitled "An Act to promote drainage," approved April twenty-third, eighteen hundred and eighty, and which have been or may hereafter be approved by the State Board of Examiners. Payment of drainage claims.

SEC. 2. The Controller is hereby authorized and directed to draw his warrants for the several amounts covered in section one of this Act, and the Treasurer shall pay the same.

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

SEC. 4. This Act shall take effect immediately.

CHAPTER CLXXXVII.

An Act to add a new section, to be known as section four hundred and seventy-five of the Political Code, in regard to the appointment of and fixing the salary of a clerk for the Attorney-General, and to appropriate money for the payment of his salary.

[Approved March 16, 1889.]

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 four hundred and seventy-five, as follows:

475. The Attorney-General shall appoint a clerk for his office, at an annual salary of sixteen hundred dollars, payable in the same manner as the salaries of other State officers. The clerk for the Attorney-General is a civil executive officer. Clerk for Attorney-General.

SEC. 2. There is hereby appropriated the sum of seven hundred dollars out of any money in the State Treasury not otherwise appropriated, for the payment of the salary for the clerk for the Attorney-General for the fortieth fiscal year. Appropriation.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXXVIII.

An Act to amend sections nine hundred and fifty-five and nine hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to corporations becoming sureties on official bonds.

[Approved March 16, 1889.]

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

SECTION 1. Section nine hundred and fifty-five of the Political Code of the State of California is hereby amended so as to read as follows:

Justification
of sureties.

955. The officer whose duty it is to approve official bonds required of State, county, city and county, or township officers, must not accept or approve any such bond, unless each of the sureties severally justify before an officer authorized to administer oaths, as follows:

1. On a bond given by a State officer that such surety is a resident and freeholder, or householder, within this State; and on a bond given by a county, city and county, or township officer that such surety is a resident and freeholder, or householder, within such county, city and county, or within an adjoining county, or city and county.

2. That such surety is worth the amount for which he becomes surety, over and above all his debts and liabilities, in unincumbered property, situated within this State, exclusive of property exempt from execution and forced sale.

3. A member of the Board of Supervisors shall not be accepted as surety upon the official bond of any county, city and county, or township officer of his county; nor shall the Sheriff, Clerk, Tax Collector, Treasurer, Recorder, Auditor, Assessor, or District Attorney of the same county, or city and county, become sureties upon official bonds for each other.

4. A corporation, such as is mentioned in section ten hundred and fifty-six of the Code of Civil Procedure of this State, may become and shall be accepted as sole and sufficient surety upon any bond or undertaking authorized or required by the provisions of this Code or of any law of this State, subject to the provisions of said section, and those of section ten hundred and fifty-seven of the same Code.

SEC. 2. Section nine hundred and fifty-six of said Political Code is hereby amended so as to read as follows:

Sureties for
less than the
penal sum.

956. When the penal sum of any bond required to be given, amounts to more than one thousand dollars, the sureties may become severally liable for portions of not less than five hundred dollars thereof, making, in the aggregate, at least two sureties for the whole penal sum. And if any such bond becomes forfeited an action may be brought thereon against all or any number of the obligors, and judgment entered against them, either jointly or severally, as they may be liable. The judgment must not be entered against a surety severally bound for a greater sum than that for which

he is specially liable by the terms of the bond. Each surety is liable to contribution to his co-sureties in proportion to the amount for which he is liable. Any corporation, such as is mentioned in section nine hundred and fifty-five of this Code, may become one of such sureties, or be accepted as sole and sufficient surety.

CHAPTER CLXXXIX.

An Act making an appropriation for the cost of printing and engraving of pure California wine labels.

[Approved March 16, 1889.]

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

SECTION 1. The sum of (\$1,500) fifteen hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the payment of expenses incurred in printing and engraving pure California wine labels issued by the Controller of State under the provisions of an Act approved March seventh, eighteen hundred and eighty-seven. Appropriation for printing wine labels.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant for the payment of the expenses so incurred, and the State Treasurer is hereby authorized to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXC.

An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California.

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

SECTION 1. John Hackett, of the City of Oakland, County of Alameda, State of California, as the assignee of W. D. English, and the Pacific Coast Dredging and Reclamation Company, is hereby authorized to institute an action against the State of California, in any Court of competent jurisdiction in said State, for damages alleged to have been caused to them or either of them, by the breach, on the part of the State of California, of a certain contract, dated the twentieth day of February, A. D. eighteen hundred and eighty-four, and made and entered into between the State Board of Harbor Commissioners, representing said State, as the party of the first part, and the said W. D. English, as the party of the second part, and stipulating for the furnishing of labor and material for the construction of section five of the seawall and To enable John Hackett to sue the State.

thoroughfare and wharf along the waterfront of the City and County of San Francisco, State of California, by the said W. D. English, and also stipulating for the payment therefor to the said W. D. English of the consideration for said labor and material out of the San Francisco Harbor and Improvement Fund of said State, in gold and silver coin of the United States, said contract having been entered into by said W. D. English in his own name, but in fact as the agent of and for the sole benefit of the Pacific Coast Dredging and Reclamation Company. In the said action the summons shall be served on the Attorney-General of the State of California, and attorney for the Board of Harbor Commissioners, and they shall appear and demur or answer to the complaint therein within ten days (exclusive of the day of service), after the service on them of the summons, if served within the same county in which the action is brought, or if served elsewhere within thirty days of the service of summons. In case said Attorney-General, and attorney for the Board of Harbor Commissioners, shall fail to so appear, the default of the said State shall be entered, and the Court shall thereupon proceed to hear the cause upon such proofs as may be offered by the plaintiff.

Service of
summons.

Default,
when may
be entered.

Trial of.

SEC. 2. If it shall appear upon the trial of said cause that the said State of California, by its Board of State Harbor Commissioners, has entered into the said contract with the said W. D. English, in the manner provided by law for the making of such contracts, and has failed or refused to keep or comply with the stipulations contained in said contract on its part, and that the said W. D. English and the Pacific Coast Dredging and Reclamation Company have been at all times willing and have endeavored to comply with the stipulations in said contract on their part, and have been prevented from so doing by the said State of California, through its said Board of State Harbor Commissioners, then the jury, or if a jury trial be waived, the Court before which said action shall be tried, shall ascertain from the evidence and find the amount of damage, if any, which has accrued to the said W. D. English and the Pacific Coast Dredging and Reclamation Company, or either of them, by reason of said breach of contract, and shall render judgment in favor of the said John Hackett for the amount of said damages.

Satisfaction
of execution.

SEC. 3. No execution shall be issued in said cause for the amount of any judgment which may be rendered against the State, but the party in whose favor such judgment is rendered may file a certified copy thereof with the Board of State Harbor Commissioners, and it thereupon shall be the duty of said Board to draw its draft, countersigned by the Secretary of said Board, on the State Controller, and the State Controller shall thereupon draw his warrant on the State Treasurer, who shall pay the same out of any money in the State Treasury credited to the San Francisco Harbor Improvement Fund.

Bond.

SEC. 4. In beginning this action it is expressly understood that said John Hackett shall file with the Court where such action is to be first tried, a bond in a sum sufficient to cover

the costs of Court, such as may be deemed sufficient, and approved by said Court, and an additional bond in the sum of five hundred dollars, to be paid as fees for counsel employed by the State in the defense of the case, but in the event of a judgment in favor of said John Hackett he shall in no manner be responsible and his bondsmen shall be released from all liability.

SEC. 5. If the said John Hackett should begin the action referred to herein in a Court not satisfactory to the Attorney-General of the State, the said Attorney-General is hereby empowered to designate another Court of competent jurisdiction where the case shall be tried.

Attorney-General may designate trial Court.

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

This bill having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed both Houses by the constitutional majority, it has become a law this fifteenth day of March, A. D. eighteen hundred and eighty-nine.

W. C. HENDRICKS,
Secretary of State.

CHAPTER CXCI.

An Act to amend an Act entitled "An Act to establish a Penal Code," relating to the crime of rape.

[Approved March 16, 1889.]

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

SECTION 1. Section two hundred and sixty-one of the Penal Code of the State of California is hereby amended so as to read as follows:

261. Rape is an act of sexual intercourse accomplished with a female not the wife of the perpetrator, under either of the following circumstances:

Rape, what constitutes.

1. Where the female is under the age of fourteen years;
2. Where she is incapable through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent;
3. Where she resists, but her resistance is overcome by force or violence;
4. Where she is prevented from resisting by threats of immediate and great bodily harm, accompanied by apparent power of execution, or by any intoxicating, narcotic, or anæsthetic substance, administered by or with the privity of the accused.
5. Where she is at the time unconscious of the nature of the act, and this is known to the accused;
6. Where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce such belief.

CHAPTER CXCI.

An Act to reimburse the members of Company "C," Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for moneys expended by them for uniforms and outfits, and appropriating money therefor.

[Approved March 16, 1889.]

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

Reimbursing Company "C," N. G. C., Fresno.

SECTION 1. All members of Company "C," Sixth Regiment of Infantry, Third Brigade, of the National Guard of California, located at the City of Fresno, who participated in the organization of said company, and who were members thereof when said company was mustered into the service of said National Guard of California, shall be reimbursed by the State for the sums by them respectively expended in the purchase of uniforms, blouses, caps, helmets, and other necessary articles pertaining to military service, and in use by such members when mustered into the service of said National Guard.

Appropriation.

SEC. 2. The sum of seventeen hundred and sixty-four dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the reimbursements provided for in section one of this Act; and after satisfactory proof shall have been made to the Board of Military Auditors of the expenditures referred to in section two of this Act, the State Controller shall draw his warrant or warrants in favor of the Captain of said Company "C" for the sum or sums proved to be due the members thereof under the provisions of section one of this Act, and the State Treasurer shall pay the same.

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

CHAPTER CXCI.

An Act to provide for the removal of ten tiers of wooden steps and to construct in their stead granite steps in the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

[Approved March 16, 1889.]

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

Construction of granite steps, Capitol grounds.

SECTION 1. The State Capitol Commissioners are hereby authorized and directed to have the ten tiers of wooden steps now in the walks on the State Capitol grounds in Sacramento removed, and in their stead have constructed cut granite steps, buttresses, and posts, the foundation therefor to be constructed of brick and concrete. Said work to be done by day

labor and according to plans and specifications furnished by said Capitol Commissioners, the rise of said steps to be not less than eight cut work, and the tread not less than six cut work; *provided*, that said granite be obtained from the Folsom State Prison. The Board of State Prison Directors is hereby instructed to furnish the same to said Commissioners.

SEC. 2. The sum of seventeen thousand nine hundred and twenty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act. The Controller is hereby authorized to draw his warrants for the amount herein made payable, and the Treasurer directed to pay the same.

Appropriation.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCIV.

An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton, and to repeal an Act entitled "An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton," approved March 11, 1889.

[Approved March 16, 1889.]

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

SECTION 1. The sum of forty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to bore wells to supply the State Insane Asylum at Stockton with water, light, and fuel.

Appropriation for supplying water, etc., Insane Asylum, Stockton.

SEC. 2. The work of boring the wells named in section one of this Act, and the expenditures necessary therein, shall be under the direction and control of the Board of Directors of the State Insane Asylum at Stockton.

SEC. 3. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the Board of Directors of the State Insane Asylum at Stockton for the sum of forty thousand dollars, appropriated by this Act, and the State Treasurer is directed to pay the same.

SEC. 4. An Act entitled "An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton," approved March eleventh, eighteen hundred and eighty-nine, is hereby repealed.

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

CHAPTER CXCIV.

An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

[Approved March 16, 1889.]

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

Improvement of
Capitol
grounds.

SECTION 1. The State Capitol Commissioners are hereby authorized and directed to have all that part of the State Capitol grounds, in Sacramento, lying east of the old west line of Twelfth Street of said city, raised by filling with earth to the grade of the adjacent streets, with sufficient slope toward its sides to insure proper drainage; and to have the trees thereon reset as the filling progresses; to have laid out and graveled the necessary walks and driveways; to raise the water pipes now in place, and to add about two thousand three hundred and forty feet more of water pipes, with the necessary hydrants, etc.; to have the driveway east of the Capitol paved and the old pavement of the driveways in front of and upon both sides of the Capitol repaired; to have such seats and drinking fountains erected in different parts of the Capitol grounds, as in their judgment may seem best, and to provide for a proper placarding, with their popular and botanical names, of the trees and shrubbery in said grounds.

SEC. 2. The sum of forty thousand two hundred and fifty dollars is hereby appropriated out of the General Fund of the State Treasury for the purpose of carrying out the provisions of this Act. The Controller is hereby authorized to draw his warrants for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCVI.

An Act to provide for walks in the State Capitol grounds, and to appropriate money therefor.

[Approved March 16, 1889.]

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

Walks in
Capitol
grounds.

SECTION 1. The State Capitol Commissioners are directed to construct two walks in the State Capitol grounds; one to begin from N Street opposite Twelfth Street, and continue obliquely to the Capitol driveway, and the other to begin on L Street opposite Twelfth Street, and continue obliquely to the Capitol driveway opposite the north and south ends of the Capitol. The walks are to be constructed of concrete, and

laid down in the manner like and of a quality and in workmanship equal to the concrete walks already laid down in front and westerly of the Capitol.

SEC. 2. The sum of three thousand two hundred dollars is hereby appropriated out of the General Fund of the State Treasury for the purpose of carrying out the provisions of this Act. The Controller is hereby authorized to draw his warrants for the amount herein made payable, and the Treasurer directed to pay the same.

Appropriation.

SEC. 3. This Act takes effect immediately.

CHAPTER CXC VII.

An Act to provide compensation to George R. B. Hayes for professional services rendered the State of California, at the request of the Governor and Attorney-General.

[Approved March 16, 1889.]

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

SECTION 1. The sum of two thousand (\$2,000) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay to George R. B. Hayes compensation for his services as attorney for the people in certain criminal prosecutions, entitled "The People of the State of California v. Northey," and "The People of the State of California v. Morrow," and "The People of the State of California v. McCord;" such services having been rendered at the request of the Governor and Attorney-General. And the Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said George R. B. Hayes for said sum and the State Treasurer is hereby authorized and directed to pay the same out of any money in the Treasury not otherwise appropriated.

To pay G. R. B. Hayes for professional services.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXC VIII.

An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866.

[Approved March 16, 1889.]

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

SECTION 1. An Act entitled "An Act to incorporate the City of Monterey," approved May eleventh, one thousand eight hundred and fifty-three, and the Acts amendatory

Repealing Act incorporating City of Monterey.

thereof, approved March fourth, one thousand eight hundred and fifty-seven, April eighteenth, one thousand eight hundred and sixty-two, and April second, one thousand eight hundred and sixty-six, are hereby repealed.

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

CHAPTER CXCIX.

An Act to provide for the revision of the records of the California Volunteers, to authorize the Adjutant-General to employ additional clerk, or clerks, for that purpose, and to authorize the Superintendent of State Printing to print, bind, and issue the same.

[Approved March 16, 1889.]

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

Revising records of California Volunteers.

SECTION 1. The Adjutant-General is hereby authorized to have the records of the California Volunteers revised and rewritten, and he is hereby empowered and authorized to employ an additional clerk, or clerks, for that and other work connected therewith, for a term not exceeding two years, at monthly salaries of one hundred and fifty dollars.

Printing of.

SEC. 2. Upon the requisition of the Adjutant-General the Superintendent of State Printing shall print, bind, and deliver to him ten thousand copies of the record of California Volunteers, as provided for in section one of this Act, bound in cloth.

Distribution.

SEC. 3. The above mentioned copies of the records of California Volunteers shall be distributed by the Adjutant-General to State officers, Adjutant-Generals of other States, and upon application of living members of California Volunteers, or their heirs if deceased, one copy to each.

When effective.

SEC. 4. This Act shall take effect from and after the commencement of the forty-first fiscal year.

CHAPTER CC.

An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885.

[Approved March 16, 1889.]

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

Appropriation for purchase of jute for State Prisons.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide and maintain a permanent Revolving Fund for the purchase of jute for the State

Prisons. All moneys taken therefrom to be used exclusively in payment for jute, to be used in manufacturing in said State Prisons; and so much of the money received from the sale of any goods manufactured from said jute shall be returned to the said Revolving Fund, so that the fund shall contain one hundred thousand dollars before any of the proceeds from the sale of said manufactured goods are used for any other purpose than the purchase of jute.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCI.

An Act to amend section four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Bookkeeper of the Treasurer of State.

[Approved March 16, 1889.]

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

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

456. The annual salary of the Deputy State Treasurer, is twenty-four hundred dollars; the annual salary of the Bookkeeper of the Treasurer of State, is two thousand dollars.

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

Salaries,
Deputy State
Treasurer
and Book-
keeper.

CHAPTER CCII.

An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mt. Diablo meridian, and authorize the exchange thereof.

[Approved March 16, 1889.]

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

SECTION 1. The north half of section sixteen, township seven south, of range three east, M. D. M., is hereby granted to the Regents of the University of California, and it is hereby ordered and directed, upon application being made by the said Board of Regents of the State University of California to the Register of the State Land Office, that letters patent to said Regents issue for said north half of section sixteen, township seven south, of range three east, M. D. M., in same manner as other letters patent issue. The Regents of the University of California are hereby authorized in their discretion to exchange the said land, or any portion thereof,

Grant of
land to Uni-
versity of
California.

for other land adjacent to the lands now belonging to the University of California on Mount Hamilton, and to make and execute the conveyances necessary therefor.

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

CHAPTER CCIII.

An Act to provide for the deficiency in the appropriation for salary of the Deputy Superintendent of Public Instruction for the thirty-eighth fiscal year.

[Approved March 16, 1889.]

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

Deficiency,
salary Dep-
uty Superin-
tendent
Public In-
struction.

SECTION 1. The sum of one hundred and ninety-three dollars and thirty-three cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the salary of the Deputy Superintendent of Public Instruction for the thirty-eighth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCIV:

An Act to amend section five hundred and ninety-eight of the Civil Code of the State of California, relating to benevolent and religious corporations.

[Approved March 16, 1889.]

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

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

Corporations
may mort-
gage or sell
real estate.

598. Corporations of the character mentioned in section five hundred and ninety-three may mortgage or sell real property held by them, upon obtaining an order for that purpose from the Superior Court held in the county in which the property is situated. Before making the order proof must be made to the satisfaction of the Court that notice of the application for leave to mortgage or sell has been given by publication in such manner and for such time as the Court or the Judge has directed, and that it is to the interest of the corporation that leave should be granted as prayed for. The application must be made by petition, and any member of the corporation may oppose the granting of the order by affidavit or otherwise. But nothing herein contained shall prohibit or prevent the Trustees or Directors of such corporation, under such rules and regulations as they may adopt,

from disposing of burial plots situated in grounds of such corporation dedicated for burial purposes, without making such application to or obtaining any order from Court.

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

CHAPTER CCV.

An Act making an appropriation to pay certain claims incurred by the Board of Trustees of the California Hospital for Chronic Insane Asylum at Agnew during the thirty-eighth fiscal year, with legal interest thereon.

[Approved March 16, 1889.]

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

SECTION 1. The sum of two thousand two hundred and eighty dollars and forty-eight cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay certain claims incurred by the Board of Trustees of the California Hospital for Chronic Insane Asylum at Agnew during the thirty-eighth fiscal year, with legal interest thereon.

To pay
claims of
Hospital for
Chronic
Insane.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCVI.

An Act to amend sections thirteen, sixteen, twenty-five, fifty-seven, seventy, seventy-one, one hundred and forty-seven, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-five, one hundred and ninety-six, two hundred and one, two hundred and two, two hundred and three, two hundred and six, two hundred and nine, two hundred and eleven, two hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, and to insert two new sections, to be numbered one hundred and eighty-eight and one half and two hundred and one and one half, and to create two new classes of counties of the twenty-sixth and one half and of the thirty-ninth and one half class, relating to the government of counties, and to repeal section one hundred and ten and one half of said Act.

[Approved March 16, 1889.]

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

Amending
Acts 1883,
1885, 1887.

SECTION 1. Sections thirteen, sixteen, twenty-five, fifty-seven, seventy, seventy-one, one hundred and forty-seven, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-five, one hundred and ninety-six, two hundred and one, two hundred

and two, two hundred and three, two hundred and six, two hundred and nine, two hundred and eleven, and two hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended by an Act approved March 14, 1885, by Act approved March 18, 1885, and by an Act approved March 17, 1887, are hereby amended so as to read as follows. And two new sections are hereby added, to be numbered sections one hundred and eighty-eight and one half and two hundred and one and one half.

Section 13. Each county must have a Board of Supervisors, consisting of five members. Number of Supervisors.

Section 16. The Board of Supervisors may, by a two-thirds vote of the members of said Board, change the boundaries of any or all of the Supervisor Districts of a county; *provided, however,* that said districts shall be kept as nearly equal in population as may be; *and provided further, however,* that the boundaries of no Supervisor District shall at any time be changed in such a manner as to affect the term of office of any Supervisor who has been elected and whose term of office for which he has been elected has not expired; *and provided further,* that no change in the boundaries of any Supervisor District shall be made within the ninety days next preceding a general election. Districting.

Section 25. The Boards of Supervisors in their respective counties have jurisdiction and power, under such limitations and restrictions as are prescribed by law: Powers.

1. To supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports, and present their books and accounts for inspection. Supervise conduct of officers.

2. To divide the counties into townships, election, school, road, Supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires. Divide county.

3. To establish, abolish, and change election precincts, and to appoint Inspectors and Judges of Election, canvass all election returns, declare the result, and order the County Clerk to issue certificates thereof; but no election precinct shall be established or abolished, or the boundaries of any precinct changed within thirty days prior to any election. Election precincts.

4. To lay out, maintain, control, erect, and manage public roads, turnpikes, ferries, and bridges within the county and to grant franchises and licenses to collect tolls thereon; *provided,* where the cost of the erection of any bridge exceeds the sum of five hundred dollars they must advertise for bids together with plans, specifications, strain-sheets, and working details thereof, and shall let the contract therefor upon the plans adopted by them, which shall be attached to and made a part of such contract. And the person or corporation whose plans are adopted and to whom the contract is awarded shall Public roads.

be required to execute a bond, to be approved by said Board, for the faithful performance of such contract; *provided*, that the Road Overseers in their respective districts shall employ all labor required, and direct the conduct of work of any kind done upon any and all public roads.

Indigent
sick and
poor.

5. To provide for the care and maintenance of the indigent sick or the otherwise dependent poor of the county; erect, officer, and maintain hospitals and poorhouses, in their discretion, therefor, or otherwise provide for the same; and for such purposes to levy the necessary property or poll tax, or both, therefor; *provided*, the Board of Supervisors shall appoint (not let to the lowest bidder) some suitable person or persons to take care of and maintain such hospitals and poorhouses; and the Board shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to attend such indigent sick or otherwise dependent poor.

Farm.

6. To provide a farm in connection with the county hospital or poorhouse, and make regulations for working the same.

Rooms for
county
purposes.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes.

Purchase
and control
real estate.

8. To purchase, receive by donation, or lease, any real or personal property or water rights necessary for the use of the county, preserve, take care of, and manage and control the same; but no purchase of real property must be made unless a notice of the intention of the Board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the Board will meet to consummate such purchase, shall be published for at least three weeks in some newspaper of general circulation published in the county; or, if none be published in the county, then by posting such notice at least three weeks prior to the time when the Board will meet to consummate such purchase, in at least three public places in each Supervisor District.

Court House,
jail, and
hospital.

9. To cause to be erected, or rebuilt and furnished, a Court House, jail, hospital, and such other public buildings as may be necessary; *provided*, that none of the aforesaid buildings shall be erected or constructed until the plans and specifications shall have been made therefor and adopted by the Board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice, by publication in a newspaper of general circulation published in such county, for at least sixty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

Sell certain
property of
county.

10. To sell at public auction, at the Court House door, after thirty days' previous notice, given either by publication in a newspaper published in the county, or by posting in five public places in the county, and convey to the highest bidder for cash, any property belonging to the county no longer required for public use, paying the proceeds into the County Treasury for the use of the county.

11. To examine and audit, at least every six months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit. Examine and audit accounts.

12. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and order warrants to be drawn on the County Treasurer therefor. Same.

13. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district for the construction and repair of roads and highways, and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district, and received a majority of all the legal votes cast upon such proposition. Levy taxes.

14. 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: Fund indebtedness.

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 —, eighteen hundred and —, 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 day of — and — in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the Board of Supervisors, in conformity with a resolution of said Board, dated the — day of —, eighteen hundred and —, and under authority conferred upon said Board by the provisions of an Act of the Legislature of California entitled "An Act to establish a uniform system of county governments," approved (insert date of approval of this Act). Form of bond.

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 —, eighteen hundred and —.

— —, Chairman of the 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 —, eighteen hundred and

—, at his office, in —, — dollars, gold coin, for interest on County Bond No. —.

— —, County Auditor.

Treasurer
to sell and
deliver
bonds.

(b). Whenever bonds issued under this chapter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the County Treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him and the proceeds thereof, and he shall sell the same or exchange them under the direction of the Board of Supervisors, on the best available terms, for any legal indebtedness of the county outstanding on the first day of January, eighteen hundred and eighty, but in neither case for a less sum than the face value of the bonds and all interest accrued on them at the date of such sale or exchange; and if any portion of such bonds are sold for money, the proceeds thereof shall be applied exclusively for the payment of liabilities existing against the county at and before the date above named. When they are exchanged for bonds or warrants, or other legal evidences of county indebtedness, the Treasurer shall at once proceed to cancel the old bonds and such other evidences of indebtedness by indorsing on the face thereof the amount for which they were received, the word "canceled," and the date of cancellation. He shall also keep a record of bonds sold or exchanged by him by number, date of sale, amount, date of maturity, the name and Post Office address of purchasers, and, if exchanged, what evidence of indebtedness was received therefor; which record shall be open at all times for inspection by the public. Whenever the holder of any bond shall sell or transfer it, the purchaser shall notify the Treasurer of such sale or transfer, giving at the same time the number of the bonds transferred and his Post Office address, and every transfer shall be noted on the record. The Treasurer shall also report under oath to the Board, at each regular session, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange, and, when exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received by him on Bond Fund, and so entered by him on his books; but such bonds shall not be sold or exchanged for any indebtedness of the county, except by the approval of the Board of Supervisors of said county. No sale shall be made of any such bond except to the highest bidder after advertising bids for the purchase of the same for not less than three weeks in at least one newspaper published in the county, the right being reserved in such advertisement to reject any and all such bids.

Levy to pay
interest and
principal.

(c). The Board of Supervisors shall cause to be assessed and levied each year, upon the taxable property of the county, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds issued in conformity with the provisions of this Act, accruing

before the next annual levy, and such proportions of the principal that at the end of five years the sum raised from such levies shall equal at least twenty per cent of the amount of bonds issued; at the end of nine years at least forty per cent of the amount, and at and before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest; and the money arising from such levies shall be known as the Bond Fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the Treasurer shall open and keep in his books a separate and special account thereof, which shall at all times show the exact condition of said Bond Fund.

(d). Whenever the amount in the hands of the Treasurer belonging to the Bond Fund, after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall notify, by mail, the owner of such bond or bonds that he is prepared to pay the same, with all interest accrued thereon, and that if not presented for payment or redemption within forty days after the date of such notice, the interest on such bond shall cease and the amount due thereon shall be set aside for its payment whenever presented. The notice shall be directed to his Post Office address, as shown by the record kept in the Treasurer's office. If said bonds are not so presented, interest shall cease and the amount due be set aside as specified in said advertisement. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the Post Office address of the owner, as shown by the record kept in the Treasurer's office. Redemption
of bonds.

(e). 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 county a sufficient rate to realize the amount of principal or interest past due and to become due prior to the 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 county as 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 county. State to levy
tax if county
fails.

15. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and Public
pounds.

appoint Poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

Equalize
assessments.
Controlsuits.

16. To equalize assessments.

17. To direct and control the prosecution and defense of all suits to which the county is a party, and to employ counsel to assist the District Attorney in conducting the same.

Insane
buildings.

18. To insure the county buildings in the name of and for the benefit of the county.

Grant
license.

19. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers.

Establish
funds.

20. To establish a salary fund and also such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

Fill vacan-
cies.

21. To fill by appointment all vacancies that may occur in any office filled by the appointment of the Board of Supervisors and elective county or township officers, except in those of Judge of the Superior Court and Supervisor. The appointee to hold office for the unexpired term.

To provide
for preserva-
tion of pub-
lic health.

22. To adopt such provisions for the preservation of the health of their respective counties, or any district therein, or portion thereof, as they may deem necessary, and to provide for paying the expenses thereof, and when the expense is incurred in a district or portion of a county, for the particular benefit thereof, the Board may fix the boundaries of such district or portion, and levy a tax on the property therein, to pay the same; the tax to be levied and collected in the same manner as other taxes are levied and collected. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll of the county, and then dividing the sum voted by the remainder of such aggregate assessed value. Whenever a sanitary district has been formed, as is herein provided, it shall then be the duty of the Board of Supervisors, by ordinance, to appoint a "Board of Health," which shall consist of not less than three persons, and the members of the Board shall hold their offices for the term of two years, and shall serve without compensation. The Board of Health, so appointed, shall have a general supervision of all the matters appertaining to the sanitary condition of the district, and may make such rules and regulations in relation thereto as are not inconsistent with law. They shall have power, subject to the approval of the Board of Supervisors, to construct and maintain sewers; and in times of epidemics, to locate and establish pesthouses, and to do and perform such other acts as the health of the people of the district may require. All expenses necessarily incurred in carrying out the provisions of this section must be provided for by the Board of Supervisors, who may make appropriation therefor out of the Sanitary District Fund, derived from taxes levied in said district, and to be known as the Sanitary District Fund.

23. The Board of Supervisors shall annually advertise for at least ten days in the official newspaper of the county for sealed bids for furnishing the county and its officers, for the ensuing year, with stationery. Such advertisement shall specify the amount and kind of stationery to be furnished. All bids shall state separately the price of each article of stationery to be furnished. In considering such bids, the Board may accept or reject all or any of them, or may accept or reject a part of any such bid; and all such supplies furnished to the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the Board. The Board of Supervisors shall annually fix the price at which the county shall be supplied with job printing and blank books, and also the price of all county advertising, and each county officer shall procure such blank books, job printing, and advertising at a price no greater than is so fixed, and certify the bills therefor to the Board of Supervisors; *provided*, that a square of advertising shall be two hundred and forty ems nonpareil; *and provided*, that no supplies, printing, stationery, or books shall be procured of any person or firm whose paper has not been published, or whose place of business has not been established in the county for six months or more prior to the time of fixing said prices; *provided*, that said supplies and advertisements shall be procured within the county when practicable.

Fix price of advertising, etc.

24. The Board shall cause to be published a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and after each session of the Board, a fair statement of all their proceedings.

Semi-annual statement.

25. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

Enforce rules.

26. To adopt a seal for their Board, a description and impression whereof must be filed in the office of the County Clerk and of the Secretary of State.

Adopt a seal.

27. To license, for purposes of regulation and revenue, all and every kind of business not prohibited by law, and transacted or carried on in such county, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same, by suit or otherwise.

License shows, etc.

28. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Destruction of gophers, etc.

29. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Injuries to sheep. Dog tax.

30. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

Working prisoners.

- Inspection of merchandise, etc. 31. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.
- Burying dead. 32. To provide for the burying of the indigent dead.
- Enforcing regulations. 33. To make and enforce, within the limits of their county, all such local, police, sanitary, and other regulations, as are not in conflict with general laws.
- Adopt rules. 34. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder, or other combustible material, as the safety and protection of the lives and property of individuals may require.
- Perform other acts. 35. To do and perform all other acts and things required by law not in this Act enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.
- Assistant District Attorney. 36. To authorize the District Attorney to appoint an Assistant District Attorney, if, in their judgment, it may be necessary for the proper discharge of the duties of the District Attorney, and to allow such Assistant District Attorney such compensation for his services as they may determine, not to exceed, unless otherwise in this Act provided, the sum of fifteen hundred dollars per annum.
- Inducing immigration. 37. To appropriate from the General Fund of the county, not to exceed the sum of one thousand (1,000) dollars in any one year, to aid in or carry on the work of inducing immigration thereto.
- Regulate nets and seines. 38. To regulate and determine the kinds of nets and seines, and the size of the meshes thereof, to be used in fishing.
- Wagons and vehicles. 39. By proper ordinances to enforce within the limits of their counties all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as is not in conflict with general laws.
- County officers. Section 57. The officers of a county are: A Sheriff; a County Clerk; an Auditor; a Recorder; a Tax Collector; a District Attorney; an Assessor; a Treasurer; a Superintendent of Schools; a Public Administrator; a Coroner; a Surveyor; the members of the Board of Supervisors; and such other officers as may be provided by law; *provided*, that in counties where the Board of Supervisors by proper ordinance may so elect, the duties of certain of the above mentioned officers are hereby consolidated as follows: Sheriff and Tax Collector; Auditor and Recorder; County Clerk, Auditor, and Recorder; County Clerk and Recorder; County Clerk and Auditor; Treasurer and Tax Collector; Public Administrator and Coroner; *provided further*, that in counties where the duties of said officers have been, or may hereafter be consolidated in either manner above designated, the Board of Supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby.

Section 70. The County Treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law. Duties of
County
Treasurer

2. File and keep the certificates of the Auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the County Auditor.

6. Disburse the county moneys only on county warrants, issued by the County Auditor, except on settlement with the State.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the Board of Supervisors or upon order of the Superior Court, or as otherwise provided by law.

Section 71. He must receive no money into the treasury unless accompanied by the certificate of the Auditor provided for in section one hundred and fifteen. Certificate of
Auditor

Section 147. The Coroner must hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The Coroner or other officer holding the inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing under his direction, and may employ a clerk or stenographer for such purpose, at the same compensation as is now allowed to stenographers in the Superior Courts of this State; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness. Duty of
Coroner on
inquests.

Section 162. For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this State are hereby classified, and shall hereafter remain classified, according to their population, as ascertained by the federal census taken in the year eighteen hundred and eighty, as follows, to wit: Classifica-
tion of
counties.

- First class.** All counties containing a population of one hundred thousand inhabitants and over shall belong to and be known as counties of the first class.
- Second class.** Counties containing a population of fifty thousand and under one hundred thousand inhabitants shall belong to and be known as counties of the second class.
- Third class.** Counties containing a population of thirty-five thousand and under fifty thousand inhabitants shall belong to and be known as counties of the third class.
- Fourth class.** Counties containing a population of thirty-four thousand and under thirty-five thousand shall belong to and be known as counties of the fourth class.
- Fifth class.** Counties containing a population of thirty thousand and under thirty-four thousand shall belong to and be known as counties of the fifth class.
- Sixth class.** Counties containing a population of twenty-five thousand and under thirty thousand inhabitants shall belong to and be known as counties of the sixth class.
- Seventh class.** Counties containing a population of twenty-one thousand and under twenty-five thousand shall belong to and be known as counties of the seventh class.
- Eighth class.** Counties containing a population of twenty thousand and under twenty-one thousand shall belong to and be known as counties of the eighth class.
- Ninth class.** Counties containing a population of eighteen thousand five hundred and under twenty thousand shall belong to and be known as counties of the ninth class.
- Tenth class.** Counties containing a population of sixteen thousand and under eighteen thousand five hundred shall belong to and be known as counties of the tenth class.
- Eleventh class.** Counties containing a population of fifteen thousand and under sixteen thousand shall belong to and be known as counties of the eleventh class.
- Twelfth class.** Counties having a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the twelfth class.
- Thirteenth class.** Counties having a population of thirteen thousand two hundred and under fourteen thousand shall belong to and be known as counties of the thirteenth class.
- Fourteenth class.** Counties having a population of thirteen thousand and under thirteen thousand two hundred shall belong to and be known as counties of the fourteenth class.
- Fifteenth class.** Counties having a population of twelve thousand eight hundred and one and under thirteen thousand shall belong to and be known as counties of the fifteenth class.
- Sixteenth class.** Counties having a population of twelve thousand seven hundred and fifty and under twelve thousand eight hundred and one shall belong to and be known as counties of the sixteenth class.
- Seventeenth class.** Counties having a population of twelve thousand and under twelve thousand seven hundred and fifty shall belong to and be known as counties of the seventeenth class.
- Eighteenth class.** Counties having a population of eleven thousand five hundred and under twelve thousand shall belong to and be known as counties of the eighteenth class.

Counties having a population of eleven thousand three hundred and fifty and under eleven thousand five hundred shall belong to and be known as counties of the nineteenth class.

Nineteenth class.

Counties having a population of eleven thousand three hundred and under eleven thousand three hundred and fifty shall belong to and be known as counties of the twentieth class.

Twentieth class.

Counties having a population of eleven thousand two hundred and eighty and under eleven thousand two hundred and eighty-three shall belong to and be known as counties of the twenty-first class.

Twenty-first class.

Counties having a population of eleven thousand two hundred and eighty-three and under eleven thousand two hundred and eighty-five shall belong to and be known as counties of the twenty-second class.

Twenty-second class.

Counties having a population of ten thousand and under eleven thousand shall belong to and be known as counties of the twenty-third class.

Twenty-third class.

Counties having a population of nine thousand five hundred and under ten thousand shall belong to and be known as counties of the twenty-fourth class.

Twenty-fourth class.

Counties having a population of nine thousand four hundred and eighty-five and under nine thousand five hundred shall belong to and be known as counties of the twenty-fifth class.

Twenty-fifth class.

Counties having a population of nine thousand four hundred and under nine thousand four hundred and eighty-five shall belong to and be known as counties of the twenty-sixth class.

Twenty-sixth class.

Counties having a population of nine thousand three hundred and under nine thousand four hundred shall belong to and be known as counties of the twenty-sixth and one half class.

Twenty-sixth and one half class.

Counties having a population of nine thousand one hundred and under nine thousand three hundred shall belong to and be known as counties of the twenty-seventh class.

Twenty-seventh class.

Counties having a population of nine thousand and under nine thousand one hundred shall belong to and be known as counties of the twenty-eighth class.

Twenty-eighth class.

Counties having a population of eight thousand seven hundred and fifty and under nine thousand shall belong to and be known as counties of the twenty-ninth class.

Twenty-ninth class.

Counties having a population of eight thousand six hundred and fifty and under eight thousand seven hundred and fifty shall belong to and be known as counties of the thirtieth class.

Thirtieth class.

Counties having a population of eight thousand six hundred and fifteen and under eight thousand six hundred and fifty shall belong to and be known as counties of the thirty-first class.

Thirty-first class.

Counties having a population of eight thousand six hundred and ten and under eight thousand six hundred and fifteen shall belong to and be known as counties of the thirty-second class.

Thirty-second class.

- Thirty-third class. Counties having a population of seven thousand eight hundred and under eight thousand shall belong to and be known as counties of the thirty-third class.
- Thirty-fourth class. Counties having a population of seven thousand five hundred and under seven thousand eight hundred shall belong to and be known as counties of the thirty-fourth class.
- Thirty-fifth class. Counties having a population of seven thousand and under seven thousand five hundred shall belong to and be known as counties of the thirty-fifth class.
- Thirty-sixth class. Counties having a population of six thousand six hundred and under seven thousand shall belong to and be known as counties of the thirty-sixth class.
- Thirty-seventh class. Counties having a population of six thousand five hundred and under six thousand six hundred shall belong to and be known as counties of the thirty-seventh class.
- Thirty-eighth class. Counties having a population of six thousand and under six thousand five hundred shall belong to and be known as counties of the thirty-eighth class.
- Thirty-ninth class. Counties having a population of five thousand six hundred and forty and under six thousand shall belong to and be known as counties of the thirty-ninth class.
- Thirty-nine and one half class. Counties having a population of five thousand and under five thousand six hundred and forty shall belong to and be known as counties of the thirty-nine and one half class.
- Fortieth class. Counties having a population of five thousand three hundred and under five thousand six hundred shall belong to and be known as counties of the fortieth class.
- Forty-first class. Counties having a population of five thousand and under five thousand three hundred shall belong to and be known as counties of the forty-first class.
- Forty-second class. Counties having a population of four thousand five hundred and under five thousand shall belong to and be known as counties of the forty-second class.
- Forty-third class. Counties having a population of four thousand three hundred and fifty and under four thousand five hundred shall belong to and be known as counties of the forty-third class.
- Forty-fourth class. Counties having a population of four thousand and under four thousand three hundred and fifty shall belong to and be known as counties of the forty-fourth class.
- Forty-fifth class. Counties having a population of three thousand and under four thousand shall belong to and be known as counties of the forty-fifth class.
- Forty-sixth class. Counties having a population of two thousand six hundred and under three thousand shall belong to and be known as counties of the forty-sixth class.
- Forty-seventh class. Counties having a population of two thousand and under two thousand six hundred shall belong to and be known as counties of the forty-seventh class.
- Forty-eighth class. Counties having a population under two thousand shall belong to and be known as counties of the forty-eighth class.
- Compensation second class. Section 164. In counties of the second class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, thirteen thousand dollars per annum. *Same.*
 2. The Sheriff, fifteen thousand dollars per annum.
 3. The Recorder, fifteen thousand dollars per annum.
 4. The Auditor, four thousand dollars per annum.
 5. The Treasurer, five thousand five hundred dollars per annum, whose office hours shall be from nine o'clock A. M. to four o'clock P. M.

6. The Tax Collector, eight thousand dollars per annum.

7. The Assessor, fourteen thousand dollars per annum.

8. The District Attorney, six thousand five hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, forty-five hundred dollars per annum, provided that the office of such official in the Court House be kept open the same as the other public offices of the county.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law; *provided*, that no one Justice of the Peace shall be paid more than two hundred dollars in any one month, nor more than two thousand four hundred dollars in any one year. All moneys in excess of this sum shall, by said Justices of the Peace, be paid into the County Treasury.

14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that no one Constable shall receive more than one hundred dollars in any one month, or one thousand two hundred dollars in any one year. All moneys in excess of this sum shall, by said Constables, be paid into the County Treasury.

15. Supervisors, one thousand five hundred dollars per annum and ten cents a mile in traveling to and from their residences to the county seat, or in the performance of duties required of them by law or by virtue of their office; *provided*, that for attending sessions of the Board only two mile-ages shall be allowed for each month. Claims for mileage shall be allowed and paid as other claims against the county.

Section 165. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, eight thousand dollars per annum.

2. The Sheriff, nine thousand five hundred and twenty dollars per annum; *provided*, that he shall receive as additional compensation, the mileage collected by him in criminal cases where the same is not a charge against his county.

3. The Recorder, seven thousand dollars per annum.

4. The Auditor, twelve hundred dollars per annum.

5. The Treasurer, four thousand dollars per annum.

6. The Tax and License Collector, four thousand dollars per annum for the combined office.

Same.

7. The Assessor, nine thousand five hundred dollars per annum.

8. The District Attorney, three thousand two hundred dollars per annum.

9. The Coroner, six hundred dollars per annum.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law; *provided*, that no one Justice of the Peace shall be paid more than two hundred dollars in any one month, nor more than two thousand dollars in any one year.

14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that no one Constable shall receive more than one hundred and twenty-five dollars in any one month, or twelve hundred dollars in any one year.

15. Supervisors, twelve hundred dollars each per annum.

Fourth class.

Section 166. In counties of the fourth class county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, six thousand dollars per annum.

2. The Sheriff, nine thousand dollars per annum.

3. The Recorder, four thousand dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, two thousand four hundred dollars per annum.

6. The Tax Collector, fifteen hundred dollars per annum, and the fees for making and executing tax deeds.

7. The Assessor, six thousand dollars per annum.

8. The District Attorney, thirty-six hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, eighteen hundred dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, seventy-five dollars per month, and ten cents per mile in traveling to and from county seat; *provided*, mileage shall not be allowed oftener than once in each month; *provided further*, that the Superintendent of Schools, outside of his regular salary, shall be allowed his necessary traveling expenses, including mode of travel and hotel bills, in visiting

public schools throughout the county, not exceeding three hundred dollars per annum, said amount to be allowed by the Board of Supervisors and paid as other county charges.

Section 167. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand six hundred dollars per annum.

2. The Sheriff, four thousand dollars per annum.

3. The Recorder, three thousand six hundred dollars per annum.

4. The Auditor, three thousand six hundred dollars per annum.

5. The Treasurer, two thousand five hundred dollars per annum.

6. The Tax Collector, three thousand six hundred dollars per annum.

7. The District Attorney, three thousand six hundred dollars per annum.

8. The Assessor, three thousand six hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, three thousand dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that no Justice of the Peace shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month for all services rendered by him in all criminal cases, or in actions or proceedings to which the People of the State of California are or may be parties; and no claim of any such Justice of the Peace in excess of said sum of one thousand dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fees collected by every such Justice on the account aforesaid shall belong to and be the property of the county in which such Justice exercises his jurisdiction. And each of such Justices shall report, under oath, on the first Monday of each month to the Board of Supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the County Treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said Board with their said report; *provided further*, that the Board of Supervisors of such counties may, whenever in their judgment the public interest requires it, provide such Justices, or any of

Same.

them, with a clerk, also an office and the necessary furniture and supplies for the Justice's Court.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no Constable shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the People of the State of California are or may be made parties; and no claim of any such Constable in excess of said sum of one thousand dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid, but all fees collected by every such Constable on the account aforesaid, shall belong to and be the property of the county in which such Constable has been elected or appointed; and each of said Constables shall report, under oath, on the first Monday of each month to the Board of Supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the County Treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the Treasurer's receipt for said payment to said Board with his said report; *provided further*, that the Board of Supervisors of said counties may, whenever in their judgment the fees allowed by this Act to such Constables are insufficient to pay a reasonable compensation for the services required to be performed, and to also pay for the services of a deputy, or deputies, if the same be required, then said Board of Supervisors may allow such Constables such deputies as in their judgment may be required to do the business of such office in connection with the principal, at a salary not to exceed the sum of seventy-five dollars per month for each deputy; *provided*, that said Board of Supervisors may require said Constable to make and file his affidavit with said Board showing the necessity for such deputy, and may further examine said Constable under oath regarding the necessity for such appointment and payment.

15. Supervisors, five dollars per diem and mileage.

16. Upon the commencement of any action or proceeding, except in cases otherwise provided by law, the County Clerk shall require the plaintiff or party initiating the action to deposit the sum of ten dollars, and the defendant, or respondent, must, upon his appearance, deposit with the Clerk the sum of three dollars, said deposits to be applied in payment of costs, and when the same are exhausted, a further deposit must be required by the Clerk. Any money so deposited and remaining after judgment and payment of all costs chargeable against the party who has deposited the same, to and including the entering, docketing, and recording of the judgment, shall, on demand, be returned to the party who has advanced it; *provided*, that every party appealing from any judgment or order of a Justice of the Peace, or Police Court, shall deposit the sum of five dollars with the Clerk, to be held by him, and in all respects treated the same as the other deposits above

mentioned. The County Clerk shall charge and collect the Same. following fees and charges for and on behalf of the county, to wit: For entering suit in the registry, and making necessary entries during the progress of the suit to the final determination thereof, for first folio, twenty-five cents. For each subsequent folio, twenty-five cents. For issuing every writ or process under seal, except the writ of habeas corpus, twenty-five cents. For issuing each subpoena for one or more witnesses, twenty-five cents. For filing each paper, ten cents. For entering each and every motion, order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents. For entering every cause on the calendar and making copy thereof for bar for each term of Court, twenty-five cents. For taking justification thereto, twenty-five cents. For taking testimony on justification to undertaking on bond, for each folio, ten cents. For taking acknowledgment of an instrument, to include all writing and the seal, for first name thereto, fifty cents. For each additional name, twenty-five cents. For indexing every suit in the general index of the Court, as required by law, for each name, ten cents. For filing and entering papers on transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents. Searching records or files of each year, except for suitors or their attorneys, fifty cents. For filing all papers on appeal from Justice's Court, for each case, one dollar and fifty cents. All subsequent services rendered on such appeal shall be charged for at the rates above provided for similar service. For issuing letters testamentary, or of administration, or of guardianship, twenty-five cents. For writing and posting each notice required, twenty-five cents. For each notice for publication, in addition to the cost of publication, unless such notice is prepared by the petitioner, or his attorney therein, twenty-five cents. For calling and swearing every jury on venire, twenty-five cents. For calling and swearing every jury to try cause, twenty-five cents. For receiving and entering verdict of jury, fifty cents. For entering final judgment, for first folio, fifty cents. For each subsequent folio, ten cents. For making up and filing judgment roll, fifty cents. For each entry of judgment on judgment docket, twenty-five cents. For entering satisfaction or credit on judgment docket, twenty-five cents. For administering oath or affirmation, twenty-five cents. For certifying same, twenty-five cents. For copy of any proceeding, record, or paper, per folio, ten cents. For every certificate under seal, twenty-five cents. For issuing every commission to take testimony, fifty cents. For writing down testimony of witness during trial (to be paid by party requiring the same), for each folio, twenty cents. For issuing execution or other final process under seal, fifty cents. For copy of every decree or order of sale of mortgaged property, for each folio, ten cents. For receiving and filing every remittitur from Supreme Court, and accompanying papers, twenty-five cents. For taking and approving each undertaking or bond, twenty-five cents. For recording wills or other papers required by law to be recorded, for each folio, ten cents; *provided, however,* that in

Same.

all cases where the value of the estate of a decedent does not exceed one thousand dollars, the total fees collected by such Clerk from the estate, the administratrix, executor, or legal representative, shall not exceed ten dollars; and when such appraised value is more than one thousand dollars, and not over five thousand dollars, the total fees collected from the estate, the administrator, executor, or legal representative, shall not exceed twenty dollars. All fees and charges received or collected by such Clerk shall belong to and be the property of the county, and be paid into the County Treasury thereof by said Clerk on the first Monday of each month. The County Recorder shall charge and collect the following fees and charges for and on behalf of the county, to wit: For recording any instrument or notice, except maps or plats, ten cents for each folio of one hundred words. For indexing any instrument, paper, or notice, fifteen cents for each name indexed. For copies of any record or paper, ten cents per folio. For filing any instrument for record and making the necessary entries thereon, ten cents. For each certificate under seal, fifty cents. For each entry of discharge of mortgage or other instrument on margin of record, and entry thereof on index, fifty cents. For searching records or files in his office, fifty cents for each year. For abstract of title, fifty cents for each conveyance or incumbrance certified. For recording any plat or map of a rectangular subdivision into lots and blocks, five cents for each course or line, and twenty-five cents for each folio of figures, letters, and characters. For recording any other plat or map, ten cents for each course or line, and twenty-five cents for each folio. For taking acknowledgments, including seal, fifty cents for the first signature, and twenty-five cents for each additional signature. For recording marriage license and certificate, to be paid by the Clerk, one dollar. For recording each mark or brand, and making the necessary search preliminary to such record, three dollars. For filing, indexing, and keeping each paper, not by law required to be recorded, one dollar. For reporting assignment of certificate of purchase of State lands, fifty cents. All fees and charges received or collected by such Recorder shall belong to and be the property of the county, and be paid into the County Treasury thereof by said Recorder, on the first Monday of each month.

17. The Board of Supervisors shall allow the several officers mentioned in this section, such deputy or deputies, assistant or assistants, as may be necessary to properly transact the business of their respective offices in connection with the principal, at such salary as the Board may deem reasonable, not to exceed, except as in this subdivision provided, for each assistant or deputy the sum of one hundred dollars per month; *provided*, that the Board of Supervisors shall have the power to allow to each county officer, other than those who are compensated by fees, one Chief Deputy, at a salary, to be fixed by said Board, not to exceed one hundred and fifty dollars per month; *provided further*, that the Board of Supervisors shall allow the Sheriff an Under Sheriff, at a salary to be fixed by said Board, not to exceed two hundred

dollars per month; and shall allow to the County Clerk a ^{Same.} Register Clerk, at a salary not to exceed one hundred and fifty dollars per month; and to the District Attorney an assistant, at a salary to be fixed by the Board, and not to exceed one hundred and sixty-six and two thirds dollars per month; *and provided further*, that said Board shall allow to the District Attorney such deputies as may be necessary to properly transact the business of his office, at salaries to be fixed by such Board, but which shall not, in the case of any such deputy, exceed the sum of one hundred and thirty-three and one third dollars per month. All salaries provided for in this section, whether for principal, assistant, chief deputy, or deputy, shall, in each case, constitute a county charge. This section, and all parts thereof, shall, except as to the salaries of county officers, apply to present incumbents, including all deputies and assistants herein provided for, Justices of the Peace and Constables, and shall go into effect upon the passage of this Act.

Section 168. In counties of the sixth class the county ^{Sixth class.} officers shall receive for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, five thousand five hundred dollars per annum.

2. The Sheriff, six thousand five hundred dollars per annum, and for traveling—to be computed in all cases from the Court House—to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, in executing a writ of habeas corpus, or collecting taxes; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service; for each mile necessarily traveled by the most practicable route, in going only, twenty cents.

3. The Recorder, four thousand five hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, twenty-four hundred dollars per annum.

6. The Tax Collector, fifteen hundred dollars per annum.

7. The Assessor, forty-five hundred dollars per annum; and he shall also receive fifteen per cent on all poll taxes, and six per cent on all personal property taxes collected by him.

8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

Same.

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables shall receive, for their own use and benefit, the following fees, which shall be in full of all compensation for such service as is now or may be hereafter required of them by law: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar. For his trouble and expense in taking possession of and preserving property under attachment or execution, or other process, as the Court shall order, provided no more than two dollars per diem shall be allowed to a keeper, three dollars. For taking a bond or undertaking in any case he is authorized to take the same, fifty cents. For copy of any writ or process, or other paper, when demanded or required by law, for each folio, fifteen cents. For serving every notice, rule, or order, twenty-five cents. For advertising property for sale under execution or any judgment or order of sale, exclusive of the cost of publication, each, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars. For holding each inquest or trial of right of property, to include all service in the matter, except mileage, two dollars. For serving subpoenas, for each witness served, twenty-five cents. For traveling to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold an inquest or trial of the right of property, or in executing a writ of habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant point to complete the service; for each mile necessarily traveled, in going and returning when within his own township, twenty cents. For commission for receiving and paying over money on execution or other process when lands or other personal property have been levied on or sold, on the first one hundred dollars, two per cent, and on all sums above that amount, one per cent. For executing a certificate of sale, fifty cents. The fees herein allowed shall be collected from the judgment debtor. For making every arrest in a criminal action, other than on a charge of felony, one dollar. For making every arrest on a charge of felony, one dollar and fifty cents. For summoning a jury of twelve or less persons, two dollars. For every mile necessarily traveled in executing any warrant of arrest, serving subpoenas, bringing up a prisoner on habeas corpus,

taking a prisoner to jail by order of any Court; *provided*, that ^{Same.} when any two or more persons are served at the same time, or in the same distant direction, but one mileage shall be charged to the most distant point, twenty cents per mile, going and returning when within his own township. For conveying a prisoner when under arrest, the necessary expense actually paid for transportation.

Section 169. In counties of the seventh class the county ^{Seventh class.} officers shall receive as compensation for the services required of them by law the following salaries, viz.:

1. The County Clerk, four thousand three hundred dollars per annum.

2. The Sheriff, five thousand five hundred dollars per annum. The Sheriff shall also receive, for his own use and benefit, the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any Court of the State outside of his county.

3. The Recorder, three thousand dollars per annum.

4. The Auditor, eight hundred dollars per annum.

5. The Treasurer, three thousand dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, two thousand two hundred dollars per annum.

8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. The Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each member of the Board of Supervisors, six hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the Board, and fifteen cents a mile mileage in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the Board shall be allowed.

16. The County Clerk and Recorder may each appoint two deputies, who shall be designated, respectively, as chief and assistant deputies. The chief deputies herein provided shall each receive a salary of one thousand two hundred dollars per annum, and the assistant deputies shall each receive a salary of nine hundred dollars per annum. The Treasurer and District Attorney may each appoint a deputy, who shall receive from the county a salary of one thousand two hundred dollars per annum; *provided*, that whenever, in the opinion of the Board of Supervisors, it becomes necessary, the said Board shall allow any one of said officers, for a stated

Same.

period of time, an additional deputy or such number of deputies as in their judgment may be required to do the business of such office, in connection with the principal, at a salary not to exceed one hundred dollars per month. The Sheriff may appoint one deputy, who shall receive a salary of one thousand five hundred dollars per annum, and also a clerk, who shall receive a salary of nine hundred dollars per annum. All the deputies, assistants, and clerks herein enumerated are to be paid at the times and in the manner that their principals are paid, from and after the approval of this Act; *provided*, that the Board of Supervisors may designate what number of Deputy Assessors may be appointed, and they shall receive a sum not exceeding five dollars per day, payable out of the funds of the county, for each day they actually and necessarily attend to the duties of the office, between the first Monday of March and the first Monday in August of the same year. The Coroner shall cause the testimony given by witnesses at inquests held by him to be reduced to writing under his direction, and may employ a clerk or stenographer for such purpose, at the same compensation as is now allowed to stenographers in the Superior Courts of this State; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

Eighth class.

Section 170. In counties of the eighth class the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, three thousand two hundred dollars per annum.
4. The Auditor, six hundred dollars per annum.
5. The Treasurer, two thousand five hundred dollars per annum.
6. The Tax Collector, six hundred and fifty dollars per annum.
7. The Assessor, five thousand five hundred dollars per annum.
8. The District Attorney, two thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, four hundred dollars per annum.
11. The Superintendent of Schools, two thousand dollars per annum; *provided*, if he shall engage in any other occupation during his term of office his salary shall only be six hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the Board of Supervisors shall receive, ^{Same.} for all services required of him by law or by virtue of his office, the sum of five hundred dollars per annum, and ten cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the Board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the Board.

Section 171. In counties of the ninth class the county ^{Ninth class.} officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, four thousand dollars per annum.
2. The Sheriff, nine thousand dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any Court of the State outside of his county.
3. The Recorder, three thousand five hundred dollars per annum.
4. The Auditor, one thousand five hundred dollars per annum.
5. The Treasurer, three thousand four hundred dollars per annum.
6. The Tax Collector, one thousand five hundred dollars per annum.
7. The Assessor, six thousand dollars per annum.
8. The District Attorney, three thousand dollars per annum.
9. The Coroner, such fees as are now or may be hereafter allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, one thousand eight hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, nine hundred dollars, each, per annum. No mileage.
16. The following fees are allowed to the officers hereinafter named for the performance of services required of them by law as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer is by law entitled to receive the fees collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

FEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents. For serving an attachment on prop-

Same.

erty, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar. For serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars. For his trouble and expense in taking and keeping possession of, and preserving property under attachment, or execution, or other process, such sum as the Court may order; *provided*, that no more than two dollars per diem shall be allowed to a keeper. For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded as required by law, for each folio, fifteen cents. For serving every notice, rule, or order, fifty cents. For advertising property for sale or execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars. For holding each inquest, or trial of right of property, to include all services in the matter except mileage, two dollars. For serving a subpoena, for each witness summoned, twenty-five cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged, to the most distant point to complete such service, for each mile necessarily traveled, in going only, twenty cents. For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent. For commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one half of one per cent on all sums over that amount. The fees herein allowed for the levy of an execution, costs of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum directed herein to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents. For executing a certificate of sale, exclusive of the filing and recording the same, one dollar. For summoning a trial jury of twelve persons or less, three dollars. For all service in Justices' Courts, the same fees as are allowed Constables for like services. For conveying a prisoner, when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the State for

the conveyance of prisoners to the State Prison and conveyance of persons to the Insane Asylum. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day. Same.

FEES OF COUNTY CLERK.

At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee, as prescribed by law, not to exceed the sum of five dollars, to cover costs to time of judgment; and from the defendant, two dollars, to cover costs for the same time. If, in the progress of the action, the sum allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the Clerk to the party who advanced them, on demand. The Clerk of the Superior Court shall receive, for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for the first folio, twenty-five cents; for each subsequent folio, fifteen cents. For issuing every writ of process, under seal, fifty cents, except the writ of habeas corpus. For issuing each subpoena for one or more witnesses, twenty-five cents. For filing each paper, fifteen cents. For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents. For calling and swearing every jury on *voire dire*, twenty-five cents. For calling and swearing every jury to try cause, twenty-five cents. For receiving and entering each verdict of a jury, twenty-five cents. For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents. For making up and filing judgment roll, twenty-five cents. For each entry of judgment on judgment docket, twenty cents. For entering satisfaction or credit on judgment docket, twenty-five cents. For administering every oath or affirmation, twenty cents. For certifying the same, twenty cents. For copy of any proceeding, record, or paper, per folio, fifteen cents. For every certificate under seal, twenty-five cents. For issuing every commission to take testimony, fifty cents. For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents. For issuing every execution, or other final process, under seal, fifty cents. For copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents. For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents. For taking and approving each undertaking or bond, twenty-five cents. For taking justification thereto, twenty-five cents. For taking testimony on justification to undertaking or bond, for each folio, fifteen cents. For taking acknowledgment of deed or other instrument,

Same.

to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents. For indexing every suit in the general index of the Court, as required by law, for each name, ten cents. For filing and entering papers on transfer of cases from other Courts, two dollars. For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar. For searching records or files of each year, except for suitors or their attorneys, fifty cents. For filing all papers on appeal from Justices' Courts, for each case, one dollar. For writing and posting each notice required, twenty-five cents. For each notice for publication, in addition to the cost of publication, twenty-five cents. For recording papers required by law to be recorded, for each folio, fifteen cents; for indexing same, twenty cents. For issuing each marriage license, one half to be paid to the County Recorder, two dollars. For recording the testimony, and commitment upon examination of insane persons, when it is ascertained by the Judge of the Superior Court that the person committed has sufficient property to pay the expenses of his commitment, per folio, fifteen cents. For filing all papers to be kept by him, not required to be recorded, ten cents; for indexing same, for each name, ten cents. For issuing any license required by law, one dollar. For all services in estates of deceased persons fees shall be charged as follows, the value of the estate required to be determined herein to be ascertained from the inventory and appraisement thereof: Estates of the value of fifteen hundred dollars or less, two dollars; estates of over fifteen hundred dollars and not exceeding ten thousand dollars, ten dollars; estates of ten thousand dollars and not exceeding fifty thousand dollars, fifteen dollars; estates of over fifty thousand dollars, fifteen dollars, and ten cents for each paper filed, and fifteen cents per folio for recording each document required by law to be recorded; *provided*, that the County Clerk of such county shall charge and collect for each action or proceeding commenced in the Superior Court of the county, a fee of one dollar, in addition to the fees above mentioned, which sum shall be deposited in the treasury of the county as a fund for the purpose of establishing a law library, and shall be expended by and under the direction of the Judge or Judges of the Superior Court of such county, for said purpose. No fees shall be charged by County Clerks for affidavits or certificates for or in behalf of the United States pension applicants. For all services in the estates and guardianship of minor heirs, the same fees as are allowed in the estates of deceased persons.

FEES OF RECORDER.

For recording every instrument, paper, or notice, for each folio, fifteen cents. For indexing every instrument, paper, or notice, fifteen cents for each name indexed. For copies of any record or paper, per folio, fifteen cents. For filing every instrument for record, and making the necessary entries thereon, fifteen cents. For each certificate under seal, twenty-five cents. For every entry of discharge of mortgage or other

instrument on margin of record, or for entering credit thereon, Same. or witnessing same and indexing same, twenty-five cents. For searching records or files in his office for each year, when required, fifty cents. For abstract of title, for each conveyance or incumbrance certified, twenty-five cents. For recording every plat or map, for each course, five cents. For figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars. For taking acknowledgment, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage license and certificate, to be paid by the Clerk, one dollar. For recording transcript, and for all other services in estray cases, one dollar. For recording each mark or brand, fifty cents. For administering oath or affirmation, twenty-five cents. For certifying same, twenty-five cents. For filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents. For recording mining claims and water rights, the same as are allowed for recording any other instrument. For all other services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for like services.

FEEES OF CORONER.

For general services in holding an inquest, ten dollars. For each witness subpoenaed, twenty-five cents. For each mile necessarily traveled in going to the place of the inquest, twenty-five cents. For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge. When acting as or in the place of the Sheriff, the same fees as are allowed the Sheriff for like services.

FEEES OF COUNTY SURVEYOR.

For the first mile actually run with compass and chain, in wood or brush, or salt marsh and tide lands, four dollars; for each succeeding mile, two dollars. For each mile run with compass alone, one dollar and fifty cents. For the first mile actually run with compass and chain, in open land, three dollars; for each succeeding mile, one dollar and fifty cents. For each mile run with compass alone, one dollar. For each lot laid out and platted in any city or town, one dollar. For recording a survey, seventy-five cents. For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course. For traveling to place of survey, for each mile, in going only, thirty cents, and if he shall be required and duly notified, or otherwise, to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him. For ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar. For copies and certificates, per folio, fifteen cents. For erecting a monument at the corner of any survey, when required, fifty cents.

Same.

For erecting a monument, when running a line at a variation or offset, when required, twenty-five cents. For copy of plat of any survey and certificate required by any person, or to be transmitted to the Surveyor-General, one dollar, to be paid by the party requiring the survey. Expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

FEES OF THE JUSTICES OF THE PEACE.

For entering every cause upon his docket, fifty cents. For filing each paper in the suit, twenty-five cents. For issuing any writ or process by which the suit is commenced, fifty cents. For issuing subpoena, for each person, twenty-five cents. For administering an oath or affirmation, twenty-five cents. For each certificate, twenty-five cents. For issuing writ of attachment, or arrest, or for the delivery of property, one dollar. For taking or approving any bond or undertaking, directed by law to be taken or approved by him, fifty cents. For taking justification to a bond, fifty cents. For swearing a jury, fifty cents. For issuing an execution, one dollar. For taking depositions, per folio, twenty cents. For issuing search warrant, fifty cents. For affidavit for search warrant, including entry on his docket, when there is no other or further action, one dollar. For entry of cause without process, one dollar. For entering every motion, rule, order, exception, or default, twenty-five cents. For entering any final judgment, for the first folio, one dollar; for every additional folio, twenty cents. For entering judgment by confession, and only on affidavit, as required in the Superior Court, three dollars. For entering satisfaction of a judgment, fifty cents. For issuing commission to take testimony, fifty cents. For transcript of a judgment, order, docket, or paper in his office, for each folio, twenty cents. For making up and transmitting transcript and papers on appeal, one dollar and fifty cents. For taking acknowledgment of any instrument, for the first name, fifty cents, and for every additional name, twenty-five cents. For celebrating a marriage and returning a certificate thereof to the County Recorder, five dollars. For all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars; but there shall be allowed for all depositions required by law to be taken (including the transmission to the County Clerk of the papers in the case), for each folio, twenty cents. For taking bail after commitment in criminal cases, one dollar. For all services connected with the posting of estrays, including transcript to the Recorder, two dollars. For all services appertaining to the Coroner's office, the Justice of the Peace who shall act when the Coroner shall be absent or unable to attend, shall receive the same fees as are allowed to the Coroner for similar services. When the venue shall be changed, the Justice before whom the action shall have been brought, for all services in making up and trans-

mitting the transcript and papers, shall receive, in addition ^{Same.} to such fees as have accrued in the case, the sum of one dollar; all of which fees must be paid before the Justice shall be required to transmit the papers; and the Justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. In cases of appeal, all fees of the Justice, including those on trial and those on appeal, must be paid before the Justice shall be required to forward the papers to the County Clerk.

FEEES OF CONSTABLES.

For serving summons in civil cases, for each defendant, fifty cents. For summoning any jury before a Justice of the Peace, including mileage, two dollars and mileage. For making sales of estrays, the same fees as for sales on execution. For all other services, the same fees as are allowed to Sheriffs for similar services. For making every arrest in a criminal proceeding, two dollars.

FEEES OF INTERPRETERS.

Interpreters and translators shall be allowed such compensation for their services as the Court shall allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

FEEES OF WITNESSES AND JURORS.

Each person subpoenaed as a juror, or as a witness in behalf of the people, whether before the Superior Court or the Grand Jury, shall be entitled to pay at the rate of three dollars per day for each day's attendance; and for mileage at the rate of twenty-five cents for each mile necessarily traveled, in going only. For attending to any civil suit or proceedings before any Court of record, Referee, Commissioner, Justice of the Peace, for each day, two dollars; for traveling to the place of trial, for each mile, twenty cents. In case of impeachment and contested elections, for traveling to the place of trial, ten cents per mile. No person shall be obliged to testify in a civil action, unless his fees shall have been tendered, or he shall not have demanded the same. No fees shall be allowed any witness in a criminal action or proceeding, unless he shall attend before a Grand Jury or Court of record, as a witness on behalf of the people, upon a subpoena, or by virtue of a recognizance, and it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness is upon a trial by an order upon its minutes, or in any other case, the Judge of the Superior Court, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without any county shall be obliged, in a civil action

Same.

or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

FEEES OF PUBLIC ADMINISTRATORS.

The Public Administrator shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators, by an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

JUDGES AND CLERKS OF ELECTION.

The Judges and Clerks of election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed; which shall be full compensation for all services required by law to be performed.

NO AFTER FEES ALLOWED.

The officers above named shall receive no other fees, for any services performed by them in any action or proceeding, or for the performance of any service for which fees are allowed; and in case of any violation of the provisions of this subdivision the party demanding or receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides cost of suit, and may be indicted, and if found guilty shall be fined in a sum not exceeding five hundred dollars, and be removed from office.

FEES—WHEN PAID.

The fees herein allowed shall be payable at the time the service is rendered; and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service in any suit or proceeding in which there are any fees due (criminal proceedings excepted) from the person applying, until such fees are paid: *provided*, that if any person shall make an affidavit before the Judge of the Superior Court, setting forth that he has a good cause of action or defense, and that he is unable to pay the fees in advance, the Judge of the Superior Court may, in his discretion, make an order that the officer perform such service without any pay in advance, or may require such person to give security for the costs, and then require such officer to perform such service; and it shall be the duty of such officer to obey the order of the Judge of the Superior Court.

TABLE OF FEES.

Every officer herein specified shall prepare and set up in his office a plain table of his fees, as prescribed in this Act, within two months of the time when the same goes into effect,

in some conspicuous place, for the inspection of all persons, ^{same.} upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered, with costs, by any person, before any Justice of the Peace of the same county.

COSTS OF PUBLICATION—WHEN PAID.

When, by law, any publication is required to be made by an officer, of any suit, process, notice, order, or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted, before the officer shall be compelled to make such publication.

EXECUTION FOR FEES.

If any Clerk, Sheriff, Justice of the Peace, or Constable shall not have received any fees due to him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party by whom they are due, to be issued from the Court in which the action is pending.

FOLIO DEFINED.

The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper there shall not be a complete folio, and when there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

MILEAGE.

When any Sheriff, Constable, or Coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the more distant service.

RECEIPTS.

Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out in writing and deliver to such person a particular account of such fees, specifying for what they respectively accrued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same for three times the amount so paid.

OATH OF OFFICE.

No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.

TO COMPLETE BUSINESS.

It shall be the duty of all officers in this section named, to complete the business of their respective offices to the time of

Same.

the expiration of their respective terms; and in case an officer at the close of his term shall leave to his successor official labor to be performed, for which he has received compensation, or which it was his duty to perform, he shall be liable to pay his successor the full value of such services, which may be recovered in any Court of competent jurisdiction.

NO OTHER COMPENSATION.

None of the officers mentioned in this Act shall receive any other compensation whatever for any services that now are or may be hereafter required of them in the discharge of their respective offices.

FEE BOOK.

It shall be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account in detail of all fees, commissions, or compensations, of whatever nature or kind, by him or his deputies earned, collected, or chargeable, with date, the name of the payer, if paid, and the nature of the services in each case. In the first week of January and July, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors a sworn statement in writing, of the amount of fees earned, collected, or chargeable by him or his deputies for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book, and make joint statements, at his discretion.

PENALTY FOR NEGLECT.

If any officer named in this section shall refuse or willfully neglect to keep a fee book, or to file a sworn statement, or to make returns, as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by a sentence or removal from office, if in the office at the time of sentence.

Tenth class.

Section 172. In counties of the tenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, four thousand dollars per annum.
2. The Sheriff, six thousand dollars per annum; *provided*, that said Sheriff be empowered to appoint a Jailer to take charge of the branch county jail, such Jailer to receive a salary of six hundred dollars per annum.
3. The Recorder, three thousand six hundred dollars per annum.
4. The Auditor, two thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum, and

such fees as are now or may hereafter be allowed by the Board of Supervisors for the collection of licenses. Same.

7. The Assessor, three thousand three hundred dollars per annum; *provided*, that said Assessor be empowered to employ a deputy, who shall receive a salary of one thousand dollars per annum.

8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, one thousand dollars per annum.

11. The Superintendent of Schools, one thousand five hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, a salary to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the salaries of county officers are paid, such salary to be in full compensation for all services of every kind, nature, or description required of them by law in criminal cases. Each Justice of the Peace must keep a book, open to the inspection of the public during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases; and on the first Monday of each and every month he must pay such fines so collected (less the amount now provided by law to be paid to some other officer or person) into the County Treasury, for the benefit of the county; *provided*, that said Justices of the Peace shall also be allowed to charge and receive for their own use such fees as are now or hereafter may be allowed by law for all services performed by them in civil cases.

14. Constables, a salary, to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the salaries of the county officers are paid, such salary to be in full compensation for all services of any kind, nature, or description required of them by law in criminal cases; and said Constables shall be allowed to charge and receive for their own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases.

15. Supervisors, each, seven hundred dollars per annum, without mileage; *provided*, that when required to go on business for the county, outside of the county, they shall be allowed their actual expenses.

Section 173. In counties of the eleventh class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. County Clerk, three thousand five hundred dollars per annum.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, three thousand dollars per annum; *provided*, that such Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the

Same

following fees: For recording any instrument, paper, or notice containing less than two hundred and fifty words, twenty-five cents; from two hundred and fifty words to four hundred and forty-nine words, fifty cents; from four hundred and fifty words to six hundred and forty-nine words, seventy-five cents; from six hundred and fifty words to seven hundred and ninety-nine, one dollar; from eight hundred words to nine hundred and forty-nine words, one dollar and twenty-five cents; from nine hundred and fifty words to eleven hundred words, one dollar and fifty cents; more than eleven hundred words, fifteen cents for each folio; all headings and certificates of filing to be included in the count. For copies of any record or paper, the same fee as for recording. For indexing any instrument, paper, or notice, twenty-five cents for each name indexed. For each certificate under seal, fifty cents. For every entry of discharge of mortgage or other instrument on margin of record, and marking same on indexes, fifty cents. For searching records or files in his office, for each year, when required, fifty cents. For abstract of title, for each conveyance or incumbrance certified, fifty cents. For recording every plat or map, for each course, ten cents. For figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars. For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage license and certificate, one dollar. For recording each mark or brand, seventy-five cents. For administering each oath or affirmation, twenty-five cents. For certifying the same, twenty-five cents. For filing, indexing, and keeping each map or paper not required by law to be recorded, fifty cents. For recording and indexing mining claims and water rights, the same fees as are allowed for recording and indexing any other instrument. For all other services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for like services.

4. The Auditor, one thousand two hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, two thousand five hundred dollars per annum.

7. The Assessor, five thousand dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, two thousand dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justice of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, each, the sum of five hundred dollars per annum and actual mileage not to exceed in any one year the sum of one hundred dollars.

Section 174. In counties of the twelfth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand two hundred and fifty dollars per annum.
2. The Sheriff, seven thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand five hundred dollars per annum.
7. The Assessor, five thousand five hundred dollars per annum.
8. The District Attorney, two thousand seven hundred and fifty dollars per annum.
9. The Coroner, the fees that are now or hereafter may be allowed by law.
10. The Public Administrator, the same fees as are allowed executors for similar services.

11. The Superintendent of Schools, eighteen hundred dollars per annum, and shall be reimbursed his traveling expenses while in the discharge of his official duties, to be audited and allowed periodically by the Board of Supervisors, not exceeding three hundred dollars per annum.

12. The Surveyor, ten dollars per day for each and every day while engaged in county work, as ordered by the Board of Supervisors, and necessary traveling expenses incurred in going to and from the place of labor.

13. Justices of the Peace, such fees as are now allowed by law, except that for all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars per day, and ten cents per folio for writing down testimony when required by law.

14. Constables, fees allowed by general fee bill of eighteen hundred and seventy.

15. Supervisors, each, the sum of six hundred dollars per annum, and twenty cents a mile for each mile of travel to and from their residence and the place of holding their meeting.

Section 175. In counties of the thirteenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand five hundred dollars per annum.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, fifteen hundred dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.

Same.

7. The Assessor, three thousand two hundred dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, sixteen hundred dollars per annum; *provided*, the Superintendent shall not be permitted to, nor shall he, teach any school, but shall devote his entire attention to the duties of his office.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five dollars per day for each day employed in the discharge of the duties of their office, together with mileage at the rate of thirty cents per mile, in going only, from their residence to the county seat at each session of the Board; *provided*, that when the duties of the office of Treasurer and Tax Collector are consolidated, as provided in section fifty-seven of this Act, that the full compensation of said office of Treasurer and Tax Collector for such consolidated duties shall be two thousand five hundred dollars per annum.

Fifteenth
class.

Section 177. In counties of the fifteenth class, county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, one thousand five hundred dollars per annum.

4. The Auditor, six hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, six hundred dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, eighteen hundred dollars per annum, and his necessary traveling expenses in visiting the various schools within his county; *provided*, he shall devote his entire time to the duties of said office.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that when the actual trial or examination of a criminal case shall exceed six hours' time, then said Justice shall receive fifty cents per hour for each additional hour actually engaged in the trial or examination. Same

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, five hundred dollars, each, per annum.

Section 178. In counties of the sixteenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Sixteenth class.

1. The County Clerk, two thousand dollars per annum.

2. The Sheriff, four thousand five hundred dollars per annum.

3. The Recorder, eighteen hundred dollars per annum.

4. The Auditor, five hundred dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, three thousand dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum; *provided*, he may charge and receive for his use necessary expenses for traveling on county or public business, to be allowed as other county charges are allowed by law.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that for every mile necessarily traveled in executing any warrant of arrest, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate or to prison, or for mileage in any criminal case or proceeding; *and provided further*, that in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, but one mileage shall be charged, twenty-five cents in going, only.

15. Supervisors, five hundred dollars, each, per annum.

Section 179. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Seventeenth class.

1. The County Clerk, three thousand two hundred and fifty dollars per annum.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, three thousand dollars per annum.

4. The Auditor, twelve hundred dollars per annum.

Same.

5. The Treasurer, one thousand eight hundred dollars per annum.

6. The Tax Collector, one thousand two hundred dollars per annum.

7. The Assessor, three thousand dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, eighteen hundred dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables such fees as are now or may be hereafter allowed by law.

15. Supervisors, three hundred dollars per annum, without mileage.

Eighteenth class.

Section 180. In counties of the eighteenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.

2. The Sheriff, five thousand dollars per annum.

3. The Recorder, two thousand five hundred dollars per annum.

4. The Auditor, one thousand five hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, eight hundred dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, sixteen hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, each, the sum of five hundred dollars per annum, together with mileage at the rate of thirty cents per mile at each regular session of the Board, for each mile traveled, in going only.

Section 181. In counties of the nineteenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.
2. The Sheriff, four thousand two hundred and fifty dollars per annum.
3. The Recorder, fifteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, eighteen hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, eighteen hundred dollars per annum; *provided*, said Assessor shall be allowed one deputy, whose compensation shall not exceed five dollars per day, to be paid out of the county treasury upon an order of the Board of Supervisors; *provided*, that pay for such deputy shall not be allowed for more than one hundred and twenty-five days in any one year.

8. The District Attorney, eighteen hundred dollars per annum; *provided*, he may charge and receive for his use necessary expenses for traveling on county or public business, to be allowed as other county charges are allowed by law.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, six hundred dollars per annum, and traveling expenses not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge; *provided*, that if the Board of Supervisors shall, by ordinance, provide that the Superintendent of Schools shall not engage in teaching school during his term of office and devote his entire time to the duties of his office, then such Superintendent shall receive the sum of twelve hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law, and such sum as the Supervisors may deem just for services rendered in taking testimony in cases of felony where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed therefor in any one case.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, four hundred dollars, each, per annum and mileage at the rate of ten cents per mile to and from their respective residences to the county seat; *provided*, that but one mileage, at any one meeting of the Board, shall be allowed; *provided*, that when a member is absent, unless in case of sickness, during the whole of a regular or special meeting of the Board of Supervisors, or Board of Equaliza-

Same.

tion, or Canvassers, no salary shall be paid him for the month during which said regular or special meeting may be held; *and provided further*, that when a member is absent, unless in case of sickness, during a portion of a regular or special meeting of either of said Boards, the sum of twelve and fifty one hundredths dollars shall be deducted from his salary for the month during which such regular or special meeting may be held, for each day's absence. The Auditor, before drawing his warrant for the salary of Supervisors, shall ascertain from the minutes of the Board if any have absented themselves from the sessions thereof, and if any have, make the reduction as hereinbefore provided. The provision hereof respecting the deputy for the County Assessor and expenses of Superintendent of Schools and Supervisors shall take effect immediately. The provisions of this section in relation to increase of salaries for the District Attorney and of the Superintendent of Schools, so far as affected by the proviso of subdivision eleven of this section, shall take effect and be in force on and after the first Monday after the first day of January, eighteen hundred and ninety-one.

16. The following fees are allowed to the officers herein-after named, for the performance of services required of them by law, as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer is by law entitled to receive the fees collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

FEES OF COUNTY CLERK AND EX OFFICIO CLERK OF THE
SUPERIOR COURT.

The County Clerk and ex officio Clerk of the Superior Court shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For services performed by him on the commencement of an action or proceeding, except probate proceedings, including the filing of all papers, excepting the issuance of writs, and approval of bonds, to the rendition of judgment, in the aggregate, five dollars. For indexing each name of parties to an action, ten cents. For each writ issued, fifty cents. For approving bond, fifty cents. For entry of judgments by default, two dollars and fifty cents. For the trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed five folios, two dollars and fifty cents; *provided*, trial is conducted in one day, and for each additional day, two dollars and fifty cents. For recording each folio in excess of ten folios, twenty-five cents. For filing and entering papers on transfer of cases from other Courts, including indexing, as provided by this Act, five dollars. For transmission of files, on transfer of causes to other Courts, two dollars. For administering and certifying oaths, except oaths administered at the trial to jury and witnesses, and to claimants to bills against counties, fifty cents. For issu-

ing commissions to take testimony, fifty cents. For taking and certifying depositions, twenty cents per folio. For taking acknowledgments, one dollar. For taking justification of sureties, twenty-five cents for each surety, and for taking testimony thereon, twenty cents a folio. For searching files of each year, except for suitors or their attorneys, one dollar. For services performed in cases appealed from Justice's Court before trial, two dollars. For filing transcript of judgment of Justice's Court, for docketing cause, and issuing execution thereon, two dollars. For satisfying judgment, when entry is made on margin of judgment book by attorney, or judgment creditor, or upon return of Sheriff, fifty cents. For copies of papers, records, or files of his office, twenty cents per folio, exclusive of charges for certifying. For filing and indexing articles of incorporation, five dollars. For exemplifying copy of articles of incorporation under the Act of Congress, five dollars. For filing certificate of election of officers of incorporations, fifty cents. For recording certificate of incorporation, twenty cents per folio. For filing and indexing certificates of copartnership, fifty cents. For issuing marriage license, two dollars. For filing any bond or other instrument required by law to be filed in his office, fifteen cents, and for recording the same, when required by law, twenty cents per folio. For certificate to dismiss appeal, when prepared by the Clerk, two dollars and fifty cents, and when prepared or furnished by attorney, or party, one dollar. For comparing copies of papers or transcripts, five cents per folio. For filing the papers and issuing letters testamentary or of administration, guardianship, or special administration, in any case, two dollars. For services up to and including the final settlement of the case, in which the value of the estate does not exceed one thousand dollars, no fees whatever shall be charged; where the value of the estate does not exceed fifteen hundred dollars, three dollars; where the value of the estate does not exceed three thousand dollars, five dollars, and two dollars and fifty cents for each additional one thousand dollars in value, as shown by the inventory. For administering and certifying oaths in all estates, except oaths administered in open Court, twenty-five cents. For recording any order or paper in an estate where the number of folios exceed ten, for each folio exceeding ten, twenty cents. The valuations herein to be ascertained from the inventories filed, and the fees herein provided to be collected by the Clerk, upon the filing of such inventory, except such as accrue after the filing of such inventory. For all other services not herein enumerated, the same fees as are now or may hereafter be allowed by law.

FEEES OF SHERIFF.

The Sheriff shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is com-

Same.

menced, on each defendant, one dollar. For serving an attachment on property or levying an execution or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents. For the trouble and expense of taking and keeping possession of, and preserving property under attachment, or execution, or other process, as the Court shall order, provided that no more than three dollars per diem shall be allowed to a keeper, three dollars. For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents. For comparing copies of papers, five cents per folio. For serving every notice, rule, or order, one dollar. For advertising property for sale, on execution or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar; *provided*, the attorney or parties to the action shall designate the paper in which the advertisement shall be published, and shall pay to the Sheriff, at said time, the cost of publication, as agreed upon by the publisher and the party to the action, or his attorney. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars. For holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars. For serving a subpœna, for each witness subpœnaed, thirty cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpœna, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession, or restitution, to hold inquest on trial of right of property; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service, for each mile necessarily traveled in going only to the point of service, twenty-five cents. For commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one and one half per cent; on all sums above that amount, one per cent. The fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before the delivery, three dollars. For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar. For all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

FEES OF RECORDER.

The Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instruments, paper, or notice, for each folio, twenty cents. For copies of any record or paper, per folio, twenty cents. For filing or receiving every instrument for record, and making the necessary entries thereon, twenty cents. For marking, in the several indexes required, all the entries required of the filing and recording of any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents for each name indexed. For any certificate, under seal, fifty cents. For every entry of discharge of mortgage or other instrument on margin of record, fifty cents. For searching records or files for each year, in his office, twenty-five cents. For certificate of abstract to title, when required, for each conveyance or incumbrance certified, fifty cents. For recording any town plat, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars. For taking and writing acknowledgments, including seal, for the first signature, one dollar and fifty cents; for each additional name, fifty cents. For filing, indexing, and keeping each paper, not by law required to be recorded, twenty-five cents. For recording each mark or brand, fifty cents. For administering and certifying on oath or affirmation, fifty cents. For recording marriage license and certificate, fifty cents. For all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

Section 183. In counties of the twenty-first class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, five thousand dollars per annum, and mileage for the service of any and all process required by law to be served by him, at the rate of twenty cents per mile in going only.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, two thousand dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, eighteen hundred dollars per annum.
8. The District Attorney, two thousand four hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, one thousand eight hundred dollars per annum.

Same. 12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, each, six dollars per day for actual service, and forty cents per mile while traveling from his place of residence to the county seat.

16. The fees and compensation of Constables, in cases of vagrancy, shall in no case exceed forty dollars per month; and the provisions of this subdivision shall take effect from and after the date of approval of this Act.

Twenty-second class.

Section 184. In counties of the twenty-second class the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, fifteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, twenty-five hundred dollars per annum.
8. The District Attorney, three thousand dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, fourteen hundred dollars per annum and his necessary expenses in visiting schools.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Each Supervisor, five dollars per day while in session and twenty cents per mile for traveling from his place of residence to the county seat.

Twenty-third class.

Section 185. In counties of the twenty-third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, four thousand dollars per annum.

8. The District Attorney, eighteen hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, fifteen hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace shall receive the following fees: In civil actions, for filing each paper, twenty-five cents; for issuing any writ or process by which suit is commenced, one dollar; for entering such cause in his docket, fifty cents; for issuing subpoena, for each witness, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents; for issuing writ of attachment, or of arrest, or for delivery of property, two dollars; for entering any final judgment, three dollars; for entering any motion, rule, or order, twenty-five cents; for swearing a jury, one dollar; for issuing an execution, fifty cents; for issuing supersedeas to an execution, fifty cents; for entering satisfaction of judgment, fifty cents; for issuing search warrant, to be paid by the party demanding the same, one dollar; for issuing commission to take testimony, one dollar; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification on a bond, one dollar; for abstract of judgment, one dollar; for copy of judgment, order, proceedings, or paper in his office, for each folio, twenty cents; for taking depositions, in either civil or criminal cases, per folio, twenty cents; for each certificate, fifty cents; for making up and transmitting transcript and papers on appeal, two dollars. All fees, including those on trial, and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. In cases where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including making up and transmitting the transcript and papers, shall receive three dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him; and all fees must be paid before the Justice shall be compelled to forward any papers. For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents; for all services connected with posting estrays, including the transcript for the Recorder, three dollars; for celebrating marriage, and returning certificate to the Recorder, five dollars; for issuing a warrant of arrest, two dollars; for trial or examination in criminal actions, three dollars; for taking bail, after commitment, one dollar.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, the sum of four hundred dollars per annum, together with twenty cents per mile for traveling from his place of residence to the county seat.

Twenty-fourth class.

Section 186. In counties of the twenty-fourth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, twenty-five hundred dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, fifteen hundred dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, fifteen hundred dollars per annum.
7. The Assessor, twenty-five hundred dollars per annum.
8. The District Attorney, fifteen hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, eighteen hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justice of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five hundred dollars, each, per annum, and twenty cents per mile necessarily traveled, in going only, from their residence to the county seat; *provided*, that when the Board of Supervisors consolidate the duties of county offices, as provided by section fifty-seven of this Act, that said offices so consolidated shall receive as compensation for such consolidated duties, not to exceed the following:

1. Sheriff and Tax Collector, six thousand six hundred dollars per annum.
2. Auditor and Recorder, two thousand six hundred dollars per annum.
3. Clerk, Auditor, and Recorder, four thousand one hundred dollars per annum.
4. Clerk and Recorder, three thousand five hundred dollars per annum.
5. Clerk and Auditor, three thousand one hundred dollars per annum.
6. Treasurer and Tax Collector, two thousand one hundred dollars per annum.

Twenty-fifth class.

Section 187. In counties of the twenty-fifth class the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, respectively, the same salaries, fees, mileage, per diem, and expenses, as are now allowed, or that may hereafter be allowed them by law; *provided*, that when the offices of Recorder, County Clerk, and Auditor are consolidated, as

provided in section fifty-seven of this Act, the aggregate salary of said consolidated offices shall be four thousand dollars per annum; and if the said offices of Recorder, County Clerk, and Auditor are separated under said Act, then the said aggregate salary of four thousand dollars per annum shall be apportioned to each of said offices, as the Board of Supervisors may determine; and *provided further*, that the Treasurer shall receive fifteen hundred dollars per annum, payable monthly; and *provided*, the County Superintendent of Schools shall be paid two thousand dollars per annum and traveling expenses, payable monthly.

Section 188. In counties of the twenty-sixth class Twenty-sixth class. the county and township officers thereof shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries as follows, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, seven thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, two thousand dollars per annum.
5. The Treasurer, two thousand five hundred dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, thirty-six hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that no Justice of the Peace shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings in which the people of the State of California are or may be parties; and no claim of any such Justice of the Peace in excess of the sum last named shall be allowed or paid, but all fees collected by such Justice in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which such Justice exercises his jurisdiction. The provisions hereof shall not affect the present incumbents.
14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no Constable shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such Constable in excess of the sum last named shall be allowed or paid, but all fees collected by such Constable in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which said Constable acts;

Same.

and provided further, that the Board of Supervisors, in all cases where any township is partially or wholly embraced within the corporate limits of any incorporated city of over five thousand inhabitants (and said Board may at any time determine such population), may, whenever they deem it necessary, allow each of the Constables of such township a deputy, or such number of deputies as in the judgment of the said Board of Supervisors may be required to do and perform the business of such office in connection with the principal, and allow each of said deputies a salary therefor, not to exceed eighty dollars per month to each deputy; *provided further*, that an affidavit shall first be filed by such officer with the said Board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer. The provisions hereof shall not affect the present incumbents.

15. Supervisors, six dollars per day, for each day employed, together with twenty-five cents per mile, traveling from their residence to the county seat.

17. The County Clerk shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that said Clerk shall charge and collect the sum of ten cents, and no more, for the filing of each paper or document filed by him in his office, and shall charge and collect for all transcription, recording, and copying done by him or in his office, for which the County Clerk is now authorized or empowered to collect fees or make charges, twenty cents, and no more, per folio of one hundred words. All fees and charges received or collected by such County Clerk shall belong to and be the property of the county, and paid into the treasury thereof; *provided*, that from and after the passage of this Act he shall collect and receive for his own use and benefit the fees received by him for all copies or certified copies of any record, or file of his office. The County Recorder shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that he shall charge and collect at the rate of ten cents, and no more, per folio of one hundred words for all documents, or papers, or other matter recorded by him in his office, and shall charge and collect ten cents, and no more, for the filing of each document or paper filed by him or in his office. All fees and charges received or collected by such Recorder shall belong to and be the property of the county, and paid into the County Treasury thereof.

18. The County Clerk may, with the consent of the Board of Supervisors, appoint a deputy, who shall receive from the county a salary of one thousand five hundred dollars per annum, which salary shall be paid from and after the date of the approval of this Act.

19. The District Attorney may appoint a stenographer, who shall receive from the county a salary of one thousand five hundred dollars per annum, which salary shall be paid monthly from and after the date of the approval of this Act.

20. All moneys collected in counties of this class for licenses, within the limits of any incorporated city or town, shall be

paid over by the officer collecting the same to the officer authorized to receive the same of the incorporated city or town in which such licenses are collected, to be expended by the authorities thereof in the improvement of the streets of such incorporated city or town wherein such license money was collected.

SEC. 188½. In counties of the twenty-six and one half class Twenty-six and one half class. the county and township officers thereof shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries as follows, to wit:

1. The County Clerk, two thousand dollars per annum.
2. The Sheriff, seven thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, one thousand five hundred dollars per annum.
5. The Treasurer, two thousand five hundred dollars per annum.
6. The Tax Collector, one thousand two hundred dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, twenty-five hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that no Justice of the Peace shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings in which the people of the State of California are or may be parties; and no claim of any such Justice of the Peace in excess of the sum last named shall be allowed or paid, but all fees collected by such Justice in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which such Justice exercises his jurisdiction. The provisions hereof shall not affect the present incumbents.
14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no Constable shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties, and no claim of any such Constable in excess of the sum last named shall be allowed or paid, but all fees collected by such Constable in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which said Constable acts; *and provided further*, that the Board of Supervisors, in all cases where any township is partially or wholly embraced within the corporate limits of any incorporated city

Same.

of over five thousand inhabitants (and said Board may at any time determine such population), may whenever they deem it necessary, allow each of the Constables of such township a deputy, or such number of deputies as in the judgment of said Board of Supervisors may be required to do and perform the business of such office in connection with the principal, and allow each of said deputies a salary therefor, not to exceed eighty dollars per month to each deputy; *provided, further*, that an affidavit shall first be filed by such officer with the said Board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer. The provisions hereof shall not affect the present incumbents.

15. Supervisors, six dollars per day, for each day employed, together with twenty-five cents per mile, traveling from their residence to the county seat.

16. The County Clerk shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that said Clerk shall charge and collect the sum of ten cents, and no more, for the filing of each paper or document filed by him in his office; and shall charge and collect for all transcription, recording, and copying done by him or in his office, for which the County Clerk is now authorized or empowered to collect fees or make charges, ten cents and no more per folio of one hundred words. All fees and charges received or collected by such County Clerk shall belong to and be the property of the county, and paid into the treasury thereof. The County Recorder shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that he shall charge and collect at the rate of ten cents, and no more, per folio of one hundred words for all documents, or papers, or other matter recorded by him in his office, and shall charge and collect ten cents, and no more, for the filing of each document or paper filed by him or in his office. All fees and charges received or collected by such Recorder shall belong to and be the property of the county, and paid into the County Treasury thereof.

17. The County Clerk may, with the consent of the Board of Supervisors, appoint a deputy, who shall receive from the county a salary of one thousand five hundred dollars per annum, which salary shall be paid from and after the date of the approval of this Act.

Twenty-seventh class.

Section 189. In counties of the twenty-seventh class the officers shall receive as compensation for the service required of them by law, or by virtue of their office, the following salaries, to wit:

1. County Clerk, four thousand dollars per annum.
2. Sheriff, five thousand five hundred dollars per annum.
3. Recorder, two thousand five hundred dollars per annum.
4. Auditor, one thousand eight hundred dollars per annum.
5. Treasurer, one thousand eight hundred dollars per annum.

- 6. Tax Collector, two thousand dollars per annum. Same.
- 7. Assessor, four thousand dollars per annum.
- 8. District Attorney, one thousand five hundred dollars per annum.
- 9. The Coroner, such fees as are now or may hereafter be allowed by law.
- 10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
- 11. School Superintendent, one thousand five hundred dollars per annum.
- 12. The Surveyor, such fees as are now or hereafter may be allowed by law.
- 13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
- 14. Constables, such fees as are now or hereafter may be allowed by law.
- 15. Supervisors, five hundred dollars, and mileage at the rate of ten cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at one term of the Board shall be allowed; *provided*, that all moneys collected in counties of this class for licenses within the limits of any incorporated city or town shall be paid over by the officer collecting the same to the officer authorized to receive the same of the incorporated city or town in which such licenses are collected, to be expended by the authorities thereof in the improvement of the streets of such incorporated city or town wherein such license money was collected.

Section 190. In counties of the twenty-eighth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: Twenty-eighth class.

- 1. The County Clerk, fifteen hundred dollars per annum.
- 2. The Sheriff, three thousand five hundred dollars per annum.
- 3. The Recorder, twelve hundred dollars per annum.
- 4. The Auditor, six hundred dollars per annum.
- 5. The Treasurer, twelve hundred dollars per annum.
- 6. The Tax Collector, seven hundred and fifty dollars per annum.
- 7. The Assessor, nineteen hundred dollars per annum; *provided*, said Assessor shall be allowed one deputy, whose compensation shall not exceed five dollars per day, to be paid out of the County Treasury, upon order of the Board of Supervisors; *provided*, such deputy shall not be allowed pay for more than one hundred and twenty-five days in any one year.
- 8. The District Attorney, one thousand four hundred dollars per annum; and for every conviction, twenty-five dollars, to the amount of five hundred dollars, and no more; if any more, it goes to the county.
- 9. The Coroner, such fees as are now or may hereafter be allowed by law.
- 10. The Public Administrator, such fees as may now or hereafter be allowed by law.

Same.

11. The Superintendent of Schools, one thousand dollars per annum and one hundred dollars for traveling expenses. The Supervisors may allow two hundred dollars additional for traveling expenses, as a county charge, to the Superintendent of Schools.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace shall be allowed the following fees: In civil actions, for filing each paper, twenty-five cents; for issuing any writ or process by which suit is commenced, one dollar; for entering such cause in his docket, fifty cents; for issuing subpoenas for each witness, twenty-five cents; for administering an oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents; for issuing writ of attachment, for arrest, or for delivery of property, two dollars; for entering any final judgment, three dollars; for entering any motion, rule, or order, twenty-five cents; for swearing a jury, one dollar; for issuing an execution, fifty cents; for issuing supersedeas to an execution, fifty cents; for entering satisfaction of judgment, fifty cents; for issuing search warrant, to be paid by the party demanding the same, one dollar; for issuing commission to take testimony, one dollar; for taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents; for taking justification on a bond, one dollar; for abstract of judgment, one dollar; for copy of judgment, order, proceeding, or paper in his office, for each folio, twenty cents; for taking depositions, in either civil or criminal cases, per folio, twenty cents; for each certificate, fifty cents; for making up and transmitting transcript and papers on appeal, two dollars. All fees, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. In cases where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmitting the transcript and papers, shall receive three dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him; and the fees must be paid before the Justice shall be compelled to forward any papers. For taking an acknowledgment of any instrument, for the first name, fifty cents; for all services connected with posting estrays, including the transcript for the Recorder, three dollars; for celebrating marriage, and returning certificate to Recorder, five dollars; for issuing a warrant of arrest, two dollars; for trial or examination in criminal actions, three dollars; for taking bail after commitment, one dollar.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors shall receive seven dollars per day, and ten cents per mile in traveling to and from respective residences to the county seat, and not to exceed in the aggregate four hundred dollars per annum, each. The provision hereof respecting the deputy for the County Assessor, and the addi-

tional allowance for traveling expenses for County Superintendent, shall take effect immediately.

Section 191. In counties of the twenty-ninth class the county officers shall receive as compensation for their services as required of them by law, or by virtue of their office, the following salaries, to wit: Twenty-ninth class.

1. The County Clerk, three thousand dollars per annum; *provided*, that such Clerk shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For services performed by him on the commencement of an action or proceeding, except probate proceedings, including the filing of all papers, the issuance of all writs, and approval of all bonds to the rendition of judgment, and including indexing, where the plaintiffs and defendants do not exceed ten names in the aggregate, five dollars; for indexing each additional name, ten cents. For entry of judgments by default, two dollars and fifty cents. For the trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed ten folios, two dollars and fifty cents; for recording each folio in excess of ten folios, ten cents. For filing and entering papers on transfer of cases from other Courts, including indexing, as provided by this Act, two dollars and fifty cents. For transmission of files, on transfer of causes to other Courts, two dollars. For administering and certifying oaths, except oaths administered at the trial to jury and witnesses, twenty-five cents. For issuing commissions to take testimony, fifty cents. For taking and certifying depositions, twenty cents per folio. For taking acknowledgments, one dollar. For taking justification of sureties, twenty-five cents for each surety, and for taking testimony thereon, ten cents a folio. For searching files of each year, except for suitors or their attorneys, one dollar. For services performed in cases appealed from Justice's Court before trial, two dollars. For filing transcript of judgment of Justice's Court, for docketing cause, and issuing execution thereon, two dollars. For satisfying judgment, when entry is made on margin of judgment book by attorney, or judgment creditor, or upon return of Sheriff, twenty-five cents. For copies of papers, records, or files of his office, ten cents per folio, exclusive of charges for certifying. For filing and indexing articles of incorporation, two dollars. For exemplifying copy of articles of incorporation under the Act of Congress, two dollars. For filing certificate of election of officers of incorporations, twenty-five cents. For recording certificate of incorporation, ten cents per folio. For filing and indexing certificates of copartnership, fifty cents. For issuing marriage license, two dollars. For filing any bond or other instrument required by law to be filed in his office, fifteen cents, and for recording the same, when required by law, ten cents per folio. For certificate to dismiss appeal, when prepared by the Clerk, two dollars and fifty cents, and when prepared or furnished by attorney, or party, fifty cents. For comparing copies of papers or transcripts, five cents per folio. For filing the papers and issuing letters testamentary or of administration, guardianship, or

Same.

special administration, in any case, two dollars. For services up to and including the final settlement of the case, in which the value of the estate does not exceed five thousand dollars, except as hereinafter provided, ten dollars; and one dollar for each additional one thousand dollars in value, as shown by the inventory. For administering and certifying oaths in all estates, except oaths administered in open Court, twenty-five cents. For recording any order or paper in an estate where the number of folios exceed ten, for each folio exceeding ten, ten cents. The valuations herein to be ascertained from the inventories filed, and the fees herein provided to be collected by the Clerk, upon the filing of such inventory, except such as accrue after the filing of such inventory.

2. The Sheriff, six thousand dollars per annum; *provided*, that the Sheriff shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar. For serving an attachment on property or levying an execution or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents. For the trouble and expense of taking and keeping possession of, and preserving property under attachment, or execution, or other process, as the Court shall order, provided that no more than three dollars per diem shall be allowed to a keeper, three dollars. For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded or required by law, for each folio, ten cents. For serving every notice, rule, or order, fifty cents. For advertising property for sale, on execution or under any judgment or order of sale, exclusive of the cost of publication, each notice, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars. For holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars. For serving a subpoena, for each witness subpoenaed, thirty cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession, or restitution, to hold inquest on trial of right of property, provided that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service, for each mile necessarily traveled in going only to the point of service, twenty cents. For commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent. For fees herein allowed for the levy of an

execution, costs for advertising, and percentage for making Same. or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before the delivery, three dollars. For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

3. The Recorder, two thousand dollars per annum; *provided*, that the Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instruments, paper, or notice, for each folio, ten cents. For copies of any record or paper, per folio, ten cents. For filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents. For marking, in the several indexes required, all the entries required of the filing and recording of any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents. For any certificate, under seal, twenty-five cents. For every entry of discharge of mortgage or other instrument on margin of record, twenty-five cents. For searching records and files for each year, in his office, twenty-five cents. For abstract of certificate of title, when required, for each conveyance or incumbrance certified, twenty-five cents. For recording any town plat, for each course, ten cents; for figures and letters on plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars. For taking and writing acknowledgments, including seal, for the first signature, one dollar; for each additional name, fifty cents. For filing, indexing, and keeping each paper, not by law required to be recorded, twenty cents. For recording each mark or brand, fifty cents. For administering and certifying on oath or affirmation, twenty-five cents. For all other services not herein enumerated, the same fees as are now or hereinafter may be allowed by law.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, eighteen hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, three thousand two hundred dollars per annum.

8. The District Attorney, twenty-four hundred dollars per annum.

9. The Coroner, such fees as are now or hereafter may be allowed by law.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools, one thousand two hundred dollars per annum.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, six hundred dollars, each, per annum, and mileage at the rate of ten cents per mile in going to and from the place of meeting of the Board; *provided*, that only one mileage at any one session of the Board shall be allowed.

Thirtieth
class.

Section 192. In counties of the thirtieth class the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries and fees hereinafter respectively mentioned, and shall be allowed for the performance of services required of them by law, as herein provided; and such officers may lawfully charge, demand, and receive, and must pay the amount received by them into the State Treasury, or treasury of the county to which such fees may be due by law, except where the officer is by law entitled to receive the fees collected for his own use and benefit, the amounts hereinafter respectively specified. All fees shall be payable only in gold and silver coin of the United States.

1. The County Clerk shall receive as compensation twenty-five hundred dollars per per annum.

FEES OF COUNTY CLERK.

At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff not to exceed the sum of five dollars, to cover costs to time of judgment; and from the defendant two dollars, to cover costs for the same time. If, in the progress of the action, the sum allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the Clerk to the party who advanced them, on demand. The Clerk of the Superior Court shall receive, for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for the first folio, twenty-five cents; for each subsequent folio, fifteen cents. For issuing every writ of process, under seal, fifty cents, except the writ of habeas corpus. For issuing each subpoena for one or more witnesses, twenty-five cents. For filing each paper, fifteen cents. For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents. For entering every cause on the calendar, making a copy thereof for the bar, for each term of the Court, twenty-five cents. For calling and swearing every jury on *voire dire*, twenty-five cents. For calling and swearing every jury to try cause, twenty-five cents. For receiving and entering each verdict of a jury, twenty-five cents. For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents. For making up and filing judgment roll, twenty-five cents. For each entry of judgment on judgment docket, twenty cents. For entering satisfaction or credit on judgment docket, twenty-five cents. For administering every oath or affirmation,

twenty cents; for certifying the same, twenty cents. For *Same*. copy of any proceeding, record, or paper, per folio, fifteen cents. For every certificate under seal, twenty-five cents. For issuing every commission to take testimony, fifty cents. For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents. For issuing every execution, or other final process, under seal, fifty cents. For copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents. For receiving and filing every remittitur from Supreme Court accompanying papers, fifty cents. For taking and approving each undertaking or bond, twenty-five cents. For taking justification thereto, twenty-five cents. For taking testimony on justification to undertaking or bond, for each folio, fifteen cents. For taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents. For indexing every suit in the general index of the Court, as required by law, for each name, ten cents. For filing and entering papers on transfer of cases from other Courts, two dollars. For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar. For searching records or files of each year, except for suitors or their attorneys, fifty cents. For filing all papers on appeal from Justices' Courts, for each case, one dollar. For writing and posting each notice required, twenty-five cents. For each notice for publication, in addition to the cost of publication, twenty-five cents. For recording papers required by law to be recorded, for each folio, fifteen cents; for indexing same, twenty cents. For issuing each marriage license, one half to be paid to the County Recorder, two dollars. For recording the testimony, and commitment upon examination of insane persons, when it is ascertained by the Judge of the Superior Court that the person committed has sufficient property to pay the expenses of his commitment, per folio, fifteen cents. For filing all papers to be kept by him, not required to be recorded, ten cents; for indexing same, for each name, ten cents. For issuing any license required by law, one dollar. For all services in estates of deceased persons fees shall be charged as follows, the value of the estate required to be determined herein to be ascertained from the inventory and appraisal thereof: Estates of the value of five hundred dollars or less, two dollars; estates of five hundred dollars and not exceeding five thousand dollars, ten dollars; estates of five thousand dollars and not exceeding twenty thousand dollars, twenty-five dollars; estates of over twenty thousand dollars, fifty dollars. The two last named classes of estates shall be charged ten cents for each paper filed, and fifteen cents per folio for recording each document required by law to be recorded; *provided*, that the County Clerk shall charge and collect for each action or proceeding commenced in the Superior Court of said county a fee of one dollar in addition to the fees above mentioned, which sum shall be deposited in

Same.

the treasury of the county, as a fund for the purpose of establishing a law library, and shall be expended by and under the direction of the Judge of Superior Court of such county, for said purpose. No fees shall be charged for affidavits or certificates for or in behalf of the United States pension applicants.

2. The Sheriff shall receive as compensation four thousand five hundred dollars per annum, and his mileage, at the rate of twenty-five cents per mile for each mile necessarily traveled, in going only.

FEEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar. For serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars. For his trouble and expense in taking and keeping possession of, and preserving property under attachment, or execution, or other process, such sum as the Court may order; *provided*, that no more than three dollars per diem shall be allowed to a keeper. For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded as required by law, for each folio, fifteen cents. For serving every notice, rule, or order, fifty cents. For advertising property for sale or execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars. For holding each inquest, or trial of right of property, to include all services in the matter, except mileage, two dollars. For serving a subpoena, for each witness summoned, twenty-five cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged, to the most distant point to complete such service, for each mile necessarily traveled, in going only, twenty-five cents. For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent. For commissions in receiving and paying over money on execution without levy, or when lands or goods levied on shall not be sold, on the first one thou-

sand dollars, one per cent, and one half of one per cent on ^{Same.} all sums over that amount. The fees herein allowed for the levy of an execution, costs of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum directed herein. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents. For executing a certificate of sale, exclusive of the filing and recording the same, one dollar. For summoning a trial jury of twelve persons or less, three dollars. For all services in Justices' Courts, the same fees as are allowed Constables for like services. For conveying a prisoner, when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the State for the conveyance of prisoners to the State Prison and conveyance of persons to the Insane Asylum. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

3. The Recorder shall receive as compensation two thousand dollars per annum.

FEES OF RECORDER.

For recording every instrument, paper, or notice, fifteen cents for each name indexed. For copies of any record or paper, per folio, fifteen cents. For filing every instrument for record, and making the necessary entries thereon, fifteen cents. For each certificate under seal, twenty-five cents. For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, twenty-five cents. For searching records or files in his office, for each year, when required, fifty cents. For abstract of title, for each conveyance or incumbrance certified, twenty-five cents. For recording every plat or map, for each course, five cents. For figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars. For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage license and certificate, to be paid by the Clerk, one dollar. For recording transcript, and for all other services in estray cases, one dollar. For recording each mark or brand, fifty cents. For administering oath or affirmation, twenty-five cents. For certifying same, twenty-five cents. For filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents. For recording mining claims and water rights, the same as are allowed for recording any other instrument. For all other services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for like services.

Same.

4. The Auditor shall receive as compensation, one thousand five hundred dollars per annum.

5. The Treasurer shall receive as compensation, fifteen hundred dollars per annum.

6. The Tax Collector shall receive as compensation, eighteen hundred dollars per annum.

7. The Assessor shall receive as compensation, thirty-five hundred dollars per annum; *provided, however,* the Assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes.

8. The District Attorney shall receive as compensation, eighteen hundred dollars per annum, and traveling expenses, incurred by virtue of his office, to be fixed and allowed by the Board of Supervisors.

9. The Coroner shall receive as compensation the following sums, viz.: For general services in holding an inquest, ten dollars. For each witness subpoenaed, twenty-five cents. For each mile necessarily traveled in going to the place of the inquest, twenty-five cents. For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge. When acting as or in the place of the Sheriff, the same fees as are allowed the Sheriff for like services.

10. The Public Administrator shall be allowed and receive such fees as are now or hereafter may be allowed by law.

11. The Superintendent of Schools shall receive as compensation, fifteen hundred dollars per annum, and his necessary traveling expenses, incurred officially, to be fixed and allowed by the Board of Supervisors.

12. The Surveyor shall be allowed and receive such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace shall receive as compensation, the sums respectively mentioned hereafter, viz.: For entering every case upon his docket, fifty cents. For filing each paper in the suit, twenty-five cents. For issuing any writ or process by which the suit is commenced, fifty cents. For issuing subpoena, for each person, twenty-five cents. For administering an oath or affirmation, twenty-five cents. For each certificate, twenty-five cents. For issuing writ of attachment, or arrest, or for the delivery of property, fifty cents. For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents. For taking justification to a bond, fifty cents. For swearing a jury, fifty cents; for issuing an execution, fifty cents; for taking depositions, per folio, fifteen cents. For issuing search warrant, fifty cents. For affidavit for search warrant, including entry on his docket, when there is no other or further action, fifty cents. For entry of cause without process, one dollar. For entering every motion, rule, order, exception, or default, twenty-five cents. For entering any final judgment, for the first folio, fifty cents; for every additional folio, fifteen cents. For entering judgment by confession, and only on affidavit,

as required in the Superior Court, two dollars; *provided, however*, that it shall be the duty of the Justices of the Peace to pay into the County Treasury all sums of money by them received in all criminal cases for fines or other purposes. For entering satisfaction of a judgment, fifty cents. For issuing commission to take testimony, fifty cents. For transcript of a judgment, order, docket, or paper in his office, for each folio, fifteen cents. For making up and transmitting transcript and papers on appeal, one dollar and fifty cents. For taking acknowledgment of any instrument, for the first name, fifty cents, and for every additional name, twenty-five cents. For celebrating a marriage and returning certificate thereof to the County Recorder, five dollars. For all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, two dollars; but there shall be allowed for all depositions required by law to be taken (including the transmission to the County Clerk of the papers in the case), for each folio, fifteen cents; *provided*, no additional compensation shall be allowed for taking bail. For all services connected with the posting of estrays, including transcript to the Recorder, two dollars. For all services appertaining to the Coroner's office, the Justice of the Peace, who shall act when the Coroner shall be absent or unable to attend, shall receive the same fees as are allowed to the Coroner for similar services. When the venue shall be changed in a civil case, the Justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive such fees as have accrued in the case; all of which fees must be paid before the Justice shall be required to transmit the papers; and the Justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him. When the venue shall be changed in criminal cases, the fees shall be equally divided between the Justices. In cases of appeal, all fees of the Justice, including those on trial and those on appeal, must be paid before the Justice shall be required to forward the papers to the County Clerk.

14. The Constables shall receive as compensation the fees hereinafter respectively designated, viz.:

First—For serving summons in civil cases, fifty cents.

Second—For summoning any jury before a Justice of the Peace, including mileage, two dollars.

Third—For making sales of estrays, the same fees as for sales on execution.

Fourth—For executing every warrant of arrest and making said arrest, in a criminal proceeding, two dollars, and mileage at the rate of twenty-five cents per mile; *provided, however*, that mileage shall be allowed but one way for all services performed by Constables.

Fifth—For all other services, including mileage, the same fees as are allowed the Sheriff for similar services.

15. The Supervisors shall receive as compensation the sum of six hundred dollars per annum, and mileage for attending meetings, to be allowed one way, at twenty cents per mile.

Thirty-first
class.

Section 193. In counties of the thirty-first class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, six thousand five hundred dollars per annum.
3. The Recorder, two thousand dollars per annum.
4. The Auditor, one thousand eight hundred dollars per annum.
5. The Treasurer, one thousand eight hundred dollars per annum.
6. The Tax Collector, two thousand dollars per annum.
7. The Assessor, three thousand dollars per annum.
8. The District Attorney, two thousand five hundred dollars per annum.
9. The Coroner, five hundred dollars per annum.
10. The Public Administrator, nine hundred dollars per annum.
11. The Superintendent of Schools, two thousand five hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twenty-five cents per mile, counting one way only.
15. Supervisors, five dollars per day, and twenty-five cents per mile in going from their residence to the county seat at each meeting of the Board.

16. Whenever the duties of the County Clerk, County Recorder, County Assessor, County Auditor, County Treasurer, Sheriff, Superintendent of Schools, or the Tax Collector are too great to be performed by such officer, such officers may, respectively, by written appointment to be filed in the offices of the County Clerk and County Auditor, appoint as many deputies as may be necessary for the due discharge of the duties of such office, and fix the salary of each of such deputies at a sum not exceeding one hundred dollars per month, which shall be paid by the county; *provided*, that the appointment of such deputies, or of either or any thereof, may be revoked by the Board of Supervisors whenever said Board shall be satisfied that the services of such deputy or deputies are no longer reasonably necessary to the due discharge of the duties of such office or offices.

17. Each county and township officer shall be responsible on his official bond for the official acts of each of his deputies; and may, at his own pleasure, revoke the appointment of any of said deputies.

18. In counties of this class there shall be an Assistant District Attorney, a Deputy District Attorney, and a Clerk in

and for the District Attorney's office, to be appointed by the District Attorney of said county, and to remain in office during the pleasure of the District Attorney thereof. The salary of the Assistant District Attorney herein provided for is hereby fixed at the sum of eighteen hundred dollars per annum; the salary of the Deputy District Attorney herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum, and the salary of the Clerk herein provided for is hereby fixed at the sum of twelve hundred dollars per annum. The salary of each of the officers herein provided for shall be paid in equal monthly installments at the same time and in the same manner as the salaries of the other county officers.

Section 195. In counties of the thirty-third class ^{Thirty-third class.} the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, one thousand dollars per annum.

4. The Auditor, eight hundred dollars per annum.

5. The Treasurer, one thousand dollars per annum.

6. The Tax Collector, seven hundred dollars per annum.

7. The Assessor, one thousand eight hundred dollars per annum.

8. The District Attorney, twelve hundred dollars per annum.

9. The Coroner, three hundred dollars per annum.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, five hundred dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that whenever such Justices are engaged to exceed one day in trial or examination of criminal cases they shall receive for each day so engaged the sum of three dollars.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors shall receive seven dollars per diem and twenty-five cents per mile in traveling to and from their respective residences to the county seat. All of which compensation in the aggregate shall not exceed four hundred dollars per annum each.

Section 196. In counties of the thirty-fourth class ^{Thirty-fourth class.} the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand five hundred dollars per annum.

2. The Sheriff, seven thousand dollars per annum.

Same.

3. The Recorder, two thousand dollars per annum.
4. The Auditor, one thousand two hundred dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand five hundred dollars per annum.
7. The Assessor, three thousand five hundred dollars per annum.
8. The District Attorney, two thousand four hundred dollars per annum.
9. The Coroner, four hundred dollars per annum.
10. The Public Administrator, four hundred dollars per annum.
11. The Superintendent of Schools, one thousand eight hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that where such Justices are engaged to exceed one day in the trial or examination of criminal cases, they shall receive for each day so engaged the sum of three dollars.

14. Constables, such fees as are now or may hereafter be allowed by law; except that the Constable's mileage shall not exceed fifteen cents for each mile traveled in the discharge of the duties of his office.

15. Supervisors shall receive eight dollars per day for each day the Board is in session, and twenty cents per mile in going from their residences to the county seat.

Thirty-ninth
class.

Section 201. In counties of the thirty-ninth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand four hundred dollars per annum.
2. The Sheriff, five thousand five hundred dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, eighteen hundred dollars per annum.
5. The Treasurer, one thousand six hundred dollars per annum.
6. The Tax Collector, one thousand two hundred dollars per annum.
7. The Assessor, three thousand two hundred dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand five hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may here- Same.
after be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twenty-five cents for each mile traveled, in going only, in the discharge of the duties of his office; *provided*, that the fees for Constables in cases of vagrancy shall in no case become a county charge to exceed one hundred dollars per month to any one Constable.

15. Supervisors, six dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

Section 201½. In counties of the thirty-ninth and one half ^{Thirty-ninth and one half class.} class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand four hundred dollars per annum.

2. The Sheriff, five thousand five hundred dollars per annum.

3. The Recorder, one thousand five hundred dollars per annum.

4. The Auditor, eighteen hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, one thousand two hundred dollars per annum.

7. The Assessor, three thousand two hundred dollars per annum.

8. The District Attorney, two thousand dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, one thousand five hundred dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twenty-five cents for each mile traveled in going only, in the discharge of the duties of his office; *provided*, that in no case shall a Constable receive for service in vagrancy cases, for any one month, an amount in excess of the sum of forty dollars.

15. Supervisors, six dollars per day for each day while in service of the county, and twenty cents per mile for traveling from residence to the county seat.

Section 202. In counties of the fortieth class the county ^{Fortieth class.} officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Same.

1. The County Clerk, sixteen hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, nine hundred dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, sixteen hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand five hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, five dollars per day for each day while in actual session, and mileage at the rate of ten cents per mile in traveling to and from the county seat.

Forty-first class.

Section 203. In counties of the forty-first class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, fifteen hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, one thousand dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, one thousand eight hundred dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, twelve hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, five dollars per day for each day while in session, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that such per diem

and mileage shall not exceed the sum of three hundred and fifty dollars per annum.

Section 206. In counties of the forty-fourth class the county officers shall receive as compensation for the services required of them by law the following salaries, to wit:

Forty-fourth class.

1. The County Clerk, twelve hundred dollars per annum.
2. The Sheriff, three thousand eight hundred dollars per annum.
3. The Recorder, six hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, one thousand two hundred dollars per annum.
6. The Tax Collector, seven hundred dollars per annum.
7. The Assessor, one thousand two hundred dollars per annum.
8. The District Attorney, twelve hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, five hundred dollars per annum, and one hundred dollars in addition as traveling expenses.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law, and such sums as the Supervisors may deem just for service rendered in taking testimony in cases of felony, where testimony therein is written in accordance with law; *provided*, that no greater sum than six dollars be allowed in any one case.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that the Constable's mileage shall not exceed twenty-five cents per mile, counting one way only.

15. Supervisors, five dollars per day for each day of actual service, and ten cents per mile for distance traveled to and from place of meeting.

16. When the fees earned by the County Clerk and County Recorder in any one month are more than the amount of his salary, then the said County Clerk and County Recorder shall be allowed to retain one half of such fees which are over and above the amount of his salary for his own use; *provided*, that the provision of this section shall not apply to the present incumbent in office.

Section 209. In counties of the forty-seventh class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Forty-seventh class.

1. The County Clerk, eight hundred dollars per annum.
2. The Sheriff, one thousand two hundred dollars per annum.
3. The Recorder, seven hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, six hundred dollars per annum.

Same.

6. The Tax Collector, six hundred dollars per annum.
7. The Assessor, six hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, four hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, three hundred dollars, each, per annum, and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the Board.

Salaries and fees.

Section 211. The salaries and fees provided in this Act shall be in full compensation for all services of every kind and description rendered by the officers therein named, either as officers or ex officio officers, their deputies, and assistants, unless in this Act otherwise provided; and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided unless in this Act otherwise provided; *provided, however*, the Assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section three thousand eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes; *and provided further*, that the Board of Supervisors shall allow to the Sheriff his necessary expenses for pursuing criminals or transacting any criminal business without the boundaries of his county, and for boarding prisoners in the county jail; *provided*, that the Board of Supervisors shall fix the price at which such prisoners shall be boarded; *provided further*, that the Sheriff shall be entitled to receive and retain for his own use five dollars per diem for conveying prisoners to and from the State Prisons and for conveying persons to and from the Insane Asylums or other State institutions; also, all expenses necessarily incurred in conveying insane persons to and from the Insane Asylums and in conveying persons to and from the State Prisons, which per diem and expenses shall be allowed by the Board of Examiners and collected from the State. The Court shall also allow the Sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action; *and provided further*, that whenever, in the opinion of the Board of Supervisors, the salary of any county officer in the second, third, fourth, seventh, eighth, ninth, eleventh, twelfth, thirteenth, fifteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirty-second, thirty-

third, thirty-fourth, thirty-sixth, thirty-seventh, thirty-eighth, ^{Same.} thirty-ninth, and forty-first classes, as fixed and provided in this Act, is insufficient to pay a reasonable compensation for the services required to be performed, the said Board may allow such officer a deputy or such number of deputies as in their judgment may be required to do the business of said office in connection with the principal, at a salary not to exceed one hundred dollars per month, to be paid at the times and in the manner that said principal is paid; *provided*, that an affidavit shall be filed by such officer with the said Board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer. In any county in this State, where the number of Judges of the Superior Court shall have been increased since the first day of January, eighteen hundred and eighty-seven, or shall hereafter be increased, the Board of Supervisors of such county may, in their discretion, allow the Sheriff thereof one additional deputy for each additional Judge elected or appointed, because of such increase in the number of Judges; and said Board may, in their discretion, also allow the Clerk of such county one deputy for each additional Judge appointed, because of such increase in the number of Judges. In counties where two additional Judges shall have been or may be appointed under any law increasing the number of Judges, passed since January first, eighteen hundred and eighty-seven, the Clerk shall also be allowed an additional Deputy Clerk, to act as Register Clerk. The compensation to be paid all Deputy Clerks appointed hereunder shall be one hundred and twenty-five dollars per month, and such compensation shall be paid monthly in the same manner that other county officers are paid. The compensation to be paid Deputy Sheriffs appointed hereunder shall be five (\$5) dollars for each day's actual attendance upon the Superior Court, which compensation shall be paid by the county monthly, in the same manner that other county officers are paid. Whenever the salary or compensation of any officer is increased or diminished by the terms of this Act, the provisions hereof so increasing or diminishing such salary or compensation shall not, except as herein otherwise provided, apply to or affect present incumbents, except as to the per diem and expenses to be paid to the Sheriff for conveying persons to and from the insane asylums, and conveying prisoners to and from the State prisons or other State institutions; *provided*, that the per diem allowed to Sheriffs by this section for taking persons and prisoners to and from the insane asylums and State prisons and other State institutions shall be a State charge, and payable out of the State Treasury, upon the warrants of the Controller, after having been audited by the State Board of Examiners or Auditors.

Section 225. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this Act. County charges.
2. The traveling, and other personal expenses of the District Attorney, incurred in criminal cases arising in the county.

Same.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail.

4. The sums required by law to be paid to the Grand Jurors and indigent witnesses and witnesses from without the county in criminal cases.

5. The accounts of the Coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any Justice of the Peace for services in the examination of the persons charged with crime not otherwise provided for by law.

7. The necessary expenses incurred in the support of the county hospitals, poorhouses, and the indigent sick and otherwise dependent poor whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the Board of Supervisors, or declared to be a county charge.

10. The accounts of Constables, rendered for the county in criminal proceedings before Justices' Courts, except wherein in this Act they are salaried officers, or their compensation is limited herein.

Repealing.

SEC. 2. Section one hundred and ten and one half of said Act as amended March 17, 1887, is hereby repealed.

CHAPTER CCVII.

An Act to amend an Act entitled "An Act to reincorporate the City of San Diego," approved April 1, 1876.

[Approved March 16, 1889.]

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

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

Boundaries
of City of
San Diego.

Section 1. All that tract of land known as the Pueblo of San Diego, included in the United States patent and survey, made in July, eighteen hundred and fifty-eight, by J. C. Hayes, United States Deputy Surveyor-General for the State of California, shall henceforth be known as the City of San Diego, and the boundaries of which shall be fixed by the field notes of the said survey and the United States patent, except the waterfront line on the bay, and this shall include the waters of said bay to the line of low tide on the opposite shore from the City of San Diego, excepting, however, the arms of said bay known as Glorietta Bay and Spanish Bight and the bight opposite Ballast Point, at which places the line shall be drawn straight across their mouths at the low tide

line, and the municipal jurisdiction shall extend only to said limits, and into the ocean to the extent of one marine league from the shore as follows: commencing at the southerly point of Point Loma, and extending northerly along the coast to the northerly boundary of said patent and survey.

SEC. 2. Section two of said Act is hereby repealed.

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

CHAPTER CCVIII.

An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January, of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk.

[Approved March 16, 1889.]

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

SECTION 1. The Treasurer of State is hereby authorized and empowered to appoint one clerk in addition to the one now provided by law, to serve for the period of six (6) months during each year, at a compensation not to exceed one hundred and fifty dollars (\$150) per month.

Additional
Clerk to
State
Treasurer.

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

CHAPTER CCIX.

An Act to provide improvements for the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same.

[Approved March 16, 1889.]

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

SECTION 1. The sum of seventy-nine thousand five hundred dollars is hereby appropriated to be paid to the Directors of the Deaf, Dumb, and Blind Asylum, and by them to be expended as follows: For completing the Educational Building, fifteen thousand dollars. For the erection of an additional Girls' Home, fifty thousand dollars. For developing water supply, ten thousand dollars. For new steam boiler and cooking apparatus, two thousand dollars. For painting buildings, one thousand dollars. For the purchase of an electric light plant, one thousand dollars. For the purchase of typewriters for the blind, five hundred dollars.

Appropriation, improvements Deaf, Dumb, and Blind Asylum.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrants for said amounts, and the Treasurer of State is hereby authorized and directed to pay the same.

SEC. 3. This Act shall take effect on and after the first day of July, eighteen hundred and eighty-nine.

CHAPTER CCX.

An Act to authorize the State Board of Fish Commissioners to import game birds into the State, for propagation, and to appropriate money for that purpose, and providing a penalty for the shooting, trapping, killing, or otherwise destroying any of said birds within this State.

[Approved March 16, 1889.]

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

SECTION 1. The State Board of Fish Commissioners is hereby authorized to purchase for the purposes of propagation, import into this State, and distribute to such places within this State as may in their judgment be best suitable for the same, such game birds as they may be able to secure, including wild turkeys, prairie chickens, bob-white quail, pheasants, grouse, skylarks, and others valuable as game birds.

SEC. 2. For the purposes of this Act the sum of two thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be used in the discretion of the State Board of Fish Commissioners, who are hereby authorized to draw the whole or any portion of said money; but after expenditure, itemized bills of expense shall be submitted for the money expended.

SEC. 3. The Controller shall draw his warrant on the requisition of said Board of Fish Commissioners for the whole or any portion of said appropriation, and the Treasurer shall pay the same.

SEC. 4. Any person who shall, within this State, prior to the first day of January, eighteen hundred and ninety-five, shoot, trap, kill, or otherwise destroy any bird mentioned in section one of this Act, is guilty of a misdemeanor, and the shooting, trapping, killing, or otherwise destroying of each of said birds shall be a separate offense.

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

Purchase and propagation of game birds.

Appropriation.

Fish Commissioners to draw money.

Killing such birds misdemeanor.

CHAPTER CCXI.

An Act to add thirty-four sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven, two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, two thousand six hundred and six, two thousand six hundred and seven, and two thousand six hundred and eight, all relating to the establishing of a Board of State Harbor Commissioners for the Bay of San Diego.

[Approved March 18, 1889.]

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

2575. A Board of State Harbor Commissioners for the Bay of San Diego, to consist of three persons, is hereby constituted with such powers and duties as are prescribed by law. On the passage of this Act the Governor must nominate and by and with the consent of the Senate appoint one of said Commissioners to hold office for two years, and one for three years, and one for four years from the dates of their respective commissions, and until their successors are qualified. The said officers must thereafter be nominated by the Governor, and by and with the consent of the Senate, be appointed for four years from the dates of their respective commissions, and until their successors are qualified. All persons appointed Commissioners by virtue of this Act must be qualified electors of the County of San Diego. If the term of office of any Commissioner expire during the recess of the Senate, the Governor must grant a commission to his successor, which shall be valid to all intents and purposes,

Harbor Com-
missioners
for Bay of
San Diego.

Same.

subject, however, to the consent of the Senate at its next regular session. If a vacancy occurs from any cause in the office of a Commissioner before the expiration of his term, his successor must be appointed and hold office only for the unexpired portion of such term. In case the Senate, during its session, fail to act on or refuse its consent to any nomination the Governor may make of persons to constitute the Board herein first provided for, or to fill a vacancy occurring thereafter by expiration of the term or otherwise, he must, after the adjournment of the Senate, grant a commission for the terms herein provided for, or for the unexpired portion of such term, as the case may be, subject, however, to the consent of the Senate at its next regular session. In all cases, however, where the Senate fails or refuses to confirm a nomination so made by the Governor, the official acts of the person so nominated, up to the time of his non-confirmation, shall be legal and valid to all intents and purposes, and he shall be entitled to his salary up to that time for his services rendered, but no further; *provided*, that upon the passage of this Act, the Governor shall nominate three persons to fill such offices for the first term and submit them to the Senate at least one day before its final adjournment. The Commissioner first appointed for four years shall be the President and executive officer of the Board. It shall be his duty to preside at its meetings, to supervise the official conduct of all its officers and employes, especially in the collection, custody, and disbursement of the revenues, and to require that all the books, papers, and accounts be accurately kept, and in proper form, and all the provisions of law and the regulations of the Board be enforced and observed. He may administer official oaths to the officers and employes of the Board, except the other Commissioners, and to all persons in relation to the business of the Board. After the expiration of the first four years, the Commissioners must elect their President from amongst themselves.

Bond of
President.

2576. The President of the Board must give an official bond in the sum of ten thousand dollars, and each of the other Commissioners in the sum of ten thousand dollars, which must be approved by the Governor, and State Treasurer, by written indorsement thereon, and within fifteen days after the date of their respective commissions must be filed and recorded in the office of the Secretary of State, together with the official oath prescribed by law. The Commissioners shall not be sureties for one another, nor shall any officer of the State, nor any officer or member of the Legislature be accepted as surety on said bonds. The Board, on entering upon the duties of their office, may, as soon as they deem it necessary for the performance of the duties required by this Act, and have funds at their disposal to pay the salaries or compensation for services rendered, appoint the following officers, viz.: A Secretary, an Assistant Secretary, an Attorney, a Chief Engineer, a Chief Wharfinger, and such Assistant Wharfingers and Collectors as they may deem necessary. Such officers shall hold for a term of four years from the date of their respective appointments, but

Officers.

may be removed by the Board at any time when their respective services are not required, or after due investigation for causes affecting their official character or competency. The order for such removal, stating distinctly the causes therefor, must be entered on their minutes. In case of a vacancy in such offices, which the Board may deem necessary to be filled, the Board must fill the same by appointment for four years, subject to removal as hereinbefore provided in this section. During the time of any vacancy in an office to be filled by appointment of the Board, the members of the Board appointed by the Governor shall perform any and all duties of such offices necessary to be done, as far as they are able to do so, and they may employ and pay for, out of the funds at their disposal, temporary assistance in the performance of such duties. And it shall be the duty of said Commissioners to cause to be made, without unnecessary delay, a full and complete map of the entire waterfront of the harbor of San Diego, which map, after being approved and adopted by said Board, shall be the official map of said harbor, and a certified copy shall thereupon be filed in the office of the County Recorder of San Diego County.

2577. The Secretary must keep the office of the Board open every day, legal holidays excepted, from nine o'clock A. M. till four o'clock P. M. He shall safely keep and be responsible for all moneys paid into the office, and for all the books and papers of the Board, attend their meetings, and keep a perfect record of their proceedings, with the names of the Commissioners present thereat. He must keep in proper books an account of all moneys received and paid, and on or before the tenth day of each month must send to the State Controller a statement thereof, under oath, for the preceding month, showing the sources from which such moneys were received, and the purposes for which they were paid, and must also report to the Controller the amount paid to the State Treasurer for the month covered by such statement. He must enter daily, in proper wharf-books, the returns made by the Wharfingers and Collectors, and, on the last day of each month, settle the accounts of each of them, and balance the said books as soon as possible thereafter. When money is received from any source, he must retain a stub corresponding in number, date, and amount with the receipt given therefor, and he must require the person paying it to sign such stub. He must record at length all contracts and agreements made by the Board, and also all bonds executed by officers of the Board, and keep a record of all personal property purchased and its cost, and in case any be sold, the name of the purchaser, date of sale, and the price received therefor. Before entering on the duties of his office he must give an official bond in the sum of twenty thousand dollars, and take and subscribe an official oath. Said bond must be approved by the Board by written indorsement thereon, and be filed with such oath in the office of the Secretary of State. The Assistant Secretary shall attend at the office during office hours, and must perform such services as may be required of

Duty of
Secretary.

Assistant
Secretary.

him by the Secretary of the Board. Before entering on the duties of his office he must give an official bond in the sum of ten thousand dollars, and take and subscribe an official oath. Said bond must be approved by the Board by written indorsements thereon, and be filed with such oath in the office of the Secretary of State. The attorney shall attend to the prosecution and defense of all suits, and render such legal services as may be required by him of the Board. The Chief Engineer must prepare such plans and specifications as the Board may direct, and if adopted, and the work ordered by the Board to be done, must superintend its construction. He must give constant attention to the condition of the seawall and thoroughfares, of the sheds, wharves, piers, and landings, of the streets or parts thereof under the jurisdiction of the Board, and of the construction and operating of the seawall railroad, and when repairs are needed must forthwith report to the Board, in writing, their nature and extent, and, if ordered by the Board, must have the same done at once. He must keep himself informed as to the depth of the water in the various docks and slips, and report to the Board from time to time what dredging is required. He must keep a register, properly indexed, showing the date, place, and character of every piece of work done and dock dredged, when begun and when finished, with proper descriptions and drawings. He must take and subscribe an official oath, and give a bond in the sum of ten thousand dollars, to be approved by the Board by written indorsement thereon. Said bond and oath must be filed in the office of the Board. The Chief Wharfinger must station, berth, and regulate the position of vessels in the docks and harbors, and cause them to remove from time to time, and from place to place, as the general convenience, safety, and good order may require. Subject to such regulations, he must assign berths to vessels in the order of their application after entering the harbor. He must supervise the Wharfingers, and report to the Board all cases of failure to perform their duties, and require all shipmasters, consigners, pilots, and masters of tow-boats to conform to the regulations of the Board. He must require the docks, slips, wharves, piers, and other premises under the jurisdiction of the Board to be kept free from all obstructions, and when parties fail to obey his order to remove the same, he must forthwith report the fact to the Board, and execute their order in relation thereto. And it shall be his duty to execute and enforce the rules and regulations which may be established by such Board pursuant to the provisions of this article, and he is also empowered to determine cases of collision by consent of all parties interested, and where damages do not exceed three hundred dollars, the decision is final. He shall take in charge all abandoned watercraft and all boats picked up adrift, and secure the same, after which he shall advertise for one week in one of the daily newspapers printed in the City of San Diego, giving the full particulars pertaining to the same, and request all parties interested to appear and establish their

Attorney.

Chief
Engineer.Chief
Wharfinger.

title or claim thereto, within twenty days from the last publication. If claimed within said period, such property shall be delivered to the owner on payment of all costs of removing, securing, and advertising the same. If not claimed within said period, or if the owner fails to pay the charges, such property shall be sold by the Chief Wharfinger to the highest bidder, at public auction; less the cost shall be paid the owner, if claimed by him, or if not claimed by the owner, shall be paid to the Board of State Harbor Commissioners; but the owner shall be entitled to receive from said Board the amount so paid, if he claim the same within one year from the date of said payment. For the purposes of this section the harbor of San Diego shall be the tide-waters of the entire Bay of San Diego, and the jurisdiction of the Chief Wharfinger shall, when performing the duties required by this section, be coextensive with such tide-waters. The Chief Wharfinger shall keep an office in some convenient place upon the city front, which shall be kept open every day (Sundays and holidays excepted) from seven A. M. till six P. M. The Commissioners shall furnish a suitable building for an office, for the exclusive use of said Chief Wharfinger and Assistant Chief Wharfinger, with suitable office furniture. Office to be provided. And it shall be the duty of all pilots, masters of tugboats, masters, owners, and consignees of vessels, to obey all lawful orders and directions of the Chief Wharfinger in relation to the stationing, anchoring, and removing of vessels under and pursuant to such rules and regulations. He must take and subscribe an official oath, and give such official bond as the Board may require, subject to their approval to be indorsed thereon. Said bond and oath must be filed in the office of the Board. The Wharfinger shall have supervision of the wharves to which they are assigned, and must require the regulations of the Board and orders of the Chief Wharfinger to be respected and obeyed, and good order to be preserved thereon. The Collectors must collect the revenues in such manner as the Board may direct, and must daily account for and pay all moneys in the office. The Wharfingers and Collectors must take and subscribe an official oath, and give such official bond as the Board may require, subject to their approval, to be indorsed thereon. Said bond and oath to be filed in their office. All the above named officers must perform such other duties pertaining to their positions as the Board may from time to time prescribe. The Board may, in its discretion, employ an assistant to the Chief Engineer, an assistant to the Chief Wharfinger, a draughtsman, a superintendent of dredges, a yardmaster, and such men on the dredges, scows, towboats, fireboats, and railroad, and in doing urgent repairs, as they deem advisable, and prescribe their bonds, duties, and compensation; such employés shall hold their positions and be removable at the pleasure of the Board; but no officer or employé of the Board shall be removed or otherwise prejudiced for refusing to contribute to any political fund, or to render any political service; nor shall the Board, collectively or individually, use their official influence to

coerce the political action of any of the officers or employes. Nor shall the State dredgers be employed to dredge slips not under the control of the State, nor private work of any character. Nor shall the Commissioners, nor their appointees, be interested in any contract for the erection or repairing of any work described in this article. Any Commissioner or appointee who shall be interested is guilty of a felony.

Prosecutions
of actions.

2578. The Commissioners may institute and prosecute to final judgment actions in the name of the people of the State of California, for the possession of any portion of the premises described in this article, or for the collection of any money due or that may become due the State by authority of this article; and the Commissioners may also institute and prosecute to final judgment actions for the removal of all unlawful obstructions in or upon said premises, or for the removal of all unlawful obstructions in or upon the streets through the center of which the inshore line, or line nearest the main land bounding said premises, runs. They may also remove any unlawful obstructions thereon after the owner, possessor, or occupant of such obstruction shall have five days' notice, in writing, to remove the same, either served on such owner, possessor, or occupant, or posted upon said obstruction by the Chief Wharfinger, Assistant Wharfinger, or Wharfinger.

Control of
Bay.

2579. The Commissioners shall have possession and control of the entire Bay of San Diego, together with the improvements, rights, privileges, easements, and appurtenances connected therewith, or in anywise appertaining thereto, for the purposes in this article provided. And said Commissioners, in addition to a general control over said premises, shall have authority to use, for loading and landing merchandise, with a right to collect dockage, wharfage, and tolls thereon, such portions of the streets of the City of San Diego, or any city or town ending or fronting upon the waters of the Bay of San Diego as may be used for such purposes without obstructing the same as thoroughfares, and authority to rent an office in any portion of the City of San Diego, and purchase from time to time suitable books for the records of the Secretary and accounts of the Wharfingers, together with such stationery as may be required by the Board, and to fix and regulate from time to time the rates of dockage, wharfage, crantage, tolls, and rents, and collect such an amount of revenue therefrom as will enable the Commissioners to perform the duties required of them by authority of this article. And the Commissioners may so modify and establish such rates of dockage and wharfage, collecting, as near as possible, equal amounts from dockage and wharfage. When such modification has been made, the collection of tolls must be abolished, and the toll collectors discharged. The Commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the Board may deem most suitable for the best interest of commerce, and shall repair and maintain all the wharves, piers, quays, landings, and thoroughfares the wants of commerce may require, and generally to erect all

Construction
of wharves.

such improvements as may be necessary for the safe landing, Same. loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the City of San Diego, or any city or town on the Bay of San Diego, by water. But no wharf shall be constructed upon such place or line as will cause any slip or dock to be less than one hundred and thirty-six feet wide at the most narrow point between the wharves. When they determine that a new wharf shall be erected, or any other necessary improvement constructed, or repairs made, or dredging machines, scows, steam tugs, and any necessary machinery, the cost of which shall exceed three thousand dollars, they shall advertise for sealed proposals for a period of not less than ten days in one or more of the daily newspapers in the City of San Diego. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal, such check to be made payable to the order of the Secretary of said Board, conditioned if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case said sum mentioned in said check shall be paid into the State Treasury by said Secretary as liquidated damages for such failure and neglect, as a portion of San Diego Harbor Improvement Fund. Such advertisement shall contain a general description of the work to be done, the materials to be used, the place where to be used, and must refer to specifications, which must contain a full and accurate description of the work to be performed, the material to be used, which specifications shall be kept in the office of the Secretary of the Board in such manner that all persons may inspect the same during the usual business hours of all days except Sundays and holidays. On a day named in the advertisement, the Commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the work. If, in the opinion of the Commissioners, the bids are too high, they may reject them and advertise anew in like manner as before. If, in the opinion of the Commissioners, the second bids are too high, they may reject them likewise and enter into contract with responsible parties without giving further notice. Any contract entered into without giving further notice and receiving bids must be at least ten per cent lower than the lowest rejected bid. The Board may construct such harbor, embankment, or seawall, as shall be necessary to protect the harbor of San Diego, and dredge such number of slips and docks as the commerce of the port of San Diego may require, to a depth that will admit of the easy and free ingress and egress of all classes of water craft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Diego; to perform which dredging said Board of State Harbor Commissioners for the Bay of

Dockage.

Rules and
Regulations.

San Diego are hereby authorized and empowered to hire, employ, purchase, or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substances shall be deposited in a place designated by the Board. All classes of water craft that use or make fast to any wharf, pier, quay, landing, or thoroughfare, and lands upon or loads therefrom any goods, wares, or merchandise, shall be liable and must pay to the Commissioners such rates of dockage as shall be fixed by authority of this article; and all such watercraft as shall discharge or receive any goods, wares, or merchandise while moored in any slip, dock, or basin within the jurisdiction of the Commissioners, shall pay one half the regular rates of dockage. Any watercraft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying regular rates of dockage due from such vessel, shall be liable to pay a fine not to exceed five hundred dollars. The charge for wharfage and tolls shall be a lien upon all goods, wares, and merchandise landed upon any of the wharves, piers, quays, landings, or thoroughfares upon the premises described in this article; and the Commissioners, their agents, or lessees may hold possession of any such goods, wares, or merchandise so landed as aforesaid, to secure the payment of such wharfage and tolls, and for the purpose of such lien are deemed to have possession of such goods, wares, and merchandise so landed, until such charges of wharfage and toll are paid. The Commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the State which is intrusted to them by virtue of this article; and said Commissioners are hereby authorized and required to make, without delay and from time to time, and publish not less than thirty days in a daily newspaper of general circulation published in the City of San Diego, all needful rules and regulations, not inconsistent with the laws of the State or of the United States, in relation to the moving and anchorage of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferryboats and other steamers navigating the waters of the Bay of San Diego, so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said Commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from ships and docks as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise landed upon any wharf, pier, quay, landing, or thoroughfare shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare, beyond the time so prescribed, the respective Wharfinger may, under the order of the Commissioners, remove and deposit the same in a

suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the Commissioners may, in their discretion, charge such additional rates for each subsequent day, as in their opinion is just and equitable. The Commissioners may, in their discretion, set apart and assign for the exclusive use of the watercraft used by the officers of the Federal Government, such convenient and safe landings as such officers may require, together with suitable premises near such buildings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storehouses to suit their convenience, and the Commissioners shall charge a reasonable compensation per month for the use of such landings, and office and storehouse premises, set apart and assign a suitable and proper locality for the use of the Harbor Police of the City of San Diego, and also a suitable place for a boathouse station for the exclusive use of the Quarantine and Health Officers of said city, without compensation; set apart and assign for the exclusive use of steam ferryboats suitable slips, in which such structures may be erected as will secure the safe and convenient landing of passengers, and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of vessels; to construct suitable sheds, gates, and other temporary structures as may be necessary for the safe and convenient landing of passengers, and safe landing and delivery of freight; and set apart and assign for the sole and exclusive use of the fishermen of the City of San Diego, such place or places as the said Commissioners shall deem proper and sufficient, and for no other purpose. The Commissioners may assign suitable places for the landing of horses, cattle, sheep, and swine, and when such places have been assigned, it shall be a misdemeanor for a commander of any watercraft to land any greater number than ten at any one time from any watercraft at any other place. The Commissioners may set apart for the uses and purposes of drydocks and marine railways such portions of the waterfront as the wants of commerce may require, and lease the same for a period not to exceed ten years. When the Commissioners lease premises for marine railways and drydock purposes, as provided in this section, they shall advertise for sealed proposals, for a period of not less than ten nor more than twenty days, in one of the daily newspapers of the largest circulation, printed in the City of San Diego, which advertisements shall contain a description of the premises to be leased. On the day named in the advertisement, the Commissioners shall open the bids in the presence of such of the bidders as are present, and award the premises to the highest responsible bidder that shall furnish sufficient sureties to guarantee the payment of the rent, and may negotiate for, and accept, and cancel, any lease of any portion of the premises described in this article, and pay a reasonable compensation for any structures upon any such

Same.

leased premises as in the opinion of the Board and Engineer may be useful for such commercial purposes in this article is intended to promote. No person or company shall, without the consent of the Board of State Harbor Commissioners, land or remove any goods, wares, or merchandise, or other thing, upon or from any wharf, pier, quay, landing, or thoroughfare situate upon the premises described in this article, unless authorized to do so by virtue of valid lease; nor shall any person collect dockage, wharfage, crantage, rent, or toll, within the boundaries of the premises described in this article, except by virtue of valid leases, without first obtaining permission to do so from said Commissioners; nor shall any person or company place or cause to be placed any obstructions in the Bay of San Diego, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the Board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Diego shall be incumbered or their free use interfered with by goods, wares, merchandise, or other substance, whether loose or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the Commissioners to notify, in writing (which notice may be served by a Wharfinger, or by the Secretary or assistant Secretary of the Board,) the owner, agent, occupant, or person placing or keeping such obstructions thereon, to remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person so notified shall be liable to pay the Commissioners the sum of twenty-five dollars for each and every day during which said obstructions shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the Commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance, to the Commissioners, and such sum and necessary charges shall be a lien on such substance until paid. The Commissioners are authorized to assign berths or slips for the exclusive use of sea-going steamers, ferryboats, and steamboats navigating the waters of the Bay of San Diego and its tributaries, and to construct suitable offices, sheds, and inclosures for the accommodation of their business, and may charge for such exclusive use a reasonable sum, irrespective of their tonnage or the number of days such berth is occupied. For the purpose of enforcing the charge for wharfage or toll on goods, wares, and merchandise landed on any wharf, pier, or thoroughfare, or remaining thereon longer than the time prescribed by the harbor regulations, the said Commissioners are authorized to take possession of such goods, wares, and merchandise; and if such charge be not paid within two days thereafter, may remove and store the same at the charge, risk, and expense of the owner or consignee thereof; or may sell the same by public auction, with or without notice, at their dis-

cretion; and for the purpose of keeping the wharves, piers, Same. and thoroughfares free of obstructions, the said Commissioners shall cause a written notice to be served on the owner, agent, consignee, or person in possession of any such obstructing material or structure; or may post a notice thereon, at their discretion, requiring its removal within twenty-four hours thereafter: and on failure to comply therewith, the Commissioners may remove, store, or sell the same by public auction, at their discretion. From the proceeds of any such sale they shall retain all the wharfage and tolls due, with ten per cent thereon; and, in case of obstructions, twenty-five dollars for each and every day during which the wharf, pier, or thoroughfare has been obstructed, and also all the expenses attending such sale, and the surplus, if any, shall be paid to the proper party. Such sale shall be made subject to immediate removal.

2580. The Board of State Harbor Commissioners for the Bay of San Diego are authorized to extend any of the streets Extending streets. lying along the waterfront of said city and county, to a width not exceeding one hundred and fifty feet, where they have not been already so extended. The outer half of such streets must be constructed or built and maintained in good repair by the State Harbor Commissioners, or parties holding under them, and may be used as a landing place or pier, on which dockage, wharfage, and tolls may be collected; and until such extensions are made the Commissioners may have and use as a landing place, with full power to collect dockage, wharfage, and tolls thereon, so much of the streets now fronting upon the waterfront as may be used for such purpose without obstructing the same as a thoroughfare. The inner half of such streets shall be constructed and maintained in good repair by the owners of the lots abutting thereon. The Commissioners are authorized to construct across the outer half of said streets an extension of the sewers of the said city, if it be necessary to take any land for the purpose of widening any such street. When it becomes necessary for the Commissioners to construct any wharves on the line of the waterfront, they are authorized to adopt and pay for any structures which would form part of such wharves, and which have been constructed along such line by private parties prior to the passage of this Act.

2581. The embankments, seawalls, thoroughfares, streets, wharves, and other public places provided for in this Act are hereby declared a public use, in the laying out and construction of which the right of eminent domain may be exercised by the Harbor Commissioners in the name of the people of the State for the estates and rights, and in the manner provided in part three, title eight, of the Code of Civil Procedure. The said Commissioners are authorized to pay out of the Harbor Improvement Fund any compensation and damages assessed in such proceedings. Embankments, seawalls, etc.

2582. No greater amount of money shall in the main ever Collections. be collected by the collection of dockage, wharfage, tolls, rents, and crantage than shall be necessary to construct and keep in repair such number of wharves, piers, landings, and

thoroughfares, construct sheds, dredge such number of slips and docks, constructing a seawall and harbor embankment, construct and operate a railway on the seawall, and pay incidental expenses allowed to be paid by this article.

Contracts.

2583. No contract or obligation entered into by the Harbor Commissioners, which creates a liability or authorizes the payment of money, shall be valid or of binding force unless signed by all three of the Commissioners, and countersigned by the Secretary of the Board; nor shall any contract involving the payment of money be made by the said Commissioners, unless the amount then to the credit of the Harbor Improvement Fund, together with the revenue estimated to accrue up to the time of the maturity of such contract, over and above the current expenses of the Commission, be sufficient to meet the payments to become due thereon; *provided*, such estimate of revenue shall be limited as to time to one year, and as to amount to the amount of revenue of the preceding year.

Moneys,
how paid.

2584. All moneys collected shall be paid into the State Treasury, and be credited to the San Diego Harbor Improvement Fund, at least once in each month, except office rent, cost of office furniture, books, stationery, lights, fuel, expense of dredging, expense of pile driving and piles, cleaning the wharves and bulkheads, legal and other incidental expenses, and in addition, one thousand dollars per month for urgent repairs; which last sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the waterfront under the jurisdiction of the Board, without advertising for proposals therefor. Such moneys may be remitted to the State Treasury by express.

Vouchers.

2585. The Commissioners shall take vouchers for all sums of money by them expended under the authority of this article, excepting fifty dollars per month for postage stamps, express, and other incidental expenses, and safely keep the same on file in the office of the Board. For all sums of money paid by the Commissioners, excepting those mentioned in section two thousand five hundred and eighty-three, drafts shall be drawn by them on the Controller of State, countersigned by the Secretary of the Board, and the Controller of State shall draw his warrant on the State Treasurer, who shall pay the same out of any money in said Treasury credited to the San Diego Harbor Improvement Fund. No warrant shall be drawn by the Controller upon the Treasurer of the State, as provided in this section, unless the order bears the signatures of all three Commissioners, and of the Secretary of the Board.

Report to
Controller.

2586. On the payment to the State Treasurer of any sum of money, the Secretary and the State Treasurer must report to the State Controller the amount so paid, and the Treasurer must give the Board a receipt for the same. Such payments shall be considered as payments into the State Treasury, and the Treasurer shall be responsible on his official bond therefor.

2587. The Governor of the State, and the Mayor of the City of San Diego, and the Mayor of National City, are hereby made *ex officio* additional members of the Board of State Harbor Commissioners, for the special purposes herein mentioned, and shall take part in the action of the Board as hereinafter provided. Ex officio officers.

2588. The Board of State Harbor Commissioners are hereby authorized, and empowered, and directed, within one year from and after the passage of this Act, to employ two consulting civil engineers, to act in concert with the engineers of the Board, to make a survey, select, and locate a line for a harbor embankment or seawall, and make a report of their doings to said Commissioners, who shall, after receiving the same, appoint a time for holding, at the office of the Board, a special meeting of the Board, to consider the question of adoption or rejection of the same. The Board shall, at least ten days previous to said meeting, notify the Governor of the State, and the Mayor of the City of San Diego, and the Mayor of National City of the time, place, and object of said meeting of said Board, and shall request them to be present and take part in the consideration of the question; and at said meeting, or any adjourned meeting thereof, the Governor and said Mayors shall be deemed additional members of said Board, with like powers and rights as the other members thereof. If they are not present at the meeting, the Board shall adjourn to a day certain, and notify them anew as before; and if either be present at the adjourned meeting, with three Commissioners, action may be had, and an affirmative vote of all four present shall determine the question; any less vote shall be a negative vote. But the Board may order new surveys and locations, which may be adopted or rejected, in like manner as before. If the vote is in the affirmative, the line adopted shall be thenceforth the line of the harbor embankment and seawall of the harbor of San Diego. Survey.

2589. On and after the passage of this Act the Treasurer of the State shall keep the money remitted to him by the Board of State Harbor Commissioners for San Diego to the credit of a fund to be known as the San Diego Harbor Improvement Fund, after which all drafts drawn by this Board shall be paid by the Treasurer out of the San Diego Harbor Improvement Fund. San Diego Harbor Improvement Fund.

2590. The State Treasurer shall receive all moneys paid by the said State Harbor Commissioners for San Diego, and keep the same in a separate fund, to be known as the San Diego Harbor Improvement Fund, and pay out the same as provided for in this article, and shall keep an accurate account of all moneys received by him and paid out under the authority of this article, in books kept solely for that purpose, which said books shall be open at all times to the inspection of the Governor and Controller of State, and of any committee appointed by the Legislature, or by either branch thereof. To be kept separate by State Treasurer.

Advertising. **2591.** When the Commissioners determine to construct any part of the seawall, they must advertise for sealed proposals for not less than thirty days, in not less than two daily papers in San Diego. The advertisement must give a full and accurate description of the work to be done, the place where to be done, and the material to be used. On the day dated in the advertisement the bids must be opened in the presence of such bidders as are present, and the contract awarded to the lowest bidder, who shall give a bond with two or more responsible sureties, to be approved by the Commissioners, for the due performance of the work. Their approval must be indorsed on said bond. If, in the opinion of the Commissioners, the bids are too high they shall reject them and advertise anew in like manner as before. And if, in the opinion of the Commissioners, the second bids are also too high they shall reject them likewise and may enter into a contract with responsible parties without giving further notice. The parties entering into a private contract with the Commissioners must give a bond, with two or more responsible persons as sureties, to be approved by the Commissioners, which approval shall be by writing indorsed upon said bond, conditioned for the faithful performance of the contract. But the consideration agreed to be paid in any contract entered into without giving public notice must be five per cent lower than the lowest responsible bid rejected. The work to be performed under any one contract shall not exceed one thousand lineal feet of harbor embankment or seawall. But the Commissioners may enter into as many contracts at the same time as they deem expedient; *provided*, the amount in the Harbor Improvement Fund, together with the revenue estimated to accrue pursuant to section (2582) twenty-five hundred and eighty-two of the Political Code, shall be sufficient to meet the contract price of such work, after deducting the current expenses of the Commission and the amount required for the erection and repair of the wharves, dredging the docks and slips, and incidental expenses; but in no event shall the State be liable on such contracts for any deficiency in the Harbor Improvement Fund. Separate contracts may be entered into for the dredging of a channel for the reception of the rock required for the construction of a harbor embankment; *provided*, that the advertising of sealed proposals, the receiving and opening of bids, and the awarding of contracts required in this section shall be complied with in the letting of such work in separate contracts. The Commissioners may, if in their opinion it will be more economical, dredge with the dredger belonging to the State, the channel necessary for the reception of the stone used in the construction of the seawall. No contractor who enters into a contract to construct any portion of said seawall shall be required to commence the work in less than thirty days after the awarding of the contract. The Board shall, at least ten days previous to the holding of any meeting as provided in this section, notify the Governor of the State and the Mayors of San Diego City and National City of the time and place and object of the meeting, and request them to be present and

Notice to
ex officio
officers.

take part therein; and at said meeting the Governor and the Same. Mayors of the City of San Diego and of National City shall be deemed additional members of said Board, with like powers and rights as other members thereof; and no contract shall be entered into under the authority of this section without the consent of either the Governor, or Mayor of San Diego City, or the Mayor of National City. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposals, to be made payable to the order of the Secretary of the Board, conditioned that if the proposals are accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case said sum mentioned in said check shall be deemed liquidated damages for such failure and neglect, and shall be paid into the San Diego Harbor Improvement Fund, and all contracts made pursuant to this title shall provide, under penalties of forfeiture of contract, at the option of the Commissioners, that no Chinese or Mongolian labor shall be employed on the work. The right to construct, maintain, and operate rail-ways on said bulkheads, embankment, or seawall, shall vest absolutely in said Board of Harbor Commissioners, to be operated by them with their own engines, and at such charges as they may see fit to make, but they shall give all railroads terminating at the Bay of San Diego equal facilities for bringing ship and car together; and as long as they have no engines of their own, they may hire such engines, or temporarily allow railroad or other companies to move their cars with other suitable engines.

2592. The Commissioners shall, on or before the first day of October, A. D. eighteen hundred and ninety, and every two years thereafter, make to the Governor a full report of all moneys by them received and disbursed, stating specifically for what the same was received and for what purposes expended, and shall give a concise account of all improvements made, and the general condition of the property under their charge. Report to Governor.

2593. In case the lines of the waterfront of the City of San Diego or of any city or town on the Bay of San Diego, or the lines of any of the streets of any city or town ending at said water line, shall be changed by authority of this article, the Commissioners shall cause to be made two accurate maps of survey showing such change, which maps shall be dated, certified, and signed by the Engineer of the Board and Commissioners, and one filed in the office of the Recorder of said county, and the other in the office of the Board. After being so filed, they shall be considered and treated as official maps by all the Courts of record in the State. Maps showing change of survey.

2594. If any master, agent, or owner of any water craft shall refuse or neglect to obey the lawful orders or directions of the Chief Wharfinger in any matter pertaining to the regulations of said harbor, or the removal, or stationing of any water craft, such master, agent, or owner so refusing or neglecting is guilty of a misdemeanor, and upon conviction Refusal to obey orders of Wharfinger.

thereof, before any Court of competent jurisdiction, shall be punished by a fine not to exceed three hundred dollars, or by imprisonment not to exceed one hundred days in the jail of the City of San Diego.

Obstructions to navigation.

2595. All persons are forbidden to deposit or cause to be deposited, in the waters of the harbor of San Diego, as described in the preceding sections, any substance that will sink and form an obstruction to navigation, without first obtaining permission in writing of the Board of State Harbor Commissioners, which permission shall describe, with an ordinary degree of certainty, the place where such deposit may be made, and the Secretary of the Board shall record such permission. Any person violating the prohibition contained in this section is guilty of a misdemeanor, and upon conviction thereof, before a Court of competent jurisdiction, shall be fined not less than one hundred or more than five hundred dollars, or imprisoned in the jail of the City of San Diego not less than thirty nor more than ninety days.

Speed of horses and vehicles on wharves

2596. It shall not be lawful for any person to drive a horse, or mule, or any vehicle drawn by one or more horses or mules, used in the removal of merchandise, upon any wharf, pier, quay, landing, or thoroughfare, faster than a walk. Any person violating the prohibition in this section contained is guilty of a misdemeanor, and upon conviction thereof in any Court of competent jurisdiction, shall be fined not less than twenty dollars, or imprisoned in the jail of the City of San Diego not less than ten days.

Jurisdiction of Police Court.

2597. The Police Court of the City of San Diego shall have jurisdiction to try all cases of misdemeanor arising under this article.

Qualification of officers.

2598. No person shall be appointed to any office by virtue of this article, nor be employed in the service of the Board, unless he be a qualified elector of the State; nor shall any person be so appointed or employed who is interested in any vessel sailing or plying in and out of, or on the inland waters of the Bay of San Diego, as owner, mortgagee, or otherwise, or as a stockholder in any company owning such vessels, or who is the consignee, the general or freight agent, or manager of any such vessels, or agent or other employé of the owner of any such vessels, or who is engaged in the business of marine insurance, or of procuring such insurance, or who is engaged as a stevedore in loading and discharging such vessels. No person not a citizen of the United States shall be employed either as contractor or laborer on any work done under this article.

Official bond.

2599. All official bonds required to be given, by authority of this article, shall be to the people of the State of California.

Seal.

2600. The Board of State Harbor Commissioners for the Bay of San Diego shall procure and adopt a seal.

When no tolls or wharfage to be collected.

2601. No tolls or wharfage shall be collected from travelers going on board or leaving any steamer or ferry, or upon their carriages or baggage, nor from any person or vehicle employed to transport or convey said baggage to or from any steamer or ferry, nor for empty packages returned to the

wharf or any vessel; nor for domestic supplies for private individuals, intended for consumption and not for sale, weighing less than one hundred pounds.

2602. The revenue collected and disbursed by authority of this article, shall be gold and silver coin of the United States.

2603. It is hereby made the duty of the Board of Police Commissioners of the City of San Diego, to appoint such number of Wharfingers and Toll Collectors, special policemen, as such Commissioners shall request in writing, such Police Commissioners to appoint, and also shall furnish such special policemen the usual badge of office, which shall be paid for by the Commissioners; such appointments must be renewed once in each year. The jurisdiction of such special policemen shall be coextensive with the premises described in this article, and their terms of office as such Wharfingers and Toll Collectors.

2604. Wharfage or merchandise must be paid by and collected directly from the master, owner, or consignee of vessel, and the owner, agent, or manager of railroad cars using or passing over the wharves or other landing places, and the Board must, as soon as practicable, adopt proper regulations for putting such mode of collection into effect; and thereafter no tolls must be collected by the load or vehicle, or merchandise passing on or off the wharves or other landing places; *provided*, the wharfage or merchandise to and from ferryboats, other than those transporting railroad cars, may be collected in such mode as the Board may direct. The master, owner, or consignee of every vessel, and the owner, agent, or manager of every railroad car using or passing over any wharf or landing place, must deliver to the Wharfinger, or other officer of the Board, on its arrival, and before commencing to discharge, after receiving its cargo or load, and before its departure, a full and correct statement of the quantity of merchandise intended to be discharged from, or which has been received by, such vessel or car, and must pay to said Wharfinger, or other officer of the Board, the amount of wharfage due on such merchandise. In case any persons shall neglect or refuse to deliver such statement, or shall wilfully make a false statement, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars, or imprisoned not exceeding one hundred days, or by both such fine and imprisonment. In case no such statement be delivered, or payment of the wharfage be not so made, the vessel or car may be removed by the Wharfinger from the wharf, or other landing place, at the expense of the master, owner, or consignee of such vessel, or owner or agent or manager of such car, and may be excluded from all the wharves or other landing places until such statement is delivered, or payment is made. In case the master, owner, or consignee of any vessel, or the owner, agent, or manager of any railroad car using or passing over any wharf or other landing place, shall

Collections to be made in coin.

Wharfingers and Collectors to be special policemen.

Who liable for wharfage or merchandise.

Same.

discharge or allow to be discharged from such vessel or car any part of its cargo or load before the amount of wharfage due thereon has been fully paid, or shall receive or allow to be received on such vessel or car any part of its cargo or load before the deposit or guaranty hereinafter provided is made or given, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding five hundred dollars, or imprisonment not exceeding one hundred days, or by both such fine and imprisonment. The several Wharfingers are authorized and empowered to make arrests without warrants in all cases of misdemeanor herein stated, and are hereby made peace officers for that purpose; and the Police Judge's Court of the City of San Diego shall have jurisdiction of such cases. The moneys received on account of fines must be paid to the Board of Harbor Commissioners; *provided*, that any person so arrested may, at the discretion of the Board, be discharged at any time before trial on his delivery of the statement, and making payment of the wharfage as required herein, together with all costs of such arrest and prosecution. The Board may, by written permits, release parties from the obligation to deliver the statement or pay the wharfage at the times herein stated; *provided*, that before any part of the cargo or load of such vessel or car is discharged or received, a deposit be made with the said Board sufficient to pay the wharfage on the merchandise intended to be discharged or received, or a proper and sufficient guaranty or obligation in writing be given to them that the said statement will be delivered, and payment of the wharfage be made before such vessel or car shall depart from its wharf or other landing place, or at such other time as stated in such guaranty or obligation. Such guaranty shall be deemed an original obligation on the part of the guarantor, and no other consideration therefor need exist or be expressed than the acceptance of said permit. Nothing in this section shall be deemed to divert the lien on merchandise for its wharfage, as provided in two thousand five hundred and twenty-four of the Political Code.

Leasing of lands.

2605. Whenever the Board of State Harbor Commissioners for San Diego shall have located a line for a harbor embankment or seawall for any part of the harbor, as provided in section two thousand five hundred and eighty-nine, they shall make a plan and plat of all the lands of the State included between the said embankment and the shore line of the bay, and file a copy of the same with the Recorder of the County of San Diego. The Commissioners shall have the right to lease said lands under such established rules and regulations as they may adopt and publish. But no lease shall be made or be valid for a term of more than ten years, nor shall any leases be made or be valid except made to the highest bidder, at public auction, after notice has been given in the official newspaper of the city, daily, for at least thirty days prior to said auction. And all leases shall provide for the payment of monthly rentals; and that the lessee or his assigns shall not use said lands in any manner to decrease the amount of the tidal waters of the bay; and

shall also provide for the forfeiture of said leases upon non-fulfillment of any of the covenants in said leases. No portion of said lands shall be leased in one lease in quantity to exceed one acre, nor shall the leases of more than three acres in quantity of said lands be sold at any one public auction. All funds derived from said leases shall be reported to and paid out from the State Treasury, as provided in section two thousand five hundred and eighty-four.

2606. No special privilege or franchise granted within the City of San Diego by the Commissioners to any person or corporation to use any of the lands of the State, or the extended streets provided for by section two thousand five hundred and eighty, shall be valid until the same be ratified and confirmed by ordinance of the Common Council of the City of San Diego. Special privileges, when valid.

2607. The monthly salaries of the officers of the Board shall be as follows: Each of the three Commissioners, one hundred and fifty dollars; the Secretary, one hundred and twenty-five dollars. The salaries and compensation of all other officers and employés, when appointed, shall be fixed by a majority of the full Board of Harbor Commissioners; and all salaries shall be paid monthly, on warrants on the State Treasury, signed by the President and Secretary of the Board. Salaries.

2608. The Attorney-General of the State must give such legal advice and render such legal services as may, from time to time, be required of him by the Commissioners, in connection with their duties, without further compensation. Attorney-General.

CHAPTER CCXII.

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River,'" approved April 11, 1859, and to repeal section one thereof.

[Approved March 19, 1889.]

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

SECTION 1. Section one of said Act is hereby repealed.

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

Section 2. Section two of an Act entitled an Act amendatory and supplemental to an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, approved May eighth, eighteen hundred and sixty-one, is hereby repealed. Repealing section one of Act, 1859, constructing bridge across Feather River.

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

CHAPTER CCXIII.

An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California, relating to cases in which appeals may be taken to the Supreme Court.

[Approved March 19, 1889.]

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

Section nine hundred and sixty-three of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Appeals to
Supreme
Court.

963. An appeal may be taken to the Supreme Court, from a Superior Court, in the following cases:

1. From a final judgment entered in an action or special proceeding commenced in a Superior Court, or brought into a Superior Court from another Court.

2. From an order granting or refusing a new trial, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or dissolving or refusing to dissolve an attachment, or changing or refusing to change the place of trial, from any special order made after final judgment, and from such interlocutory judgment in actions for partition as determines the rights and interests of the respective parties and directs partition to be made.

3. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the partition, sale, or conveyance of real property, or settling an account of an executor or administrator or guardian; or refusing, allowing, or directing the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, or legacy, or distributive share; or confirming or refusing to confirm a report of an appraiser setting apart a homestead.

CHAPTER CCXIV.

An Act to amend section twelve hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court in criminal cases.

[Approved March 19, 1889.]

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

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

1246. Upon the appeal being taken the Clerk of the Court with whom the notice of appeal is filed must, within twenty days thereafter, in case the bill of exceptions has been settled by the Judge before the giving of said notice, but if not, then within twenty days from the settlement of the bill of exceptions, without charge, transmit to the Clerk of the Appellate Court, fifteen printed copies (one of which shall be certified to and be the original) of the notice of appeal, the record, and of all bills of exceptions; and upon receipt thereof the Clerk of the Appellate Court must file the original, and dispose of the copies as he is required to do in the case of transcripts on appeal in civil cases, and all his services as provided herein must be without charge. The Clerk of the lower Court must also within the time above specified serve printed copies of the above named papers without charge upon the defendant's attorney and upon the Attorney-General. The printing of the above named papers is a county charge.

Duty of Clerk upon appeal.

CHAPTER CCXV.

An Act to amend sections one, five, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

[Approved March 19, 1889.]

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

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

Section 1. For the purpose of creating a fund for the redemption of the funded indebtedness of the City of Sacramento, the Board of Trustees of said city are hereby authorized and required to levy, annually, a special tax of not less than one cent and not exceeding thirty-five cents on each one hundred dollars upon all the taxable property within the limits of the city, which tax, when levied, shall be collected at the same time and in the same manner as is or may be provided by law for the collection of other city taxes, and shall be used and paid out in the manner hereinafter provided.

Redemption of funded indebtedness of City of Sacramento.

SEC. 2. Section five of the above entitled Act is so amended as to read as follows:

Section 5. It shall be the duty of the Commissioner of the Funded Debt Sinking Fund, at least once annually, to advertise for sealed proposals for the purchase of Sacramento City funded bonds, with coupons past due detached therefrom. Such advertisement shall be published for such length of time as the Board of Commissioners shall deem best for the interest of the city; but in no case shall such advertisement be for less than three weeks, or in less than one daily paper in Sacramento and one in San Francisco.

Duty of Commissioner of Funded Debt Sinking Fund.

SEC. 3. Section seven of the above entitled Act is so amended as to read as follows:

Advertising for proposals.

Section 7. In case no bids are made, or all the bids are rejected, or such portion of the bids, as to leave a surplus in the Funded Debt Sinking Fund, the Commissioners may again advertise for proposals, either in the manner as first advertised, or they may advertise to take bonds and coupons at a fixed schedule price, to be named in the advertisement, accepting the first offers until all the money in the fund is exhausted.

SEC. 4. Section eight of the above entitled Act is amended so as to read as follows:

When funds may be invested in other securities.

Section 8. If at any time after any advertisement for the purchase of city bonds and coupons, and a failure to receive satisfactory offers sufficient to absorb all the money in the Funded Debt Sinking Fund, it shall be the opinion of a majority of the Commissioners of the said Funded Debt Sinking Fund, and also a majority of the City Trustees, that it will, for the time being, be impossible to obtain city bonds or coupons at a satisfactory price, then the Commissioners may, with the sanction of the Board of Trustees, invest this fund in any of the various classes of Sacramento County bonds, California State bonds, or bonds of any county or incorporated city in the State of California.

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

Bonds converted into money, exceptions.

Section 10. Any bonds (other than bonds of the present Sacramento City Funded Debt) purchased by the Commissioners, may again, at their pleasure, be sold and converted into money; *provided*, such sale shall not be at less than that at which they were purchased, except by the unanimous vote of the Commissioners and Trustees for the purchase of the city funded debt bonds and coupons. The product of such sale shall be paid into the City Treasury to the credit of the Funded Debt Sinking Fund.

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

Moneys to credit of Funded Debt Sinking Fund.

Section 11. All money payable on any bonds or coupons belonging to the Commissioners of the Funded Debt Sinking Fund shall be received and collected by the President of the Board of Commissioners, and forthwith paid over to the City Treasurer to the credit of the Funded Debt Sinking Fund, and said President shall take a receipt for the same, and file it with the papers of the Commissioners, and safely keep the same.

CHAPTER CCXVI.

An Act to provide for the purchase of a portrait of the late Washington Bartlett by the State Board of Examiners, and to appropriate money therefor.

[Approved March 19, 1889.]

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

SECTION 1. The State Board of Examiners are hereby authorized to contract with a competent artist for the purchase of a portrait of the late Governor Washington Bartlett, the same to be appropriately framed, at a price not to exceed six hundred dollars; and upon delivery of such portrait so framed to the said Board of Examiners, the Controller shall draw his warrant as said Board of Examiners may direct for the amount of the contract price, and the Treasurer is hereby directed to pay the same. Purchase of portrait of Washington Bartlett.

SEC. 2. The sum of six hundred dollars, or so much thereof as may be necessary to pay the Controller's warrant drawn under the provisions of section one of this Act, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose named in section one of this Act. Appropriation.

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

CHAPTER CCXVII.

An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government, for the State series of school text-books.

[Approved March 19, 1889.]

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

SECTION 1. The State Board of Education shall compile, or cause to be compiled, the following described text-book for use in the common schools of the State, viz.: One (1) elementary book on the civil government of the United States, with a special analysis of the government of the State of California. Compiling, etc., books on civil government of the United States.

SEC. 2. The printing of said elementary book on civil government, provided for in section one of this Act, shall be done by and under the supervision of the Superintendent of State Printing, subject to the provisions of section three of an Act entitled an Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and Printing of.

appropriating money therefor, approved March fifteenth, eighteen hundred and eighty-seven.

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

CHAPTER CCXVIII.

An Act to amend an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

[Approved March 19, 1889.]

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

Amending
Act, 1878.

SECTION 1. Section one of "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March twenty-ninth, eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

State
Engineer.

SECTION 1. The office of the State Engineer is hereby created to remain in existence for a period of two years only from the time this Act takes effect, and the State Mineralogist shall be ex officio State Engineer.

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

Salary.

SECTION 2. The salary of the State Engineer shall be three thousand dollars per year.

CHAPTER CCXIX.

An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage.

[Approved March 19, 1889.]

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

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

Property
acquired
after mar-
riage.

164. All other property acquired after marriage by either husband or wife, or both, is community property; but whenever any property is conveyed to a married woman by an instrument in writing, the presumption is that the title is thereby vested in her as her separate property. And in case the conveyance be to such married woman and her husband, or to her and any other person, the presumption is that the married woman takes the part conveyed to her as tenant in common, unless a different intention is expressed in the instrument, and the presumption in this section mentioned is conclusive in favor of a purchaser or incumbrancer in good faith and for a valuable consideration.

CHAPTER CCXX.

An Act to provide for the maintenance, support, and discharge in certain cases of insane persons confined in the State Asylum for the Insane, and for the control and management of a resulting contingent fund.

[Approved March 19, 1889.]

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

SECTION 1. It shall be the duty of the Sheriff of any county in this State, or other officer, immediately upon arresting any person charged with being insane, to notify the District Attorney of the county in which said arrest is made of the fact of such arrest, and it shall be the duty of the District Attorney of any county in this State, at the time of the commitment of an insane person to any State asylum of this State for the insane, by the Judge of the Superior Court of such county, to make diligent inquiry into the ability of such insane person to bear the actual charges and expenses of maintenance and support for the time that such person may remain in the asylum, and said District Attorney shall forthwith notify the Board of Trustees, or Board of Directors as the case may be, of the asylum to which such insane person shall be committed, of the result of such inquiry.

Inquiry as to ability of insane person to support himself.

SEC. 2. In case such insane person shall be, or shall thereafter become the owner of property, real, personal, or mixed, it shall be the duty of the District Attorney of the county from which such person shall have been committed, in case such insane person has no general guardian, to apply to the Judge of the Superior Court making the order of commitment, for the appointment of a general guardian of the person and estate, or either, of such insane person; such application and appointment to be made in the manner as provided by the Codes of this State for the application for appointment and appointment of guardians of infants and incompetent persons.

Application for appointment of guardian.

SEC. 3. At the hearing of such application witnesses may be subpoenaed as in civil cases and examined under oath to determine the character and value of the property of such insane person. Upon proof of the existence of property—real, personal, or mixed—belonging to such insane person, the Judge or Court hearing the application shall appoint a general guardian of the person and estate, or either, for such person, who shall be subject to all the provisions of the Codes and general laws of this State in relation to guardians in other cases as far as the same may be applicable. If at any time there is not sufficient money in the hands of the guardian to pay the cost of the maintenance and support of said insane person, as hereinafter provided, and said insane person has other property, the Judge of said Superior Court, or Court, shall, upon the application of the guardian, or in

Hearing of application.

Sale of property to pay for support of.

case he shall neglect to apply, of the President of the Board of Directors or Board of Trustees, as the case may be, of the asylum to which such insane person has been committed or removed, order a sale of the property of such insane person, or so much thereof as may be necessary to pay the charges and expenses of maintaining and supporting such insane person at said asylum, said order to direct what property shall be sold. Such sale to be made in the manner provided in the Codes of this State for the sale of property and estates of deceased persons.

Guardian to pay.

SEC. 4. From the proceeds of such sale, or from such other funds as the guardian may have belonging to such insane person, he shall pay to the Board of Trustees or Board of Directors, as the case may be, of the asylum to which such insane person has been committed, or to which he or she may have been removed, the sum per month fixed upon by them quarterly in advance for the maintenance and support of such insane person; and he shall also, out of the proceeds of such sale or such other funds as he may have belonging to such insane person, pay for such clothing as the Medical Superintendent or Resident Physician of such asylum shall from time to time furnish to such insane person.

Bond of guardian.

SEC. 5. The guardian of such insane person shall give a bond, with two good and sufficient sureties, payable to the Board of Trustees, or Board of Directors, as the case may be, of the asylum to which such insane person has been committed or removed, and approved by the Judge of said Superior Court for the faithful performance of his duties as such guardian.

Secretary of State to furnish blank bonds.

SEC. 6. The Secretary of State, under the advice and instruction of the Attorney-General, shall have printed and furnish such blank bonds as are required by this Act to the several Superior Courts of this State.

Prosecution for breach of bond.

SEC. 7. A breach of any bond provided for in this Act may be prosecuted by the Board of Trustees or Board of Directors, as the case may be, of the asylum to which such insane person has been committed or removed, in their own names, in the Superior Court of any county in this State in which any one of the obligors may reside, and in which the action shall be brought, and shall be conducted throughout, and the judgment therein enforced, as in a civil action for the recovery of a debt.

Kindred to support indigent insane.

SEC. 8. If indigent insane persons have kindred of degree of husband, wife, children, other than minors, father, or mother, living within this State of sufficient pecuniary ability, who are otherwise liable, such kindred in the order above named, shall support such indigent insane person by paying to the Board of Directors or Board of Trustees, as the case may be, of the asylum to which such insane person has been committed or removed, the sum per month fixed on by them, quarterly in advance, for the maintenance and support of such indigent insane person, and such kindred, in the order above named, shall also pay for the clothing as the Resident Physician of such asylum shall from time to time furnish to such indigent insane person.

SEC. 9. For a failure to perform the duty devolving upon such kindred under the provisions of this Act, an action may be brought by the Board of Trustees or Board of Directors, as the case may be, of the asylum to which such insane person has been committed or removed, in their own names, against said kindred in the order above named. Such action may be prosecuted in the Superior Court of any county in this State in which said kindred, or either of them, may reside, and in which the action shall be brought, which action shall be conducted throughout, and the judgment therein enforced, as in a civil action for the recovery of a debt.

Action may be brought for failure of kindred to comply.

SEC. 10. Should there remain in the hands of the Board of Trustees, or Board of Directors, as the case may be, of any asylum for the insane, or in the hands of their Treasurer, at the time any insane person is discharged, any money unexpended, so paid by the guardian or kindred, the same shall be refunded; *provided*, that the Board of Trustees, or Board of Directors, as the case may be, of said asylums, shall not be required to refund any money for a fraction of a month; but upon the death of any insane person, after paying the ordinary burial expenses, the remainder of any moneys received from the guardian or kindred, or on deposit with the Board of Directors, or Board of Trustees, as the case may be, of such asylum, or on deposit with their Treasurer, shall be refunded to the person or persons thereto entitled, on demand. Any moneys found on the person of any insane person at the time of arrest shall be certified to by the Judge, and sent with such person to the asylum, there to be delivered to the Treasurer of the Board of Directors, or Board of Trustees, as the case may be, of such asylum, to be applied to the payment of the expenses of such person while in the asylum, but upon the recovery of such person, all sums remaining, after deducting such expenses, shall be returned to such person when discharged from the asylum.

Money refunded on discharge of patient.

SEC. 11. All moneys belonging to the State received by the Board of Directors or Board of Trustees, as the case may be, of any State asylum for the insane, other than that appropriated by the State, shall be kept by said Board in a separate fund, to be known as the Contingent Fund, and the same shall by the said Board be expended at such times and in such manner as to the said Board appears for the best interest of such asylum, and for the improvement thereof, and of the grounds and buildings therewith connected. A full, strict, and itemized account of all such receipts and expenditures shall be included in the biennial report of said Board.

Money so received to be kept separate.

SEC. 12. The kindred, guardian, or friends of an inmate of any State asylum for the insane may receive such inmate therefrom on their giving satisfactory evidence to the Judge of the Court issuing the commitment, that they or any of them are capable, and suited to take care of and give proper care to such insane person, and give protection against any of his acts as an insane person. If such satisfactory evidence appear to the Court or Judge, he may issue an order directed to the Medical Superintendent or Resident Physician, as the case may be, of such asylum for the removal of such person;

When inmate may be delivered to care of others.

Released on order of Judge.

but the Medical Superintendent or Resident Physician, as the case may be, shall reject all other orders or applications for the release or removal of any insane person except the order of a Court or Judge on proceedings in habeas corpus; and if after such removal it is brought to the knowledge of the Judge by verified statement that the person thus removed is not cared for properly, or is dangerous to persons or property by reason of such want or care, the Judge may order such person returned to the same asylum.

Ordering
return to
asylum.

Act con-
strued.

SEC. 13. This Act shall not be so construed as to invalidate any existing claim occurring under the provisions of any prior statute in conflict with the provisions of this Act.

SEC. 14. All Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 15. This Act shall take effect immediately.

CHAPTER CCXXI.

An Act to amend an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be numbered section three hundred and sixty-three, relating to corporations.

[Approved March 19, 1889.]

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

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

Correction
of erroneous
filing of in-
corporation.

363. When articles of incorporation have been prepared, subscribed, and executed in accordance with the provisions of sections two hundred and ninety and two hundred and ninety-two of the Civil Code, and such original articles filed by error or inadvertence with the Clerk of a county other than that named in the articles of incorporation as the county in which the principal place of business is to be transacted, and the Secretary of State shall have issued a certificate of incorporation based on a certified copy of such original articles of incorporation, any stockholder or Director of such corporation may petition the Superior Court of the county in which said original articles of incorporation were filed for an order to withdraw such original articles of incorporation, and file in place thereof a certified copy of the copy thereof on file in the office of the Secretary of State. Such petition must be verified, and must state clearly the facts, showing that such articles of incorporation were filed by inadvertence and mistake; and notice of the hearing of said petition must be given for at least ten days before the day of hearing, by publication in a newspaper published in the county where such petition is filed. Upon the day set for hearing the petition the Superior Court may grant an order allowing such original articles of incorporation to be withdrawn, and a certified copy of the copy

Petition,
nature of.

Action of
Court.

in the office of the Secretary of State in the place thereof filed; and the original articles of incorporation must be filed within ten days thereafter in the county in which the principal place of business is to be transacted, as stated in such articles of incorporation, and a certified copy of the order allowing such action must be filed with the certified copy in the office of the Secretary of State, after which said corporation shall be entitled to all rights and privileges of a private corporation, and the title to any property it may have previously acquired shall not be affected by reason of the failure to file the original articles of incorporation in the first instance.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXII.

An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Gregory, shall cease upon a vacancy occurring therein.

[Approved March 19, 1889.]

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

SECTION 1. Upon the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Gregory, becoming vacant, by resignation or otherwise, such office shall cease; and thereafter there shall be but one Judge of the Superior Court in and for the County of San Luis Obispo, State of California.

Vacancy in office of Superior Judge, San Luis Obispo County, not to be filled.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXIII.

An Act to provide for the construction and furnishing of a manual and gymnasium building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.

[Approved March 19, 1889.]

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

SECTION 1. The Board of Trustees of the State Normal School at Los Angeles are hereby authorized to construct and properly furnish a manual and gymnasium building on the State Normal School grounds at Los Angeles, Cali-

Gymnasium, Normal School, Los Angeles.

fornia, at a cost not to exceed the sum of ten thousand dollars.

Appropriation.

SEC. 2. The sum of ten thousand dollars is hereby appropriated out of any money in the General Fund of the State not otherwise appropriated, for the building and furnishing of such manual and gymnasium building, and furnishing the same.

SEC. 3. The Controller of State shall draw warrants, from time to time, as the work shall progress, in favor of said Board of Trustees.

Trustees to direct work.

SEC. 4. The said building shall be erected, said furnishing shall be done, and said moneys expended under the direction of said Board of Trustees, and all labor performed upon said building shall be by the day's work.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCXXIV.

An Act to amend section two thousand two hundred and seventy-four of the Civil Code of the State of California, relating to compensation of trustees.

[Approved March 19, 1889.]

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

SECTION 1. Section two thousand two hundred and seventy-four of the Civil Code of the State of California is amended so as to read as follows:

Compensation of trustee.

2274. Except as provided in section one thousand seven hundred of the Code of Civil Procedure, when a declaration of trust is silent upon the subject of compensation, the trustee is entitled to the same compensation as an executor. If it specifies the amount of his compensation, he is entitled to the amount thus specified and no more. If it directs that he shall be allowed a compensation, but does not specify the rate or amount, he is entitled to such compensation as may be reasonable under the circumstances.

This Act shall take effect immediately.

CHAPTER CCXXV.

An Act making an appropriation for the payment of discount on warrants for water supplied to the State Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under a contract with the State.

[Approved March 19, 1889.]

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

SECTION 1. The sum of four hundred and seventy dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of the Marin County Water Company for discount on warrants under a contract with the State for the supply of water to the State Prison at San Quentin, for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years.

To pay claim of Marin County Water Company.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of said water company for said sum, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXVI.

An Act to add a new section to the Political Code, to be known and designated as section three thousand four hundred and ninety-three, relating to the dissolution of swamp land or reclamation districts.

[Approved March 19, 1889.]

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

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

3493. An action may be brought by the Attorney-General in the name of the People of this State, upon his own information or upon the complaint of a private party, for the dissolution of a swamp land or reclamation district for non-user of its corporate powers. In such action the summons may be served upon the last elected or acting Trustees of such district personally upon such of them as can, by due diligence, be found within the State, and upon all others of said Trustees, by publication, in the following manner, to wit: The Judge of the Court in which such action shall be pending may, upon proof to him by affidavit that any such Trustee or Trustees are then absent from the State, or cannot after due diligence be found within the State, order the summons to be served by publication for a period of twenty days in some newspaper of general circulation published in the

Action to dissolve swamp land district for non-user of its corporate powers.

county where the action is pending. In any such action the owners of land within any such district shall be made parties to the action, and any such owners shall be entitled to defend such action for themselves and the corporation. If two or more corporations have been formed to include all or a portion of the same lands, they may be all joined in the same action. If upon the trial of any such action it be determined by the Court:

Causes to be determined.

I. That Trustees have not been elected for said corporation within five years prior to the filing of the complaint.

II. That the Trustees have not within five years prior to the filing of the complaint exercised any of the powers of the corporation or performed any of the duties of Trustees.

III. The corporation is not in debt, or if indebted that all claims are barred by the statute of limitations. The Court shall then enter a decree dissolving the corporation, and make such further order as may be deemed necessary to protect the rights of the parties.

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

CHAPTER CCXXVII.

An Act to add a new section to the Political Code, to be known and designated as section three thousand four hundred and ninety-two, relating to the formation of reclamation districts.

[Approved March 19, 1889.]

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

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

Formation of reclamation district.

3492. The holders of title or evidences of title representing any body of swamp and overflowed, salt marsh, or tide lands, susceptible of one mode of reclamation, and already reclaimed, or in progress of reclamation, and not included in any existing reclamation district, who may desire to form a reclamation district for the maintenance, protection, and repair of the reclamation works in, upon, or appertaining to such body of lands, or for the completion of the reclamation thereof, may present a similar petition to that provided in section three thousand four hundred and forty-six. And such proceedings shall thereupon be had in respect to such petition as are provided in respect to other petitions for the formation of reclamation districts; and if the same be approved, it shall be recorded, and the Register shall forward his statement, and by-laws shall be adopted, filed, and recorded, and elections called and held in the same manner as is provided in other cases. Such districts, when formed, and the Board of Trustees thereof, shall have all the rights, immunities, powers, and privileges of other reclamation dis-

Proceedings, how had.

Rights of.

tricts and the Boards of Trustees thereof. And assessments may be made, apportioned, and collected for the maintenance, protection, or repair of such reclamation works, or for the completion of such reclamation, in the like manner as is provided for making, apportioning, and collecting assessments in case of other reclamation districts.

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

CHAPTER CCXXVIII.

An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add new articles thereto, to be known as article five, of chapter eleven, of title eleven, of part three, relating to settlement of accounts of Trustees after distribution of estates, and to compensation of Trustees.

[Approved March 19, 1889.]

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

SECTION 1. A new article is hereby added to the Code of Civil Procedure, to be known as article five, of chapter eleven, of title eleven, of part three, to contain three sections and to read as follows:

ARTICLE 5.

1699. Where any trust has been created by or under any will to continue after distribution, the Superior Court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction thereof for the purpose of the settlement of accounts under the trust. And any Trustee created by any will, or appointed to execute any trust created by any will, may from time to time, pending the execution of his trust, or may at the termination thereof, render and pray for the settlement of his accounts as such Trustee before the Superior Court in which the will was probated, and in the manner provided for the settlement of the accounts of executors and administrators. The Trustee, or in the case of his death, his legal representatives, shall for that purpose present to the Court his petition setting forth his accounts in detail; and upon the filing thereof, the Court or Judge shall fix a day for the hearing, and a citation shall be issued citing all the beneficiaries of the said trust to appear and show cause why the account should not be allowed; such citation shall be personally served upon all the beneficiaries in the State, in the manner provided for the service of summons in civil actions, and shall be served upon all the beneficiaries, who shall appear by affidavit to be absent from the State, by publication in such manner as the Court or Judge may order, for not less than two months. And any such Trustee may, in the discretion of the Court, upon application of any benefi-

Superior Court not to lose jurisdiction of an estate by final distribution.

Settlement of account of Trustees, how made.

ciary of the trust, be ordered to appear and render his account, after being cited by service of citation as provided for the service of summons in civil cases. Upon the filing of the account so ordered the same proceedings for the hearing and settlement thereof shall be had as are hereinabove provided.

Compensation of Trustees.

1700. On all such accountings the Court shall allow the Trustee or Trustees the proper expenses and such compensation for services as the Court may adjudge to be just and reasonable, and shall apportion such compensation among the Trustees according to the services rendered by them respectively, and may in its discretion fix a yearly compensation for the Trustee or Trustees to continue as long as the Court may judge proper.

Appeal from decree settling account of Trustee.

1701. From a decree settling such account appeal may be taken in the manner provided for an appeal from a decree settling the account of an executor or administrator. The decree of the Superior Court, if affirmed on appeal or becoming final without appeal, shall be conclusive.

Application of Act.

This Act shall take effect immediately, and shall apply to all estates of decedents, where a final decree of distribution has not heretofore been made.

CHAPTER COXXIX.

An Act to add a new section to the Political Code, to be numbered section thirty-eight hundred and eighteen, relating to preferred purchasers for lands sold to the State for taxes.

[Approved March 19, 1889.]

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

SECTION 1. A new section is hereby added to the Political Code, to be designated as section thirty-eight hundred and eighteen, relating to preferred purchasers for lands sold to the State for taxes, as follows:

Preferred purchasers for lands sold to State for taxes.

3818. The owner in fee, at the time of sale, of any land sold to the State for taxes, or his heirs or assigns, shall be preferred purchasers of the same from the State upon payment to the County Treasurer of all taxes, penalties, costs, and interest appertaining to the delinquency and sale thereof, together with all taxes since levied thereupon, as well as full taxes for each subsequent year, upon the basis of the assessed value of said land in the year of sale. Upon application made within ten years after the sale of said land for taxes to the County Auditor by any of the parties entitled herein to purchase said land, he shall ascertain the total amount due upon said land, certify the same to the County Treasurer, who shall receive the same, giving his receipt therefor, which the purchaser shall file with the Auditor, who shall issue to the purchaser a certificate reciting these facts to the State Controller and a duplicate thereof to the Surveyor-General; and the Surveyor-General, upon

notice from the Controller of the receipt of such certificate, shall thereupon issue in the form usual for conveyances of land a patent from the State to the party purchasing the same as named in the certificate from the County Auditor, which patent shall be signed by the Governor and countersigned, with the great seal of the State attached, by the Secretary of State, which shall convey in fee to the purchaser the title of said land. The Surveyor-General and the Secretary of State, before delivering said patent, shall charge and receive the fees usual in like conveyances issued by them. The Surveyor-General and the Controller shall each prepare a record book in which shall be recorded all purchases from the State under the provisions of this Act, giving:

Requirements of Surveyor-General and Controller.

First—The name of the purchaser.

Second—The description of the land.

Third—The name of the county in which the same is situated.

Fourth—The year or years of delinquency and sale.

Fifth—The amount paid for each year.

Sixth—The total amount of the purchase.

Seventh—The date of the issuance of the patent. Said patent, when issued, shall be recorded in the office of the County Recorder, at the expense of the purchaser.

CHAPTER CCXXX.

An Act to amend section twenty-six hundred and forty-five (2645) of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of Road Overseers.

[Approved March 19, 1889.]

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

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

2645. Road Overseers, under the direction and supervision of the Road Commissioners, and pursuant to orders of the Board of Supervisors, must:

Road Overseers, duties of.

1. Take charge of the highways within their respective districts, and shall employ all men, teams, watering carts, and all help necessary to do the work in their respective districts; *provided*, no Road Overseer shall be interested, directly or indirectly, in any contract or work to be done in the road district under his charge and control.

2. Keep them clear from obstructions, and in good repair, and destroy, or cause to be destroyed, at least once a year, all thistles, Mexican cocklebur, or cocklebur of any kind, and all noxious weeds growing or being on any portion of the public highways or public roads in their respective districts.

3. Cause banks to be graded, bridges and causeways to be made where necessary, keep the same in good repair, and renew them when destroyed.

Reports.

4. Make quarterly reports, under oath, of the number of days they have been employed during the preceding three months, the number of days' labor performed on the roads and highways in their respective districts, by whom performed, and the wages paid per day; filing therewith a receipt or receipts, signed by each or all persons who have performed labor, stating the number of days of labor performed and the amount received for the same; also the amount and value of the materials and kind thereof.

Compensation.

5. Receive for his services, from money in the treasury belonging to his road district, a sum not to exceed three dollars per day for each day's service performed by him, and not to exceed one hundred days in any one year, to be audited and ordered paid by the Board of Supervisors. Road Overseers shall receive fifteen per cent on all moneys collected by them as road poll tax; *provided*, they shall have first paid into the County Treasury the sum of all moneys so collected; and no per diem for the time spent in making collections shall be allowed said Road Overseers.

CHAPTER CCXXXI.

Substitute for Senate Constitutional Amendment No. 6.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section eight of article eleven thereof, relative to the framing and adoption of charters by cities containing more than one hundred thousand inhabitants, and cities containing more than ten thousand inhabitants, and cities containing more than thirty-five hundred inhabitants.

[Approved March 19, 1889.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the seventh day of January, A. D. eighteen hundred and eighty-nine, two thirds of all the members elected to each House concurring, hereby proposes that section eight of article eleven of the Constitution of said State be amended so as to read as follows:

Charters for cities.

Section 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 said city at any general or special election, whose duty it shall be within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and

returned, one copy to the Mayor thereof or other chief executive officer of such city, and the other to the Recorder of 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. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each House, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State, 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.

Any city containing a population of more than ten thousand and not 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 said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive of said city, and the other to the Recorder of the county. Such proposed charter shall be published in two daily newspapers of general circulation in such city, for at least twenty days; and the first publication shall be made within twenty days after the completion of the charter, and within not less than thirty days after such publication it shall be submitted to the qualified electors of said

Same.

city, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole without power of alteration or amendment; such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each House it shall become the charter of such city, and the organic law thereof, and shall supersede any existing charter, and any amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all Courts shall take judicial notice of said charter. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof, at a general or special election held at least 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 amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Any city containing a population of more than three thousand five hundred and not more than ten 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 electors of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive of said city, and the other to the Recorder of the county. Such proposed charter shall be published in a daily paper of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole without power of alteration or amendment; such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each House it shall become the charter of such city, and the organic law thereof, and shall supersede any existing charter, and any

amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city; and thereafter all Courts shall take judicial notice of said charter. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor submitted by the legislative authority of the city to the qualified electors thereof at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified voters voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

CHAPTER CCXXXII.

An Act to amend section twelve hundred and forty-eight of the Code of Civil Procedure of the State of California, relating to the assessment of damages where the right of eminent domain is exercised.

[Approved March 19, 1889.]

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

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

1248. The Court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceedings, and thereupon must ascertain and assess: Court or jury to assess damages.

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed.

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff.

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement

Same.

proposed by the plaintiff; and if the benefit shall be equal to the damages assessed under subdivision two, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value.

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property.

5. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences along the line of such railroad, and the cost of cattle guards where fences may cross the line of such railroad.

6. As far as practicable, compensation must be assessed for each source of damages separately.

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

CHAPTER CCXXXIII.

An Act to amend section thirty-four hundred and eighty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to make sections thirty-four hundred and forty-six, thirty-four hundred and forty-seven, thirty-four hundred and forty-nine, thirty-four hundred and fifty, thirty-four hundred and fifty-two, thirty-four hundred and fifty-three, thirty-four hundred and fifty-four, thirty-four hundred and fifty-five, thirty-four hundred and fifty-six, thirty-four hundred and fifty-seven, thirty-four hundred and fifty-nine, thirty-four hundred and sixty, thirty-four hundred and sixty-one, thirty-four hundred and sixty-two, thirty-four hundred and sixty-three, thirty-four hundred and sixty-five, thirty-four hundred and sixty-six, thirty-four hundred and sixty-seven, thirty-four hundred and sixty-eight, thirty-four hundred and seventy-one, thirty-four hundred and seventy-two, thirty-four hundred and seventy-three of said Political Code, relating to the reclamation of certain lands, applicable to certain lands within municipalities.

[Approved March 19, 1889.]

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

SECTION 1. Section thirty-four hundred and eighty-eight of the said Political Code of the State of California is hereby amended so as to read as follows:

3488. All swamp and overflowed, salt marsh, and tide lands within one mile of the State Prison at San Quentin, within the City and County of San Francisco, City of Oakland, or within five miles of the corporate limits of either, or within two miles of any incorporated city or town, are excluded from the operation of this chapter; *provided*, that the provisions of sections thirty-four hundred and forty-six, thirty-four hundred and forty-seven, thirty-four hundred and forty-nine, thirty-four hundred and fifty, thirty-four hundred and fifty-two, thirty-four hundred and fifty-three, thirty-four hundred and fifty-four, thirty-four hundred and fifty-five, thirty-four hundred and fifty-six, thirty-four hundred and fifty-seven, thirty-four hundred and fifty-nine, thirty-four hundred and sixty, thirty-four hundred and sixty-one, thirty-four hundred and sixty-two, thirty-four hundred and sixty-three, thirty-four hundred and sixty-five, thirty-four hundred and sixty-six, thirty-four hundred and sixty-seven, thirty-four hundred and sixty-eight, thirty-four hundred and seventy-one, thirty-four hundred and seventy-two, and thirty-four hundred and seventy-three of this chapter shall be applicable to any land situated within the limits of any municipality in the State of California of the first class, namely, having a population of more than one hundred thousand, which land is subject to overflow or incursions from the tide or inland waters of the State, in any manner, and districts may be formed, as in said sections provided, for the reclamation thereof, and said land reclaimed thereunder. The duties provided for certain county officers in said sections shall be performed by the officers of such municipality, whatever may be their title, who usually perform like duties. The trustees or the owners indicated in section thirty-four hundred and seventy-three shall have power to let any contract, and conduct the operations of reclamation in all respects, and to issue warrants therefor. The lands mentioned and described in an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, and in the Act supplementary and amendatory thereto, approved April first, eighteen hundred and seventy, must be disposed of as in such Acts provided, which are hereby continued in force.

Exception
of certain
lands

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

CHAPTER CCXXXIV.

An Act to amend section three thousand seven hundred and thirteen of the Political Code, relating to levy of taxes.

[Approved March 19, 1889]

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

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

Tax lev,

3713. The State Board of Equalization must, for State purposes, for the forty-first and forty-second fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property of this State as, after allowing twelve per cent for delinquencies in and costs of collection of taxes as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the forty-first fiscal year.

First—For the General Fund, four million eight hundred twenty-two thousand nine hundred and seventy dollars.

Second—For the School Fund, one million eight hundred and ninety-three thousand five hundred dollars.

Third—For the Grammar School Course Fund, seventy-five thousand dollars.

Fourth—For the Interest and Sinking Fund, two hundred thousand dollars.

And for the forty-second fiscal year:

First—For the General Fund, three million one hundred and ninety-nine thousand and forty dollars.

Second—For the School Fund, one million eight hundred and ninety-three thousand five hundred dollars.

Third—For the Grammar School Course Fund, seventy-five thousand dollars.

Fourth—For the Interest and Sinking Fund, two hundred thousand dollars.

Fifth—For the Special Mendocino Insane Asylum Fund, one hundred and seventy-five thousand dollars.

CHAPTER CCXXXV.

An Act making an appropriation to pay the deficiency in the appropriation for restoration and preservation of fish in the waters of the State, for the thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

[Approved March 19, 1889]

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

Deficiency,
for preservation
of fish

SECTION 1. The sum of one thousand one hundred and ninety-seven dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated,

to pay the deficiency in the appropriation for restoration and preservation of fish in the waters of the State, for the thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXXVI.

An Act to amend section three thousand eight hundred and four of the Political Code, relative to the collection of property taxes.

[Approved March 19, 1889]

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

SECTION 1. Section three thousand eight hundred and four of the Political Code is amended to read as follows:

3804. Any taxes, per centum, and costs, paid more than once, or erroneously or illegally collected, may, by the order of the Board of Supervisors, be refunded by the County Treasurer; and whenever any payments shall have been made to the State Treasurer by the County Treasurer, as provided for by sections three thousand eight hundred and sixty-five and three thousand eight hundred and sixty-six of this Code, and it shall afterwards appear to the satisfaction of the Board of Supervisors that a portion of the moneys so paid has been paid more than once, or erroneously or illegally collected, said Board may refund such portion of said taxes, per centum, and costs so paid to the State Treasurer to the person entitled to the same out of the General Fund in the County Treasury, and said Board shall thereupon certify to the State Controller the amount of such taxes paid more than once, or illegal or erroneous tax, per centum, and costs so collected and refunded; and thereupon said Controller shall draw his warrant upon the State Treasurer, in favor of the Treasurer of said county, for the amount so certified to him, and said Treasurer shall pay said warrant as in other cases.

Taxes illegally collected to be refunded

SEC. 2. This Act shall take effect at once upon its passage and approval.

CHAPTER CCXXXVII.

An Act to authorize the several counties of this State to create a bonded indebtedness for certain purposes.

[Approved March 19, 1889]

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

Issuance of
bonds to pay
county in-
debtedness,
not created
by law, to be
submitted
to a vote

SECTION 1. Whenever it shall appear to the satisfaction of the Board of Supervisors of any county of this State that said county is justly indebted to any person or persons for money received into the treasury of said county, and used by said county, and which said indebtedness at the time of its creation was not authorized by law, they shall, by ordinance, declare that said county is justly indebted to the person or persons named in said ordinance, in a sum named therein, and that the question of issuing bonds in the sum therein named for the purpose of paying said debt, shall be submitted to a vote of the legal voters of said county.

Notice of
election

SEC. 2. The Supervisors of said county shall thereupon publish a notice calling an election to be held in said county, submitting to the voters of said county the question whether said bonds shall be issued or not. The notice shall state the amount of bonds to be issued, the purpose for which they are issued; said notice shall be published, and the election held as provided by section thirty-seven of an Act of the Legislature of the State of California entitled an Act to establish a uniform system of county and township governments, approved March fourteenth, eighteen hundred and eighty-three.

Return

SEC. 3. If upon return of the election it shall appear that two thirds of all the voters voting at such election have voted in favor of issuing said bonds, the Supervisors are required to issue bonds in the sum named in the notice of election, payable to the creditors named in said ordinance; said bonds shall bear interest at the rate of five per cent per annum, and shall be payable at such time as the Board of Supervisors shall order, not exceeding twenty years from date. They shall be signed by the Chairman of the Board of Supervisors and County Clerk.

Tax levy to
pay interest

SEC. 4. It shall be the duty of the Board of Supervisors each year to levy a tax sufficient to pay the annual interest on said bonds, and to pay the principal as the same shall become due.

This Act is to take effect from and after its passage.

CHAPTER CCXXXVIII.

An Act to amend section three thousand six hundred and sixty-five of the Political Code, relating to the assessment of railroads operated in more than one county.

[Approved March 19, 1889]

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

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

3665. The State Board of Equalization must meet at the State Capitol on the first Monday in August, and continue in open session from day to day, Sundays excepted, until the third Monday in August. At such meeting the Board must assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county, but franchises derived from the United States shall not be assessed. Assessment must be made to the corporation, person, or association of persons owning the same. The depots, stations, shops, and buildings, erected upon the space covered by the right of way and all other property owned by such person, corporation, or association of persons, are assessed by the Assessor of the county wherein they are situate. Within twenty days after the third Monday of August, the Board must apportion the total assessment of the franchise, roadway, roadbed, rails, and rolling stock of each railway to the counties, or cities and counties, in which such railway is located, in proportion to the number of miles of railway laid in such counties, and cities and counties. The Board must also within said time transmit by mail to the County Auditor of each county, or city and county, to which such apportionment shall have been made, a statement showing the length of the main track of such railway within the county, or city and county, with a description of the said track within the county, or city and county, including the right of way by metes and bounds, or other description sufficient for identification, 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 the State, and the amount apportioned to the county, or city and county. The Auditor must enter the statement on the assessment roll or book of the county, or city and county, and where the county is divided into assessorial townships or districts, then on the roll or book of any township or district he may select, and enter the amount of the assessment apportioned to the county, or city and county, in the column of the assessment book or roll as aforesaid, which shows the total value of all property for taxation, either of the county, city and county, or such township or district. On the first Monday in October, the Board

Meeting of Board

Assessment of railroads

To notify Auditor

Duty of Auditor

Duty of
Supervisors

of Supervisors must make and cause to be entered in the proper record book an order stating and declaring the length of main track of the railway assessed by the State Board of Equalization within the county, the assessed value per mile of such railway, the number of miles of track, and the assessed value of such railway lying in each city, town, township, school and road district, or lesser taxing district in the county, or city and county, through which such railway runs, as fixed by the State Board of Equalization, which shall constitute the assessment 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 must 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. 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 city, town, township, school, road, and lesser taxation districts, respectively. If the owner of a railway assessed by the State Board of Equalization is dissatisfied with the assessment made by the Board, such owner may, at the meeting of the Board under the provisions of section three thousand six hundred and ninety-two of the Political Code, between the third Monday in August and the third Monday in September, apply to the Board to have the same corrected in any particular, and the Board may correct and increase or lower the assessment made by it so as to equalize the same with the assessment of other property in the State. If the Board shall increase or lower any assessment previously made by it, it must make a statement to the County Auditor of the county affected by the change in the assessment, of the change made, and the Auditor must note such change upon the assessment book or roll of the county as directed by the Board.

Application
to correct
assessment.

CHAPTER CCXXXIX.

An Act to authorize the Board of Fish Commissioners to dispose of the steam launch Governor Stoneman, and to replace it by two smaller boats to be used as patrol boats.

[Approved March 19, 1889.]

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

Steam
launch Gov
Stoneman
to be sold

SECTION 1. The Board of Fish Commissioners of this State are hereby authorized and empowered to cause to be sold the steam launch Gov. Stoneman, as it is unfit for their purposes.

SEC. 2. The proceeds of said sale of said steam launch shall be deposited to the credit of the Fish Commission Fund, said sum of money to be expended to procure two boats, of smaller dimensions, better calculated for the service of patrolling the waters of this State.

Proceeds to purchase smaller boats

SEC. 3. Said sale to be to the highest bidder, at a public or private sale, and to be confirmed by the State Board of Examiners.

Sale.

SEC. 4. This Act will take effect on and after its passage.

CHAPTER CXXL.

An Act to amend an Act entitled "An Act to amend section eight of an Act entitled 'An Act to provide for the future management of the Napa State Asylum for the Insane, approved March 6, 1876, relating to the Resident and Assistant Physicians,'" approved March 17, 1887.

[Approved March 19, 1889]

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

SECTION 1. Section eight of an Act entitled "An Act to amend section eight of an Act entitled 'An Act to provide for the future management of the Napa State Asylum for the Insane,'" approved March seventeenth, eighteen hundred and eighty-seven, is amended so as to read as follows:

Amending Act, 1887

Section 8. The Board of Trustees shall appoint a Resident Physician, and three Assistant Physicians, each of whom shall hold office for four years, and until his successor is elected and qualified, except the Third Assistant Physician, whose term of office and qualifications are hereinafter provided for. The salary of the Resident Physician shall be three thousand five hundred dollars per annum, and of the First and Second Assistant Physician such sum as may be fixed by the Board of Trustees not exceeding the sum of two thousand five hundred dollars each per annum, and each of them and their families shall be furnished room, household furniture, provisions, fuel, and lights at and from the supplies of the asylum. The Resident Physician and the First and Second Assistant Physicians shall reside at the asylum, shall be well educated and experienced physicians, regular graduates in medicine, and shall have practiced at least five years from the date of their respective diplomas, and shall not engage in outside practice; their duties not specified in this Act shall be fixed and prescribed by the by-laws of the Board of Trustees. The Third Assistant Physician shall be a regular graduate in medicine; he shall reside at the asylum, shall be furnished room, household furniture, provisions, fuel, and lights at and from the supplies of the asylum, and shall not engage in outside practice. His term of office shall be at the

Appointment of physicians, duties, salaries

pleasure of the Board of Trustees, at a salary to be fixed by said Board of Trustees, not to exceed two thousand dollars per annum.

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

CHAPTER CCXLI.

An Act to prevent the sale of intoxicating liquors to persons addicted to the inordinate use of intoxicating liquors.

[Approved March 19, 1889]

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

To prohibit
furnishing
liquor to
person
inordinately
using it

SECTION 1. Any person who, after receiving notice that a person named in said notice is addicted to the inordinate use of intoxicating liquors, should the person named in said notice be so addicted, shall thereafter within a period of twelve months furnish to said person so addicted to the inordinate use of intoxicating liquors, any spirituous liquors, wines, or intoxicating or malt liquors, shall be guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding two hundred dollars, or by both such fine or imprisonment. Said notice shall be in writing and may be given by any adult member of the family of said person so addicted to the inordinate use of intoxicating liquors, or by any adult relative of said person so addicted to the inordinate use of said intoxicating liquors.

Not to apply
to physi-
cians

SEC. 2. The provisions of this Act shall not prohibit any regularly licensed physician from furnishing or prescribing said liquors in case of sickness.

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

CHAPTER CCXLII.

An Act to amend section three hundred and ninety-two of the Code of Civil Procedure of the State of California, relating to the place of trial of civil action.

[Approved March 19, 1889]

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

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

Certain
actions,
where must
be tried.

392. Actions for the following causes must be tried in the county in which the subject of the action or some part thereof is situated, subject to the power of the Court to change the place of trial as provided in this Code:

1. For the recovery of real property, or of an estate or interest therein, or for the determination, in any form, of such right or interest, and for injuries to real property.

2. For partition of real property.

3. For the foreclosure of all liens and mortgages on real property.

Where the real property is situated partly in one county and partly in another the plaintiff may select either of the counties, and the county so selected is the proper county for the trial of such action; *provided*, that in the case mentioned in this subdivision, if the plaintiff prays in his complaint for an injunction pending the action, or applies pending the action for an injunction, the proper county for the trial shall be the county in which the defendant resides or a majority of the defendants reside at the commencement of the action.

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

CHAPTER CCXLIII.

An Act to amend section four hundred of the Penal Code, relating to contagious diseases among animals.

[Approved March 19, 1889]

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

SECTION 1. Section four hundred of the Penal Code is hereby amended to read as follows:

400. Any person, persons, company, or corporation, who shall bring, or cause to be brought, or aid in bringing into this State any sheep, hog, horse, or cattle of any kind, or any domestic animals of any kind, knowing the same to be affected with any contagious or infectious diseases, shall be guilty of a misdemeanor.

Bringing
animal into
State affected
with conta-
gious disease

CHAPTER CCXLIV.

An Act to amend section two thousand six hundred and fifty-two of the Political Code, relating to road poll tax.

[Approved March 19, 1889]

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

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

2652. The Board of Supervisors may annually, at any regular meeting held between the first days of January and March of each year, levy upon each male person over twenty-

Road poll
tax.

Same.

one and under fifty-five years of age, found in each road district during the time for the collection of road poll taxes for that year, excepting all persons who were honorably discharged from service in the army or navy of the United States at any time between the first day of April, in the year of our Lord one thousand eight hundred and sixty-one, and the first day of May, in the year of our Lord one thousand eight hundred and sixty-five, an annual road poll tax not exceeding three dollars; and every such person not above excepted, in a road district, who has not paid the same in some other district, must pay the amount of road poll tax so levied; *provided*, that the Board of Supervisors may, by ordinance, provide that any person may work out his road poll tax so levied, under such commutation rules as may be established by the Board of Supervisors, and such work to be done under the direction of the Road Overseer or Road Commissioner. The Board of Supervisors shall fix, by ordinance, the time during which all persons liable for road poll tax may, at their option, perform such labor. The Road Overseer or Road Commissioner shall give each person performing such labor a certificate thereof. At the expiration of the time fixed by the Board for the performance of such labor, said poll tax shall be due from every person liable as aforesaid, not holding a certificate that he has performed such labor, and shall be collected by the various Road Overseers, or Road Commissioners when there is no Road Overseer, in their respective districts and in the same manner that State poll taxes are collected. For the purpose of collecting road poll taxes, every Road Overseer, or in case there is no Road Overseer, the Road Commissioner, is hereby invested with the same powers and authority as the collector of State poll taxes, and all the remedies given by law for the collection of State poll taxes shall apply to and be in force for the collection of road poll taxes. Road poll tax receipts, in blank, signed and numbered in the same manner that other poll tax receipts are signed and numbered, shall be delivered by the Auditor of the county to each person charged with the collection of road poll taxes, on or before the first Monday of March of each year, and he shall be charged with the amount of such road poll tax receipts delivered to him, and be credited with those returned, and shall settle with the Auditor and pay over the amounts collected in the manner provided by section three thousand eight hundred and fifty-three of this Code. A sum not exceeding thirty-five per cent of all road poll taxes so collected may be apportioned to the General Road Fund, and the balance shall be apportioned to the several districts of the county equally.

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

CHAPTER CXXLV.

An Act to amend sections five, six, and eleven of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County," approved March 20, 1874.

[Approved March 19, 1889]

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

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

Section 5. All elections hereafter held in said Levee Dis- Election.
 trict for the election of Directors and Assessor, shall be held at the same time and places within said Levee District as the general State and county elections are held, and be conducted by the same Election Boards as shall hold and conduct such general elections, but separate ballot-boxes and separate poll lists shall be provided and kept for such election for district officers, and separate returns thereof shall be made to the Board of Supervisors, and shall be by them canvassed and disposed of as provided in section two of this Act. No Tax Collector shall hereafter be elected for said district, but the County Treasurer of Sutter County shall be ex officio Tax Collector of said district, upon his taking the usual oath, and entering into proper bonds to said district in such amount as the Board of Directors may require, and with sufficient sureties to be approved by said Board, conditioned for the faithful performance of his official duties, such Tax Collector, and filing the same with the Clerk of said Board; *provided*, that should such bond not be so filed on or before the first Monday of January next succeeding the election of said County Treasurer, the office of Tax Collector shall be vacant. Should a vacancy occur in the office of Tax Collector, it shall be filled by the appointment by the Board of Supervisors, and such appointee shall hold office during the pleasure of the Board, but not later than the first Monday in January following the next succeeding general election. Should a vacancy occur in the Board of Directors, it shall be filled by the appointment by the Board of Supervisors; and the person so appointed shall hold the office until the next general election, when his successor shall be elected for the remainder of the term. Should a vacancy occur in the office of Assessor, it shall be filled by a special election, to be conducted in all respects as the first election, provided for in section two of this Act.

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

Section 6. The District Assessor elect shall, before com- District
 mencing the duties of his office, take the usual oath of office, Assessor
 and shall, within thirty days after his election, enter into

proper bonds in such amount as the Board of Directors may require, conditioned for the faithful performance of his official duties, and shall hold his office until the first Monday in March following the next general election at which his successor has been elected, and until his successor shall qualify; and the District Assessor and Tax Collector shall each have, while in the discharge of his official duties, all the power and authority given by law to County Assessors and Tax Collectors, respectively.

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

Compensa-
tion

Section 11. The Directors shall not be paid more than three dollars each for each day employed in attending to the duties herein required of them. The Assessor shall not be paid more than three dollars per day while in the discharge of his official duties, and the District Tax Collector shall receive one per cent on all moneys collected by him for the use of the district; and the County Treasurer shall receive such sum, not exceeding one per cent on the moneys disbursed by him for the district, as the Directors may deem just; *provided*, that when the County Treasurer is also the District Tax Collector, he shall receive no other compensation than that hereinafter provided for the Tax Collector; and the election officers shall receive the sum of one dollar each from the district for the services required of them under this Act.

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

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

CHAPTER CCXLVI.

An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.

[Approved March 19, 1880]

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

Municipal
bounda-
ries, how
changed

SECTION 1. The boundaries of any city or municipal corporation may be altered and territory excluded therefrom after proceedings had as required in this section. The Council, Board of Trustees, or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one fifth of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether such territory as is proposed by such petition shall be excluded from such municipal corporation and cease to be a part thereof. Such question shall be submitted at a special election to be held for that purpose and such legislative body shall give notice thereof by publication in a newspaper printed and published in such corporation, or if there is no newspaper published in said corporation, then in some

newspaper published in the county in which said corpora-^{same} tion is situated, for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be excluded, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "For exclusion," or "Against exclusion," or words equivalent thereto. Such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be excluded, which place or places shall be that or those usually used for that purpose within such territory, if any such there be, and for the purposes of this Act the qualified electors residing in the territory proposed to be excluded shall be entitled to vote at the polls in such territory and not elsewhere. Such legislative body shall also appoint and designate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be excluded shall be canvassed separately, and if it shall appear on such canvass that a majority of all the votes cast in such territory, and a majority of all the votes in such corporation shall be for exclusion, such legislative body shall, by an order entered upon their minutes, cause their clerk or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, exclusive of such territory, the number of votes cast in each for exclusion, and the whole number of votes cast in each against exclusion. From and after the date of filing such abstract such exclusion of such territory from such municipal corporation shall be deemed complete, and thereafter such territory shall cease to be a part of such municipal corporation; *provided*, that nothing contained in this Act shall be held to relieve in any manner whatsoever any part of such territory from any liability for any debt contracted by such municipal corporation prior to such exclusion; *and, provided further*, that such municipal corporation is hereby authorized to levy and collect from any territory so excluded, from time to time, such sums of money as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such debts; such assessment and collection shall be made in the same manner and at the same time that such assessment and collection is levied and made upon the property of such municipal corporation for any payment on account of such debts, *and, provided further*, that any such territory so excluded from any municipal corporation may at any time tender to the legislative body of such municipal corporation the amount for which such territory is liable on account of such debts, and, after such tender is made, such authority as is herein given municipal corporations to levy and assess taxes on such excluded territory shall cease.

Rejection of
application

SEC. 2. Whenever any application for expulsion or separation of territory shall be made and proceedings thereon be had, pursuant to the provisions of this Act, and separation or exclusion shall be denied, refused, or rejected, then and in such event if any person or persons, or corporation, previous to such application, and believing the same to be separate and distinct from the city or municipality where such application is made, shall have paid, laid out, or expended moneys in the construction and establishment of sewers, streets, or parks, or either of them, within the territory which applied for separation or exclusion, such person, persons, or corporation shall be entitled immediately after such denial, refusal, or rejection to maintain an action of an equitable nature in the Superior Court in the county where such application was made against the city or municipality where such application was made to recover against such city or municipality; the value of such improvements and expenses so incurred to be determined by three referees, to be appointed by said Court, and a judgment entered for the amount thereof against such city or municipality in favor of the person, persons, or corporation entitled to maintain such action hereunder.

Action to
recover
value of im-
provements

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

CHAPTER CCXLVII.

An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in, and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.

[Approved March 19, 1889]

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

Alteration of
boundaries
of incorpo-
rated towns
or cities

SECTION 1. The boundaries of any incorporated town or city, whether heretofore or hereafter formed, incorporated, reincorporated, organized or reorganized, may be altered, and new territory annexed thereto, incorporated and included therein, and made a part thereof, upon proceedings being had and taken as in this Act provided. The Council, Board of Trustees, or other legislative body of any such municipal corporation, upon receiving a written petition therefor containing a description of the new territory asked to be annexed to such corporation and signed by not less than one fifth in number of the qualified electors of such municipal corporation, computed upon the number of votes cast at the last general municipal election held therein, must, without delay, submit to the electors of such municipal corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the

question whether such new territory shall be annexed to, ^{State} incorporated in, and made a part of such municipal corporation. Such question shall be submitted at a special election to be held for that purpose, and no other; and such legislative body is hereby empowered to and it shall be its duty to cause notice to be given of such election by the publication of a notice thereof in a newspaper printed and published in such municipal corporation, and also in a newspaper, if any such there be printed and published outside of such corporation, but in the county in which the territory so proposed to be annexed is situated, in each case at least once a week for a period of four successive weeks next preceding the date of such election. Such notice shall distinctly state the proposition to be submitted, *i. e.*, that it is proposed to annex to, incorporate in, and make a part of such municipal corporation the territory sought to be annexed, specifically describing the boundaries thereof; and in said notice the qualified electors of said municipal corporation and the qualified electors residing in said territory so proposed to be annexed shall be invited to vote upon such proposition by placing upon their ballots the words "For annexation" or "Against annexation," or words equivalent thereto. Such legislative body is hereby empowered, and it shall be its duty to establish, and in such notice of election designate the voting precinct or precincts, and the place or places at which the polls will be opened in such territory so proposed to be annexed, and also in such municipal corporation. And such place or places shall be that or those commonly used as voting places within such municipal corporation, and also that or those commonly used within such new territory, if any such there be. Such legislative body is empowered to and it shall appoint the officers of such election, who shall be, for each voting place in such municipal corporation, and for such voting place in said new territory, two Judges and one Inspector, each of whom shall be a qualified elector of the voting precinct in which he is appointed to act as an officer of such election. The ballots used at such election, the opening and closing of the polls, and the holding and conducting of such election shall be in conformity, as far as may be, with the general laws of this State concerning elections; and the Judges and Inspectors of such election shall, immediately on the closing of the polls, count the ballots, make up and certify the tally sheets of the ballots cast at their respective polling places, seal and then immediately return the same as below provided, doing so as nearly as practicable in the manner provided in the election laws of this State; but the ballots, tally-sheets, and returns shall be so returned to and deposited with the clerk of such legislative body. Such legislative body shall at the time provided for its regular meeting next after the expiration of three days from and after the date of said election, meet and proceed to open and canvass said ballots, tally-sheets, and returns; and such canvass shall be completed at such meeting if practicable, and in any event as soon as practicable, avoiding adjournment or adjournments if possible, until said canvass

Same. is completed. Such canvass by such legislative body shall be conducted and completed as follows: The ballots cast in such outside territory, so proposed to be annexed, together with the tally sheets and returns belonging therewith, shall be canvassed separately; and the ballots cast inside of said municipal corporation together with their tally-sheets and returns shall be canvassed separately. Immediately upon the completion of such canvass, said legislative body shall cause a record thereof to be made and entered upon its minutes, showing the whole number of ballots cast in such outside territory, the whole number of ballots cast in such municipal corporation, the number thereof cast in each in favor of annexation, and the number thereof cast in each against annexation; and if it shall appear from such canvass, that a majority of all the ballots cast in such outside territory, and a majority of all the ballots cast inside of said municipal corporation are in favor of annexation, the Clerk or other officer performing the duties of clerk of such legislative body shall promptly make and certify under the seal of said municipal corporation, and transmit to the Secretary of State a copy of said record so entered upon said minutes, together with a statement showing the date of said election and the time and result of said canvass, which document shall be filed by the Secretary of State immediately upon the receipt thereof. From and after the date of the filing of said document in the office of the Secretary of State, the annexation of such territory so proposed to be annexed shall be deemed and shall be complete, and thenceforth such annexed territory shall be to all intents and purposes a part of such municipal corporation, except only that no property within such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation. No territory which at the time such petition for such proposed annexation is presented to such legislative body, forms any part of any incorporated town or city, shall be annexed under the provisions of this Act.

Altering
boundaries
of wards.

SEC. 2. The legislative body of any incorporated town or city which is or shall be divided into wards, and to which territory has been heretofore or shall be hereafter annexed, must by ordinance either so alter the boundaries of the wards of such municipal corporation as to include such annexed territory in one or more wards adjoining such annexed territory, or make of such annexed territory one or more additional wards; *provided*, that the number of wards shall not be so increased as to exceed the number which such municipal corporation may according to law have. In altering the boundaries of wards, or creating new wards, regard must be had to the number of inhabitants, so that each ward shall contain, as near as may be, an equal number of inhabitants, exclusive of persons incapable of citizenship in this State.

SEC. 3. Nothing in this Act provided for shall alter or affect the boundaries of any Senatorial or Assembly District.

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

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

CHAPTER CCXLVIII.

An Act to enable incorporated "cities and counties" and "cities" and "towns," to acquire, maintain, and improve public parks and boulevards.

[Approved March 19, 1889.]

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

SECTION 1. Any incorporated "city and county" or "city" or "town" in this State may acquire and hold land for the uses and purposes of public parks, or public boulevard, or both, either by purchase, with the consent of the owner, or by condemnation, under the provisions of the Code of Civil Procedure of the State of California, title seven, of part three. Public Parks

SEC. 2. The land to be so acquired and held may be within the corporate limits of the "city and county," or "city," or "town," or conveniently adjacent thereto; and in either case it shall be subject to the jurisdiction of the municipality acquiring it, and to the laws, ordinances, rules, and regulations thereof. Jurisdiction of municipality over

SEC. 3. The Board of Supervisors, City Council, Trustees, or other municipal legislative Board, or body of any incorporated "city and county," or "city," or "town," may, by ordinance, or in such manner as other municipal legislative Acts are enacted, under its charter or Act of incorporation, determine what lands are necessary and proper to be acquired for the uses and purposes aforesaid. Power of corporation to acquire

SEC. 4. Any incorporated "city and county," or "city," or "town," may, in addition to the annual tax, levy for other municipal purposes, and at the same time and in the same manner cause to be assessed and levied upon the taxable property within the municipality an annual tax in such amount as may be deemed necessary and proper for the acquisition or maintenance or improvement of its public parks or boulevards, or both, and the revenue so obtained shall be applied to no other use or purpose. Tax levy

SEC. 5. The Board of Supervisors, City Council, Trustees, or other municipal legislative body or Board of any incorporated "city and county," or "city," or "town," may by ordinance or in such manner as other municipal legislative Acts are enacted under its charter or Act of incorporation, call an election and submit to the qualified electors of the municipality, the proposition to issue the bonds of the municipality, Election to issue bonds to maintain

to a specified amount, the proceeds of the sale of which shall be applied exclusively to the acquisition, maintenance, and improvement of its public parks, or boulevards, or both. Such election shall be conducted, and the result determined substantially as are other local municipal elections of the municipality in which it is held.

Issuance of
bonds

SEC. 6. If at such an election two thirds of the qualified electors voting an assent to the issuance of the bonds, then the "city and county" or "city or town," having held such election may, by ordinance or in such manner as other municipal legislative Acts are enacted under its charter or Act of incorporation, provide for the issuance, and cause to be issued, its bonds to the amount specified and so voted for; *provided, however,* that said bonds shall mature and become due and payable at a time not exceeding twenty years, and shall bear interest at a rate not exceeding five per cent per annum, payable annually, and that before or at the time of the issuance of said bonds, provision shall be made for the collection of an annual tax sufficient to pay the interest thereon as it falls due, and also to constitute a sinking fund to pay the principal thereof at maturity, and not exceeding twenty years from the date thereof.

Character of.

SEC. 7. The bonds shall be numbered consecutively from one upwards, and shall be issued in the order of their respective numbers, commencing with number one, and there shall be attached thereto coupons for the payment of the annual interest. They shall be known and designated either as the "park and boulevard," or "park," or "boulevard" bonds of the municipality issuing them. Each bond shall not exceed in the amount of its principal one thousand dollars, and may be in any smaller amount.

How sold

SEC. 8. The bonds or any number thereof so issued shall be sold to the highest bidder, after advertised notice for sealed proposals therefor; but no bid shall be accepted at less than the par value thereof, nor shall any bonds be sold during any one year in excess of the actual expenditures incurred in that year.

Proceeds,
how kept
and used

SEC. 9. The money obtained from the sale of the bonds shall be kept in a separate fund, and shall be used exclusively for the acquisition, or maintenance, or improvement of the public parks or boulevards, or both, of the municipality issuing them, and for no other use or purpose.

Redemption

SEC. 10. Whenever and as often as there shall be in the Sinking Fund an amount deemed sufficient for the purpose, the Board of Supervisors, City Council, Trustees, or other municipal legislative Board or body of the municipality issuing the bonds, may, by ordinance or in such manner as other municipal legislative Acts are enacted under its charter or Act of incorporation, cause notice to be given by advertisement, that the amount (stating it) is in the Sinking Fund for the redemption of said bonds, and inviting sealed proposals for the redemption, surrender, and cancellation of bonds, with the interest thereon, to the specified amount in the Sinking Fund; and at the date designated in the notice the bids shall be opened, if any there be, and the bid or bids offering

to surrender bonds for the lowest sum, not more than par value, shall be accepted. If sufficient bids shall not be received to consume the money in the Sinking Fund, and the whole or a portion deemed sufficient for the purpose shall still remain in the Sinking Fund, notice shall be given by advertisement for not less than thirty days, stating that there is an amount, to be specified in the notice, still remaining in the Sinking Fund to be applied to the redemption of the bonds with interest thereon having the highest numbers (specifying the numbers), and if said bonds be not presented for redemption, surrender, and cancellation within the time specified in the notice, they shall thereafter cease to draw interest, and the amount in the Sinking Fund shall be kept for their redemption when presented, but no more shall be paid therefor than the amount of principal and interest due at the expiration of the time specified in the aforesaid notice.

SEC. 11. Any incorporated "city and county," or "city," or "town," in this State, availing itself of the privileges, benefits, and powers of this Act, may, by ordinance or in such manner as other municipal legislative Acts are enacted under its charter or Act of incorporation, prescribe such further conditions and provisions for the issuance and sale of the bonds herein provided for and for the redemption thereof as are not inconsistent with the Constitution of this State, or the provisions of this Act, or its charter or Act of incorporation.

Further conditions for issue, sale, and redemption of bonds.

SEC. 12. All notices and advertisements provided for in this Act shall be given by publication in a newspaper, if there be one published within the municipality; if there be none, then by posting in at least three public places within the municipality; and when no other time is prescribed in this Act, they shall be for such length of time as may by the Board of Supervisors, City Council, Trustees, or other municipal legislative Board or body of the municipality be deemed and determined to be reasonable; but the bonds issued under the authority of this Act, and sold to purchasers in good faith, shall not be held to be invalid for any defect in any of the notices herein provided for.

Manner of advertising.

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

CHAPTER CCXLIX.

An Act to amend sections three hundred and fifty-nine and three hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the by-laws of corporations and the increase and diminution of the capital stock, and the creation, increase, and diminution of the bonded indebtedness thereof, and repealing section three hundred and six of said Code.

[Approved March 19, 1889.]

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

SECTION 1. Sections three hundred and fifty-nine and three hundred and three of the Civil Code of the State of California are hereby amended so as to read as follows.

Increasing
and diminu-
ishing capi-
tal stock.

359. 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 is void. Every corporation may increase or diminish its capital stock, create or increase its bonded indebtedness, subject to the foregoing provision. The capital stock of a corporation may be increased or diminished at a meeting of the stockholders by a vote representing at least two thirds of the capital stock. Such meeting must be called by the Board of Directors, and notice must be given by publication in a newspaper published in the county where the principal place of business of such corporation is located, or if there be none published in said county, then in a newspaper published in an adjoining county, such paper to be designated by the Board of Directors in the order calling the meeting, which order must be made at least one month before the publication begins. The notice must specify the object of the meeting, and the amount to which it is proposed to increase or diminish the capital stock, the time and place of holding the meeting, which latter must be at the principal place of business of the corporation, and at the building where the Board of Directors usually meet. The notice herein provided must be published at least once a week for at least sixty days. The capital stock cannot be diminished to an amount less than the indebtedness of the corporation. The bonded indebtedness of a corporation may be created or increased by a vote of the stockholders representing at least two thirds of the entire capital stock at a meeting called by the Board of Directors, and after notice of the time and place of the meeting, published in the same manner and for the time above prescribed, which notice shall state the amount of the bonded indebtedness which it is proposed to create, or the amount to which it is proposed to increase such indebtedness, and shall in all other respects contain the same matters as are above provided and set forth in the notice of a meeting to increase or diminish the capital stock. In addition to the notice by publication, the Secretary of the corporation shall also ad-

dress a notice to each of the stockholders at his place of residence, if known, and if not known then at the place of business of the corporation, which notice shall be mailed to the stockholders at least sixty days before the day appointed for such meeting; and upon such increase or diminution of the capital stock or creation or increase of bonded indebtedness being made as herein provided, a certificate must be signed by the Chairman and Secretary of the meeting and a majority of the Directors, showing a compliance with the requirements of this section, the amount to which the capital stock has been increased or diminished, or the amount of the bonded indebtedness created or to which the bonded indebtedness may have been increased, the amount of stock represented at the meeting, and the whole vote by which the object was accomplished. The certificate must be filed in the office of the Clerk of the county where the original articles of incorporation are filed, and a certified copy thereof in the office of the Secretary of State; and thereupon the capital stock shall be so increased or diminished, or the bonded indebtedness may be created or increased accordingly. When the by-laws of the corporation prescribe the paper in which notice of meetings are to be published, the notices herein provided for shall be published in such paper unless publication thereof shall have ceased

303. A corporation may, by its by-laws, where no other provision is specially made, provide for:

By-laws, for what may provide

1. The time, place, and manner of calling and conducting its meetings, and may dispense with notice of all regular meetings of stockholders or Directors.

2. The number of stockholders or members constituting a quorum.

3. The mode of voting by proxy.

4. The qualifications and duties of Directors, and also the time of their annual election, and the mode and manner of giving notice thereof.

5. The compensation and duties of officers.

6. The manner of election and tenure of office of all officers other than the Directors; and,

7. Suitable penalties for violations of by-laws, not exceeding in any case one hundred dollars for any one offense.

8. The newspaper in which all notices of the meetings of stockholders or Board of Directors, notice of which is required, shall be published, which must be some newspaper published in the county where the principal place of business of the corporation is located, or if none is published therein, then in a newspaper published in an adjoining county, *provided*, that when the by-laws prescribe the newspaper in which said publication shall be made, if from any cause at the time any publication is desired to be made, the publication of such newspaper shall have ceased, the Board of Directors may, by an order entered on the records of the corporation, direct the publication to be made in some other newspaper published in the county, or if none is published therein, then in an adjoining county.

SEC. 2. Section three hundred and six of said Code is hereby repealed. Repealing.

CHAPTER CCL.

An Act to amend sections two, three, five, six, seven, and nine of an Act entitled "An Act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880.

[Approved March 19, 1880.]

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

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

Publication
of petition

SECTION 2. Upon the receipt of a petition contemplated in section one of this Act, the Board of Supervisors shall, by order, appoint a time for hearing the same, which shall not be more than sixty days from the making of such order, and shall cause said petition to be published in some newspaper published in the county in which the larger portion of the proposed district may be situated, or, if there be no newspaper published in such county, then in some newspaper having a general circulation in such proposed district, for four successive weeks prior to the day appointed for the hearing. They shall also cause to be published in such newspaper, for the same time, immediately below the printed copy of said petition, and as a part of the publication thereof, a notice to all persons interested in the formation of the proposed district, of the time and place of such hearing, and to appear thereon and show cause why such petition should not be granted. Any person owning any lands in the proposed district may appear before said Board at such hearing, and shall be heard for or against the granting of the petition and organization of the district, and may produce evidence for or against the same.

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

Hearing

SECTION 3. Upon the day appointed for the hearing of said petition the Board of Supervisors shall consider the same, and should they find that any lands are improperly included in, or excluded from, the proposed district, they shall make, upon satisfactory evidence of such fact, such changes in the proposed boundaries as may by them be deemed just and proper. Should the Board of Supervisors make any changes in said boundaries, they shall note the same on the petition, and organize or reject the district with the boundaries they have fixed, and their action in that respect shall be conclusive; such action shall be entered in the journal of their proceedings, together with the petition, the names of the signers thereto, and the evidence of publication required by the preceding section. If the Board shall grant the petition and order the district to be organized, they shall in such order number the same, and direct an election to be held within the boundaries thereof, and within twenty days from the

date of such order, for the election of three Trustees of said district, each of whom must be a resident land owner within the district, one of whom shall be elected for one year, one for two years, and one for three years, and there shall be an annual election held each year thereafter, at which one Trustee shall be elected, whose term of office shall be three years. Should a vacancy occur in such office, the Board of Supervisors shall fill the same by appointment. Such appointee shall possess the same qualifications as are required by this Act for Trustees, and shall hold his office until the next annual election after his appointment, or until his successor is elected and qualified. At the time of ordering the election for Trustees, the Board of Supervisors shall establish one or more election precincts within the district, designating the house or place within each precinct where the election must be held, and shall appoint one Inspector and two Judges for said election for each voting precinct, who shall constitute a Board of Election for each precinct. Notice of such election shall be given by the Board of Supervisors in a newspaper published in the county; or if there be none published in the county, then in some newspaper having a general circulation in the district, for two weeks before the time of holding the same, which notice must specify the time and places for holding the election, the offices to be filled, and the terms thereof, and the names of the Inspectors and Judges of Election in each precinct. At such election the polls shall open at nine o'clock A. M., and close at four o'clock P. M. No person shall be permitted to vote at such election, or at any election held by the district, unless he is a land owner of the district; and every land owner in the district shall have the right to vote, and each qualified voter shall be entitled to cast one vote for each acre of land, and for each town or city lot, the title to which is shown by the proper records of the county in which the district is situated, to be in him. The Boards of Election shall deposit all ballots cast in a proper ballot-box, and keep a poll list, on which shall be entered the name of each person voting, and the number of votes cast by such person. As soon as the polls are closed, the Judges must proceed to canvass the votes given at such election, which canvass must be public. A tally list shall be kept showing the names of the persons voted for and for what office, and the number of votes given for each candidate, which list, when all the votes are canvassed, shall be attested by the signatures of the members of the Board of Election. In making the canvass the tickets or ballots, as soon as read, must be strung upon a string by one of the Judges, and when all are counted and said tally list is prepared, said list and ballots shall be carefully sealed in a strong envelope or wrapper, each member of the Board writing his name across the seal, and the same shall be delivered by one of the Judges to the County Clerk. The Board of Supervisors of the county shall, on the first Monday succeeding such election, if then in session, or if not, at their next general or special session,

Notice of election

Who entitled to vote

Poll list

Tally list

Canvass canvass said returns and declare the result, and the County Clerk shall thereupon issue certificates of election to the persons declared to be elected. The members of the Board of Election shall receive three dollars per day for their services, and the expenses of all elections held under this Act shall be paid by the district. The Board of Trustees of the district, after the first election herein provided for, shall give notice of all elections in the manner and form hereinbefore provided for the first election. They may change the boundaries of precincts and create new ones to suit the convenience of voters, and establish polling places within the precincts, and shall appoint one Inspector and two Judges for each precinct. Such elections shall be had and conducted in all other respects the same as the first election. Every Trustee within ten days after the receipt of his certificate of election shall take and file with the County Clerk the usual oath of office. Each Trustee shall be paid out of the funds of the district three dollars for each day necessarily engaged in the business of the district.

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

Commissioners, duties of

Section 5. Upon the adoption of a plan of protection, said Board of Supervisors shall appoint three disinterested persons, residing in any county in which some part of the district is situated, as Commissioners, who shall be notified in writing of their appointment by the Clerk of said Board. Before entering upon the duties of his office, each Commissioner shall take and file with the County Clerk the usual oath of office. As soon as practicable after receiving such notice, said Commissioners shall meet and proceed to view each forty-acre tract, or fraction thereof, and each town or city lot, or parcel of land within the district, and levy and fix against each a sum for protection purposes, in proportion to the whole expense and to the benefits to be derived from such proposed works of protection, estimated in gold coin of the United States, and report to the Board of Trustees as follows:

First—A description, by the smallest legal subdivision or natural boundaries, of each tract of land, and number of each block of each town and city lot in the district.

Second—The number of acres in each tract or parcel of land, and the size of each town and city lot.

Third—The names of the owners of each tract and lot, if known; and if not, as unknown.

Fourth—The sum levied or fixed against each tract or parcel of land, and town and city lot.

Said report shall be signed by each of said Commissioners. Each of said Commissioners shall receive in payment for his services a sum not to exceed five dollars per day, to be fixed by the Board of Trustees, and be paid by the district. The words tract or parcel of land shall be held to include all railroad beds within the district.

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

Section 6. Upon the receipt of said report of the Commissioners by the Board of Trustees, said Board shall give notice, by publication for at least two weeks in a newspaper published in the county, or if there be none published in the county, then in some newspaper having a general circulation in the district, that said report has been received by them, and that they will meet at some designated date and place within the district, as a Board of Equalization, and will sit, from day to day, until the equalization has been completed, not however to exceed in all five days, and will hear and determine all complaints and objections to said report. The Board shall have power to determine all complaints and objections as to amount of land in tracts and lots and the sums levied or fixed against each, in said report, that may come before them, and shall have power to make corrections as to amounts of land, and changes as to sums levied and fixed by the Commissioners, and shall note all alterations and changes made to any part of said report, either upon said report or upon a paper attached thereto as a supplement. Upon the completion of said equalization the Board shall cause to be made out, and attached to the said report of the Commissioners, a copy thereof amended with said changes and alterations, with total areas, lots, and values or sums fixed, as finally equalized, extended in proper columns, and added up, which copy shall be attested by the signature of each member of the Board, and shall bear date as of the last day of equalization. The sums thus fixed against each tract, parcel of land, and town or city lot, in said report as equalized and corrected as shown by said copy attached thereto and certified by the Board of Trustees as herein provided, shall be the basis of all assessments within the district for a term of ten years thereafter, unless legally changed as hereinafter provided. At the expiration of said term of ten years, or other term to which it may be changed, three Commissioners shall be appointed as provided in section six of this Act, and shall have the same powers and perform the same duties as therein provided; and the Board of Trustees of the district shall perform the duties of equalization in the manner as hereinbefore provided in this section, and the sums so equalized and fixed shall be the basis of all assessments for another term of ten years, unless changed as provided. And thereafter, at the end of each succeeding term, the like measures shall be had and taken for providing and fixing a basis as aforesaid, for all assessments within the district; *provided, however,* that if in any district already formed and organized under this Act there has not yet been any equalization of the quantity of land and the sums levied and fixed upon the same by its Board of Commissioners, its Board of Trustees may, at any time hereafter, and prior to the expiration of ten years from the time of the filing of the report of the Commissioners, or other term fixed, for the basis of assessments, proceed to equalize the same in the manner herein provided, and if the report of the Commissioners has been filed with the Board of Supervisors, said Trustees may demand and withdraw the

Report of
Commissioners.

Power of
Board.

same from the files of said Board and refile the same with themselves, and the result of such equalization shall be the basis of all assessments for the remainder of the term.

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

Assessments. Section 7. The Board of Trustees of any protection district formed under this Act shall have the power to levy assessments on or against each tract or parcel of land, or town, or city lot within the district, using the sums fixed in said equalized report as the basis thereof. On making an assessment said Trustees shall make a list showing the sums assessed against each tract or parcel of land, and town and city lot within the district, and the names of the owners thereof, and file the same with the County Treasurer of the county in which the district was organized, and shall also file a copy thereof, certified by them as such, with the County Recorder of every other county in which any of the land in said district lies, and from and after the filing thereof, the amount of the charges or assessments against each tract, parcel, and lot contained therein, shall become and continue a lien thereon until paid. The Board of Trustees shall have power to make, from time to time, such other and further assessments upon the lands within the district as shall be necessary to provide for the payment of additions, repairs, and improvements to and upon the works of protection of said district, and the same shall be collected in the same manner as herein provided for the collection of the first assessment.

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

Treasurer to publish notice of filing. Section 9. Upon the filing of said list with the County Treasurer, he shall give notice by publication in a newspaper published in his county, or if none be published in his county, then in a newspaper having a general circulation in said district, that the assessment list of said district (naming it) has been filed in his office, and giving the date of filing; that the amounts entered thereon are due and payable, and that if not paid on or before the first Monday of January next ensuing, the same will become delinquent, and will be turned over to the Tax Collector of the county for collection. Said Treasurer shall note on said list all assessments paid to him, and shall, on the day following that last above named, turn over said list to said Tax Collector, who shall proceed to collect all delinquent assessments thereon, together with five per cent added thereto, at the time and in the manner provided by law for the collection of delinquent State and county taxes. All moneys so collected by him shall be paid over to the County Treasurer. All moneys paid over to the County Treasurer for protection purposes for any district organized under this Act, shall be placed by him to the credit of such district, and shall be paid out by him only for the benefit of such district, upon warrants drawn according to law.

Delinquent assessments.

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

CHAPTER CCLI.

An Act to amend sections two, three, six hundred and twenty-five, six hundred and twenty-six, six hundred and forty-one, and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 19, 1889.]

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

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

Section 2. A petition shall first be presented to the Board of Supervisors of such county, signed by at least fifty of the qualified electors of the county, residents within the limits of such proposed corporation, and the affidavit of three qualified electors residing within the proposed limits filed with the petition, shall be prima facie evidence of the requisite number of signers. The petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the provisions of this Act. Such petition shall be presented at a regular meeting of such Board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When such petition is presented, the Board of Supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding two months in all, and on the final hearing shall make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries; *provided*, that any changes made by said Board of Supervisors shall not include any territory outside of the boundaries described in such petition. The boundaries so established by the Board of Supervisors shall be the boundaries of such municipal corporation until by action, authorized by law, for the annexation of additional territory to or the taking of territory from said municipal corporation, such boundaries shall be changed; *provided*, whenever it shall appear to the Board of Supervisors that the boundaries of any municipal corporation have been incorrectly described, the Board shall direct the County Surveyor to ascertain and report a description of the boundaries. The Board of Supervisors shall, at their first regular meeting after the filing of the report of the County Surveyor, cause notice to be published in some newspaper published in the county that the report will be acted upon at the next regular meeting of the Board, and at said meeting the Board shall ratify

Manner of proceeding in organizing a municipal corporation.

the report of the County Surveyor, with such modifications as they shall deem necessary, and the boundaries so established shall be the legal boundaries of said municipal corporation. They shall then give notice of an election to be held in such proposed corporation for the purpose of determining whether the same shall become incorporated. Such notice shall particularly describe the boundaries so established, and shall state the name of such proposed corporation, and the number of inhabitants so ascertained to reside therein, and the same shall be published for at least two weeks prior to such election in a newspaper printed and published within such boundaries, or posted for the same period in at least four public places therein. Such notice shall require the voters to cast ballots, which shall contain the words "For incorporation," or "Against incorporation," or words equivalent thereto, and also the names of persons voted for to fill the various elective municipal offices prescribed by law for municipal corporations of the class to which such proposed corporation will belong.

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

Election,
how con-
ducted.

Section 3. Such elections shall be conducted in accordance with the general election laws of the State, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, enrolled upon the Great Register thereof, and shall have resided within the limits of such proposed corporation for at least sixty days next preceding such election. The Board of Supervisors shall meet on the Monday next succeeding such election, and proceed to canvass the votes cast thereat; and if, upon such canvass, it appears that the majority of the votes cast are for the incorporation, the Board shall, by an order entered upon their minutes, declare such territory duly incorporated as a municipal incorporation of the class to which the same shall belong, under the name and style of the city (or town, as the case may be) of — (naming it), and shall declare the person receiving, respectively, the highest number of votes for such several offices to be duly elected to such offices. Said Board shall cause a copy of such order, duly certified, to be filed in the office of Secretary of State, and from and after the date of such filing, such incorporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified; and it shall not be necessary in any action, civil or criminal, to plead and prove the organization or existence of such corporation, and the Courts shall take judicial cognizance thereof without proof.

Canvassing
vote.

Incorporation,
how authenti-
cated.

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

Limitation
of expendi-
ture.

Section 625. The annual expenses of such city shall not exceed the sum of one hundred thousand dollars, except in cities where one per cent on the valuation of the property

therein raises more than the sum of one hundred thousand dollars, and in such cities the annual expenses shall not exceed the sum of one per cent of the valuation of the property therein; *provided, however*, that moneys authorized to be raised and expended for the payment of the funded or bonded indebtedness of such city, and for school purposes in such city, as provided to be raised by the provisions of this chapter, shall not be considered a portion of said annual expense. If, at any time after the said sum shall have been expended in any year, it shall appear that the interests of such city demand an expenditure of an additional sum, the City Council shall make a report of the same, which shall be published for at least three weeks in some newspaper printed and published in such city, particularly specifying the object or objects for which said expenditure is required, and the amount of money necessary to be raised to complete the same. At any time within ten days after the expiration of said publication, the City Council shall order an election, giving ten days notice thereof, at which time those persons who are legal voters of such city may vote for or against a tax to raise such additional sum. The election shall be conducted and returns made and canvassed in all respects as the general elections of such city, and a majority shall determine if such tax be levied or not. If the vote is in favor of such tax, the City Council shall forthwith, by an order to be entered on the journal of their proceedings, order the tax to be levied and collected upon the basis of the last municipal assessment, and shall make the proposed expenditures; *provided*, that the special tax thus to be levied shall, for no one year, be more than one per cent of the valuation of real and personal property in the city, as shown by the last assessment roll. All special taxes to be levied and collected under the provisions of this section shall be levied and collected in the manner, form, and ways prescribed for the levying and collecting of the general taxes of such city; and as a security for their payment, a lien shall attach to and against each lot of land for the amount assessed against it from the date of the order; and every person, firm, or corporation against whom a tax be thus assessed shall be personally liable to pay the amount to such city. Said lien shall continue until such taxes are paid, or the property become vested in a purchaser under a sale thereof.

Excess of limit to be decided by vote.

Special and general tax levy similarly collected.

SEC. 4. Section six hundred and twenty-six of said Act is hereby amended so as to read as follows:

Section 626. Every appropriation or payment of money made or ordered by the City Council in excess of said sum stated in section six hundred and twenty-five, unless it shall be authorized by a vote of the electors of such city, as provided for in the preceding section, shall be invalid, illegal, and void, and shall be recoverable by the city from the party or parties to whom the same is made, if knowingly taken or received by such party or parties; and the members of the City Council who shall have voted for the same shall be individually, jointly, and severally liable for such excess,

Excessive expenditure void.

and it may be recovered from them in any Court of competent jurisdiction by the party or parties with whom they have contracted, or by the city, if payment has been actually made.

SEC. 5. Section six hundred and forty-one of said Act is hereby amended to read as follows:

Duty of
Assessor.

Section 641. It shall be the duty of the City Assessor to prepare, between the first day of January and the first Monday in April in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city on the first day of January taxable for State and county purposes, with a true valuation thereof on the first day of January, which said assessment list shall conform as near as practicable, when not inconsistent with the provisions of this chapter, to the assessment list required by law to be made by the County Assessor for State and county purposes; also, to make all assessments for the improvements of streets as herein or by ordinance provided; to be present at the sessions of all Boards of Equalization mentioned in this chapter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city or otherwise appertaining to his office as the City Council by ordinance or resolution may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to such list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. He shall receive a salary to be fixed by the City Council, which shall not exceed five hundred dollars per annum.

SEC. 6. Section seven hundred and sixty-eight of said Act is hereby amended so as to read as follows:

Incurring of
excess de-
cided at an
election.

Section 768. If at any time the Board of Trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred; the purpose or purposes if the question of indebtedness for more than one purpose be proposed of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund as hereinafter provided; *provided*, that such interest shall not be in excess of seven per cent per annum. Such notice shall be published for at least two weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon the canvass of the votes cast at such election, it appears that not less than two thirds of all the

qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Board of Trustees to pass an ordinance providing for the mode of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, 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 a period of not more than twenty years from the time of contracting of the same. It shall be the duty of the Board of Trustees, in each year thereafter, at the time at which taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this chapter authorized to be levied. Such tax when collected, shall be kept in the treasury as a separate fund, or funds, in case indebtedness be incurred for different purposes, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

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

CHAPTER CCLII.

An Act to regulate quarantine, and the admission of horses, cattle, sheep, and swine into the State of California from infected districts.

[Approved March 19, 1889.]

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

SECTION 1. The State Board of Health shall be empowered to declare quarantine against the entry of domestic animals from any State or Territory, or any foreign port or country, in which contagious or infectious diseases are known to exist; said infected parts to be named in the proclamation.

Quarantine against entry of domestic animals.

SEC. 2. All domestic animals coming into the State from districts mentioned in section one must be required to enter the State at such points only as the State Board of Health may by proclamation determine, and designate where they must be unloaded for inspection.

Entry of, through State Board of Health.

SEC. 3. All owners of domestic animals coming into this State from localities quarantined against will be required to furnish the following evidence that such animals are free from disease:

Evidence of owners.

First—The affidavit of two disinterested parties, who have known such animals for a period of four months prior to the date of shipment, that they have been healthy, and exposed to no contagious disease, and that no contagious disease is known or believed to exist in the district or country from which they came.

Second—The certificate of the County Clerk of the county, that persons making such affidavit are responsible and reputable citizens of the county.

Third—The affidavit of the owner or person in charge, made at the point of entry, that such domestic animals are the identical animals described in the foregoing affidavits, and that shipment has been direct, and without unloading, except for food and water, and in cleansed and disinfected cars.

Affidavit of owners.

SEC. 4. Owners or persons in charge of domestic animals from localities not named in such proclamation must certify, under oath, that such domestic animals have been kept in one place for a period of four months immediately preceding the date of shipment (giving the name of the town and county and State, Territory, or country), and have not been exposed to any contagious disease for a period of three months prior to the date of shipment.

Evidence to be submitted.

SEC. 5. All the foregoing evidence to be submitted to the State Veterinarian, or an authorized Inspector of the State, when permits for shipment in this State shall be issued.

Quarantined calves.

SEC. 6. Dealers' calves gathered in quarantined States or territories will be quarantined at the points of entry.

Domestic animals.

SEC. 7. Domestic animals not receiving permits for shipment, and retained in quarantine, will be held at the owner's risk and expense.

Same.

SEC. 8. All domestic animals arriving at points of entry shall be inspected free of charge to the owner.

Railway company must have permit.

SEC. 9. No railway company doing business in this State shall receive for shipment into this State any domestic animals, unless accompanied by a permit signed by an authorized Inspector.

Cattle when not to enter State.

SEC. 10. No cattle shall enter this State from Texas, New Mexico, or Mexico for grazing purposes during the months of March, April, May, June, July, August, September, October, and November in each year.

Shipment for slaughter.

SEC. 11. All cattle from those parts mentioned in section ten entering this State during the months mentioned in section ten, and intended for butchering purposes, shall pass from the point of entry into the slaughterhouse yard, which yard shall be specially constructed and isolated for the purpose of receiving such stock. The stock shall be unshipped in said yard direct from the cars running into the yards for that purpose.

Character of cars.

SEC. 12. Said cattle shall moreover be shipped in specially constructed cars, which will prevent the dropping of manure and urine on the track during transit, and in unshipping such cattle the cars shall be thoroughly disinfected with carbolic whitewash.

Disinfecting cars.

When may be unshipped.

SEC. 13. All cattle entering this State for the purposes mentioned in section eleven shall only be unshipped between the point of entry and destination at places set apart by the State Board of Health in its proclamation; and no native stock shall be allowed at any time to enter said places; said places shall be moreover thoroughly disinfected in such manner as the State Board of Health may direct.

SEC. 14. Any person or persons, corporations, or firms, who shall violate any of the provisions of this Act, shall be liable for all damages sustained and a fine of one thousand dollars, to be recovered in any Court of competent jurisdiction, on account of any contagious or infectious disease being communicated from any diseased animal to any other animal in the neighborhood, or along the line of such transportation of such diseased animals into or through this State, or from one part thereof to another; and the existence or presence of such contagious or infectious disease among the native cattle of this State on the same ranch with, or in the vicinity of any such diseased animals, or along the line or route over which they were transported, shall be prima facie evidence that the same were affected with such disease at the time of being so removed or transported, and communicated it to such native domestic animals so affected therewith.

Violation of Act.

SEC. 15. The words "domestic animals" whenever used in this Act shall be construed to mean and include horses, mules, asses, cattle, sheep, goats, and swine.

Definition.

SEC. 16. The State Board of Health are hereby authorized to appoint one Inspector for each of the points of entry by railroad communication into this State, who shall reside at such point as may be designated by the State Board of Health, and shall receive such compensation for actual services as may be determined by said Board, not to exceed one hundred dollars per month; such compensation to be paid out of any moneys in the State Treasury not otherwise appropriated, upon the warrants of the Controller of State drawn upon the certificate of the State Board of Health allowing the same.

Inspectors to be appointed.

SEC. 17. This Act shall take effect immediately.

CHAPTER CCLIII.

An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State, and to repeal section seven hundred and ninety-three of said Code, relating to the term of office of Notaries Public.

[Approved March 19, 1889.]

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

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

791. The Governor may appoint and commission such number of Notaries Public for the several counties of this State as he shall deem necessary for the public convenience; *provided*, that the Governor may appoint and commission Notaries Public as follows: In the County of Los Angeles,

Notaries Public.

not exceeding one hundred and twenty-five, of whom not more than fifty shall be appointed from the City of Los Angeles; in the City and County of San Francisco, not exceeding fifty; in the County of Solano, not exceeding forty.

SEC. 2. The term of office of a Notary Public is four years from and after the date of his commission.

Repealing.

SEC. 3. Section seven hundred and ninety-three of the Political Code is hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLIV.

An Act for the remaneration of the Oregon Railway and Navigation Company for merchandise lost in the Bay of San Francisco, by falling through a rotten wharf under the control of the Board of State Harbor Commissioners.

[Approved March 19, 1889.]

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

To ascertain loss of Oregon Railway and Navigation Company.

SECTION 1. The Board of State Harbor Commissioners is hereby authorized and directed to ascertain the amount due the Oregon Railway and Navigation Company for loss sustained of goods, wares, and merchandise being dumped into the Bay of San Francisco, through a rotten wharf, under the control of the Board of State Harbor Commissioners and for the use of which the said Board collected rent and toll.

Appropriation for.

SEC. 2. There is hereby appropriated out of the San Francisco Harbor Improvement Fund, the sum of five thousand dollars to pay the Oregon Railway and Navigation Company for loss sustained in the dumping of their goods, wares, and merchandise into the Bay of San Francisco in the manner aforesaid, and the Controller of State is hereby authorized and directed to draw his warrant, and the Treasurer of State to pay the same; *provided*, that nothing in section six hundred and sixty-four of the Political Code of this State be held to conflict with this Act; *and, provided further*, that the direction herein to the Controller is exempted from the operations of section six hundred and seventy-two of said Code.

SEC. 3. This Act shall take effect immediately after its passage.

CHAPTER CCLV.

An Act to amend an Act entitled "An Act to amend section six of an Act entitled an Act concerning the waterfront of the City and County of San Francisco, approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners," approved March seventeenth, eighteen hundred and eighty.

[Approved March 19, 1889.]

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

SECTION 1. Section one of an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners," approved March seventeenth, eighteen hundred and eighty, is hereby amended so as to read as follows:

Section 6. Said Commissioners shall have the possession, jurisdiction, and control over the blocks and parts of blocks formed by the change of the waterfront and the extensions of the streets to the thoroughfare aforesaid, and remove any obstruction placed thereon, in the same manner as provided for the removal of obstructions from the piers, wharves, and thoroughfares. The Commissioners are authorized to keep and maintain said block and parts of blocks as open spaces for the use of the public, or they may in their discretion inclose them. The Commissioners are also authorized to assign the use of such portions thereof as they deem expedient for such purposes solely as will be most advantageous to the commerce of the port, and upon such terms and conditions as they shall determine. All such assignments shall terminate at the pleasure of the Commissioners. But in no case shall any lease or leases be given.

Amending
Act, 1880.

Jurisdiction
over blocks
and streets.

CHAPTER CCLVI.

An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

[Approved March 19, 1889.]

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

SECTION 1. Section two thousand five hundred and twenty-four is hereby amended to read as follows:

Commissioners to have charge of waterfront. Duties of.

2524. The Commissioners shall have possession and control of that portion of the Bay of San Francisco, together with all the improvements, rights, privileges, easements, and appurtenances connected therewith, or in anywise appertaining thereto, for the purposes in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns, or valid leases; which parcels so held it is hereby made the duty of the Commissioners to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases), bounded as follows, to wit: Commencing at the point where the easterly line of the Presidio Reservation intersects the waterline front as established by the Board of State Tide Land Commissioners; thence easterly along said waterline front to the center of Webster Street; thence southerly along the center of Webster Street to the center of Lewis Street; thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the center of Polk Street to the center of Tonquin Street; thence easterly along the center of Tonquin Street to the center of Larkin Street; thence southerly along the center of Larkin Street to the center of Jefferson Street; thence easterly along the center of Jefferson Street to the center of Powell Street; thence southerly along the center of Powell Street to the center of Beach Street; thence easterly along the center of Beach Street to the center of Dupont Street; thence southerly along the center of Dupont Street to the center of North Point Street; thence easterly along the center of North Point Street to the center of Kearny Street; thence southerly along the center of Kearny Street to the center of Francisco Street; thence easterly along the center of Francisco Street to the center of Montgomery Street; thence southerly along the center of Montgomery Street to the center of Chestnut Street; thence easterly along the center of Chestnut Street to the center of Sansome Street; thence southerly along the center of Sansome Street to the center of Lombard Street; thence easterly along the center of Lombard Street to the center of Battery Street; thence southerly along the center of Battery

Boundaries.

Street to the center of Greenwich Street; thence easterly ^{Same.} along the center of Greenwich Street to the center of Front Street; thence southerly along the center of Front Street to the center of Vallejo Street; thence easterly along the center of Vallejo Street to the center of Davis Street; thence southerly along the center of Davis Street to the center of Pacific Street; thence easterly along the center of Pacific Street to the center of East Street; thence southerly along the center of East Street to the center of Folsom Street; thence westerly along the center of Folsom Street to the center of Steuart Street; thence southerly along the center of Steuart Street to the center of Harrison Street; thence southerly on a direct line with said Steuart Street two hundred and fifty-three feet nine inches to the center of a street the name of which is not on a map; thence at right angles westerly along the center of said street to the center of Spear Street; thence southerly along the center of Spear Street to the center of Bryant Street; thence westerly along the center of Bryant Street to the center of Beale Street; thence southerly along the center of Beale Street to the center of Brannan Street; thence westerly along the center of Brannan Street to the center of First Street; thence southerly along the center of First Street to the center of Townsend Street; thence westerly along the center of Townsend Street five hundred and fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King Street; thence westerly along the center of King Street to the center of Second Street; thence southerly along the center of Second Street to the center of Berry Street; thence westerly along the center of Berry Street to the center of Third Street; thence southerly along the center of Third Street to the northerly line of Channel Street; thence westerly along the last mentioned line to the easterly line of Fifth Street; thence southerly along said last mentioned line to the southerly line of said Channel Street; thence easterly along said last mentioned line to the center of Kentucky Street; thence southerly along the center of Kentucky Street to the center of Fourth Street; thence along the center of Fourth Street to the center of Louisiana Street; thence southerly along the center of Louisiana Street to the center of El Dorado Street; thence westerly along the center of El Dorado Street to the center of Illinois Street; thence southerly along the center of Illinois Street to the center of Solano Street; thence easterly along the center of Solano Street to the waterfront line established by the Board of State Tide Land Commissioners; thence southerly along said last mentioned line to the center of Tulare Street; thence westerly along the center of Tulare Street to the center of Texas Street; thence southerly along the center of Texas Street to the center of Islais Street; thence easterly along the center of Islais Street to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the center of India Street; thence westerly, southerly, and easterly along the center of said India Street to the center of Waterfront Street, to the center of

Same.

China Street; thence westerly along the center of China Street to the center of Third Avenue; thence southerly along the center of Third Avenue to the northerly line of the property of the California Dry Dock Company; thence easterly along said last mentioned line to the waterfront established by the Board of State Tide Land Commissioners; thence southerly along and around said dry dock company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Waterfront Street; thence southerly along the center of Waterfront Street to the center of Nineteenth Avenue; thence westerly along the center of Nineteenth Avenue to the center of Dock Street; thence southerly along the line of Dock Street to the center of Twenty-third Avenue; thence westerly along the center of Twenty-third Avenue to the center of H Street; thence southerly along the center of H Street to the center of Twenty-fourth Avenue; thence easterly along the center of Twenty-fourth Avenue to the center of Waterfront Street; thence southerly along the center of said Waterfront Street to the southern boundary of the City and County of San Francisco; thence along the southerly, easterly, and northerly boundary lines of said city and county to a point due north of the place of commencement, and thence south to the place of commencement. But no harbor, embankment, or seawall shall be constructed outside of the following named points and lines, to wit: Commencing at the point where the eastern boundary lines of the Presidio Reservation, extended in a northerly direction, intersects the three-fathom contour line shown upon the chart of the United States Survey, and running thence in an easterly and southerly direction, upon straight or curved lines, in such manner as to approach as near as practicable the extreme outer projections of the waterline front, as described in an Act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, in the year of our Lord eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry Streets; thence continuing southerly, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the waterline front, as established by the Board of State Tide Land Commissioners, to the southerly boundary of said City and County of San Francisco; and said Commissioners, in addition to a general control over said premises, shall have authority to use for loading and landing merchandise, with a right to collect dockage, wharfage, and tolls thereon, such portion of the streets of the City and County of San Francisco ending or fronting upon the waters of said bay, as may be used for such purposes without obstructing the same as thoroughfares; and authority to rent an office in the City and County of San Francisco, between Montgomery, Market, and Pacific Streets and the city front; and purchase from time to time, suitable books for the records of the Secretary and accounts of the wharfingers, together with such stationery as may be required by the Board; and to fix and regulate,

from time to time, the rates of dockage, wharfage, cranage, tolls, and rents; and collect such an amount of revenue therefrom as will enable the Commissioners to perform the duties required of them by authority of this article; and the Commissioners and Mayor of San Francisco may so modify and establish such rates of dockage and wharfage as will produce a revenue not to exceed in amount the moneys collected in the year eighteen hundred and seventy-five; collecting as near as possible equal amounts from dockage and wharfage. When such modification has been made, the collection of tolls must be abolished and the toll collectors discharged. The Commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the Board may deem most suitable for the best interests of commerce, and shall repair and maintain all the wharves, piers, quays, landings, and thoroughfares the wants of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading, and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the City and County of San Francisco by water. And for the purpose of repairing said wharves, piers, quays, and landings, the Commissioners are hereby authorized and empowered to purchase or construct pile drivers, and the necessary machinery to be used therewith, and employ men for operating the same. But no wharf shall be extended into the bay more than six hundred feet beyond the inside line, or the line nearest the shore of the City and County of San Francisco, described in this article, or more than six hundred feet beyond the permanent waterfront line when established under the provisions of this article, nor shall any such wharf be constructed upon such place or line as will cause any slip or dock to be less than one hundred and thirty-six feet wide at the most narrow point between the wharves. The Commissioners are hereby authorized and empowered to purchase or construct works for preserving piles and timber, and the necessary machinery to be used therewith and operate said works, and for that purpose to employ men, and purchase chemicals or such other materials as may be necessary for the preserving of piles and timber. The purchase of chemicals can be made without advertising for proposals therefor. When they determine that a new wharf shall be erected, or any other necessary improvement constructed, or repairs made, or dredging machines, pile drivers, scows, steam tugs, or any necessary machinery or material obtained, the cost of which shall exceed three thousand dollars, they shall advertise for sealed proposals, for a period not less than ten days, in one or more of the daily newspapers in the City and County of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal, such check to be made payable to the order of the Secretary of said Board; *conditioned*, if the proposal is

To establish rates.

Tolls, when abolished.

Construct wharves.

Length of wharf.

Advertising for bids.

accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case the said sum mentioned in said check shall be paid into the State Treasury by said Secretary, as liquidated damages for such failure and neglect, as a portion of the San Francisco Harbor Improvement Fund. Such advertisement shall contain a general description of the work to be done, the material to be used, the place where to be used, and must refer to specifications which must contain a full and accurate description of the work to be performed, the material to be used, and where to be used; which specifications shall be kept in the office of the Secretary of the Board in such manner that all persons may inspect the same during the usual business hours of all days, except Sundays and holidays. On a day named in the advertisement, the Commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the work.

Rejection of
bids.

If, in the opinion of the Commissioners, the bids are too high, they may reject them, and advertise anew in like manner as before. If, in the opinion of the Commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving further notice. Any contract entered into without giving public notice and received bids, must be at least ten per cent lower than the lowest rejected bid. The Board may construct such harbor embankment or seawall as shall be necessary to protect the harbor of San Francisco, and dredge such number of slips and docks as the commerce of the port of San Francisco may require to a depth that will admit of the easy and free ingress and egress of all classes of water craft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Francisco; to perform which dredging the Board of State Harbor Commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the Board, in not less than fifteen fathoms of water. All classes of water craft that uses or makes fast to any wharf, pier, quay, landing, or thoroughfare, and lands upon or loads therefrom any goods, wares, or merchandise, shall be liable and must pay to the Commissioners such rates of dockage as shall be fixed by authority of this article; and all such water craft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock, or basin within the jurisdiction of the Commissioners, shall pay one half the regular rates of dockage. Any water craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular

Classes liable
to dockage.

rates. The charge for wharfage and tolls shall be a lien upon all goods, wares, and merchandise landed upon any of the wharves, piers, quays, landings, or thoroughfares upon the premises described in this article; and the Commissioners, their agents, or lessees, may hold possession of any such goods, wares, or merchandise, so landed as aforesaid, to secure the payment of such wharfage and tolls; and for the purpose of such lien, are deemed to have possession of such goods, wares, and merchandise, so landed, until such charge for wharfage and tolls are paid. The Commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the State which is intrusted to them by virtue of this article, and said Commissioners are hereby authorized and required to make, without delay, and from time to time, and publish not less than thirty days in a daily newspaper of general circulation published in the City and County of San Francisco, all needful rules and regulations not inconsistent with the laws of the State or of the United States, in relation to the mooring and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferryboats and other steamers navigating the waters of the Bay of San Francisco and the fresh water tributaries of said bay, so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said Commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from slips and docks, as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise landed upon any wharf, pier, quay, landing, or thoroughfare shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare beyond the term so prescribed, the respective Wharfinger may, under the order of the Commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the Commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The Commissioners may, in their discretion, set apart and assign for the exclusive use of the water-craft used by the officers of the Federal Government, such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storehouses to suit their convenience; and the Commissioners shall charge a reasonable compensation per month for the use of such landings, and office, and storehouse premises; set apart and assign a suitable and proper locality for the use of the Harbor Police of the City and County of San Fran-

Charges, a lien.

To make rules.

To set apart landings for Federal Government.

Compensation for landings.

To set apart
for fisher-
men.

To set apart
for cattle.

To set apart
for dry
docks.

Not to renew
lease.

cisco; and also a suitable place for a boat-house station, for the exclusive use of the quarantine and health officers of said city and county, without compensation; set apart and assign for the exclusive use of steam ferryboats, suitable slips, in which such structures may be erected as will secure the safe and convenient landing of passengers, and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of vessels; to construct suitable sheds, gates, and other temporary structures as may be necessary for the safe and convenient landing of passengers, and safe landing and delivery of freight; and set apart and assign, for the sole and exclusive use of the fishermen of the City and County of San Francisco, such place or places as the said Commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen; *provided*, the premises set apart by said Commissioners shall be used only for the legitimate business of said fishermen, and for no other purpose; *and provided*, said Commissioners shall not charge therefor more than the following rates: For boats over twenty-two feet and under forty feet long, one dollar per week; for boats from sixteen to twenty-two feet long, seventy-five cents per week; and for all boats less than sixteen feet long, twenty-five cents per week. The Commissioners may assign suitable places for the landing of horses, cattle, sheep, and swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any water-craft to land any greater number than ten at any one time from any water-craft at any other place. The Commissioners may set apart for the uses and purposes of dry docks and marine railways such portions of the waterfront northwesterly of the northerly end of Kearny Street, and southerly of the easterly end of Solano Street, as the wants of commerce may require. The Commissioners shall not have the right to renew any lease, or to lease any premises under their control for any purpose whatever, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the Commissioners' charge, except such use as shall be terminated as herein provided; and the said Commissioners may condemn, purchase, and pay a reasonable compensation for such structure as may have been erected upon the said premises, which structure, in the opinion of the Board and Engineer, may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares, or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare situated upon the premises described in this article; nor shall any corporation, firm, association, company, or person collect dockage, wharfage, crantage, or toll within the boundaries of the premises described in this article, without first obtaining permission to do so from said Commissioners. Any use permitted of the property by the Commissioners may be terminated at any time by them, on thirty days' previous notice to the party or

parties so using the same. Said Board shall not lease to, or permit any corporation or association, or any person or persons, to lay down any track or tracks for railways along any of the property described herein, or on any portion of the waterfront of San Francisco, under any condition whatever. Said Board may, when the wants of commerce require, lay down such number of tracks along and on any portion of said waterfront as may be necessary to meet such wants, and permit the use thereof to any corporation or association, or any person or persons, under such rules, regulations, and at such compensation as said Board may determine; *provided*, that no special privileges shall be awarded thereon to any corporation, association, person, or persons; *and provided further*, that switches from said railway track or tracks may, with the permission of said Board, and under the limitations and conditions of this Act, be constructed by corporations, or any person or persons, leading to any warehouse or place of business. Nor shall any person or company place, or cause to be placed, any obstructions in that portion of the Bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the Board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Francisco shall be incumbered, or their free use interfered with, by goods, wares, merchandise, or other substance, whether loose, or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the Commissioners to notify, in writing (which service may be served by a Wharfinger, or the Secretary or Assistant Secretary of the Board), the owner, agent, or occupant, or person placing or keeping such obstructions thereon, to remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person notified, shall be liable to pay the Commissioners the sum of twenty-five dollars for each and every day during which such obstructions shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the Commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the Commissioners, and such sum and necessary charges shall be a lien on such substance until paid. The rate of dockage, wharfage, and tolls shall not exceed those established by the Board of State Harbor Commissioners July first, eighteen hundred and seventy-four, and dockage shall not be collected on any vessel lying at anchor outside of dock, wharf, or slip. Nothing in this section shall be construed as authorizing the Board of Harbor Commissioners to construct any railroad along and upon any open canal extending inland from said waterfront. But said Harbor Commissioners may, when a waterfront railroad shall be constructed by them, construct the same across the outlet of such open canal.

To prohibit
laying of
railroad
tracks.

Obstructions
in bay.

SEC. 2. Section twenty-five hundred and twenty-eight of the Political Code is hereby amended so as to read as follows:

Disposition
of moneys
collected.

2528. All moneys collected shall be paid into the State Treasury, and be credited to the San Francisco Harbor Improvement Fund, at least once in each month, except so much thereof as may be necessary to pay the salaries of officers, office rent, cost of office furniture, books, stationery, lights, fuel, expense of dredging, expense of pile driving and piles, expense of preserving piles and timber, cleaning the wharves and bulkheads, legal, and other incidental expenses, and in addition six thousand dollars per month for urgent repairs, which last sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the waterfront under the jurisdiction of the Board without advertising for proposals therefor. Such moneys may be remitted to the State Treasurer by express.

SEC. 3. Section two thousand five hundred and fifty-two of the Political Code is hereby amended so as to read as follows:

Salaries.

2552. The monthly salaries of the officers of the Board shall be as follows: The President, three hundred dollars; each of the other two Commissioners, two hundred and fifty dollars; the Secretary, two hundred and fifty dollars; the Assistant Secretary, one hundred and fifty dollars; the Attorney, two hundred dollars; the Chief Engineer, two hundred and fifty dollars; the Chief Wharfinger, two hundred and fifty dollars; the Wharfingers, one hundred and twenty-five dollars; and the Collectors, one hundred dollars. The Board must fix the compensation of the other employés. No ex officio officer, nor consulting engineer, shall receive any compensation, except traveling and other incidental expenses.

CHAPTER CCLVII.

An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands, and lands within their jurisdiction, along the exterior waterfront line of the City and County of San Francisco, and to regulate the use of the same.

[Approved March 19, 1889.]

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

To construct
railroads,
bridges, etc.

SECTION 1. The Board of State Harbor Commissioners is hereby authorized to construct railroads, bridges, and draw-bridges, over any State lands, or lands within its jurisdiction and control, along the exterior waterfront of the City and County of San Francisco, and across the outlet of, but not along any water highway or open canal extending inland.

SEC. 2. The Board of State Harbor Commissioners shall have the power, and it shall be its duty to adopt such regulations as it shall deem proper, from time to time, to secure to any and all railroad companies now or hereafter receiving or delivering freight and passengers within the City and County of San Francisco, on equal terms, the right to use the railroad so constructed for the transportation of their engines, trains, and cars, upon such terms of payment to the Board of State Harbor Commissioners for the State of California, and under such restrictions as the said Board shall deem just. The said Board shall also have the power, and it shall be its duty, from time to time, as occasion therefor may arise, to adopt just and reasonable regulations to prevent the passage of engines, trains, or cars over said road across the streets of the City and County of San Francisco, at such hours and in such manner as may interfere with the safe and convenient use of said streets. Upon the adoption of any regulation or amendment thereof under this section, a copy shall be immediately furnished by the said Board to all persons, companies, and corporations using said railroad.

To permit use of railroads to railroad companies.

To regulate passage of engines, etc.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAPTER CCLVIII.

An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-five, seven hundred and fifty-eight, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-nine, seven hundred and seventy-three, seven hundred and seventy-eight, seven hundred and eighty-six, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 19, 1889.]

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

SECTION 1. Section seven hundred and fifty-two of the Act, the title of which is recited in the title hereof, is hereby amended so as to read as follows:

Section 752. The members of the Board of Trustees, and of the Board of Education, and the Assessor, Marshal, Treasurer, City Clerk, and Recorder shall be elected by the qualified electors of said city, at a general municipal election to be held therein on the second Monday in April in each odd numbered year. The Marshal, Assessor, Treasurer, City Clerk, and Recorder shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified.

Election and terms of office.

Members of the Board of Trustees and of the Board of Education shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; *provided*, that the first Board of Trustees and Board of Education elected under the provisions of this Act shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of two years and two at the expiration of four years. The City Attorney shall be appointed by the Board of Trustees, and shall hold office during the pleasure of the Board of Trustees. The Board of Trustees may, in their discretion, appoint a Poundmaster to hold office during the pleasure of the Board; also, a Superintendent of Streets and a City Engineer, who shall hold office during the pleasure of the Board, and both of which offices may be held by the same person.

SEC. 2. Section seven hundred and fifty-five of said Act is hereby amended so as to read as follows:

Compensation.

Section 755. The members of the Board of Trustees shall receive no compensation whatever, except while acting as a Board of Equalization. The Treasurer, Assessor, Marshal, Clerk, and Recorder shall severally receive, at stated times, a compensation to be fixed by ordinance by the Board of Trustees, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the Board of Trustees from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the Board of Trustees.

SEC. 3. Section seven hundred and fifty-eight of said Act is hereby amended so as to read as follows:

Free library.

Section 758. The Trustees of any free public library created or existing in such city under the provisions of an Act entitled "An Act to establish free public libraries and reading rooms," approved April twenty-sixth, eighteen hundred and eighty, shall be appointed by the Board of Trustees in the same manner as other officers are appointed under the provisions of this chapter, anything in the provisions of said Act to the contrary notwithstanding. The term of office of such Trustees shall be four years, and until their successors are appointed and qualified; *provided*, that in case of a vacancy the person appointed to fill the vacancy shall hold the office only till the expiration of the term and the appointment and qualification of his successor.

SEC. 4. Section seven hundred and sixty-three of said Act is hereby amended so as to read as follows:

Limitation on passage of ordinances.

Section 763. No resolution granting any franchise, and no ordinance for any purpose, shall be passed by the Board of Trustees on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, or an adjourned regular meeting, and no such resolution and no ordinance granting any franchise shall be passed without being first submitted to the City Attorney. No resolution or

order for the payment of money shall be passed at any other than a regular meeting, or an adjourned regular meeting, and no resolution or order for the payment of money, no resolution granting a franchise, and no ordinance for any purpose shall have any validity or effect unless passed by the affirmative vote of at least three Trustees.

SEC. 5. Section seven hundred and sixty-four of said Act is hereby amended so as to read as follows:

Section 764. The Board of Trustees of such city shall have power:

First—To pass ordinances not in conflict with the Constitution and laws of this State, or of the United States. Powers of Board.
Ordinances.

Second—To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; *provided*, that they shall not have power to sell or convey any portion of any waterfront, but may rent such waterfront for a term not exceeding ten years, for the purpose of erecting bath-houses thereon. Purchase real estate.

Third—To contract for supplying the city with water for municipal purposes. Water supply.

Fourth—To establish, build, and repair bridges; to establish, lay out, alter, keep open, open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein or upon any part thereof; to cause to be planted, set out, and cultivated shade trees therein, and generally to manage and control all such highways and places. Public highways.

Fifth—To establish, construct, and maintain drains and sewers. Sewers.

Sixth—To provide fire engines, and all other necessary or proper apparatus for the prevention and extinguishment of fires. Fire engines.

Seventh—To impose on and collect from every male inhabitant, between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city; *provided*, that any member of a volunteer fire company in such city shall be exempt from such tax. Poll tax.

Eighth—To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the city. Dog tax.

Ninth—To levy and collect annually a property tax, which shall be apportioned as follows: For the General Fund, not exceeding sixty cents on each one hundred dollars; for Street Fund, not exceeding thirty cents on each one hundred dollars; for School Fund, not exceeding twenty cents on each one hundred dollars; for Sewer Fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year, for all purposes to which such funds are applicable, Property tax.

shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city.

Licenses. *Tenth*—To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license upon the same, and to provide for the collection of the same by suit or otherwise.

River improvement. *Eleventh*—To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the waterfront of the city, and to construct and maintain embankments and other works to protect such city from overflow.

Municipal buildings. *Twelfth*—To erect and maintain buildings for municipal purposes.

Tracks and pipes. *Thirteenth*—To permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets; and to construct and maintain, and to permit the construction and maintenance of telegraph, telephone, and electric light lines therein.

Ward division. *Fourteenth*—In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be so divided into wards, the Board of Trustees shall designate, by ordinance, the number of Trustees to be elected from each ward, apportioning the same in proportion to the population of such ward; and thereafter the Trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

Policemen. *Fifteenth*—To appoint and remove such policemen and other subordinate officers as they may deem proper, and to fix their duties and compensation.

Violation of ordinances. *Sixteenth*—To impose fines, penalties, and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

Prison labor. *Seventeenth*—To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city.

Fire limits. *Eighteenth*—To establish fire limits with proper regulations.

Other acts. *Nineteenth*—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such

city all other local, police, sanitary, and other regulations as do not conflict with general laws.

SEC. 6. Section seven hundred and sixty-five of said Act is amended so as to read as follows:

Section 765. The enacting clause of all ordinances shall be as follows: "The Board of Trustees of the City of _____, do ordain as follows." Every ordinance shall be signed by the President of the Board of Trustees, attested by the Clerk, and published at least once in a newspaper published in such city, or printed and posted in at least three public places therein. It shall not be necessary in any action, civil or criminal, to plead or prove the organization or existence of such corporation, nor the passage, existence, or validity of any ordinance thereof; and Courts shall take judicial cognizance thereof without proof.

Enacting clause.

SEC. 7. Section seven hundred and sixty-six of said Act is hereby amended so as to read as follows:

Section 766. All demands against such city, except as otherwise by law provided, shall be presented to and audited by the Board of Trustees, in accordance with such regulations as they may, by ordinance, prescribe; and, upon the allowance of any such demand, the President of the Board shall draw a warrant upon the Treasurer for the same, which warrant will be countersigned by the Clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid.

Board to audit demands.

SEC. 8. Section seven hundred and sixty-seven of said Act is hereby amended so as to read as follows:

Section 767. The Board of Trustees shall not create, audit, allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes, except in the manner provided by law for incurring indebtedness; *provided*, that any city during the first year of its existence under this Act may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinbefore provided.

Indebtedness not to exceed moneys provided.

SEC. 9. Section seven hundred and sixty-nine of said Act is hereby amended so as to read as follows:

Section 769. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted in the name of the people of the State of California. Any person sentenced to imprisonment for the violation of any ordinance may be imprisoned in the city jail, or, if the Board of Trustees shall by ordinance so prescribe, in the county jail of the county in which such city may be situated; in which case the expense of such imprisonment shall be a charge in favor of such county against such city.

Imprisonment.

SEC. 10. Section seven hundred and seventy-three of said Act is hereby amended so as to read as follows:

City tax
levy.

Section 773. The Board of Trustees shall have the power, and it shall be their duty to provide, by ordinance, a system for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State in reference to assessment, levy, and collection of State and county taxes, except as to the time for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes shall be collected by the Marshal or Treasurer, as may be determined by the Board of Trustees by ordinance. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any Court of competent jurisdiction to foreclose such liens; *provided*, that any property sold for such taxes shall be subject to redemption within the time and in the manner and upon the terms provided or that may hereafter be provided by law for the redemption of property sold for State taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for nonpayment of State taxes.

SEC. 11. Section seven hundred and seventy-eight of said Act is hereby amended so as to read as follows:

Powers of
President.

Section 778. The President of the Board of Trustees shall preside over all meetings of the Board at which he is present. In his absence a President pro tem. may be chosen. The President, and in his absence the President pro tem., shall sign all warrants drawn on the City Treasurer, and, unless otherwise provided by said Board, shall sign all written contracts entered into by said city, as such President or President pro tem. The authority and power of the President pro tem. shall continue only during the day on which he is chosen. The President and President pro tem. shall have power to administer oaths and affirmations, and take affidavits and certify the same under their hands. The President or President pro tem. shall sign all conveyances made by said city, and all instruments which shall require the seal of the city. The President is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged. He shall have power to administer oaths and affirmations concerning any demand upon the treasury, and in all matters relating to the duties of the Board of Trustees, and to witnesses examined in any investigation had by said Board, or by any committee thereof duly authorized to make such investigation. Said President may issue subpoenas

under his hand and the seal of such city, attested by the City Clerk, to compel the attendance of witnesses before such Board of Trustees or committee thereof.

SEC. 12. Section seven hundred and eighty-six of said Act is hereby amended so as to read as follows:

Section 786. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out said money on warrants signed by the proper officers, and not otherwise, except interest coupons on bonds. He shall make quarterly settlements with the City Clerk. He shall collect all taxes levied by the Board of Trustees, if so required by ordinance. Treasurer.

SEC. 13. Section seven hundred and eighty-eight of said Act is hereby amended so as to read as follows:

Section 788. It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the Board of Trustees and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book, which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received; and in which shall be entered upon the debtor side all commissions deducted, and all warrants drawn on the treasury. He shall also keep a book, marked "Marshal's Account," in which he shall charge the City Marshal with all the tax lists, if any, delivered to him, and all licenses delivered to him. He shall credit the Marshal with the delinquent lists returned by him. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the Treasurer. He shall also keep a book, marked "City Licenses," in which he shall enter all licenses delivered by him to the Marshal, and the amount thereof. He shall also keep a book, marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such evidence in any Court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the Board of Trustees and the Board of Equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained City Clerk,
duties of.

Same.

therein. The City Clerk shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll for any of the taxes of the city, and levying of the tax thereon, the City Clerk shall apportion the taxes upon such assessment roll, and shall deliver it to the officer charged with the duty of collecting taxes. It shall not be necessary to make a duplicate assessment roll. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any Court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of such city. He shall make a quarterly statement, in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be published. He shall perform such other services as this Act and the ordinances of the Board of Trustees shall require.

SEC. 14. Section seven hundred and eighty-nine of said Act is hereby amended so as to read as follows:

City Attorney.

Section 789. It shall be the duty of the City Attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city, and to render such other services in the line of his profession as may be required of him by the Board of Trustees.

SEC. 15. Section seven hundred and ninety of said Act is hereby amended so as to read as follows:

Police Department, under control of City Marshal.

Section 790. The Department of Police of said city shall be under the direction and control of the City Marshal, who shall have all the powers of a police officer; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of the State, and shall, in all respects, be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. He shall collect all taxes levied by the Board of Trustees, if so required by ordinance, except as is herein provided. He shall, at the expiration of any month,

pay to the City Treasurer all taxes and other funds of said city collected by him during said month. He shall, upon payment of the money, file with the Treasurer an affidavit, stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the City Clerk, and shall, upon depositing with the City Clerk the delinquent tax list, take his receipt therefor. He shall have charge of the city prison and prisoners, and of any chain-gang that may be established by the Board of Trustees. He may appoint, subject to the approval of the Board of Trustees, to hold office only during the pleasure of the Board, one or more deputies, for whose acts he and his bondsmen shall be responsible. He may also, with the concurrence of the President of the Board of Trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this Act and the ordinances of the Board of Trustees shall require, and shall receive such compensation as shall be fixed by ordinance.

SEC. 16. Section seven hundred and sixty-eight of said Act is hereby amended so as to read as follows:

Section 768. If at any time the Board of Trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes (if the question of indebtedness for more than one purpose be proposed) of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund for each purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in such city; and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election, or if more than one proposition is submitted, voting on such proposition, shall have voted in favor of incurring such indebtedness, it shall be the duty of the Board of Trustees to pass an ordinance providing for the work of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, 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 a period of not more than twenty years from the time of contracting the same. It shall be the duty of the Board of Trustees in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by

Incurring of
indebtedness
to be decided
at an elec-
tion.

this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, or funded if indebtedness be incurred for different purposes, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

SEC. 17. This Act shall take effect immediately.

CHAPTER CCLIX.

An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions, and providing how actions may be dismissed or nonsuit entered.

[Approved March 19, 1889.]

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

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

Dismissal of actions.

581. An action may be dismissed or a judgment of nonsuit entered, in the following cases:

1. By the plaintiff himself, at any time before trial, upon payment of costs; *provided*, a counterclaim has not been made, or affirmative relief sought by the cross complaint or answer of the defendant. If a provisional remedy has been allowed, the undertaking must thereupon be delivered by the Clerk to the defendant, who may have his action thereon.
2. By either party, upon the written consent of the other.
3. By the Court, when the plaintiff fails to appear on the trial, and the defendant appears and asks for the dismissal.
4. By the Court, when upon the trial, and before the final submission of the case, the plaintiff abandons it.
5. By the Court, upon motion of the defendant, when upon the trial the plaintiff fails to prove a sufficient case for the jury.
6. By the Court, when after verdict or final submission the party entitled to judgment neglects to demand and have the same entered for more than six months. The dismissal mentioned in the first two subdivisions of this is made by entry in the Clerk's register. Judgment may thereupon be entered accordingly.
7. And no action heretofore or hereafter commenced shall be further prosecuted, and no further proceedings shall be had therein, and all actions heretofore or hereafter commenced shall be dismissed by the Court in which the same shall have been commenced on its own motion, or on the motion of any party interested therein, whether named in the complaint as a party or not, unless summons shall have been issued within one year, and served, and return thereon made within three years after the commencement of said action, or unless appearance has been made by the defendant or defendants therein within said three years.

CHAPTER CCLX.

An Act for the relief of Wilson De Letta, for personal injuries received by him while in the service of the State, and to appropriate money therefor.

[Approved March 19, 1889.]

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

SECTION 1. The sum of four thousand (4,000) dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of Wilson De Letta, ex-carpenter under the Board of State Harbor Commissioners at San Francisco, for personal injuries, namely: the breaking and permanent crippling of the right leg while obeying the orders of his superior officer, and while in the service of the State of California.

To pay
claim of
Wilson
De Letta.

SEC. 2. The Controller of State is hereby directed to draw his warrant on the State Treasurer, who shall pay the same, for the sum of four thousand (4,000) dollars in favor of the said Wilson De Letta.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXI.

An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the Act approved March 9, 1885, entitled an Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks, also to repeal an Act approved March 15, 1887, entitled an Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State.

[Approved March 19, 1889.]

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

SECTION 1. Any city, town, or municipal corporation, incorporated under the laws of this State, may as hereinafter provided, incur indebtedness to pay the cost of any municipal improvement, or for any purpose whatever requiring an expenditure greater than the amount allowed for such improvement by the annual tax levy.

Municipal
corporations
may incur in-
debtedness.

SEC. 2. Whenever the legislative branch of any city, town, or municipal corporation shall, by ordinance passed by a vote of two thirds of all its members, and approved by the execu-

Manner of
procedure.

tive of said city, town, or municipal corporation, determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal buildings, bridges, waterworks, water rights, sewers, or other municipal improvements, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, they may, after the publication of such ordinance for at least two weeks in some newspaper published in such municipality, and at their next regular meeting after such publication, or at an adjourned meeting, by ordinance passed by a vote of two thirds of all its members, and also approved by the said executive, call a special election and submit to the qualified voters of said city, town, or municipal corporation, the proposition of incurring a debt for the purpose set forth in the ordinance, and no question other than the incurring of indebtedness for said purpose shall be submitted. The ordinance calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public improvement, the necessity for such improvement, and that bonds of the municipality shall issue for the payment of the cost of such improvement, as in such ordinance set forth, if the proposition be accepted by the qualified voters, as herein-after provided, and shall fix the day on which such special election shall be held, the manner of holding such election, and the voting for or against incurring such indebtedness; such election shall be held as provided by law for holding such elections in such city, town, or municipal corporation.

Publication of intention to incur indebtedness.

SEC. 3. Such ordinance shall be published once a day, for at least ten days, or once a week for two weeks before the publication of the notice of the special election, in some newspaper published in such municipality. After said publication said legislative body shall cause to be published, for not less than two weeks, in at least one of the newspapers published in such municipality, a notice of such special election, the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof. It shall require the votes of two thirds of all the voters voting at such special election to authorize the issuance of the bonds herein provided.

Plans and estimates of improvements.

SEC. 4. It shall be the duty of the legislative branch of any municipality contemplating permanent public improvements, to first have plans and estimates of the cost of such improvements made by a competent engineer or architect, who has had successful experience in such work, before the question of incurring an indebtedness for such improvement is submitted to vote.

Limit of indebtedness.

SEC. 5. No city, town, or municipal corporation shall incur an indebtedness for public improvements which shall, in the aggregate, exceed five per cent of the assessed value of all the real and personal property of such city, town, or municipal corporation.

SEC. 6. All municipal bonds for public improvements issued under the provisions of this Act shall be of a character of bonds known as serials, and shall be payable in the manner following: One twentieth part of the whole amount of indebtedness shall be paid each and every year, on a day and at a place to be fixed by the legislative branch of the municipality issuing the bonds, together with the interest on all sums unpaid at such date. The bonds shall be issued in such denominations as the legislative branch of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars nor of a greater denomination than one thousand dollars, each payable on the day and at the place fixed in such bond, and with interest at the rate specified in the bond, which rate shall not be in excess of the legal rate of the State of California. Such bonds may be issued and sold by the legislative branch of the city, town, or municipal corporation, as they may determine, at not less than their face value in gold coin of the United States, and the proceeds of such sale shall be placed in the municipal treasury to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the General Fund of such municipality.

Character of bonds.

SEC. 7. The legislative branch of any city, town, or municipal corporation, issuing bonds under authority of this Act, shall have the right to determine the rate of interest such bonds shall bear; *provided*, that in no case shall it exceed seven per cent per annum, and to name the date and place where such bonds and interest shall be paid; *provided*, that the place of payment shall be either at the office of the Treasurer of the municipality, or at some designated bank in San Francisco, Chicago, New York, or Boston. The said bonds shall be signed by the Executive of the municipality, and also by the Treasurer thereof, and shall be countersigned by the Clerk. The coupons of said bonds shall be numbered consecutively and signed by the Treasurer.

Rate of interest.

Place of payment.

SEC. 8. The legislative branch of said city, town, or municipal corporation shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually each year, for the term of twenty years, a tax sufficient to pay the annual interest on such bonds, and also one twentieth part of the aggregate amount of such indebtedness so incurred. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

Tax levy.

SEC. 9. It shall be the duty of the legislative branch of every city, town, or municipal corporation wherein public improvements are being made, under the provisions of this Act, to make all needful rules and regulations for carrying out and maintaining such improvements; to appoint all

Duty of corporation.

needful agents, superintendents, and engineers to properly look after the construction and operation of such public works, and in all lawful ways to protect and preserve the rights and interest of the municipality.

Letting of contracts.

SEC. 10. All contracts for the construction or completion of any public work or improvements, or for furnishing labor or materials therefor, as herein provided, shall be let to the lowest responsible bidder. The legislative branch of the municipality shall advertise for at least ten days, in one or more newspapers published in the municipality, inviting sealed proposals for furnishing the labor and materials for the proposed improvements, before any contracts shall be made therefor. The said legislative branch shall have the right to require such bonds as they may deem best, from the successful bidder, to insure faithful performance of the contract work. They shall also have the right to reject any or all bids.

Additional bonds of Treasurer.

SEC. 11. Whenever the legislative branch of any municipality shall by resolution deem it necessary, they may require the Treasurer of such municipality to give additional bonds for the safe custody and care of the public funds.

Repealing Acts, 1886, 1887.

SEC. 12. The Act approved March ninth, eighteen hundred and eighty-five, entitled an Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain public waterworks, and the Act approved March fifteenth, eighteen hundred and eighty-seven, entitled an Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State, and all general Acts, or special Acts, or parts of Acts, conflicting with this Act, are hereby repealed.

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

CHAPTER CCLXII.

An Act to amend section three thousand nine hundred and twenty-four of the Political Code, relating to the boundary of Placer County.

[Approved March 19, 1889.]

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

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

Boundary of Placer County.

3924. Beginning at a point where the west line of township ten north, range five east, Mount Diablo meridian, intersects the northern line of Sacramento County, as established in section three thousand nine hundred and twenty-eight; thence north, on range line, to the northwest corner of section six, in township ten north, range five east; thence east, on township line, to the southwest corner of section thirty-

one, township eleven north, range five east; thence north, on range line, to the northwest corner of township twelve north, range five east; thence east to the southwest corner of section thirty-four, township thirteen north, range five east; thence north to Bear River; thence, on southern line of Yuba and Nevada Counties, up said river to its source; thence east, in a direct line, to the eastern line of the State of California, forming northeast corner; thence southerly, along said line, to the northeast corner of El Dorado, as established in section three thousand nine hundred and twenty-seven; thence westerly, on the northern lines of El Dorado and Sacramento, as established in section three thousand nine hundred and twenty-seven and three thousand nine hundred and twenty-eight, to the place of beginning.

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

CHAPTER CCLXIII.

An Act to amend section three hundred and eighty-six of the Political Code, relative to the salary and duties of the Executive Secretary of the Governor, and to appropriate money for the payment of his salary.

[Approved March 19, 1889.]

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 Political Code is hereby amended so as to read as follows:

386. The Executive Secretary of the Governor is ex officio Secretary of the Board of State Capitol Commissioners. The annual salary of the Executive Secretary of the Governor and ex officio Secretary of the Board of State Capitol Commissioners is two thousand six hundred dollars.

Salary of
Executive
Secretary.

SEC. 2. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of two hundred and fifty dollars for the payment of the increase in salary of the Executive Secretary of the Governor for the fortieth fiscal year.

SEC. 3. This Act shall go into effect immediately after its passage.

CHAPTER CCLXIV.

An Act to regulate and govern the State Prisons of California.

[Approved March 19, 1889.]

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

State
Prisons

SECTION 1. The State Prisons of this State shall be known as the State Prison at San Quentin, which shall have an official staff conforming to the laws of the State in relation to State Prisons; and the State Prison at Folsom, which shall have a similar staff and be similarly organized, and all the finances and accounts of the two prisons shall be kept separate and apart from each other.

Directors,
how ap-
pointed.

SEC. 2. For the government and management of the California State Prisons there shall be appointed by the Governor, by and under the advice of the Senate, five Directors, who shall hold their office for the term of ten years, from and after the date of such appointment; such appointments to be made as vacancies occur in the Board as it now exists. In case of death or resignation of a Director his successor shall be appointed to fill the unexpired term of such Director by the Governor, by and with the advice of the Senate. Each Director shall subscribe an oath of office, which shall be indorsed on his commission, within ten days after receiving written notice of such appointment, and a duplicate of such oath shall also be filed with the Secretary of State.

Election of
President.

SEC. 3. At the first meeting of the Board of Directors in the year eighteen hundred and ninety, and annually thereafter, they shall elect one of their members President of the Board, whose duty it shall be to preside at the meeting of the Board and to perform such other duties as may from time to time be prescribed by the rules and regulations for the government of the Board.

Quorum.

SEC. 4. Three members of the Board shall constitute a quorum for the transaction of all business, but no order of the Board shall be valid unless concurred in by three or more members.

Duty of
Directors.

SEC. 5. It shall be the duty of the Directors to determine the necessary officers and employés of the prisons other than those of the Wardens and Clerks, specifying their duties severally, and fixing their salaries; to prescribe rules and regulations for the government of the prisons, and to revise and change the same from time to time as circumstances may require, and to board and lodge the officers and employés, or allow them a money commutation in lieu thereof; *provided*, the Warden may make temporary rules, in cases of emergency, to remain in force until the succeeding meeting of the Board. At least three of the Directors shall visit the prisons once in each month, and oftener if necessary, at such time as they may select. The Directors shall audit all claims for

supplies, services, and expenses of officers and employés, and all other demands against the prison.

Second—To enter or cause to be entered on their journal by the Clerks all official acts which shall be signed by at least three members of the Board.

Third—On or before the first day of December of each year to report to the Governor the condition of the prisons, together with detailed statements of receipts and expenditures, and such suggestions concerning the prisoners as may appear to be necessary and expedient.

Fourth—The Board of Directors shall also adopt rules and regulations not inconsistent with the Constitution and the laws of the State of California for the government of the Board, and may change the same at their pleasure.

Fifth—The Board of Directors shall have power to establish an office in San Francisco, and employ a Secretary.

SEC. 6. The Director shall appoint a Warden for each prison, who shall take and subscribe an oath or affirmation faithfully to discharge the duties of his office, as prescribed by law and by the rules and regulations of the Board of Directors, and to enter into a bond to the State of California, in the sum of twenty-five thousand dollars, with two or more sufficient sureties, to be approved by the Directors and the Attorney-General of the State, conditioned to the faithful performance of such duties as such officer aforesaid, and he shall hold his office four years after such appointment; the first appointments after the adoption of this Act to take place at the expiration of the present term of office of the present incumbents thereof, or when such office becomes vacant.

Appoint-
ment of
Wardens.

SEC. 7. The Wardens shall reside at the State Prisons to which they are respectively assigned in houses provided and furnished at the expense of the State, as may be ordered by the Board of Directors, and it shall be their duty:

Residence of
Wardens.

First—To fill all subordinate positions that may be created by order of the Board of Directors by appointment of suitable persons thereto.

Second—Under the order and direction of the Board to prosecute all suits at law or in equity that may be necessary to protect the rights of the State in matters or property connected with the prisons and their management, such suits to be prosecuted in the name of the Board of State Prison Directors.

Third—To supervise the government, discipline, and police of the prisons, and to enforce all orders and regulations of the Board in respect to such prisons. A registry of convicts shall be kept by him, and in which shall be entered the name of each convict, the crime of which he is convicted, the period of his sentence, from what county sentenced, by what Court sentenced, his nativity, to what degree educated, at what institution and under what system, an accurate description of his person, and whether he has been previously confined in a State Prison in this or any other State, and if so, when and how he was discharged.

Fourth—He shall report to the Governor before the twentieth of each month the names of all prisoners whose terms are about to expire, giving in such report the terms of their sentences, the date of imprisonment, the amount of total credits to the date of such report, and the date when their service would expire by limitation of sentence.

Fifth—To perform such other duties as may be prescribed by the Board of Directors.

Appoint-
ment of
Clerk.

SEC. 8. The Board of Directors shall appoint a Clerk for each prison, who shall take an oath of office and enter into a bond to the State, with sureties satisfactory to the Board, in the sum of ten thousand dollars, conditioned that they will faithfully discharge the duties required of them. The Clerks shall hold their office for the period of four years after such appointments; the first appointments after the adoption of this Act to take place at the expiration of the present term of office of the present incumbents thereof, or when such office becomes vacant.

Duty of.

SEC. 9. The Clerks shall keep the accounts of the prisons to which they are severally appointed, in such manner as to exhibit clearly all its financial transactions; and the Clerks shall perform such other duties as may from time to time be required of them by the Board of Directors.

Subordinate
appoint-
ments, qual-
ifications.

SEC. 10. No person shall be appointed to any office by the Wardens or be employed in the prisons on behalf of the State who is a contractor or agent, or who is interested directly or indirectly in any business carried on therein; and no male person who is not a qualified elector of the State of California shall be appointed by the Wardens to any office in or about the prisons, nor shall any be appointed or employed by virtue of this Act, who is in the habit of intemperate use of liquors, and a single act of intemperance shall justify his discharge or removal, and it shall be the duty of such Warden to discharge such person.

Removal of
Wardens
and Clerks.

SEC. 11. Wardens and Clerks may be removed by the Board of Directors at any time for misconduct, incompetency, or neglect of duty; and all other officers and employes may be removed at any time at the pleasure of the Wardens.

Salary of
Wardens.

SEC. 12. The Wardens shall receive a salary of not less than twenty-four hundred dollars, and not to exceed three thousand dollars, per annum, in the discretion of the Board of Directors.

Salary of
Clerks.

SEC. 13. The Clerks shall receive a salary not to exceed eighteen hundred dollars per annum, and all other officers and employes shall receive such compensation as the Directors may deem just and equitable in each case.

Contracts.

SEC. 14. The Board of Directors are hereby authorized and required to contract for provisions, clothing, medicines, forage, fuel, and all other staple supplies needed for the support of the prisons for any period of time, not exceeding one year, and such contracts shall be limited to bona fide dealers in the several classes of articles contracted for. Contracts for such articles as the Board may desire to contract for, 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 accom- ^{Bids.}panied 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 require, and to their satisfaction that he will faithfully perform his contract. If the proper officer of the prison reject any article, as not complying with the contract, or if a bidder fail to furnish the articles awarded to him when required, the proper officer of the prison may buy other articles of the kind rejected or called for, in the open market, and deduct the price thereof, over the contract price, from the amount due to the bidder, or charge the same up against him. Notice of the time, place, and conditions of ^{Advertising.}the letting of contracts shall be given for at least two consecutive weeks in two newspapers printed and published in the City and County of San Francisco, and in one newspaper printed and published in the City of Sacramento, and 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 such time and in such papers as they see proper 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 as just and equitable, or may purchase in the open market. 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, quality considered, 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 interest of the State, or they may divide the contract between the bidders, as in their judgment may seem proper and right. The Board shall have power to let a contract in the aggregate or they may segregate the items, and enter into a contract with the bidder or bidders who may bid lowest on the several articles. The Board shall have the power to reject the bid of any person who had a prior contract, and who had not, in the opinion of the Board, faithfully complied therewith.

SEC. 15. 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 expenses and money allowed discharged prisoners, and the current expenses of maintaining and operating the prisons, and the expenses of their officers and employés. 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 Warden, drafts ^{Moneys to be paid into State Treasury.}

shall be drawn on the Controller of State, signed by at least three of the Directors, 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. The amount of all money retained by the Wardens and the aggregate amount paid out shall be reported quarterly to the Controller of State, and the proper entries shall be made on the Controller's books.

Revenues to
be paid to
Warden.

SEC. 16. All revenues of the prisons, unless herein otherwise provided, shall be paid to the Wardens, who alone are authorized to receipt for the same and discharge from liability. When any sum of money is paid to the Wardens, who alone are authorized to receipt for the same and discharge from liability. When any sum of money is paid to the Wardens, they shall cause the same to be properly entered on the books by the Clerks.

Report to
Controller.

SEC. 17. 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 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.

Employment
of convicts.

SEC. 18. All convicts may be employed by authority of the Board of Directors, under charge of the Wardens respectively and such skilled foremen as he may deem necessary in the performance of work for the State, or in the manufacture of any article or articles for the State, or the manufacture of which is sanctioned by law. At San Quentin no articles shall be manufactured for sale except jute fabrics. At Folsom after the completion of the dam and canal the Board may commence the erection of structures for jute manufacturing purposes. The Board of Directors are hereby authorized to purchase from time to time such tools, machinery, and materials, and to direct the employment of such skilled foremen as may be necessary to carry out the provisions of this section, and to dispose of the articles manufactured, and not needed by the State, for cash, at private sale, in such manner as provided by law.

Treatment
of prisoners.

SEC. 19. In the treatment of the prisoners the following general rules shall be observed: Each convict shall be provided with a bed of straw or other suitable material, and sufficient covering of blankets, and shall be supplied with garments of coarse, substantial material, of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive to good health.

Punishment.

Second.—No punishment shall be inflicted except by the order and under the direction of the Wardens.

Third—The Warden shall keep a correct account of all money and valuables upon the prisoner when delivered at the prison, and shall pay the amount, or the proceeds thereof, or return the same to the convict when discharged, or to his legal representative in case of his death; and in the case of the death of such convict without being released, if no legal representative shall demand such property within five years, the same shall be paid into the State Prison Fund.

Fourth—The rules and regulations prescribing the duties Rules. and obligations of the prisoners shall be printed and hung up in each cell and shop.

Fifth—Each convict, when he leaves the prison, shall be Convicts. supplied with the money taken from him when he entered, and which he has not disposed of, together with any sum which may have been earned by him for his own account, allowed to him by the State for good conduct or diligent labor, or may have been presented to him from any source; and, in case the prisoner has not funds sufficient for present purposes, he shall be furnished with five dollars in money, a suit of clothes, costing not more than ten dollars, and by the cheapest route to the place where sentenced from, if the prisoner desires to return there, or to any other place of the same cost; and he shall be entitled, if he so elect, to immunity from having his hair cut, or from being shaved, for three calendar months immediately prior to his discharge. It shall not be lawful for the officers of the prison to furnish, or permit to be furnished, to any one, for publication, the name of any prisoner about to be discharged. When the When con-
vict insane. Warden, and such other officers as may be designated by the Directors to act with him in such cases, shall be of opinion that any convict is insane, they shall make proper examination, and if they remain of the opinion that such person is insane, the Warden shall certify the fact to the Superintendent of one of the State Asylums for the insane, and shall forthwith send such convict to said asylum for care and treatment. If at the expiration of the term of sentence the insane convict is still in the insane asylum, he shall be allowed to remain there until discharged cured. It shall be the duty of the Warden, also, to send to the Directors a copy of such certificate, and thereafter a statement as to his subsequent acts regarding the said insane convict. And it shall be the duty of the Superintendent of the Insane Asylum to receive such insane convict and keep him until cured. It shall be his duty, upon receipt of such insane convict, to notify the Directors of the fact, giving name, date, and where from, and from whose hands received. When, in the opinion of the Superintendent, such insane convict is cured of insanity, it shall be his duty to immediately notify the Directors thereof; and it shall be his duty also to notify the Warden of the prison from whence he was received, who shall immediately send for, take, and receive the said convict back into the prison, the time passed at the asylum counting as a part of such convict's sentence. Before discharging any convict who may be insane at the time of the expiration of his sentence, the Warden shall first give notice, in writing, to a Judge of a Superior

Same. Court of the county in which the State Prison may be located, over which he has control, of the fact of such insanity; whereupon said Court shall forthwith make an order, and deliver the same to the Sheriff of said county, commanding him to remove such insane convict and take him before said Court. Upon the receipt of such order, it shall be the duty of said Sheriff, to whom it is directed, to execute, and return the same forthwith to the Court by whom it was issued, and thereupon the said Court shall cause proper examination to be made by medical experts, and if it shall satisfactorily appear that such convict is insane, said Court shall order him to be confined in one of the insane asylums. The Sheriff shall receive the same compensation as for transferring a prisoner to the State Prison, and to be paid in the same manner. If any Judge, after having been notified by the Warden, shall neglect to cause such order to be made, as herein provided, or any such Sheriff shall neglect to remove such insane convict, as required by the provisions of this section, it shall be the duty of the Warden to cause such insane convict to be removed before a Superior Court of a county in which the State Prison is located, in charge of an officer of the prison, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the State Treasury, in the same manner as when removed by the Sheriff, as herein provided.

Labor of prisoners.

SEC. 20. The State Board of Prison Directors shall require of every able-bodied convict confined in a State Prison as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison. Every convict who shall have no infraction of the rules and regulations of the prison, or laws of the State, recorded against him, and who performs in a faithful, orderly, and peaceable manner the duties assigned to him, shall be allowed from his term, instead and lieu of the credits heretofore allowed by law, a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term, and pro rata for any part of a year, where the sentence is for or more or less than a year. The mode of reckoning credits shall be as shown in the following table:

Credits

No. of years of Sentence.	Good Time Granted.	Total Good Time Made.	Time to be Served if Full Time is Made.
First year...	2 months..	2 months.....	10 months.
Second year..	2 months..	4 months.....	1 year and 8 months.
Third year... 4 months..	4 months..	8 months.....	2 years and 4 months.
Fourth year.. 4 months..	4 months..	1 year	3 years.
Fifth year... 5 months..	5 months..	1 year and 5 months..	3 years and 7 months.
Sixth year... 5 months..	5 months..	1 year and 10 months..	4 years and 2 months.
Seventh year. 5 months..	5 months..	2 years and 3 months..	4 years and 9 months.
Eighth year. 5 months..	5 months..	2 years and 8 months..	5 years and 4 months.
Ninth year... 5 months..	5 months..	3 years and 1 month....	5 years and 11 months.
Tenth year... 5 months..	5 months..	3 years and 6 months....	6 years and 5 months.

And so on, through as many years as may be the term of the sentence. Each convict shall be held entitled to these deductions, unless the Board of Directors shall find that for misconduct or other cause he should not receive them. But if any convict shall commit any assault upon his keeper, or any foreman, officer, convict, or person, or otherwise endanger life, or shall be guilty of any flagrant disregard of the rules of the prison, or commit any misdemeanor, or in any manner violate any of the rules and regulations of the prison, he shall forfeit all deductions of time earned by him for good conduct before the commission of such offense, or that, under this section, he may earn in the future, or shall forfeit such part of such deductions as to the Board of Directors may seem just; such forfeiture, however, shall be made only by the Board of Directors after due proof of the offense and notice to the offender; nor shall any forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the Directors shall be the sole judges. The Board shall have power to restore credits forfeited, for such reasons as by them may seem proper.

SEC. 21. All criminals sentenced to the State Prisons by the authority of the United States shall be received and kept according to the sentence of the Court by which they were tried, and the prisoners so confined shall be subject in all respects and discipline and treatment as though committed under the laws of this State. The Wardens are hereby authorized to charge and receive from the United States, for the use of the State, an amount sufficient for the support of each prisoner, the cost of all clothing that may be furnished, and one dollar per month for the use of the prisoner. No other or further charge shall be made by any officer for or on account of such prisoners.

United States criminals.

SEC. 22. The Board of Directors shall have power to contract for the supply of gas and water for said (prisons,) upon such terms as said Board shall deem to be for the best interests of the State, or to manufacture gas, or furnish water themselves, at their option. They shall also have power to erect and construct, or cause to be erected and constructed, electrical apparatus or other illuminating works in their discretion with or without contracting therefor, on such terms as they may deem just. The Board shall have full power to erect any building or structure deemed necessary by them, or to alter or improve the same, and to pay for the same from the fund appropriated for the use or support of the prisons, or from the earnings thereof, without advertising or contracting therefor; *provided*, that no building or structure, the cost of which will exceed five thousand dollars, shall be erected or constructed without first obtaining the consent of the Governor, Secretary, and Treasurer of the State, or a majority thereof. The Board shall have power to give for meritorious service to any convict discharged, or about to be discharged, a sum in addition to that already allowed, not exceeding ten dollars.

Gas and water.

No other compensation than that allowed by Directors.

SEC. 23. No officer or employé shall receive, directly or indirectly, any compensation for his services other than that prescribed by the Directors; nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor, or agent, or employé of a contractor. For any violation of the provisions of this section the officer, agent, or employé of the State shall be discharged from his office or service; and every contractor, or employé, or agent of a contractor engaged therein, shall be expelled from the prison grounds, and not again permitted within the same as a contractor, agent, or employé.

Not to make presents to convicts without permission.

SEC. 24. No officer or employé of the State, or contractor, or employé of a contractor, shall, without permission of the Board of Directors, make any gift or present to a convict, or receive any from a convict, or have any barter or dealings with a prisoner. For every violation of the provisions of this section, the party engaged therein shall incur the same penalty as prescribed in section twenty-three.

Not to be interested in contracts, etc.

SEC. 25. No officer or employé of the prison shall be interested, directly or indirectly, in any contract or purchase made or authorized to be made by any one for or on behalf the prisons.

Annual reports.

SEC. 26. There shall be printed annually for the use of the prisons five hundred copies of the annual report of the Board of Directors, and the Clerk shall annually transmit to each of the State Prisons in the United States one copy of such report.

Bonds.

SEC. 27. All the bonds of officers and employés under this Act shall be deposited with the Secretary of State.

Shops destroyed by fire may be rebuilt.

SEC. 28. If any of the shops or buildings in which convicts are employed are destroyed in any way, or injured by fire or otherwise, they may be rebuilt or repaired immediately, under the direction of the Board of Directors, by and with the advice and consent of the Governor, Attorney-General, and Secretary of State, and the expenses thereof paid out of any funds in the State Treasury not otherwise appropriated by law.

Report to Governor.

SEC. 29. The Board of Directors must report to the Governor from time to time the names of any and all persons confined in the State Prisons who, in their judgment, ought to be pardoned out and set at liberty on account of good conduct, or unusual term of sentence, or any other cause, which, in their opinion, should entitle the prisoner to pardon.

SEC. 30. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 31. This Act shall take effect immediately.

CHAPTER CCLXV.

An Act to amend an Act entitled "An Act to protect and promote horticultural interests of the State," approved March 14, 1881.

[Approved March 19, 1889.]

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

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

Section 1. Whenever a petition is presented to the Board of Supervisors of any county, and signed by twenty-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 infested with scale insects of any kind, injurious to fruit, fruit trees, and vines, codlin 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 herein 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 shall serve for two years, and who shall serve for three years, and shall notify the Board of Supervisors of the result of their choice.

Board of Horticultural Commissioners.

Vacancies, how filled.

Terms of.

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

Section 2. It shall be the duty of the County Board of Horticultural Commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchard, or nursery, or trees, or any fruit packing house, storeroom, salesroom, or any other place in their jurisdiction, and if found infested with scale bug, codlin moth, or other insect pests injurious to fruits, trees, and vines, they shall notify the owner or owners, or person or persons in charge or possession of the said trees or place, as aforesaid, that the same are infected with said insects, or any of them, or their eggs or larva, and they shall require such person or persons to disinfect or destroy the same within a certain time to be specified. If within such specified time such disinfection or

Duty of Board.

destruction 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 larva or eggs, after having been notified as above to destroy the same, or 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 may be a lien upon the real property of the defendant.

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

To appoint
local In-
spectors.

Quarantine
Guardians.

Powers of.

Section 3. Said County Boards of Horticultural Commissioners shall have power to divide the county into districts and to appoint a local Inspector for each of said districts. The State Board of Horticulture, or the Quarantine Officer of said Board, shall issue commissions as Quarantine Guardians to the members of said County Boards of Horticultural Commissioners and to the local Inspectors thereof. The said Quarantine Guardians, local Inspectors, or members of said County Boards of Horticultural Commissioners shall have full authority to enter into any orchard, nursery, or place or places where trees or plants are kept and offered for sale or otherwise, or any house, storeroom, saleroom, depot, or any other such place in their jurisdiction, to inspect the same, or any part thereof.

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

Official rec-
ord and re-
port to State
Board.

Section 4. It shall be the duty of said County Board of Horticultural Commissioners to keep a record of their official doings, and to make a report to the State Board of Horticulture, on or before the first day of October of each year, of the condition of the fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting, and as to quarantine against insect pests and diseases, and as to carrying out of all laws relative to the greatest good of the fruit interest. Said Board shall publish said reports in bulletin form, or may incorporate so much of the same in their annual reports as may be of general interest.

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

Section 5. Each member of the County Board of Horticultural Commissioners, and each local Inspector, shall be paid for each day actually engaged in the performance of his duties under this Act, payable out of the County Treasury of his county, such compensation as shall be determined by resolution of the Board of Supervisors of the county before entering into the discharge of his or their duties. Compensation.

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

Section 6. The said County Board of Horticultural Commissioners shall have power to remove any local Inspector who shall fail to perform the duties of his office. Removal of local Inspector.

SEC. 7. Section seven of said Act is hereby repealed. Repealing.

SEC. 8. Section eight of said Act is hereby amended so as to read as follows, and be known as section seven of said Act, viz.:

Section 7. If any member of the County Board of Horticultural Commissioners shall fail to perform the duties of his office, as required by this Act, he may be removed from office by the Board of Supervisors, and the vacancy thus formed shall be filled by appointment by the Board of Supervisors. Removal of member of Board.

SEC. 9. Section nine of said Act is hereby amended so as to read as follows, and to be known as section eight of said Act, viz.:

Section 8. It shall be the duty of the County Board of Horticultural Commissioners to keep a record of their official doings, and to make a monthly report to the Board of Supervisors; and the Board of Supervisors may withhold warrant for salary of said members and Inspectors thereof until such time as said report is made. Monthly report to Supervisors.

SEC. 10. A new section is hereby added to said Act, to be known as section nine, and to read as follows, viz.:

Section 9. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXVI.

An Act to amend section two thousand and three of the Political Code, in relation to organizing the National Guard of this State into six brigades, each commanded by a Brigadier-General.

[Approved March 19, 1889.]

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

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

2003. The National Guard of this State is organized into six brigades, each commanded by a Brigadier-General, as follows: Number of brigades.

First Brigade—San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties.

Second Brigade—Santa Cruz, Santa Clara, San Mateo, San Francisco, Alameda, Contra Costa, Marin, Sonoma, Solano, Napa, San Benito, Monterey, and Lake Counties.

Third Brigade—San Joaquin, Mariposa, Tuolumne, Fresno, Stanislaus, Calaveras, Merced, Mono, Inyo, Kern, and Tulare Counties.

Fourth Brigade—Sacramento, Yolo, Sutter, El Dorado, Alpine, Amador, Placer, and Nevada Counties.

Fifth Brigade—Butte, Plumas, Lassen, Colusa, Yuba, Tehama, Shasta, Trinity, Siskiyou, Sierra, and Modoc Counties.

Sixth Brigade—Mendocino, Humboldt, and Del Norte Counties.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXVII.

An Act to provide for the appointment of pilots, and defining their duties and compensation at the Port of Wilmington and Bay of San Pedro.

[Approved March 19, 1889.]

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

Appoint-
ment of
pilots.

SECTION 1. It shall be the duty of the Governor to appoint not more than two persons, residents of San Pedro, as pilots for the Port of Wilmington and Bay of San Pedro.

Qualifica-
tions.

SEC. 2. No person shall be appointed a pilot who is not a citizen of the United States, over twenty-one years of age, with a practical knowledge of the management of sailing vessels, and of the location and distances of the several shoals, bars, rocks, points of land, lighthouses, buoys, and fog signals of the Port of Wilmington and Bay of San Pedro.

Duty of.

SEC. 3. It shall be the duty of every pilot of a vessel upon arriving in the Bay of San Pedro to have the vessel safely moored as the master may direct.

Carried to
sea against
his will.

SEC. 4. Every pilot carried to sea against his will, when a pilot boat is in attendance to receive him, shall be entitled to receive the sum of eight dollars a day while absent, which sum may be recovered from the master or the owner of the vessel taking him away; *provided*, the amount herein allowed to be recovered shall in no case exceed one thousand dollars.

Removals.

SEC. 5. Any pilot may be removed by the Governor and deprived of his commission before its expiration for the following causes:

First—For refusing to exhibit his commission when requested to do so by the master of any vessel he may have boarded.

Second—For intoxication, either occasional or habitual, whether the same be while in charge of a pilot boat or at any other time.

Third—For negligently, ignorantly, or willfully running any vessel on shore, or otherwise rendering her liable to serious injury; and any pilot who shall be deprived of his commission for causes specified in this subdivision shall, in the discretion of the Governor, be declared to be ineligible for future appointment under this Act.

Fourth—For being absent from the port of Wilmington and Bay of San Pedro for more than thirty days, except when prevented by sickness from performing his duties.

SEC. 6. Any person not the master or owner, and not holding a commission as pilot, who shall pilot any vessel into or out of the harbor of Wilmington, or Bay of San Pedro, shall be deemed guilty of a misdemeanor, and on conviction thereof in any Court of competent jurisdiction shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding ninety days.

Piloting without license.

SEC. 7. All vessels, their tackle, apparel, and furniture, and the master and owner of such vessels, shall be jointly and severally liable for pilotage fees, to be recovered in any Court of competent jurisdiction.

Liability for pilotage fees.

SEC. 8. When two pilots offer their services to a vessel outside of a line from Point Firmin Lighthouse and the southeast end of the twenty-six fathoms bank, the pilot first offering his services shall have the preference, and if the master of any vessel shall refuse to observe such preference, and to take the pilot first offering his services on board as pilot, the master, the vessel, her appurtenances, and furniture shall be jointly and severally liable to the pilot entitled to the preference for one half of the pilotage fees he would have been entitled to claim had his services been accepted.

Rights of pilots to preference.

SEC. 9. The following shall be the rates of pilotage into and out of the Bay of San Pedro, at the outer anchorage: All vessels under five hundred tons five dollars per foot draught; all vessels over five hundred tons, ten cents per ton for each and every ton gross registered tonnage. For all vessels engaged in the whaling or fishing trade the rate of pilotage shall be one dollar per foot draught. When a vessel is spoken and the services of a pilot are declined the pilot shall be entitled to one half pilotage rates. All vessels engaged in the coasting trade between ports of the United States on the Pacific Coast shall be exempted from all charges for pilotage, unless a pilot shall actually be employed. All vessels over five hundred tons gross register shall, when piloted into or out of the harbor of San Pedro or Wilmington over the bar, adjoining Dead Man's Island, pay pilotage rates as follows: five dollars per foot draught, and five cents per ton for each ton gross registered tonnage.

Rates of pilotage.

SEC. 10. This Act shall take effect immediately.

CHAPTER CCLXVIII.

An Act to recognize the Veterans' Home at Yountville as a State Home for the maintenance of disabled soldiers and sailors of the United States, and to designate an officer to receive moneys appropriated by the United States on account of said Home.

[Approved March 19, 1889.]

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

Declaring
Veterans'
Home at
Yountville, a
State Home.

SECTION 1. The Home for United States Soldiers and Sailors, located at Yountville, Napa County, in this State, heretofore under the management of the Veterans' Home Association of California, a corporation duly created and existing under the laws of this State, and supported chiefly by appropriations from the State Treasury, as provided in the Act entitled "An Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association," approved March seventh, eighteen hundred and eighty-three, and the Act approved February twenty-eighth, eighteen hundred and eighty-seven, entitled "An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances, residing in the Home of the Veterans' Home Association, approved March seventh, eighteen hundred and eighty-three," is hereby recognized as and declared to be a State Home for the support and maintenance of disabled soldiers and sailors of the United States.

Manage-
ment of.

SEC. 2. The said Home shall hereafter be under the exclusive management of the State through and by the Board of Directors of said association, who are hereby constituted a State Board of Directors for that purpose. The Governor shall have supervising power over said management, and he may remove any of such Directors for cause, and fill the vacancy so caused by appointing some other member of said association thereto. It shall be the duty of the President of said Board to report annually to the Governor, and as often as required, all the transactions of said Board of Directors.

Report to
Governor.

Duty of State
Treasurer.

SEC. 3. The State Treasurer is hereby authorized and empowered to receive any and all moneys to which said Home may be entitled under the Act of Congress entitled "An Act to provide aid to State or territorial homes for the support of disabled soldiers and sailors of the United States," approved August twenty-seventh, eighteen hundred and eighty-eight, or by reason of any future Act of Congress.

Property not
affected.

SEC. 4. This Act shall in nowise affect the title to the property of the Veterans' Home Association.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCLXIX.

An Act to provide for the erection at San Quentin State Prison a building for the accommodation of the insane prisoners, and making an appropriation therefor.

[Approved March 19, 1880.]

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

SECTION 1. There shall be erected upon lands belonging to the State in connection with the State Prison at San Quentin a building of sufficient capacity to accommodate the insane prisoners of the State Prisons of the State, the same to be constructed under the direction of the Board of State Prison Directors.

Building for
insane at
San Quentin

SEC. 2. The sum of twenty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the erection and furnishing of said building.

Appropriation

SEC. 3. The Controller of State shall draw warrants from time to time, as the work shall progress, in favor of the Board of Trustees of said asylum, upon their requisition for the same, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CCLXX.

An Act to purchase adjacent lands at San Quentin for the use of the State Prison, together with the improvements thereon, and making an appropriation therefor.

[Approved March 19, 1880.]

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

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of seven thousand seven hundred dollars, to be paid to the Board of State Prison Directors, and to be expended by them at the San Quentin State Prison, as follows, viz.: Purchase of land to straighten boundary line, so as to include all of the reservoirs, five hundred dollars; right of way to change county road, one thousand dollars; purchase of ninety-five acres of tide lands, owned by W. T. Coleman, two thousand five hundred dollars; purchase of two acres of tide land and houses, now owned by Sophie H. Edwards and Miss Edwards, two thousand dollars; purchase of houses, now on State lands—John Mann, four hundred dollars; Henry Schlosser, three

Purchase of
lands for
State Prison
at San
Quentin.

hundred dollars; Mrs. Mary Jones (two), five hundred dollars; Mrs. Saultry, three hundred dollars; D. Sutherland, one hundred dollars; W. O'Grady, one hundred dollars. Total, one thousand seven hundred dollars.

SEC. 2. The Controller is hereby directed to draw his warrant in favor of said Board of Trustees for the amount appropriated by section one of this Act, and the Treasurer is hereby directed to pay the same, payable as provided for by said section one.

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

CHAPTER CCLXXI.

An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor.

[Approved March 19, 1889.]

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

Improvements at
State Prison,
San Quentin

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of fifteen thousand dollars, to be paid to the Board of State Prison Directors, and to be expended by them at the San Quentin State Prison, as follows, viz.: For repairing the buildings and making improvements at said prison: front building, offices, ten thousand dollars; roofs for cell buildings (corrugated iron), four thousand dollars; building over lower gate for guards' quarters, one thousand dollars; cement for general repairs, one thousand dollars.

SEC. 2. The Controller is hereby directed to draw his warrant in favor of the said Board of Trustees for the amount appropriated by section one of this Act, and the Treasurer is hereby directed to pay the same, payable as provided for by said section one.

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

CHAPTER CCLXXII.

An Act to provide for the appointment of an examining commission on rivers and harbors, defining their duties and powers, and prescribing their compensation.

[Approved March 19, 1889.]

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

Appoint-
ment of
engineers

SECTION 1. The Governor of the State, within thirty days after the passage of this Act, shall appoint three competent engineers in good standing in their profession, to be known

and called the "Examining Commission on Rivers and Harbors." The persons so appointed shall hold office until the first day of January, eighteen hundred and ninety-one. In case any vacancy may arise in such Commission from any cause, the Governor shall immediately fill such vacancy by appointment.

SEC. 2. Each of said Commissioners shall, before entering upon the discharge of his duties, take and subscribe an oath of office. The said Commission shall organize by electing a President and Secretary. Oath of office.

SEC. 3. The said Commission shall make a full and careful examination into the condition of the Sacramento and San Joaquin Rivers, and such other rivers and streams as they may select for that purpose. They shall determine what steps are necessary for the rectification and improvement of such rivers and streams, and shall make, or cause to be made, all such necessary and proper surveys, examinations, maps, designs, drawings, estimates, specifications, and exhibits as will enable the Congress of the United States to clearly understand the condition of such rivers, and the cost and expense of properly rectifying and improving the same. The said Commission shall, whenever requested by the Governor, also make an examination for a similar purpose into such harbors as they may be so required to examine. Said Commission shall have power to employ such persons at such compensation as they may deem proper, as surveyors or assistants in any of the work herein above specified. Duty of Commission.

SEC. 4. The said Commission shall make a full report on or before the first day of October, eighteen hundred and ninety, to the Governor, on the matters herein specified, which said report shall be in such form and contain such calculations, specifications, and estimates as that it may be to Congress as the basis of an appropriation by Congress for the improvement of the Sacramento and San Joaquin Rivers, and other navigable streams of the State, and of such bays and harbors as may have been examined by said Commission as herein provided. The Superintendent of State Printing shall print and publish as many copies of said report and exhibits as may be ordered by the Governor. Report of

SEC. 5. Each member of the said Commission shall receive a salary of two thousand four hundred dollars per annum, payable monthly, and his traveling expenses while engaged in the performance of official duties. Said salary and expenses to be paid out of any money in the State Treasury not otherwise appropriated. Salaries.

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

CHAPTER CCLXXIII.

An Act to authorize and empower the Board of Trustees of the Napa State Asylum for the Insane to sell and convey a portion of real property situate in Napa County, in the State of California; and belonging to said State, to Napa County, for the purpose of a public highway, and to sell and convey a certain other portion of said tract to an individual or individuals.

[Approved March 20, 1889]

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

Trustees of
Insane
Asylum,
Napa, to sell
property of

SECTION 1. The Board of Trustees of the Napa State Asylum for the Insane are hereby authorized and empowered to sell and convey to the County of Napa, for the purpose of a public highway, a certain piece of land situate, lying, and being in said county and State of California, and described as follows, to wit: All that certain tract or slip of land being part of Section No. 8, of Township No. 5 north, Range 3 west, Mount Diablo meridian, and particularly described as follows, to wit: Commencing at a point on the north line of the tract of land purchased by the State of California from Otis W. Merriam, by deed dated May eighth, eighteen hundred and seventy-nine, and recorded in Liber 27 of Deeds, page 150, Records of Napa County; the said point of commencement being S. 83° E., 28 chains from the northwest corner of said tract, and from said point a white oak tree, six inches in diameter, marked "B. T.," bears S. 61° W., 1 chain distant; thence along the north side of the new road S. 60½° E., 3.25 chains; S. 79¼° E., 2.48 chains; N. 83° E., 2.93 chains; N. 78° E., 3.00 chains; N. 88¼° E., 2.14 chains; S. 70½° E., 1.91 chains; N. 64¼° E., 0.48 chains; N. 4° W., 1.36 chains; N. 27¼° E., 1.13 chains; N. 37½° E., 2.00 chains; N. [31°] W., 1.15 chains; N. 22° E., 0.67 chains, to the north line of said tract purchased by the State from Otis W. Merriam; thence along said north line, east 65 links, to the southeasterly side of said road; thence along the southeasterly and southerly side of said road, S. 22° W., 78 links; S. 3¼° E., 1.25 chains; S. 37¼° W., 2.20 chains; S. 27¼° W., 88 links; S. 4° E., 1.60 chains; S. 64¼° W., 1.15 chains; N. 70¼° W., 2.10 chains; S. 88¼° W. 1.90 chains; S. 78° W., 3 chains; S. 83° W., 3.04 chains; N. 79¼° W., 2.65 chains; N. 60½° W., 4.67 chains, to the said northerly line of the State land; thence along the northerly line, S. 83° E., 1.56 chains to the place of beginning; being a strip of land forty feet wide and of an average length of 47.78 chains, and having an area of 2¼²⁷/₁₀ acres, the said land to be used for the purpose of a public highway.

SEC. 2. The said Board of Trustees are hereby authorized and empowered to sell and convey, to any individual or individuals, that certain piece of land being a part of the same tract mentioned in section one of this Act, and described as follows, to wit: All that certain tract of land in section

number eight, of township number five north, of range three west, Mount Diablo meridian, situated in Napa County, California, and being part of the tract of land purchased by the State of California from Otis W. Merriam, by deed dated May eighth, eighteen hundred and seventy-nine, and recorded in Liber No. 27 of Deeds, page 150, Records of Napa County, the said tract being particularly described as follows, to wit: Commencing at a point on the north line of the land purchased from Otis W. Merriam, said point being S. 83° E., 28 chains distant from the northwest corner of said land, and from which point a white oak tree, six inches in diameter, marked B. T., bears S. 61° W., 1.00 chain distant; hence running along the northerly boundary of said tract purchased from Merriam, S. 83° E., 2.86 chains; N. 2° E., 4.70 chains; E. 14.80 chains, to the westerly line of the new road leading to Wild Horse Valley; thence along the westerly and northerly side of said road, S. 22° W., 67 links; S. 3½° E., 1.15 chains; S. 37½° W., 2.00 chains; S. 27¾° W., 1.13 chains; S. 4° E., 1.36 chains; S. 64¼° W., 48 links; N. [70½°] W., 1.91 chains; S. 88¼° W., [2.14] chains; S. 78° W., 3.00 chains; S. 83° W., 2.93 chains; N. 79¼° W., 2.48 chains, N. 60¼° W., 3.25 chains, to the place of beginning, and containing eight acres of land.

SEC. 3. A deed duly executed by the President of said Board shall be sufficient to convey title to said property.

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

CHAPTER CCLXXIV.

An Act to amend sections ten hundred and seventy-two, ten hundred and ninety-four, eleven hundred and twenty-seven, eleven hundred and twenty-nine, eleven hundred and thirty-one, eleven hundred and forty-two, eleven hundred and forty-five, eleven hundred and forty-seven, eleven hundred and sixty, and twelve hundred and four of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

[Approved March 20, 1880.]

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

SECTION 1. Section ten hundred and seventy-two of the Political Code is amended to read as follows:

1072. Each member upon a Board of Election in any county, or city and county, in the State, and each clerk thereof, shall receive as compensation for his services upon such Board, a sum not to exceed ten dollars, which sum shall be paid out of the treasury of the county, or city and county, in which such persons act.

Compensation of officers of election.

SEC. 2. Section ten hundred and ninety-four of the same Code is amended to read as follows:

Great Register to be kept.

1094. A register, in which shall be entered the names of the qualified electors of each of the counties in the State, shall be kept at the office of the County Clerk of such county, and in each of the cities and counties of the State such a register shall be kept in the office of the person charged with the registration of voters in such city and county. There shall be in each of the counties, and cities and counties, in the State (when required by the Board of Supervisors), a new and complete registration of the voters of such counties, and cities and counties, who are entitled thereto, and who apply with the proper proof. Such registration shall commence one hundred days before a general election, and shall continue for eighty-five days thence next ensuing, when such registration shall cease; *provided*, that nothing in this section shall be held to repeal any election or registration law applicable to or in force in the City and County of San Francisco.

SEC. 3. Section eleven hundred and twenty-seven of the same Code is amended to read as follows:

Supervisors to establish election precinct.

1127. The Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, of the State, shall, as soon before a general election as is convenient, proceed to divide such county, or city and county, into election precincts, of which there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct to be not more than two hundred, as nearly as can be ascertained.

SEC. 4. Section eleven hundred and twenty-nine of the same Code is amended to read as follows:

Alteration of precincts

1129. The Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, of the State, may from time to time change the boundaries of, create new, or consolidate established precincts; *provided*, that there shall always be as many precincts as shall be sufficient to make the number of votes polled at any one precinct to be not more than two hundred, as nearly as can be ascertained.

SEC. 5. Section eleven hundred and thirty-one of the same Code is amended to read as follows:

Designating place of election, and offices to be filled

1131. The Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, of the State, must, at least fifteen days prior to an election, issue its order appointing Boards of Election, designating the house or place within the precinct where the election must be held, and the offices to be filled, naming and numbering in numerical order, commencing with number one, the offices to be filled, unexpired terms being lastly designated; but in no event shall any place be selected for holding an election that is in a saloon or other room or place where vinous, spirituous, or malt liquors are sold or dispensed, nor shall any place be selected for such purpose that is connected with a saloon or other room or place where vinous, spirituous, or malt liquors are sold or dispensed, by any door, window, or other opening.

SEC. 6. Section eleven hundred and forty-two of the same Code is amended to read as follows:

1142. When an election is ordered, the Board of Supervisors or other Board having charge and control of elections in each of the counties, and cities and counties, of the State, shall appoint for each precinct from the electors thereof whose names appear upon the last assessment roll of said county, or city and county, two Inspectors, two Judges, and two Clerks, the Inspectors, Judges, and Clerks to be selected respectively from the two opposing political parties which cast the greatest number of votes at the next preceding general election. The Inspectors and Judges so appointed shall constitute a Board of Election for such precinct. Said Board of Election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said Board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificate shall be signed by a majority of the whole. No person shall be eligible to act as an officer of election at any precinct who has been employed in any official capacity in the county, or city and county, in the State, within ninety days next preceding any election. No person shall be eligible to act as a member of any Election Board, or as a Clerk upon such Board, who cannot read and write the English language. Any person acting as a member of any Election Board, or as a Clerk upon such Board, who cannot read and write the English language, and any person who refuses to act upon such Board, or as a Clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown, shall be guilty of a misdemeanor, and upon conviction shall be subjected to a fine of five hundred dollars; and upon failure to pay said fine, shall be imprisoned in the county jail of such county, or city and county, for the period of one day for each one dollar of said fine.

Boards of election, how appointed.

SEC. 7. Section eleven hundred and forty-five of the same Code is amended to read as follows:

1145. The Inspector may:

1. Administer all oaths required in the progress of an election.
2. Appoint Judges and Clerks if, during the progress of an election, any Judge or Clerk ceases to act.

Inspectors of election, powers of

SEC. 8. Section eleven hundred and forty-seven of the same Code is hereby repealed.

SEC. 9. Section eleven hundred and sixty of the same Code is amended to read as follows:

1160. The polls must be opened at sunrise of the morning of the day of election and must be kept open until five o'clock on the afternoon of the same day, when the polls shall be closed.

Time of opening and closing polls

SEC. 10. Section twelve hundred and four of the same Code is amended to read as follows:

1204. When upon a ballot found in any ballot-box any name has been erased and another substituted therefor, in any other manner than by the use of a lead pencil or com-

Erasure on ticket, how made

mon writing ink, the substituted name must be rejected, and the name erased, if it can be ascertained from an inspection of the ballot, must be counted, and the fact thereof must be noted upon the ballot, and such note must be signed by a majority of the Election Board. A voter who erases a name upon a ballot, and substitutes no name therefor, shall write the words "No vote" after such name so erased, otherwise the name so erased, if it can be ascertained from an inspection of the ballot, must be counted, and the fact thereof must be noted upon the ballot, and such note must be signed by a majority of the Election Board.

CHAPTER CCLXXV.

An Act authorizing the sale of certain State land to the Masons and Odd Fellows of the town of Rocklin, for cemetery purposes.

[Approved March 20, 1880.]

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

Sale of land
to Masons
and Odd
Fellows

SECTION 1. The State of California, through its Governor and Surveyor-General, is hereby authorized and empowered to sell and deed to the Order of Free and Accepted Masons and to the Independent Order of Odd Fellows, jointly, of the town of Rocklin, County of Placer, State of California, at the price at which other State lands are sold, its title to ten acres of land from and off the southeast quarter of section nineteen (19), township eleven (11) north, range seven (7) east, Mount Diablo base and meridian, commencing at a point 9.67 chains east of the S. W. corner of the S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of Section 19, T. 11 N., R. 7 E., M. D. M., thence E 11.90 $\frac{1}{2}$ chains, thence N. 8.40 chains, thence west 11.90 $\frac{1}{2}$ chains, thence south 8.40 chains to place of beginning, containing ten acres, the same now being owned and in the possession of the State of California; *provided, however,* that the land hereby authorized to be sold shall be used for cemetery purposes, and shall be deeded to the societies heretofore named, in trust, for a burying ground forever.

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

CHAPTER CCLXXVI.

An Act to amend section four hundred and twenty-five of the Political Code, relating to special policemen for the State Capitol grounds, and to their powers, and the payment of their salaries.

[Approved March 20, 1889]

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

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

425. The Board of Capitol Commissioners shall appoint three special policemen, to hold office during its pleasure, for the State Capitol grounds, who shall have the power of peace officers, and receive for their services a salary of one hundred dollars per month each, payable as the salaries of other State officials.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXXVII.

An Act appropriating money to pay the salary of an additional policeman for the State Capitol grounds for the fortieth fiscal year.

[Approved March 20, 1889]

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

SECTION 1. The sum of four hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the salary of an additional policeman for the State Capitol grounds for the fortieth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXXVIII.

An Act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 27, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers.

[Approved March 20, 1889.]

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

When holders of certificates of purchase of State lands deemed to have forfeited their rights therein.

SECTION 1. Whenever application has been made to purchase land from this State, and payment only in part has been made to the Treasurer of the proper county for the same, and a certificate of purchase has been issued to the applicant prior to the twenty-seventh day of March, eighteen hundred and seventy-two, and whenever such applicant, his assignee or assignees, shall have failed for five years to pay to the State the arrears of principal or of interest due to the State for said land, and the State shall at any time heretofore have issued a certificate of purchase for the same land, or any part thereof, to a subsequent purchaser, then, unless the holder or holders of such prior certificate shall pay the entire residue of the interest remaining unpaid for such purchase within six months from and after the passage of this Act, such holder or holders shall be deemed to have lost all right to the land described in said certificate, or to complete the purchase of such land, and all moneys heretofore paid to the State of California on such purchase shall be deemed and taken to be forfeited to the State. Nothing herein contained, however, shall be deemed or taken to give to or confer upon the holder or holders of such prior certificates, or any of them, as against the State of California, or any subsequent purchasers therefrom, or against the holders of subsequent certificates of purchase, any other or greater right to the lands herein referred to than is now held by the holder or holders of such prior certificates, or to confer upon such holder or holders any new right, or to affect or impair the rights of such subsequent purchasers or their assigns.

Previous part payments confers no special rights Does not apply.

SEC. 2. The mere fact of previous part payment shall not of itself confer on such prior purchaser or his assigns any right to complete the purchase, if he or they be not otherwise entitled so to do, as against the State, and a subsequent purchaser or his assigns; *provided*, that this Act shall not apply to any action now pending commenced within five years.

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

CHAPTER CCLXXIX.

An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, and two thousand and seventy-eight of, and to add new sections, to be known as sections one thousand nine hundred and eighty, two thousand and thirty-one, two thousand and thirty-two, two thousand one hundred and one, and two thousand one hundred and five to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

[Approved March 20, 1889.]

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

SECTION 1. Section one thousand nine hundred and twelve of said Act is hereby amended to read as follows:

1912. The organized, uniformed militia of the State of California are known as the National Guard of California. This force shall not exceed sixty companies and must be located throughout the State, with reference to the military wants thereof, means of concentration, and other military requirements.

National Guard, of what it consists

SEC. 2. Section one thousand nine hundred and sixty-two of said Act is hereby amended to read as follows:

1962. The companies of the National Guard are composed of not less than fifty nor more than one hundred and three officers and privates. Cavalry companies may have two First Lieutenants, and batteries may have two First and two Second Lieutenants; every company must, at all times, have at least one commissioned officer. Each company may have not to exceed ten honorary members, who shall pay fifty dollars per annum each into the company treasury, and shall thereafter be entitled to all the exemptions to which men on the active list are entitled, and shall not be required to drill or perform any military duty by reason of such membership.

Number of officers and privates

SEC. 3. Section nineteen hundred and ninety of said Act is amended to read as follows:

1990. The staff of a Colonel 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, and one Signal Officer, 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 Principal Musician with the rank of Sergeant-Major, one Quartermaster Sergeant, one Commissary Sergeant, one Ordnance Sergeant, one Hospital Steward, two Color Sergeants, and two General Guides; the Color Sergeants and General

Staff of Colonel, Lieutenant-Colonel, and Major

Guides to rank as Sergeants, and all of whom shall be appointed by such commanding officer, and hold office at his pleasure, or until their successors are appointed and qualified.

SEC. 4. Section two thousand and six of said Act is amended to read as follows:

Staff of
Major-
General.

2006. The staff of the Major-General consists of one Assistant Adjutant-General, with the rank of Colonel, who shall be Chief of Staff; one Engineer Officer, one Division Inspector, one Quartermaster, one Commissary, one Paymaster, one Ordnance Officer, one Judge-Advocate, one Inspector of Rifle Practice, and one Signal Officer, each with the rank of Lieutenant-Colonel; one Surgeon with the rank of Colonel, two Aids-de-Camp with the rank of Major, and four Staff Orderlies with the rank of Sergeant-Major, all of whom shall be appointed by the Major-General, and hold office at his pleasure, or until their successors are appointed and qualified.

SEC. 5. Section two thousand and seven of said Act is amended to read as follows:

Staff of
Brigadier-
General.

2007. The staff of each General of Brigade consists of one Assistant Adjutant-General with the rank of Lieutenant-Colonel, who shall be chief of staff; one Engineer Officer, one Brigade Inspector, one Quartermaster, one Commissary, one Paymaster, one Ordnance Officer, one Judge-Advocate, one Inspector of Rifle Practice, and one Signal Officer, each with the rank of Major; one Surgeon with the rank of Lieutenant-Colonel; two Aides-de-Camp with the rank of Captain; and two Staff Orderlies, with the rank of Sergeant-Major; all of whom shall be appointed by the Brigadier-General, and hold office at his pleasure, or until their successors are appointed and qualified.

SEC. 6. Section two thousand and eighteen of said Act is hereby amended to read as follows:

Parades,
time of

2018. The National Guard of California must parade in each year as follows:

1. On the fourth of July.

2. For target practice at such times as may be designated by the Commander-in-Chief, and at least twice in each year.

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. 7. Section two thousand and twenty-two of said Act is hereby amended to read as follows:

Drills, regi-
mental and
battalion,
times of

2022. Every regiment, battalion, or unattached company that annually assembles and encamps for discipline and drill, for not less than seven days, shall receive from the State, to defray the expenses of said encampment, a sum equal to one dollar and twenty-five cents per day for each officer and man regularly on duty in such camp; *provided*, that the aggregate of such allowance shall not exceed the sum of four hundred dollars per company; and *provided further*, that when a division or brigade is regularly assembled and encamped for discipline and drill, for not less than seven days, then, in addition to the above allowance, each general officer

and staff officer on the general staff shall receive from the State the sum of one dollar and twenty-five cents per day while regularly on duty in such camp.

SEC. 8. A new section is hereby added to said Act, to be known as section two thousand and thirty-one:

2031. The Adjutant-General, the Inspector-General of Rifle Practice, and the Division Inspector of Rifle Practice, shall have power to prescribe rules and regulations for target practice, which, after being approved by the Commander-in-Chief, shall govern all target practice held under and by virtue of orders issued by the Commander-in-Chief.

Regulations for target practice, who shall prescribe.

SEC. 9. Section two thousand and sixty-five of said Act is herein amended to read as follows:

2065. Officers and privates while on active duty in the service of the State, shall receive the same pay and allowance as the officers and privates in the United States army of similar grade serving on the Pacific Coast; *provided*, that said pay shall not be less than two dollars per day, the same to be audited by the Board of Military Auditors upon the payroll properly made up and signed by such officers.

Pay, while on active duty.

SEC. 10. Section two thousand and sixty-six of said Act is hereby amended to read as follows:

2066. When an officer is detailed for special duty in any matter relating to the National Guard or care of State military property, by order of the Commander-in-Chief, Division, Brigade, Regimental, or Battalion Commander, he must be allowed pay, proper and such reasonable traveling expenses as the Board of Military Auditors may allow upon sworn vouchers showing actual expenditures. All officers shall be allowed such reasonable traveling expenses incurred while discharging military duties as the Board of Military Auditors may allow upon sworn vouchers showing actual expenditures.

Pay of officers when detailed on special duty.

SEC. 11. Section two thousand and seventy-eight of said Act is hereby amended to read as follows:

2078. Courts-martial have power, on conviction, to punish by expulsion or dismissal, or by depriving officers of their rank, or by such other and usual military fines and penalties as are customary in the army of the United States; *provided*, that they shall not have the power to punish by imprisonment for more than five days, except in time of war, insurrection, or rebellion; such judgment of imprisonment, when it becomes final, must be executed by the Sheriff of the county in which said Court held its session, and the judgment of such Court, when certified by its President, shall be a sufficient warrant to said Sheriff to arrest and detain the defendant for the period of time named in the judgment, not exceeding five days.

Courts-martial, powers of.

SEC. 12. A new section is hereby added to said Act, to be known as section two thousand and thirty-two, and to read as follows:

2032. Each officer commanding a regiment or battalion may, with the approval of the Commander-in-Chief, muster and attach to it a company of cadets; *provided*, that all the members of such company shall be pupils in attend-

Cadet companies, organization of.

ance at some public school or schools within the limits of such command, and shall be and remain members of such cadet company only while attending such public school or schools. It shall be the duty of such commanding officer to give his personal attention to the instruction of such cadet company, and he shall have power, and it shall be his duty, subject to the approval of the Commander-in-Chief, to prescribe such rules and regulations for the government of such cadet company as he shall see fit. Such cadet company shall receive one third of the allowances allowed to a company in the National Guard. The percentage of their attendance at drills, and on other military duty, shall not be considered in computing the percentages of the command to which they belong. No other cadet companies, except those organized as above provided for, shall be allowed within the State of California, in connection with the National Guard thereof.

SEC. 13. A new section is hereby added to an Act, to be known as section two thousand one hundred and one, and to read as follows:

Furnishing
service
medals.

2101. The State shall provide and furnish service medals to members of the National Guard as follows, to wit: For ten years active service, a bronze medal; for fifteen years active service, a silver medal; and for twenty years active service, a gold medal. Such medals shall be prepared and issued by the Adjutant-General upon application of the party entitled thereto, and upon proof of such service from the records of the National Guard.

SEC. 14. A new section is added to said Act, to be known as section one thousand nine hundred and eighty, and to read as follows:

Signal Corps.

1980. Each Brigadier-General commanding a brigade, with the consent of the Commander-in-Chief, may muster in and attach to it a Signal Corps, consisting of not to exceed ten members for each regiment in his brigade. The provisions of this Code relating to companies shall govern and control said Signal Corps whenever applicable. Said Signal Corps shall be under the direct command of the Signal Officer upon the staff of the Brigadier-General commanding the brigade in which said signal corps is organized; and there shall be no other signal corps in the National Guard except as herein provided.

SEC. 15. A new section is added to said Act, to be known as section twenty-one hundred and five, and to read as follows:

Allowance.

2105. There must be admitted and allowed by the Board of Military Auditors, and paid out of the appropriations for military purposes to the commanding officer of each signal corps in the National Guard, the sum of twenty-five (\$25) dollars per month for each ten enlisted members of said corps, the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the signal corps. Demand shall be made and presented in the same manner as for the expenses of a company. There shall also be paid from the appropriations for that purpose the sum of one thousand (1,000) dollars for the purchase of the necessary equip-

ments and kits for the brigade signal corps. There shall also be paid from the appropriations for that purpose the sum of three hundred (300) dollars for the purchase of horse equipments for the San Francisco Hussars, unattached, Second Brigade, National Guard, California, and the further sum of two thousand dollars for the purchase of harness for the eight carriages now in possession of the Light Battery A, Second Artillery Regiment, Second Brigade, National Guard, California.

How ex-
pendent.

SEC. 16. This Act shall take effect immediately.

CHAPTER CCLXXX.

An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.

[Approved March 20, 1889.]

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

SECTION 1. The boundaries of any city or municipal corporation may be altered and territory excluded therefrom after proceeding had as required in this section. The Council, Board of Trustees, or other legislative body of such corporation, shall upon receiving a petition therefor, signed by not less than one fifth of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether such territory as is proposed by such petition shall be excluded from such municipal corporation and cease to be a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed and published in such corporation for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be excluded. And the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "For exclusion" or "Against exclusion," or words equivalent thereto; such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be excluded, which place or places shall be that or those usually used for that purpose within such territory, if any such there be, and for the purposes of this Act, the qualified electors residing in the territory proposed to be excluded shall be entitled to vote at the polls in such territory and not elsewhere. Such legislative body shall also appoint and designate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election, and

Exclusion of
territory and
changing
boundaries
of municipal
corporations.

Same.

proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be excluded shall be canvassed separately, and if it shall appear on such canvass that a majority of all the votes cast in such territory, and a majority of all the votes in such corporation, shall be for exclusion, such legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation exclusive of such territory, the number of votes cast in each for exclusion, and the whole number of votes cast in each against exclusion. From and after the date of filing such abstract such exclusion of such territory from such municipal corporation shall be deemed complete, and thereafter such territory shall cease to be a part of such municipal corporation; *provided*, that nothing contained in this Act shall be held to relieve in any manner whatsoever any part of such territory from any liability for any debt contracted by such municipal corporation prior to such exclusion; *and provided further*, that such municipal corporation is hereby authorized to levy and collect from any territory so excluded, from time to time, such sums of money as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such debts. Such assessment and collection shall be made in the same manner and at the same time that such assessment and collection is levied and made upon the property of such municipal corporation for any payment on account of such debts; *and provided further*, that any such territory so excluded from any municipal corporation may at any time tender to the legislative body of such municipal corporation the amount for which such territory is liable on account of such debts, and after such tender is made, such authority as is herein given municipal corporation to levy and assess taxes on such excluded territory, shall cease.

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

CHAPTER CCLXXXI.

An Act to provide for the applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same.

[Approved March 20, 1889.]

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

Purchase of
sixteenth
and thirty-
sixth sec-
tions.

SECTION 1. Every application to purchase any portion of the sixteenth and thirty-sixth sections shall be accompanied by a deposit of twenty dollars, in addition to the fee for filing now required by law, for which the Surveyor-General shall

give the applicant a receipt, which receipt shall be accepted by the County Treasurer in part payment of the purchase price of said land. If the applicant shall abandon or forfeit his said application, or shall fail to make proper proof as to the character of the said land, or as to his residence thereon, within the time allowed by law, or if his application shall be rejected by reason of any false statement in the affidavit herein contained, the twenty dollars thus paid shall go to the State School Fund. If it is found that the Surveyor-General erred in receiving the application, or that the State cannot make a good title to the land, then the applicant or his assigns may surrender to the Surveyor-General the said receipt, and receive in exchange therefor a certificate showing the amount so paid, and the reason why the application could not be approved or perfected, and the Controller, upon the surrender to him of the said Surveyor-General's certificate, shall issue to the applicant, or his assigns, a warrant for the said amount. Filings.

SEC. 2. Any number of filings on any section of land is hereby permitted and allowed under the provisions of this Act. Should the first filing be abandoned by the applicant, the next filing on such section, in order, shall have the same right as if it had been the first filing.

SEC. 3. The moneys received by the Surveyor-General under the provisions of this Act, except the moneys forfeited under section one, shall be paid to the State Treasurer at the close of each month, and must be placed in a fund to be called "School Land Deposit Fund," to the credit of the county in which the lands applied for are situated. When any moneys are placed in the "School Deposit Fund" to the credit of a county, the Controller, at the next settlement with the Controller by the Treasurer of such county, must draw his warrant upon the State Treasurer for the amount in the fund to the credit of the county; *provided*, that the direction herein to the Controller is exempted from the operations of section six hundred and seventy-two of the Political Code. Moneys to go to "School Land Deposit Fund."

CHAPTER CCLXXXII.

An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

[Approved March 21, 1889.]

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

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

343. The number and designation of the civil executive officers are as follows: A Governor; a Private Secretary for the Governor; an Executive Secretary for the Governor; a Secretary for the Board of Examiners; a Lieutenant-Governor. Designation and number of civil executive officers.

Same.

nor; a Secretary of State; a Deputy Secretary of State; a Keeper of Archives of State for Secretary of State; a Bookkeeper for the Secretary of State; three Recording Clerks for the Secretary of State; a Controller; a Deputy Controller; a Bookkeeper for the Controller; five Clerks for the Controller; a Treasurer; a Deputy Treasurer; a Bookkeeper for the Treasurer; a Clerk for six months in each year for the Treasurer; an Attorney-General; a Deputy Attorney-General; a Surveyor-General, who shall be ex officio Register of the State Land Office; a Deputy Surveyor-General; one Clerk for the Surveyor-General; three Clerks for the Register; a Superintendent of Public Instruction; a Deputy for the Superintendent of Public Instruction; one Clerk for the Superintendent of Public Instruction; a Superintendent of State Printing; an Inspector of Gas Meters; a Vaccine Agent; an Insurance Commissioner; a Deputy for the Insurance Commissioner; three State Capitol Commissioners; four Port Wardens for the Port of San Francisco; a Port Warden for each port of entry except San Francisco; three State Harbor Commissioners; three Harbor Commissioners for the Port of Eureka; six Pilots for each harbor where there is no Board of Pilot Commissioners; three members of the Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia; three members of the Board of Pilot Commissioners for Humboldt Bay and Bar; three Fish Commissioners; a President and twelve Directors of the State Board of Agriculture; four members of the State Board of Equalization; a Clerk of the Board of Equalization; three members of the State Board of Railroad Commissioners; a Secretary of the State Board of Railroad Commissioners; a Bailiff of the State Board of Railroad Commissioners; seven members of the State Board of Health; five members of the San Francisco Board of Health; five members of the Sacramento Board of Health; twenty-two Regents of the University of California; three members of the State Board of Education; seven Trustees of the State Normal School; five Trustees of the State Library; a State Librarian; two Deputies for the State Librarian; a Librarian for the Supreme Court Library; five Directors for the State Prisons; two Wardens for the State Prisons; two Clerks of the State Prisons; five Directors for the Insane Asylum at Stockton; five Directors for the Insane Asylum at Napa; a Medical Superintendent of the Insane Asylum at Stockton; two Assistant Physicians of the Insane Asylum at Stockton; a Resident Physician of the Insane Asylum at Napa; one First Assistant Physician of the Insane Asylum at Napa; *provided*, when the number of patients shall increase to six hundred, the Trustees may elect one additional Second Assistant Physician, with the same pay and emoluments as the First Assistant Physician; a Treasurer of the Insane Asylum at Stockton; a Treasurer of the Insane Asylum at Napa; five Trustees of the Asylum for the Deaf and Dumb and the Blind; three Trustees of the State Burying Grounds; nine Commissioners of the Yosemite Valley and the Mariposa Big Tree Grove; such other officers as fill offices created

by or under the authority of general laws for the government of counties, cities, and towns, or of the charters or special laws affecting the same, or of the health, school, election, road, or revenue laws.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXXXIII.

An Act making an appropriation for the salary of the Bookkeeper of the State Treasurer for the fortieth fiscal year.

[Approved March 21, 1889.]

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

SECTION 1. The sum of five hundred and eighty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the salary of the Bookkeeper of the State Treasurer for the fortieth fiscal year.

Bookkeeper
of State
Treasurer.

SEC. 2. The Controller is hereby authorized to draw his warrant on the General Fund for the payment of the said salaries in the same manner as the salaries of other State officers are paid, and the Treasurer is directed to pay the same.

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

CHAPTER CCLXXXIV.

An Act to appropriate money for the payment of the salary of an additional clerk in the office of the Register of the State Land Office.

[Approved March 21, 1889.]

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

SECTION 1. There is hereby appropriated the sum of six hundred dollars out of any money in the State Treasury not otherwise appropriated, for the payment of the salary for a clerk for the Register State Land Office for fortieth fiscal year.

Clerk, Register
State
Land Office.

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

CHAPTER CCLXXXV.

An Act making appropriations for the support of the government of the State of California for the forty-first and forty-second fiscal years.

[Approved March 21, 1889.]

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

- SECTION 1.** The following sums of money are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the government of the State of California for the forty-first and forty-second fiscal years.
- General ap-
propriation.** For per diem and mileage of Lieutenant-Governor and Senators, twenty-one thousand five hundred dollars.
- Legislature.** For per diem and mileage of Assemblymen, forty-one thousand dollars.
- For pay of officers and clerks of the Senate, six thousand five hundred dollars.
- For pay of officers and clerks of the Assembly, seven thousand five hundred dollars.
- For contingent expenses of the Senate, seventeen thousand dollars.
- For contingent expenses of the Assembly, eighteen thousand dollars.
- Supreme
Court.** For salaries of Justices of the Supreme Court, eighty-four thousand dollars.
- For State's portion of salaries of Judges of Superior Courts, two hundred and seventy-five thousand dollars.
- For salary of Clerk of the Supreme Court, six thousand dollars.
- For salaries of Deputy Clerks of the Supreme Court, eighteen thousand dollars.
- For salary of Reporter of the Decisions of the Supreme Court, five thousand dollars.
- For salary of Deputy Reporter of the Decisions of the Supreme Court, four thousand eight hundred dollars.
- For salaries of Secretaries of the Supreme Court, nine thousand six hundred dollars.
- For salary of Phonographic Reporter of the Supreme Court, six thousand dollars.
- For salary of Bailiffs of Supreme Court, six thousand dollars.
- For pay of Porter for office of Clerk of Supreme Court, nine hundred and sixty dollars.
- For postage and contingent expenses of Supreme Court, five hundred dollars.
- For postage and contingent expenses of Clerk of the Supreme Court, seven hundred dollars.
- For expenses of Supreme Court, under section forty-seven Code of Civil Procedure, thirty-eight thousand dollars.

For removal, refurnishing rooms, and repairs of furniture, for Supreme Court, the sum of three thousand dollars, exempt from section four of this Act.

For furnishing rooms and books for the use of the Commissioners of the Supreme Court, one thousand five hundred dollars, exempt from the provisions of section four of this Act.

For rent of chambers for the Commissioners of the Supreme Court, four thousand two hundred dollars.

For postage and contingent expenses in the office of the Secretary to the Commissioners of the Supreme Court, two hundred dollars.

For salary of Governor, twelve thousand dollars.

Governor.

For salary of Private Secretary to Governor, eight thousand dollars.

For salary of Executive Secretary to Governor, four thousand dollars.

For pay of Porter in office of Governor, two thousand one hundred and sixty dollars.

For special contingent expenses of Governor's office (secret service), five thousand dollars.

For postage, expressage, telegraphing, and contingent expenses in the office of the Governor, two thousand dollars.

For salary of Secretary of State Board of Examiners, three thousand six hundred dollars.

Board of Examiners.

For postage and expressage, State Board of Examiners, two hundred dollars.

For salary of Secretary of State, six thousand dollars.

Secretary of State.

For salary of Deputy Secretary of State, four thousand eight hundred dollars.

For salary of Bookkeeper, four thousand dollars.

For salaries of clerks in office of Secretary of State, nine thousand six hundred dollars.

For salaries of two special clerks in office of the Secretary of State, under section four hundred and twenty-two of the Political Code, one thousand dollars, to be expended during the forty-second fiscal year.

For pay of Porter in office of Secretary of State, nine hundred and sixty dollars.

For postage, expressage, and telegraphing in office of Secretary of State, two thousand dollars, exempt from the provisions of section four of this Act.

For contingent and traveling expenses in office of Secretary of State, five hundred dollars.

For salary of Controller, six thousand dollars.

Controller.

For salary of Deputy Controller, four thousand eight hundred dollars.

For salary of Bookkeeper in office of Controller, four thousand dollars.

For salaries of clerks in office of the Controller, sixteen thousand dollars.

For pay of Porter in office of Controller, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, in Controller's office, one thousand dollars.

For traveling and contingent expenses in office of Controller, one thousand five hundred dollars.

Treasurer.

For salary of Treasurer, six thousand dollars.

For salary of Deputy Treasurer, four thousand eight hundred dollars.

For salary of Bookkeeper in Treasurer's office, four thousand dollars.

For salary of clerk in Treasurer's office, from January to July of each year, one thousand six hundred dollars.

For salaries of Watchmen in State Treasurer's office, four thousand eight hundred dollars.

For pay of Porter in Treasurer's office, nine hundred and sixty dollars.

For postage, expressage, contingent, and traveling expenses in Treasurer's office, six hundred dollars.

Attorney-General.

For salary of Attorney-General, six thousand dollars.

For salary of Deputy Attorney-General, four thousand eight hundred dollars.

For salary of clerk in Attorney-General's office, three thousand two hundred dollars.

For pay of Porter in Attorney-General's office, nine hundred and sixty dollars.

For postage, expressage, and contingent expenses, in Attorney-General's office, five hundred dollars.

For traveling expenses of Attorney-General, one thousand dollars.

For any expense incurred by the Attorney-General in tax suits or other cases in the United States Supreme Court, five thousand dollars.

For costs and expenses of suits wherein the State is a party in interest, seven thousand dollars.

Surveyor-General.

For salary of Surveyor-General, six thousand dollars.

For salary of Deputy Surveyor-General, four thousand eight hundred dollars.

For salaries of clerks in Surveyor-General's office, twelve thousand eight hundred dollars.

For pay of Porter in Surveyor-General's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing in Surveyor-General's office, eight hundred dollars.

For contingent expenses in Surveyor-General's office, five hundred dollars.

For purchase of and copying maps in Surveyor-General's office, two thousand dollars.

For traveling expenses of Surveyor-General and Attorney-General, when engaged in contests between the State and the United States, in relation to public lands, one thousand dollars.

Superintendent of Public Instruction.

For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Deputy Superintendent of Public Instruction, four thousand eight hundred dollars.

For salary of clerk in office of Superintendent of Public Instruction, three thousand two hundred dollars.

For salary of clerical assistance in distributing State school books in office of Superintendent of Public Instruction, three thousand two hundred dollars.

For pay of Porter in office of Superintendent of Public Instruction, nine hundred and sixty dollars.

For postage, expressage, and telegraphing in office of Superintendent of Public Instruction, two thousand dollars.

For contingent expenses in office of Superintendent of Public Instruction, three hundred dollars.

For traveling expenses in office of Superintendent of Public Instruction, three thousand dollars.

For salary of State Librarian, six thousand dollars.

State Librarian.

For salaries of two Deputies of the State Librarian, seven thousand two hundred dollars.

For pay of Porter in the State Library, eighteen hundred dollars.

For postage, expressage, and contingent expenses office State Library, four hundred dollars.

For salary of Adjutant-General, six thousand dollars.

Adjutant-General.

For salary of Assistant Adjutant-General, four thousand eight hundred dollars.

For additional clerks in office of the Adjutant-General, three thousand six hundred dollars, exempt from the provisions of section four of this Act.

For pay of Porter in office of Adjutant-General, nine hundred and sixty dollars.

For postage, expressage, and telegraphing in office of Adjutant-General, five hundred dollars.

For care of State Armory, cleaning, and transportation of arms, and traveling and contingent expenses of Adjutant-General, two thousand dollars.

For armory rents and other expenses of the National Guard, two hundred and twelve thousand five hundred and fifty dollars.

National Guard.

For expenses of the encampment of the National Guard, fifty-two thousand dollars.

For purchase of uniforms and equipment for the National Guard, twenty-two thousand dollars, exempt from the provisions of section four of this Act.

For uniforms of the new companies of the National Guard, twenty-eight thousand dollars, exempt from the provisions of section four of this Act.

For repairs of carriages of gatling guns, one hundred dollars, exempt from the provisions of section four of this Act.

For target practice of National Guard, seven thousand dollars.

For equipments for Signal Corps, National Guard, one thousand dollars, to be exempt from the provisions of section four of this Act.

For horse equipments, San Francisco Hussars, three hundred dollars, to be exempt from the provisions of section four of this Act.

For harness for Light Battery "A," Second Artillery, National Guard, two thousand dollars, to be exempt from the provisions of section four of this Act.

Superintendent of State Printing.

For salary of Superintendent of State Printing, six thousand dollars.

State Printing Office.

For support of State Printing Office, including pay of employes, purchase of supplies, type, and machinery, etc., two hundred thousand dollars; not subject to the provisions of section four of this Act; *provided*, that, in the purchase of quantities of type and printing material (excepting power presses), all purchases shall be made after advertising, and from the lowest responsible bidder, agreeable to section five hundred and thirty-two of the Political Code; *and provided further*, that any such bid may be accepted or rejected in whole or in part.

For pay of employes and for stock and material in School Text-Book Department, fifty thousand dollars; exempt from the provisions of section four of this Act; *provided*, that in the purchase of quantities of type and printing material (excepting power presses), all purchases shall be made after advertising, and from the lowest responsible bidder, agreeable to section five hundred and thirty-two of the Political Code; *and provided further*, that any such bid may be accepted or rejected in whole or in part.

State Board of Health.

For salary of Secretary of State Board of Health, five thousand dollars.

For traveling and contingent expenses of State Board of Health, three thousand dollars.

For salary of State Veterinary Surgeon, six thousand dollars.

Insurance Commissioner.

For salary of Insurance Commissioner, six thousand dollars.

For salary of Deputy Insurance Commissioner, three thousand six hundred dollars.

For traveling and legal expenses (under provisions of sections five hundred and ninety-five and six hundred and seventeen of the Political Code), three thousand dollars.

Railroad Commissioners.

For salaries of Railroad Commissioners, twenty-four thousand dollars.

For salary of Secretary of Railroad Commissioners, four thousand eight hundred dollars.

For salary of Bailiff of the Board of Railroad Commissioners, two thousand four hundred dollars.

For office rent of Board of Railroad Commissioners, one thousand eight hundred dollars.

For fuel, lights, postage, expressage, and incidental expenses, for Board of Railroad Commissioners, one thousand dollars.

For traveling expenses of Railroad Commissioners, and other persons in their employ, when traveling in the performance of official duties, five hundred dollars.

State Board of Equalization.

For salaries of members of the State Board of Equalization, twenty-four thousand dollars.

For salary of clerk of State Board of Equalization, four thousand eight hundred dollars.

For pay of Porter in office of State Board of Equalization, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses State Board of Equalization, two thousand dollars.

For pay of employes of State Capitol building and grounds, fifty-four thousand four hundred and sixty dollars, one hundred dollars to be expended in purchasing and cultivating orange trees on the Capitol grounds. State Capitol employes.

For salaries of special policemen, Capitol grounds, seven thousand two hundred dollars.

For care of Yosemite Valley, twenty thousand dollars. Yosemite Valley.

For care of Mariposa Big Tree Grove, five thousand dollars.

For salary of Guardian of Yosemite Valley, three thousand dollars.

For traveling expenses, Yosemite Valley Commissioners, three thousand dollars.

For traveling expenses of State Board of Education, seven hundred and fifty dollars. State Board of Education.

For the support of the Asylum for the Deaf, Dumb, and Blind at Berkeley, ninety-one thousand five hundred dollars. Deaf, dumb, and blind.

For furnishing new home for girls in the Asylum for the Deaf, Dumb, and Blind at Berkeley, two thousand dollars.

For furnishing the school house of the Asylum for the Deaf, Dumb, and Blind at Berkeley, one thousand dollars.

For increased facilities for Articulation Department of the Asylum for the Deaf, Dumb, and Blind at Berkeley, four thousand dollars.

For increased facilities in Industrial Department of the Asylum for the Deaf, Dumb, and Blind at Berkeley, three thousand dollars.

For the support of Home of Adult Blind, fifty thousand dollars. Adult blind.

For support of the Asylum for Insane at Stockton, four hundred and thirty thousand dollars. Insane, Stockton.

For support of the Asylum for Insane at Napa, four hundred and eight thousand eight hundred dollars. Insane, Napa.

For the support of the California Home for the Care and Training of Feeble-Minded Children, eighty-one thousand dollars. Feeble-minded children.

For the support of the California Hospital for the Chronic Insane at Agnew, two hundred thousand dollars. Chronic insane.

For furnishing three ward buildings of the California Hospital for the Chronic Insane at Agnew, ten thousand dollars, exempt from the provisions of section four of this Act.

For furnishing administration building of the California Hospital for the Chronic Insane at Agnew, ten thousand dollars.

For heating the buildings of the California Hospital for the Chronic Insane at Agnew, twenty thousand dollars.

For lighting the buildings of the California Hospital for the Chronic Insane at Agnew, twenty-five thousand dollars, exempt from the provisions of section four of this Act.

For the purchase of live stock for the use of the California Hospital for the Chronic Insane at Agnew, three thousand dollars, exempt from the provisions of section four of this Act.

For one watchman's clock indicator for the California Hospital for the Chronic Insane at Agnew, one thousand dollars, exempt from the provisions of section four of this Act.

Transportation of insane.

For transportation of insane, sixty thousand dollars.

State Prisons.

For support of State Prison at San Quentin, three hundred and thirty thousand dollars.

For support of State Prison at Folsom, two hundred and twenty thousand dollars.

Transportation of prisoners.

For transportation of prisoners, fifty-five thousand dollars.

For support of State Normal School at San José, seventy-eight thousand dollars.

Normal School, San José.

For library, State Normal School at San José, two thousand dollars.

For painting roof at Normal School buildings at San José, seven hundred and fifty dollars; this appropriation not subject to provisions of section four of this Act.

For care of grounds at State Normal School at San José, three thousand dollars.

Normal School, Los Angeles.

For support of State Normal School at Los Angeles, forty-two thousand dollars.

For uses of library and museum, State Normal School at Los Angeles, one thousand dollars.

For care of grounds of State Normal School at Los Angeles, one thousand five hundred dollars.

For improvement of grounds of State Normal School at Los Angeles, one thousand dollars.

Normal School, Chico.

For support of State Normal School at Chico, twenty-seven thousand dollars.

For uses of Library and Museum State Normal School at Chico, two thousand dollars.

For the support of the San Francisco State Normal School, fifteen thousand dollars, to be used during the forty-second fiscal year.

For uses of library and museum San Francisco State Normal School, two thousand dollars, to be used during the forty-second fiscal year.

Bureau of Labor Statistics.

For salary of Commissioner of Bureau of Labor Statistics, six thousand dollars.

For salary of Deputy Commissioner of Bureau of Labor Statistics, three thousand six hundred dollars.

For salaries of assistants, traveling, and contingent expenses, in office of Commissioner of the Bureau of Labor Statistics, nine thousand dollars.

For office rent of the Bureau of Labor Statistics, twelve hundred dollars.

State Board of Horticulture.

For uses of the State Board of Horticulture, twenty-five thousand dollars.

For salary of Secretary of State Board of Horticulture, four thousand two hundred dollars.

For salary of clerk to the Secretary of State Board of Horticulture, twelve hundred dollars.

For salary of clerk of Publishing and Quarantine Bureau of State Board of Horticulture, four thousand two hundred dollars.

For uses of the State Board of Viticulture, thirty-five thousand dollars. State Board of Viticulture.

For uses of the State Board of Silk Culture, ten thousand dollars.

For payments of rewards offered by the Governor, five thousand dollars. Rewards.

For rewards for the arrest and conviction of highway robbers, ten thousand dollars. Highway robbers.

For arresting criminals without the limits of the State, ten thousand dollars. Arresting criminals.

For water for irrigation, purchase of hose and implements, to be used on the State Capitol grounds, five thousand dollars. Irrigation, Capitol grounds.

For water to be used in the Capitol building, twelve hundred dollars. Water.

For repairs to Capitol building and furniture, and the purchase of furniture and carpets, forty-three thousand dollars. Repairs to Capitol.

For stationery, supplies, fuel, and lights for Legislature and State officers, twenty thousand dollars. Stationery, etc.

For purchase of ballot paper, and not to be used till the paper is needed to supply demands, four thousand dollars. Ballot paper.

For official advertising, and not to be used by any public institution or department for the support of which an appropriation has been made, three thousand dollars. Official advertising.

For payment of interest on one hundred thousand dollars at seven per cent per annum to the Directors of the Hastings College of Law, fourteen thousand dollars. Interest, Hastings College of Law.

For restoration and preservation of fish in the waters of the State, and stocking such waters with new varieties, of which not less than fifty per cent shall be expended in the support and maintenance of State hatcheries, twenty thousand dollars. Fish.

For payment, costs, and expenses of trials of persons violating the laws for the preservation of fish, three thousand dollars.

For rent of rooms for Hastings College of Law, twenty-four hundred dollars. Rent, Hastings College of Law.

For care of State Burial Grounds, one thousand dollars. Burial grounds.

For aid to State Agricultural Society, thirty-five thousand dollars. State Agricultural Society.

For aid to District Agricultural Society Number One, seven thousand dollars. District Societies.

For aid to District Agricultural Society Number Two, seven thousand dollars.

For aid to District Agricultural Society Number Three, six thousand dollars.

For aid to District Agricultural Society Number Four, six thousand dollars.

For aid to District Agricultural Society Number Five, six thousand dollars.

For aid to District Agricultural Society Number Six, seven thousand dollars.

For aid to District Agricultural Society Number Seven, four thousand dollars.

Same.

For aid to District Agricultural Society Number Eight, four thousand dollars.

For aid to District Agricultural Society Number Nine, four thousand five hundred dollars.

For aid to District Agricultural Society Number Ten, four thousand five hundred dollars.

For aid to District Agricultural Society Number Eleven, five thousand dollars.

For aid to District Agricultural Society Number Twelve, five thousand dollars.

For aid to District Agricultural Society Number Thirteen, six thousand dollars.

For aid to District Agricultural Society Number Fourteen, four thousand dollars.

For aid to District Agricultural Society Number Fifteen, five thousand dollars.

For aid to District Agricultural Society Number Sixteen, four thousand five hundred dollars.

For aid to District Agricultural Society Number Seventeen, four thousand dollars.

For aid to District Agricultural Society Number Eighteen, six thousand dollars.

For aid to District Agricultural Society Number Nineteen, five thousand dollars.

For aid to District Agricultural Society Number Twenty, four thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-one, five thousand dollars.

For aid to District Agricultural Society Number Twenty-two, four thousand dollars.

For aid to District Agricultural Society Number Twenty-three, three thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-four, three thousand dollars.

For aid to District Agricultural Society Number Twenty-five, six thousand dollars.

For aid to District Agricultural Society Number Twenty-six, six thousand dollars.

For aid to District Agricultural Society Number Twenty-seven, four thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-eight, four thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-nine, four thousand dollars.

Citrus fairs. For purpose of holding citrus fairs, the sum of ten thousand dollars, one half to be expended in the Sixth Congressional District, and one half in that part of the State outside of said district. The location, management, and control of said fairs, and the expenditure of said sum, to be under the direction of the Directors of the State Board of Agriculture, exempt from the provisions of section four of this Act.

To pay deficiencies.

The sum of fifteen hundred dollars is hereby appropriated, to be expended by the State Board of Examiners to pay deficiencies that may arise in any of the departments of

the State Government in sums not exceeding one hundred dollars.

For repairs to State Mineral Cabinet at Sacramento, two hundred dollars State Mineral Cabinet.

For the salary of the State Engineer, State Mineralogist ex officio, six thousand dollars. State Engineer.

For the uses of the State Mineralogist, ex officio, ten thousand dollars, to be expended as follows: For completing the work of the State Engineer on publication of the volumes and maps now in course of completion, exempt from the provisions of section four of this Act. State Mineralogist.

SEC. 2. The sums that are herein appropriated for expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code. The sums herein appropriated for the expenses of the National Guard shall be audited by the Board of Military Auditors, as required by sections two thousand and ninety-three and two thousand and ninety-nine of the Political Code. No moneys appropriated for the support of the institutions of the State shall be used for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the Commissioners or Directors having charge of the same, when such salaries or expenses are allowed by law, the salaries of employes, the purchase of materials and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions. Conditions affecting appropriations.

SEC. 3. The various State officers, and the officers of all institutions under the control of the State, except the Governor, to whom and for which appropriations other than salaries are made, under the provisions of this Act, shall, with their biennial report, submit a detailed statement under oath, of the manner in which all appropriations for their respective departments and institutions have been expended; and the State Board of Examiners is hereby expressly prohibited from allowing any demands payable out of such appropriations until the same are presented in itemized form, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expense thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of purchase; *provided*, that no officer shall use or appropriate any money for any purpose whatsoever appropriated by this Act, unless authorized thereto by law. Statement of expenditures.

SEC. 4. Not more than one half of the respective appropriations made under this Act shall be expended during the forty-first fiscal year, unless the same has been expressly authorized, as hereinbefore provided. Board of Examiners not to allow claims unless itemized.

SEC. 5. The officers of the various Departments, Boards, Commissions, and institutions, for whose benefit and support appropriations are made by this Act, are expressly forbidden any expenditure in excess of such appropriations, except the Expenditure of appropriation.

Expenditures in excess of appropriation prohibited.

unanimous consent of the State Board of Examiners be first obtained, and a certificate in writing of the unavoidable necessity for such expenditure, duly signed by every member of said Board; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void; *provided*, that any member of any such Department, Board, Commission, or institution, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this Act, except by the unanimous consent of the State Board of Examiners, and the certificate in this section provided for, be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any Court of competent jurisdiction, by the person or persons, firm or corporation, to whom such indebtedness is owing.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 21, 1889. }

This bill is approved, with the exception of the following items, to which I object, to wit:

"For salary of State Veterinary Surgeon, six thousand dollars."
"For the support of the San Francisco State Normal School, fifteen thousand dollars, to be used during the forty-second fiscal year."

"For use of library and museum, San Francisco State Normal School, two thousand dollars, to be used during the forty-second fiscal year."

These items are objected to and not approved, for the reason that there are no laws authorizing the expenditures of the sums for the purposes stated in the items.

"For salaries of assistants, traveling and contingent expenses in the office of Commissioner of the Bureau of Labor Statistics, nine thousand dollars."

This item is objected to and not approved, for the reason that the amount sought to be appropriated is excessive, the scope of the office not warranting such expenditure.

"For use of the State Board of Silk Culture, ten thousand dollars."

This item is objected to and not approved, for the reason that while the State Board of Silk Culture has been in existence for a period of four years it has accomplished nothing, it having been proven years before the organization of this Board that the rearing of silkworms, and the manufacture of silk therefrom, could not be successfully done in California, where the cost of labor is so much higher than that of India and China, whose raw silk is admitted into the United States duty free.

R. W. WATERMAN,
Governor of California.

CHAPTER CCLXXXVI.

An Act appropriating the sum of fifteen thousand dollars (\$15,000) for the purchase of Copyright No. 15,697, entitled "Insects Injurious and Beneficial, their Natural History and Classification, etc.," now known as "Cooke's School Entomology."

[Approved March 19, 1889.]

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

Purchase of
"Cooke's
School En-
tomology."

SECTION 1. Fifteen thousand dollars (\$15,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purchase from Mrs. Annie

Cooke—widow of the late Matthew Cooke—of copyright number fifteen thousand six hundred and ninety-seven, entitled “Insects Injurious and Beneficial, their Natural History and Classification, for the Use of Fruit Growers, Vine Growers, Farmers, Gardeners, and Schools,” by Matthew Cooke, now known as “Cooke’s School Entomology,” together with all plates and electrotypes, etc., pertaining to said work.

SEC. 2. Upon the assignment, transfer, and delivery by said Mrs. Annie Cooke, or her assigns, to the Superintendent of Public Instruction of said copyright number fifteen thousand six hundred and ninety-seven, and the plates, electrotypes, etc., belonging to said work, said Superintendent of Public Instruction shall give his receipt in writing therefor, and upon presentation of such receipt to the Controller, the said Controller shall draw his warrant on the Treasurer for said sum in favor of Mrs. Annie Cooke or her assigns, and the Treasurer shall pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXXXVII.

An Act to amend section one, section three, and section four of an Act entitled “An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation, approved March 30, 1874,” and amended by an Act approved April 16, 1880, entitled an Act to amend section three of an Act entitled an Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation, approved March 30, 1874.

[Approved March 20, 1889.]

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

SECTION 1. Section one of the Act recited in the title hereto is amended to read as follows: The Superintendent of the State Capitol is hereby authorized and empowered to appoint the following employes of the building, and who shall serve during his pleasure: One Janitor, one Engineer, one Fireman, four Porters, and three Watchmen.

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

Section 3. The Board of State Capitol Commissioners are hereby authorized and empowered to appoint the following employes of the Capitol grounds, and who shall serve during the pleasure of said Board: One Gardener, twelve Laborers, and one Watchman of the Governor’s Mansion. The Gardener shall have general control of the Capitol grounds, and shall superintend and direct the planting and culture of the trees, shrubbery, plants, and grasses thereof, and preserve in order the walks, grass plots of said grounds. He shall exercise direction and control over the laborers employed under

Appoint-
ment of em-
ployes of
Capitol
grounds

this Act to aid in taking charge of said grounds. He shall have full power to make arrests within the Capitol grounds for criminal or disorderly conduct, and to perform such other duties as may be required of him by the said State Capitol Commissioners.

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

Salaries.

Section 4. The following salaries shall be paid to said employes, to wit: Janitor, one hundred and twenty-five dollars per month; Engineer, one hundred and twenty-five dollars per month; Fireman, ninety dollars per month; Porters, ninety dollars each per month; Watchmen, ninety dollars each per month; Gardener, one hundred and twenty-five dollars per month; Laborers, ninety dollars each per month. For the payment of the above salaries, the sum of one thousand four hundred and ten dollars, in addition to the sum appropriated by an Act entitled "An Act making appropriations for the support of the government of the State of California for the thirty-ninth and fortieth fiscal years," approved March eighteenth, eighteen hundred and eighty-seven, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated. Said salaries shall be paid monthly, as salaries of State officers are paid; and the Controller of State is hereby authorized to draw his warrants on the Treasurer of State, in accordance with the provisions of the Act.

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

CHAPTER CCLXXXVIII.

An Act to pay the claim of Joseph N. Vera.

[Approved March 25, 1889.]

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

To pay claim of J. N. Vera.

SECTION 1. The sum of one hundred and twenty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of J. N. Vera for services rendered in the office of the Secretary of State during the month of December, eighteen hundred and eighty-eight, in assisting the Secretary of State in the official canvassing of the votes cast at the last general election, as provided for by law, and performing other services incident to the meeting of the Legislature.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of J. N. Vera in the sum of one hundred and twenty-five dollars, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CCLXXXIX.

An Act to provide for fitting up in the basement of the Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State offices, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

[Approved March 25, 1889.]

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

SECTION 1. The Secretary of State is the custodian of the public archives, and that he may be enabled the more certainly to secure their safety, he is hereby authorized and directed to cause to be constructed in the basement of the State Capitol building, a moisture-proof, fire-proof, and burglar-proof vault for storage and care of such archives as may be delivered to him by the various State officials, the work of said construction to be done by day labor of experienced and competent workman, under the direction, supervision, and to the satisfaction of said Secretary of State.

Construction of vault for custody of public archives.

SEC. 2. All materials used in the construction of said vault shall be of the best that can be had, and all work done shall be by day's labor, of eight hours each; and no workmen shall be employed thereon who are not in good standing with their various crafts.

Materials and labor.

SEC. 3. The Secretary of State shall have said vault fitted up with a view to the requirements for space of all the various State offices, and shall designate the space allotted to each by appropriately lettered compartments, suitable for each department of the Government, and shall have the same provided with the proper drawers, desks, pigeon-holes, and other necessary compartments for the use and convenience of each.

Construction.

SEC. 4. The Secretary of State shall appoint a competent person to the position of Keeper of the Archives, who shall receive from and receipt to the various departments for all books, papers, vouchers, maps, contracts, and other archives of the State deposited with him, and shall so place and arrange them that, when called upon, he can find any one of them readily; and, as a means to accomplish this, he shall prepare a complete index to the records from each department of the State, for every fiscal year covered by all the records so deposited with him; and in the arrangement of said records he shall so classify them that the other records that may be afterwards delivered to him shall have proper place and room in connection with other records of like character.

Keeper of Archives, duties of.

SEC. 5. Said Keeper of the Archives shall be assigned to the position of an official in the office of Secretary of State, and shall there be in constant attendance for call to duty as

Official position in office of Secretary of State.

such Keeper of the Archives; and he is hereby authorized in such capacity to sign as deputy all papers required of him the name of the Secretary of State.

Deputy
Secretary,
when to
perform
duties of.

SEC. 6. In case of the absence or inability of said Keeper of the Archives to perform the duties of his position, the Deputy Secretary of State is hereby authorized to act in his stead.

Salary.

SEC. 7. The salary of the Keeper of the Archives is two thousand dollars per year, and shall be paid as the salaries of other State officials are paid. The salary of said official shall not begin till the completion of said vault.

Appropriation.

SEC. 8. The sum of ten thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the construction of said vault; four thousand dollars for salary of the said Keeper of the Archives for the forty-first and forty-second fiscal years. The Controller is hereby authorized to draw his warrants for the amounts herein made payable, and the Treasurer directed to pay the same.

SEC. 9. This Act shall take effect immediately.

CHAPTER CCXC.

An Act to appropriate money for the payment of the salary of a Recording Clerk in the office of the Secretary of State for the fortieth fiscal year.

[Approved March 25, 1889.]

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

Recording
Clerk for
Secretary of
State.

SECTION 1. There is hereby appropriated the sum of six hundred dollars out of any money in the State Treasury not otherwise appropriated, for the payment of the salary of a Recording Clerk for the Secretary of State for the fortieth fiscal year.

SEC. 2. This Act shall take effect immediately.

RESOLUTIONS.



CONCURRENT AND JOINT RESOLUTIONS.

CHAPTER I.

Senate Joint Resolution No. 2.

Joint Resolution approving the charter of the City of Los Angeles, in Los Angeles County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the twentieth day of October, 1888.

[Adopted January 31, 1889.]

WHEREAS, The City of Los Angeles, in Los Angeles County, Preamble. California, is now and at all times herein referred to was a city containing a population of more than ten thousand and not more than one hundred thousand inhabitants; and whereas, at a special election duly held therein on the thirty-first day of May, one thousand eight hundred and eighty-eight, according to law and to the provisions of section eight of article eleven of the Constitution of this State, a Board of Fifteen Freeholders, duly qualified, was duly elected in and by said city and by the qualified electors thereof, to prepare and propose a charter for said city, which Board of Freeholders did, within ninety days after said election, prepare and propose a charter for said city; and whereas, the same was, on the twenty-third day of August, one thousand eight hundred and eighty-eight, signed in duplicate by a majority of the members of said Board of Freeholders, and was, on the twenty-third day of August, one thousand eight hundred and eighty-eight, returned and delivered, one copy thereof to the Mayor of said City of Los Angeles, and the other copy thereof to the Recorder of Deeds of the County of Los Angeles (within which said city is situated); and whereas, such proposed charter was then published in two daily newspapers of general circulation in said city, to wit: in the Los Angeles "Evening Express," and in the Los Angeles "Daily Tribune," in each instance for more than twenty days, such publication having in each instance been commenced within twenty days after the completion of said proposed charter; and whereas, said charter was submitted within not less than thirty days after the completion of said publication by the legislative authority of said city, to wit: by the Council thereof, to the qualified electors of said city at a

Preamble.

special election, previously duly called and thereafter held therein, on the twentieth day of October, one thousand eight hundred and eighty-eight; and whereas, the returns of said election were duly canvassed by the Council of the City of Los Angeles, at its meeting held October twenty-second, one thousand eight hundred and eighty-eight, and said Council found as the result of said canvass, and did duly declare, that there were cast at said election four thousand five hundred and thirty-two votes, of which number two thousand six hundred and forty-two votes were cast in favor of said charter, and one thousand eight hundred and ninety votes against the same, and that the majority in favor of the charter was seven hundred and fifty-two votes; and said Council did thereupon declare that said charter had been duly ratified by a majority of the qualified electors voting at said election; and whereas, at said election, a majority of such qualified electors of said city voting thereat did vote in favor of and did ratify said charter so proposed; and whereas, said charter as so ratified is now submitted to the Legislature of the State of California for its approval or rejection as a whole, in accordance with the provisions of section eight of article eleven of the Constitution of said State; and whereas, the said charter so ratified is in the words and figures following, to wit:

CHARTER OF THE CITY OF LOS ANGELES.

ARTICLE I.

INCORPORATION AND CORPORATE POWER.

Incorporation and corporate power.

SECTION 1. The municipal corporation now existing and known as "The City of Los Angeles," shall continue to be a municipal corporation under the same name, and with the same boundaries that it now has, to wit: Commencing at a point in the County of Los Angeles, State of California, one hundred chains south of and thirty-five chains and seventy links east from the common corner of townships one and two south, and ranges thirteen and fourteen west, of the San Bernardino base and meridian, running thence east four hundred and twenty-one chains and thirty-six links; thence north four hundred and forty-one chains and thirty-six links; thence west four hundred and twenty-one chains and thirty-six links; thence south four hundred and forty-one chains and thirty-six links, to the place of beginning; said courses being according to the true meridian; said boundaries embracing an area of eighteen thousand five hundred and ninety-seven and one seventh acres of land; and the said corporation shall continue vested with all the property rights of every kind now belonging to it.

SEC. 2. The said corporation shall have the power:

1. To make and use a corporate seal and alter the same at pleasure.

2. To sue and be sued in all actions and proceedings whatever.
3. To have perpetual succession.
4. To erect and maintain public buildings, and to lay out, establish, improve, and maintain public parks and cemeteries.
5. To provide for the care of the sick and helpless.
6. To make regulations to prevent the spread of epidemics and contagious and loathsome diseases.
7. To provide for supplying the city and its inhabitants with water and gas, or either, or other means of heat and illumination.
8. To lay out, open, extend, widen, improve, or vacate, pave, and repave streets and alleys, sidewalks and crossings, and other highways.
9. To construct and maintain sewers, drains, and other works necessary for the disposition of sewerage.
10. To establish and maintain public schools and public libraries.
11. To levy assessments upon property to pay for the improvement of streets and other public improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes; *provided*, that the tax levied for any one year, for all municipal purposes other than payment of interest on the municipal debt and redemption of bonds, shall not exceed one dollar on each one hundred dollars' worth of taxable property.
12. To manage, control, sell, lease, or otherwise dispose of any or all the property of the said corporation; and to appropriate the income or proceeds thereof to the use of the said corporation; *provided*, that it shall have no power to mortgage or hypothecate its property for any purpose.
13. To license and regulate the carrying on of any and all professions, trades, callings, and occupations carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in such professions, trades, callings, or occupations, and provide the manner of enforcing the payment of the same; *provided*, that no discrimination shall be made between persons engaged in the same business otherwise than by proportioning the tax upon any business to the amount of business done; and to license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughterhouses, butcher shops, hawkers, peddlers, pawnbrokers, dance cellars, melodeons, shows, circuses, public billiard tables, bowling and tenpin alleys, and to suppress and prohibit all faro banks, games of chance, gambling houses, tables, or stands, bawdy houses, the keeping of bees within the city limits, and any and all obnoxious, offensive, immoral, indecent, or disreputable places of business, or practice.
14. To create offices, and provide for the election or appointment of officers other than those established by this charter, or by the general law, whenever the public convenience may

Incorporation and corporate power.

Incorporation and corporate power.

require the same, and prescribe their duties and fix their compensation. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.)

15. To acquire by purchase, condemnation, or other lawful means, property, both real and personal, including water and water rights, within or without the corporate limits, necessary or convenient for municipal purposes, or for the exercise of the powers granted to the said corporation.

16. To fix the salaries of municipal officers, except those officers whose salaries are fixed by this charter.

17. To provide and maintain a proper and efficient fire department, and make and adopt such measures, rules, and regulations for the prevention and extinguishment of fires, and for the preservation of property endangered thereby, as may be deemed expedient.

18. To protect the property of its inhabitants against inundations.

19. To provide against the existence of filth, garbage, and other injurious and inconvenient matter within the city, and for the disposition of the same.

20. To make the violation of its ordinances a misdemeanor, in all proper cases, and to prescribe the punishment therefor, by fine or imprisonment, or by both; but such fine not to exceed five hundred dollars, and such imprisonment not to exceed six months.

21. To prescribe the places at which elections shall be held, and appoint the officers of election.

22. To make and enforce within its limits such other local, police, sanitary, and other regulations as are not in conflict with general laws, and are deemed expedient to maintain the public peace, protect property, promote the public morals, and to preserve the health of its inhabitants.

23. To exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not, except such powers as are forbidden or are controlled by general law.

24. The powers conferred by this article shall be exercised by ordinance, except as hereinafter provided.

ARTICLE II.

OFFICERS OF THE MUNICIPALITY.

Officers of the municipality.

SEC. 3. The officers of the municipality shall be: A Mayor, one Councilman from each ward, a City Clerk, a Clerk of the Mayor, a City Treasurer, a City Auditor, a City Tax and License Collector, a City Sealer of Weights and Measures, one member of the Board of Education from each Ward, a

City School Superintendent, five Directors of the Los Angeles Public Library, two Police Judges, a Clerk for each of the Police Judges, a City Assessor, a City Engineer, a City Attorney, a Superintendent of Buildings, a Water Overseer, a Street Superintendent, five Police Commissioners, a Chief of Police, a Chief Engineer of the Fire Department, five members of the Board of Health, a Health Officer, five Fire Commissioners, five Park Commissioners.

Officers of
the municip-
ality.

SEC. 4. The following officers shall be elected by the electors of the City of Los Angeles, to wit: The Mayor, the City Clerk, the City Attorney, the City Treasurer, the City Auditor, the City Tax and License Collector, the City Engineer, the Street Superintendent, the City Assessor, the Police Judges; and by the electors of each ward, respectively, one member of the Council and one member of the Board of Education.

The city shall be divided into nine wards, as follows:

First Ward—All that portion of the city bounded northerly by the north city boundary between the Los Angeles River and the east boundary of the city; easterly by the east boundary of the city, between the northern boundary of the city and Mission Street; southerly by Mission Street, from the east city boundary to its intersection with Mission Road; Mission Road, from its intersection with Mission Street, to its junction with Macy Street; Macy Street, from its junction with Mission Road, to the Los Angeles River; westerly by the Los Angeles River, from Macy Street northerly to the north boundary of the city.

Second Ward—All that portion of the city bounded northerly by the north city boundary, from its west boundary to the Los Angeles River; easterly by the Los Angeles River, from the north city boundary to Downey Avenue; Downey Avenue, from the Los Angeles River to San Fernando Street; San Fernando Street, from Downey Avenue to Upper Main Street; Upper Main Street, from San Fernando Street to Marchessault Street; Main Street, from Marchessault Street to First Street; southerly by First Street, from Main Street to Canal Street; thence along Canal Street to Diamond Street; thence along Diamond Street westerly to the west city boundary; westerly by the west city boundary, from Diamond Street to the north city boundary.

Third Ward—All that portion of the city bounded northerly by Diamond Street, from the west city boundary to Canal Street; Canal Street, from Diamond Street to First Street; First Street, from Canal Street to Main Street; easterly by Main Street, from First Street to Seventh Street; southerly by Seventh Street, from Main Street to west city boundary; westerly by the west city boundary, from Seventh Street to Diamond Street.

Fourth Ward—All that portion of the city bounded northerly by Seventh Street, from west city boundary to Main Street; easterly by Main Street, from Seventh Street to Washington Street; southerly by Washington Street, from Main Street to west city boundary; westerly, by west city boundary, from Washington Street to Seventh Street.

Officers of
the municipal
palty.

Fifth Ward—All that portion of the city bounded north-erly by Washington Street, from the west city boundary to Main Street; easterly by Main Street, from Washington Street to south city boundary; southerly by the south city bound-ary, from Main Street to the southwesterly corner of the city; westerly by the west city boundary, from the southwesterly corner of the city to Washington Street.

Sixth Ward—All that portion of the city bounded north-erly by Ninth Street, from Main Street to the Los Angeles River; easterly by the Los Angeles River, from Ninth Street to the south city boundary; southerly by the south city boundary, from the Los Angeles River to Main Street; west-erly by Main Street, from the south city boundary to Ninth Street.

Seventh Ward—All that portion of the city bounded north-erly by First Street, from Main Street to the Los Angeles River; easterly by the Los Angeles River, from First Street to Ninth Street; southerly by Ninth Street, from the Los Angeles River to Main Street; westerly by Main Street, from Ninth Street to First Street.

Eighth Ward—All that portion of the city bounded west-erly and northerly by Main Street, from First Street to Marchessault Street; Upper Main Street, from Marchessault Street to San Fernando Street; San Fernando Street, from Upper Main Street to Downey Avenue; Downey Avenue, from San Fernando Street to the Los Angeles River; easterly by the Los Angeles River, from Downey Avenue to First Street; southerly by First Street, from the Los Angeles River to Main Street.

Ninth Ward—All that portion of the city bounded north-erly by Macy Street, from the Los Angeles River to its junc-tion with Mission Road; Mission Road, from its junction with Macy Street to its intersection with Mission Street; Mission Street, from its intersection with Mission Road to the east city boundary; easterly by the east city boundary, from Mission Street to the southeasterly corner of the city; southerly by the south city boundary, from the southeasterly corner of the city to the Los Angeles River; westerly by the Los Angeles River, from the south city boundary to Macy Street.

The center of all streets and the center of the Los Angeles River will be in all cases the dividing line.

And the Council herein provided shall have power by ordi-nance to establish and change the boundaries thereof when-ever it may deem it expedient, but until changed by the Council the said wards shall remain as above described and established.

SEC. 5. All elective officers, except those elected at the first general municipal election held after the taking effect of this charter, shall hold their offices for the term of two years, com-mencing on the first Monday in January next succeeding their election.

SEC. 6. The Mayor shall appoint the Clerk of the Mayor. The following officers shall be appointed by the Mayor, sub-ject to confirmation by a majority of the Council, to wit: The

Superintendent of Buildings, the Water Overseer, the Sealer of Weights and Measures, four members of the Board of Health, and the Directors of the Los Angeles Public Library. officers of the municipality.

SEC. 7. Four Police Commissioners, four Fire Commissioners, and four Park Commissioners shall be appointed by the Council. The City School Superintendent shall be appointed by the Board of Education. The Chief of Police shall be appointed by the Board of Police Commissioners. The Chief Engineer of the Fire Department shall be appointed by the Board of Fire Commissioners. The Health Officer shall be appointed by the Board of Health. Each Police Judge shall appoint his own Clerk.

SEC. 8. If any elective officer shall die, or remove from the city, or absent himself from the city for more than thirty days, or shall fail to qualify by taking the oath of office and filing his official bond, as required, within ten days from the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a felony, or adjudged insane, or shall absent himself from his office for more than five days without the consent of the Council, his office may be declared vacant by the Council, and it shall thereupon fill the vacancy.

SEC. 9. All appointed officers shall hold office until removed by the appointing power, which shall have the power of removing in all cases; *provided*, that where confirmation is required, the assent of the confirming body shall be requisite for removal. The Council shall have power to suspend any officer of the city, pending trial, against whom criminal proceedings based on misdemeanor in office or civil action for recovery of money due the city have been commenced, and to appoint a substitute for such officer during suspension. In all voting upon the appointment, confirmation, suspension, or removal of officers, the members of the Council, or other body appointing, confirming, suspending, or removing, shall vote by open ballot or call of roll, and the ballot or vote of each member shall be spread upon the minutes.

SEC. 10. Every officer provided for in this charter shall, before entering upon the discharge of the duties of his office, take and subscribe to 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 State of California, and that I will faithfully discharge the duties of the office of (here insert the name of the office) _____ according to the best of my ability."

SEC. 11. No member of the Council shall, during the term for which he shall have been elected, be eligible to any office to be filled or confirmed by the Council; nor shall any member of the Council be selected to fill any vacancy that may occur in any other office where such a vacancy is to be filled or confirmed by the Council.

ARTICLE III.

POWERS AND DUTIES OF THE COUNCIL.

Powers and
duties of the
Council.

SEC. 12. All legislative power of the city is vested in the Council, subject to the power of veto and approval by the Mayor, as hereinafter given, and shall be exercised by ordinance; other action of the Council may be by order upon motion.

SEC. 13. The said Council, consisting of one Councilman from each ward, elected as herein provided, is the governing body of the city, and shall meet at least once a week, and shall by ordinance provide for the manner, time, and place of holding all regular and special meetings.

SEC. 14. The Council shall meet in the City Hall of the city. The records of its proceedings shall be open for inspection during usual office hours.

SEC. 15. The enacting clause of all ordinances shall be substantially as follows: "The Mayor and Council of the City of Los Angeles do ordain as follows."

SEC. 16. Six members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be passed or other act done, granting a franchise, making any contract, auditing any bill, ordering any work to be done or supplies to be furnished, disposing of or leasing the city property, ordering any assessment for street improvement, or building sewers, or any other act to be done involving the paying of money, or the incurring of debt by the city, unless two thirds of the members of the whole Council vote in favor thereof. All other ordinances may be passed by vote of a majority of the whole Council.

SEC. 17. All bonds of officers must be approved by the Council, as also the bonds of any contractors with the city. The City Clerk shall indorse upon such bonds the date of their approval, which indorsement shall be signed by the presiding officer of the Council and the City Clerk.

SEC. 18. No Councilman or other city officer shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any officer of the city on behalf of the city. Any violation of this section shall be a misdemeanor, and upon conviction thereof, besides the penalty that may be imposed by a Court of competent jurisdiction, the Council shall declare the office vacant, and any person convicted of a violation of this section shall be forever disqualified from holding any office under this charter. Nor shall any officer of the city be a surety on any bond given to the city, or to any person for the benefit of the city.

SEC. 19. The City Clerk shall be present at the meeting of the Council during its sessions.

SEC. 20. The meetings of the Council shall be public, and a journal of its proceedings shall be kept by the Clerk under its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon the granting

of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the salaries of the municipal officers, and in all other cases upon the call of any member.

Powers and
duties of the
Council.

SEC. 21. The Council shall be the judge of the election and qualifications of its members. It shall elect one of its members as its presiding officer, who shall be styled the President of the Council, and who shall, in case of sickness of the Mayor or his absence from the city, act as the Mayor of the city. The Council shall have power to prescribe the rules of its proceedings, and to preserve order at its meetings, and may punish contemptuous or disorderly conduct committed in its presence by fine not exceeding fifty dollars, and imprisonment not exceeding ten days, or by both such fine and imprisonment.

SEC. 22. It shall prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and it may by ordinance prescribe for any officer duties other than those herein prescribed and not inconsistent with the provisions of this charter, and may fix the hours during which the public office of any city officer shall be kept open, if not otherwise herein provided.

SEC. 23. It shall provide suitable rooms for the Police Court and officers, and the furniture, fuel, lights, and stationery necessary for the transaction of the business of the city.

SEC. 24. It shall, by ordinance, regulate the entrance to and exits from theaters, lecture rooms, churches, public halls, and public buildings of every kind, and prohibit the placing of chairs, benches, or other obstructions, in the hall, aisles, or open places therein.

SEC. 25. It may, by ordinance, declare what constitutes a nuisance, and provide for the abatement and removal thereof.

SEC. 26. It shall make such arrangements as it may deem best for the care and custody and feeding of all persons imprisoned by municipal authority, or sentenced to imprisonment by the Police Courts, and may, by ordinance, require all persons held under such sentence to perform any public work.

SEC. 27. It shall, by ordinance, regulate, and may prohibit, the keeping of gunpowder, acids, or other explosive, combustible, or inflammable material, within the limits of the city, or any specified part thereof.

SEC. 28. It shall provide for the surveys of streets and blocks of land within the limits of the city, and may, by ordinance, declare such surveys official, and may compel all persons to conform to the streets as they are now, or may be hereafter lawfully established and declared official, or otherwise dedicated.

Powers and
duties of the
Council.

SEC. 29. It shall, by ordinance, establish stands for hacks and other vehicles for hire, and regulate the charges of hacks and other vehicles carrying passengers for hire, and require a schedule of such charges to be posted in every such hack or other passenger vehicle.

SEC. 30. It shall, by ordinance, establish fire districts, and determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration of existing buildings within such limits.

SEC. 31. The Council shall have power, by ordinance, to regulate and provide for lighting of streets, laying down gas pipes, and erection of lamp posts, electric towers, and other apparatus, and to regulate the sale and use of gas and electric light, and fix and determine the price of gas and electric light, and the rent of gas meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service and connections; and to prohibit or regulate the erection of poles for telegraph, telephone, or electric wire in the public grounds, streets, or alleys, and the placing of wire thereon; and to require the removal from the public grounds, streets, or alleys, of any or all such poles, and the removal and placing under ground of any or all telegraph, telephone, or electric wires.

SEC. 32. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags, or placards across the street or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells, and other noises. It shall, by ordinance, forbid the erection or display on any building or property of the city of any banner, device, or flag of any State or nation except that of the United States, the State of California, or the City of Los Angeles. It may, by ordinance, authorize the expenditure of money not to exceed the sum of three thousand dollars in any one fiscal year, for the proper celebration of the Fourth of July and other public demonstrations.

SEC. 33. It shall, by ordinance, provide for maintaining a fire alarm and police telegraph system, and for the cleaning and sprinkling of graded and accepted streets.

SEC. 34. It shall, by ordinance, regulate the speed of railroad trains and engines in the city, and require railroad companies, either to station flagmen, place gates, or viaducts at all such streets as it may deem proper.

SEC. 35. It shall, by ordinance, prohibit the making up of railroad trains on any of its streets, and the stopping of any train on any street crossing.

SEC. 36. It shall, by ordinance, provide for the removal of all rubbish, garbage, refuse matter, and of all material detrimental to the public health, and at such time as it will be best for the public good.

SEC. 37. Every ordinance which shall have been passed by the Council shall, before it becomes effective, be signed by the City Clerk or other person authorized by the Council to sign the same on its behalf, and be presented to the Mayor for his approval and signature, if he approves it; if not, he shall indorse thereon the date of the presentation to him and shall return it to the City Clerk with his objections in writing. The City Clerk shall indorse thereon the date of its return to him, and shall, at the first meeting of the Council thereafter, present the same, with the objections of the Mayor, to that body. Thereupon the Council shall proceed to reconsider the passage of the ordinance. Upon such reconsideration, in all cases where the votes of two thirds of the whole Council are required to pass the ordinance in the first instance, it shall require the votes of three quarters of the whole Council to pass the ordinance over the Mayor's veto. In all other cases it shall require the votes of two thirds of the whole Council to pass the ordinance over the veto. The vote, in all cases of reconsideration, shall be by ayes and noes, and the names of the members voting for or against shall be entered upon the Journal.

Powers and duties of the Council.

SEC. 38. If any ordinance shall not be returned to the City Clerk by the Mayor, with his objections in writing, within ten days after it shall have been presented to him, it shall become effective and be as valid as if the Mayor had approved and signed it.

SEC. 39. All ordinances finally adopted under the provisions of this charter shall be published in the English language by at least one insertion in some daily newspaper printed and published in the City of Los Angeles, or by posting for at least ten days in three public places in said city; and until and without such publication or posting, no ordinance shall be valid or take effect.

SEC. 40. The Council shall also have full power to pass ordinances upon any other subject of municipal control or to carry into effect any other powers of the municipality.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS—THE MAYOR.

SEC. 41. The Mayor is the executive officer of the corporation, and must exercise a careful supervision over all its affairs. It shall be the duty of the Mayor, annually, at the first meeting of the Council under this charter, and on the first meeting in January of each year thereafter, to communicate by message to the Council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper; and to make such special communication to the Council from time to time as he shall deem expedient. It shall be his further duty to be vigilant and active in the enforcement of the ordinances of the city; to exercise a con-

Powers and duties of officers.

Powers and
duties of
officers.

stant supervision over the acts and conduct of all its officers and employes; to receive and examine into all complaints made against them for violation and neglect of duty, and certify the same to the Council, or proper Board. And he shall perform such other duties and have such other powers as are elsewhere in this charter or by ordinance imposed upon or granted to him.

CITY CLERK.

SEC. 42. The City Clerk shall have the custody of and be responsible for all books, papers, records, and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody; he shall be present at each meeting of the Council, and keep a record of its proceedings; he shall keep separate books, in which, respectively, he shall record all ordinances and contracts and official bonds; he shall keep all of his books properly indexed and open to public inspection when not in actual use; he shall make out, sign, and deliver to the City Auditor all licenses other than building permits, and perform such other duties as are or shall be imposed by this charter or by ordinance; he shall devote his entire time to the duties of his office.

CITY AUDITOR.

SEC. 43. The City Auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection, or disbursement of the city revenues. He shall keep a complete set of books, in which he shall set forth in a plain and businesslike manner, every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person. He shall, on application of any person indebted to the city, holding money payable into the City Treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the City Treasurer for money paid into the City Treasury, charge the City Treasurer with the amount received by him, and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public money at any time in the City Treasury not by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses. He shall report to the Council at the regular meeting of each week the condition of each fund in the City Treasury, and the amount drawn from each fund the preceding week. He shall make and present a report

to the Council at its meeting in the second week of December of each year, showing all financial business transactions of the city for the preceding year ending the thirtieth day of November last. He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in article twenty-one. He shall, on or before the first day of August in each year, make and present to the Council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of, first, the revenue from other sources than taxation; second, the itemized expenditures; third, the itemized amounts necessary to be raised by taxation for each fund. He shall perform such other duties as shall be required of him by this charter or by ordinance. He shall devote his entire time to the duties of his office.

Powers and
duties of
officers.

CITY TREASURER.

SEC. 44. It shall be the duty of the City Treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing, he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable. He shall receive no money into the City Treasury unless accompanied by the certificate of the City Auditor, provided for in section forty-three hereof. He shall issue receipts in duplicates to all persons paying money into the treasury, one of which receipts shall be forthwith deposited with the City Auditor. He shall make a report at the close of each business day, to the Auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied. He shall, on or before the seventh day of each month, make out and present to the Council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the Council. The Mayor, City Attorney, City Auditor, the Finance Committee of the Council, or any special committee appointed by the Council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the Treasurer at all times; and the Mayor, Auditor, or Finance Committee shall also have the right to inspect and count all public moneys under the Treasurer's control, or on deposit elsewhere. Whenever the city shall provide a proper vault and safes in the City Hall for the keeping of the city money, the Treasurer shall keep said moneys in said vault, except as hereinafter provided. It shall be in the power of the Council, by ordinance, at any time to require the City Treasurer to devote his entire time to the duties of his office. It shall be the duty of the City Clerk, upon the first Tuesday of January in each year, or as

Powers and
duties of
officers.

soon thereafter as practicable, to cause notice to be given, by public advertisement for one week in some daily newspaper published in the City of Los Angeles, that sealed proposals will be received from any bank of deposit in the City of Los Angeles, as to the terms and conditions upon which they will receive and disburse the public moneys of said city; such proposals shall be received up to the time to be specified in the notice. The proposals to be made shall specify the rate of interest per month, estimated upon the daily balances, that will be allowed upon such deposits of public moneys. Such sealed proposals shall be publicly opened by the Clerk, in the presence of the Council, at its first meeting after the expiration of the time for receiving proposals. The bank offering the highest rate of interest shall be appointed the depository of public moneys. The Council shall thereupon cause a contract in writing to be drawn, and providing for the proper payment of all warrants drawn upon the City Treasurer, so long as there is sufficient money in the fund upon which such warrant is drawn, and sufficient money to the credit of said city on deposit in said bank to pay the same; and providing also for the full accounting of all moneys so deposited, and the repayment of the balance on deposit, at the end of the term for which said contract shall be made, to the City Treasurer, or other person authorized by the Council to demand and receive the same. The Council shall have the power to require such other provisions to be inserted in such contract as it shall deem best for the interest of said city. The contract, when approved by the Council, shall be signed in behalf of the city, as hereinafter provided by section two hundred and seven of this charter. Such depository, thus selected, shall give a bond, with two or more sureties, in the sum of one hundred thousand dollars, or such further sum as the Council may require, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor and Council. Upon approval of such bond, and the signing of such contract, the Council shall direct the City Treasurer to deposit each day, when such bank is open for transaction of business, with the bank thus selected, all public moneys of said city by him collected or received. For each such deposit the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank the Treasurer and his bondsmen shall no longer be liable therefor. Should the City Treasurer refuse or neglect at any time to comply with the orders of the Council as to the deposit of such moneys, he shall be liable upon his official bond, in an action brought thereon by and in the name of said corporation, for the full amount of the interest which the corporation should have received upon such moneys during such time as he shall retain the possession or control of such moneys; or he may be proceeded against by said corporation, in its own name, by mandate brought against him under the laws of this State applicable thereto to compel such deposits to be made.

CITY TAX AND LICENSE COLLECTOR.

SEC. 45. It shall be the duty of the City Tax and License Collector, in addition to the duties which may be elsewhere prescribed for him in this charter or by ordinance, to collect all taxes and licenses of the city, excepting those hereinafter provided to be collected by the City Assessor. He shall keep proper books, showing all moneys collected by him as Tax and License Collector. He shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all suitable times subject to public inspection. He shall immediately deposit with the City Treasurer all moneys received by him in his capacity as Tax and License Collector.

Powers and
duties of
officers.

CITY ASSESSOR.

SEC. 46. It shall be the duty of the City Assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such time as may be prescribed by ordinance of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true, and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian, on the first Monday of March next preceding. Each taxpayer in said city shall make and deliver to the City Assessor, annually, and at such time as shall be provided for by ordinance, 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 next preceding. It shall be the duty of the Assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year. Immediately after fixing the assessment on such property, he shall serve on its owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent, and the amount of tax payable, and contain a demand for the payment of said tax within three days after service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed. Upon the expiration of said three days after such service, if the tax demanded still remains unpaid, or payment thereof be not secured to the satisfaction of the City Attorney and City Assessor, the Assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delin-

Powers and
duties of
officers.

quent. The said sale shall be made by him in the manner provided in sections three thousand seven hundred and ninety-one, three thousand seven hundred and ninety-two, three thousand seven hundred and ninety-three, three thousand seven hundred and ninety-four, three thousand seven hundred and ninety-five, and three thousand seven hundred and ninety-six of the Political Code of the State of California; *provided*, that the newspaper referred to in section three thousand seven hundred and ninety-two shall be published in the city, and shall be designated by the Council. As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or to his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected. Should the Board of Equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said Board, then the deficiency must be collected as other taxes on personal property are collected. The Assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the City Treasurer all money received immediately upon its receipt. In case the said Assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the Council is authorized and directed to cause proper action or actions at law to be brought against said Assessor and the sureties on his official bond to recover the same. The mode of making out assessment lists, of ascertaining the value of property, and of equalizing the same, shall be such as is now or may hereafter be prescribed by the ordinances of the city. When such list has been made out and the same returned to the Council, as prescribed by such ordinances, the Council shall, at the time and in the manner in such ordinance provided, sit and act as a Board of Equalization, and shall have, as regards the equalization of said list, powers similar to those conferred by law upon the Board of Supervisors of Los Angeles County, as a Board of Equalization of State and county taxes. The meetings of said Board of Equalization shall be public, and notice of such meetings shall be given by publication at such time and in such manner as shall be provided by ordinance. The whole of said assessment list shall be publicly read during the session of said Board. The said Board shall have the power in its discretion to increase or diminish the amount of any or all of the assessments on

said lists, both as to real and personal property; *provided*, that before any such assessment shall be increased due notice shall be given to the owner or owners of the property, the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the Board, under oath; such notice to be regulated in all respects by ordinance. After such list has been equalized, it shall be returned to the Council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for that fiscal year. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made, which lien shall attach as of the first Monday of March in each year. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property, when assessed to an unknown owner. The judgment is not satisfied nor discharged until the tax assessed against the property and the owners are paid, or the property sold for the payment thereof. The said corporation shall have such other rights, claims, and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of State and county taxes levied in Los Angeles County. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and county taxes in said county; *provided, however*, that the Council may, by ordinance, have power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates, and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect, and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of State and county taxes in said county.

Powers and
duties of
officers.

BOARD OF EDUCATION; BOARD OF DIRECTORS OF THE LOS ANGELES PUBLIC LIBRARY; BOARD OF HEALTH; BOARD OF POLICE COMMISSIONERS; BOARD OF FIRE COMMISSIONERS; BOARD OF PARK COMMISSIONERS.

SEC. 47. The powers and duties of these Boards shall be those herein elsewhere set forth and granted or imposed by ordinance.

CITY ENGINEER.

Powers and
duties of
officers.

SEC. 48. In addition to other duties imposed upon him by this charter or by ordinance of the Council, the City Engineer shall:

1. Make all surveys, inspections, and estimates required by the Council.

2. He shall examine all public works done under contract, and report thereon to the City Council.

3. He shall do no work for, and take no fee or professional recompense from, any individual or corporation other than the city during his term of office; *provided, however*, that on application of any person owning or interested in real property in said city for a survey or plat of such property, the City Council may direct such work to be done by the City Engineer, and the fee for such work shall be fixed by him in accordance with current rates for like services, and shall in all cases be paid into the City Treasury.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with full index thereof, and shall turn over the same to his successor.

5. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the city. He shall devote his entire time to the duties of his office.

THE CITY ATTORNEY

SEC. 49. It shall be the duty of the City Attorney to prosecute in behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters, and things in which the city may be legally interested; *provided*, the Council shall have control of all litigation of the city, and may employ other attorneys to take charge of any such litigation, or to assist the City Attorney therein. He shall give his advice or opinion in writing, whenever required by the Mayor or Council; and shall do and perform all such things touching his office as by the Council may be required of him. He shall approve by indorsement in writing the form of all official or other bonds required by this charter, or by ordinance of the Council; before the same are submitted to the Council or Mayor for final approval, and no such bonds shall be approved by the Mayor or Council without such approval by the City Attorney. He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the city.

SUPERINTENDENT OF BUILDINGS.

SEC. 50. 1. The Superintendent of Buildings shall be an architect, builder, or master mechanic of approved character and experience. Powers and duties of officers.

2. He shall superintend the erection of all buildings erected by or for the city.

3. He shall have charge of the enforcement of all ordinances pertaining to party walls, and to the erection, construction, alteration, repairs, or removal of buildings, and the nature and arrangement of heating, plumbing, and ventilating appliances. It shall be the duty of the City Engineer and the Chief Engineer of the Fire Department, when called upon by him, to aid him in all inspections.

4. He shall issue and keep a record of all building permits authorized by ordinance, and collect and deposit the charges for the same with the Treasurer immediately upon receipt; and perform such other duties as shall be prescribed by this charter or by ordinance. He shall devote his entire time to the duties of his office.

WATER OVERSEER

SEC. 51. The Water Overseer shall have the general charge, care, and supervision of all waters and waterworks belonging to the city, and of the distribution of said waters, so far as the same shall be intrusted to him by ordinance. He shall collect and immediately turn over to the City Treasurer all charges imposed by the city for use of such water or the sale thereof; and shall perform such other and further duties as may be prescribed by ordinance. He shall devote his entire time to the duties of his office.

STREET SUPERINTENDENT.

SEC. 52. The Street Superintendent shall have the general care of and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction; inspect and approve or reject all material used in such construction, whether done under contract or otherwise; and shall at once report to the Council all deviations from contracts, and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance. He shall devote his entire time to the duties of his office.

CHIEF OF POLICE.

Powers and
duties of
officers.

SEC. 53. The Chief of Police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the Board of Police Commissioners, and all orders of the Board relating to the direction of the police force shall be given through the Chief of Police, or, in his absence, the officer in charge of the police force.

SEC. 54. The Chief of Police shall be the principal ministerial officer of the corporation, and may, with the approval of the Board of Police Commissioners, select and appoint one or more deputies from the police force, for whose official acts he shall be responsible. He shall, by himself or by deputy, execute and return all writs and processes issued by the Police Judges or Court. He, or one of his deputies, shall attend on the sittings of the Police Court, and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases for violation of the city ordinances, shall be coextensive with the county.

SEC. 55. He shall suppress all riots, disturbances, and breaches of the peace, and to that end may call on any person to aid him. He may pursue and arrest, within the limits of the city, any person fleeing from justice from any part of the State, and shall forthwith bring all persons by him arrested before a Police Judge for trial or examination. He may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or States.

SEC. 56. He shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities as a Sheriff in similar cases, and shall perform such other duties and have such other powers as may be imposed on or granted to him by this charter or ordinance.

HEALTH OFFICER.

SEC. 57. The Health Officer shall have such powers and perform such duties as are herein or may by ordinance be granted to or be imposed upon him.

ANNUAL REPORTS OF OFFICERS.

SEC. 58. It shall be the duty of the Mayor, City Attorney, City Treasurer, City Assessor, City Tax and License Collector, Chief of Police, City Auditor, Health Officer, Water Overseer, City Clerk, City Engineer, Superintendent of Buildings, Street Superintendent, Chief Engineer of the Fire Department, City Sealer of Weights and Measures, City School Superintendent, Board of Directors of the Los Angeles Public Library, and the Board of Park Commissioners, each to present to the Council at its meeting in the second week in December of each year, a report for the preceding year, ending the thirtieth day of November last, which shall show as follows:

1. The Mayor shall, in addition to his report as Mayor, inform the Council of the condition of the Police Court, the number of arrests made, the offenses charged and how disposed of, the penalties inflicted and the amount of fines, and from whom collected; and to that end he may require such reports from the Police Judges as he may deem necessary.

Powers and
duties of
officers.

2. The City Attorney shall, in his report, present an abstract of all actions and proceeding in the Supreme and Superior Courts, where the city is an interested party; and shall show what cases have been disposed of during the year, and in what manner, and the condition of those remaining on the calendar.

3. The City Treasurer shall show, in his report, specifically, the amount of all indebtedness of the city; of money received by him during the year, the date of the receipt thereof, and from whom; the amount paid out, when, and to whom; and the date and number of the demands on which the respective amounts are paid.

4. The City Tax and License Collector shall report the amount of money received and on what account.

5. The City Assessor shall, in his report, show the amount of personal property taxes collected by him, together with the amount of any fees which he may have received on account of such collection in each case.

6. The City Auditor shall make a proper statement of the transactions of his office, as provided in section forty-three.

7. The Chief of Police shall report the number of arrests made by him, the offenses charged and how disposed of, the number and names of the policemen employed, when appointed and when discharged, and all money and other property received from prisoners and the disposition of the same.

8. The Health Officer shall show the condition of the health of the city during the year, and the number of cases of diseases which he has treated, and other matters of interest pertaining to his office.

9. The Water Overseer shall, in his report, show the amount of water rates or charges collected by him, and shall make a detailed statement of the condition of the water systems of the city, so far as the same are intrusted to his charge.

10. The report of the City Clerk shall show the number of licenses issued, and for what amount.

11. The report of the City Engineer shall show the character, cost, and condition of all public works and improvements in course of construction during the year.

12. The report of the Superintendent of Buildings shall show the cost of erection, alteration, and repair of all buildings during the year, and shall show also the general results of his inspection of buildings during the year. He shall report also the number of building permits issued by him.

13. The Street Superintendent shall report upon the condition of the streets of the city and the improvements of the same during the year, and shall show what action was taken

Powers and
duties of
officers.

by him in the enforcement of ordinances pertaining to street obstructions, and in regard to deviations from contracts in the construction of public works.

14. The report of the Chief Engineer of the Fire Department shall show the condition of the Fire Department and its apparatus, giving a detailed statement thereof; also, the work of the department during the year.

15. The report of the City Sealer of Weights and Measures shall show the amount of charges collected by him, and such other matters as are intrusted to him.

16. The report of the City School Superintendent shall show the number and condition of the public schools, the number of teachers and their salaries, and the number of pupils in attendance.

17. The report of the Board of Directors of the Los Angeles Public Library shall show the condition of their trust for the year ending the thirtieth day of November of that year, the various sums of money received from the Library Fund and from other sources, for what purpose such moneys have been expended, and the amount so expended, and the balance on hand; the number of books and periodicals on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, the number of visitors attending, the number of books loaned out, and the general character and kind of such books; with such information and suggestions as it may deem of general interest.

18. The report of the Park Commissioners shall show the condition of the parks, with the kind, cost, and expense of the improvements, including the entire cost and expense of the department for the year ending November thirtieth last preceding.

ANNUAL ESTIMATES.

SEC. 59. Every officer or Board of the city shall make out and file with the City Auditor on or before the fifteenth day of July in each year, an estimate of the expenses of his or its office or department for the year commencing on the first day of July preceding said report.

ADMINISTRATIONS OF OATHS AND AFFIRMATIONS.

SEC. 60. The Mayor, City Auditor, each member of the Council, each member of the Board of Education, and the City Treasurer, shall have the power to administer oaths and affirmations concerning any demand on the City Treasurer, or otherwise relating to their official duties; and the City Clerk shall have the power to administer all oaths and affirmations required by the charter.

ARTICLE V.

OFFICIAL BONDS.

SEC. 61. The following named officers of said city shall ^{Official} respectively execute to said municipal corporation bonds in ^{bonds.} the following sums, respectively, conditioned for the faithful discharge by them of the duties of their respective offices, to wit: The bond of the City Auditor is fixed at ten thousand dollars; the bond of the City Tax and License Collector is fixed at one hundred thousand dollars; the bond of the City Assessor is fixed at ten thousand dollars; the bond of the City Treasurer is fixed at one hundred and fifty thousand dollars; the bond of the City Engineer is fixed at ten thousand dollars; the bond of the City Attorney is fixed at five thousand dollars; the bond of the Water Overseer is fixed at two thousand dollars; the bond of the Street Superintendent is fixed at ten thousand dollars; the bond of the Chief of Police is fixed at five thousand dollars; the bond of the Health Officer is fixed at two thousand dollars; the bond of the City Clerk is fixed at five thousand dollars; the bond of the City Sealer of Weights and Measures is fixed at five thousand dollars.

SEC. 62. Each such official bond shall be executed by two or more sureties, who shall each be a resident of the City or County of Los Angeles, and the owner of real estate therein, valued over and above all incumbrances, upon the last city or county assessment roll, at not less than the aggregate amount for which he becomes responsible upon such official bonds. Each surety shall be approved as hereinafter set forth, and shall bind himself in a sum not less than one thousand dollars. The aggregate amount of the sums which the sureties on any of such bonds shall respectively bind themselves to pay, shall be at least double the sum in which the principal on such bond binds himself. No such surety shall be held liable on such bond for a larger sum of money than that which he specifically binds himself to pay, together with such costs of action as may be allowed by the Court on the recovery of judgment against him on such bonds. Section nine hundred and sixty-three of the Political Code shall apply to the official bonds given under the requirements of this charter. Each surety on any bond given under the provisions of this charter shall justify in double the amount for which he binds himself on such bond. The bonds of all officers, after approval by the City Attorney, as to form, shall be approved by the Mayor and the Council, and after such approval shall be filed with and remain in the keeping of the City Auditor; *provided*, that the bond of the City Auditor shall be filed with and remain in the keeping of the City Clerk.

SEC. 63. The Council may, by ordinance, increase the amount of bond hereby required from any officer, but may not decrease the same; and may require a bond to be given

Official
bonds.

by any officer not herein required to give a bond, and may fix its amount.

SEC. 64. If the bond of any officer should at any time become insufficient, the Council may notify and require him to give additional security; and in case of his failure to do so within fifteen days, may declare his office vacant; and it shall be the duty of the Mayor at once to take into his charge all books and papers, money, and other public property at the time in the hands or under the control of such officers so notified, and retain the same until such additional security is given, or the election or appointment and qualification of a successor. For the better enforcement of this section, the Mayor is authorized, at the cost of the city, to commence and prosecute in his own name all appropriate actions and proceedings.

ARTICLE VI.

SALARIES OF OFFICERS.

Salaries of
officers.

SEC. 65. The officers of the city shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments, at the end of each calendar month: The Mayor shall receive three thousand six hundred dollars per annum; each Councilman shall receive one thousand two hundred dollars per annum; the City Clerk shall receive two thousand four hundred dollars per annum; the City Auditor shall receive three thousand dollars per annum; the City Assessor shall receive two thousand four hundred dollars per annum; the City Treasurer shall receive two thousand four hundred dollars per annum; the City Engineer shall receive three thousand dollars per annum; the City Attorney shall receive three thousand dollars per annum; the Superintendent of Buildings shall receive two thousand dollars per annum; the Street Superintendent shall receive three thousand dollars per annum; the Chief of Police shall receive three thousand dollars per annum; the Health Officer shall receive two thousand four hundred dollars per annum; the City Tax and License Collector shall receive three thousand dollars per annum.

SEC. 66. The City Council shall, by ordinance, fix the salary of all other officers herein, or by ordinance hereafter created, whose salaries are not hereby fixed.

SEC. 67. No officer of the city shall be compensated by fees or commissions, but only by a fixed salary, payable monthly; and such salary shall not be increased or diminished during his term of office, nor after his election or appointment and before the commencement of the term.

SEC. 68. No city officer shall retain any fee, recompense, or compensation received by him for the discharge of any duty of his office from any person other than the city, but shall immediately pay over to the Treasurer of the city all such sums of money so received.

ARTICLE VII.

EDUCATIONAL DEPARTMENT.

SEC. 69. The government of the School Department of the city shall be vested in a Board of Education, to consist of nine persons, to be elected as herein provided, to be called members of the Board of Education, who shall serve without salary. Educational
department.

SEC. 70. The Board of Education shall elect one of their number President, and shall hold regular meetings at least once in each month, and special meetings at such times as shall be determined by a rule of said Board. A majority of all the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its records shall be open to public inspection. The Board shall fill all vacancies occurring in that body until the next general municipal election.

SEC. 71. The Board of Education succeeds to all the property rights and to the obligations of the Board of Education of the City of Los Angeles heretofore existing, and it shall have sole power:

1. To establish and maintain public schools, including high schools, to change, consolidate, and discontinue the same, and to establish school districts, and to fix and alter the boundaries thereof.

2. To appoint, or employ, and dismiss the City School Superintendent, a Deputy Superintendent, a clerk, and such teachers, janitors, school census marshals, mechanics, laborers, and other employés as may be necessary to carry into effect the powers and duties of the Board; to fix, alter, and allow their salaries or wages, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

3. To make, establish, and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of schools, and determine what text-books, course of study, and mode of instruction shall be used in said schools.

4. To provide for the School Department fuel and lights, water, blanks, blank books, printing, and stationery; and to incur such other incidental expenses as may be deemed necessary by said Board.

5. To build, alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure against fire any and all such school property.

Educational
department.

6. To take and hold in fee, or otherwise, in trust for the city, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the public schools of the city; and to sell or exchange and to lease any of such property; *provided*, that the proceeds of any such sale or exchange shall be exclusively applied to the purchase of other lots, or the erection of school houses.

7. To grade, fence, and improve all school lots, and in front thereof to grade, sewer, or pave, and repair the streets, and to construct and repair sidewalks.

8. To sue for any and all property belonging to or claimed by the said Board of Education, and to prosecute and defend all actions at law or in equity, necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the City Attorney, free of charge, in all such cases.

9. To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board shall, on or before the fifteenth day of July of each year, submit in writing to the City Council a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city for the above purposes, and the City Council shall, in each year, fix the percentage of taxes to be levied and collected for school purposes; *provided*, that the amount to be thus levied for school purposes shall not exceed twenty cents on each one hundred dollars' valuation upon the assessment roll, and that when collected it shall be paid into the School Fund.

10. To establish regulations for the just and equitable disbursement of all moneys belonging to the School Fund.

11. To examine and approve, in whole or in part, in the manner provided in section two hundred and twelve, every demand payable out of the School Fund, or to reject any such demand for good cause.

12. To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

13. To prohibit any child under six years of age from attending the public schools.

14. In its discretion to establish kindergarten schools for the instruction of children between the ages of five and six years, and industrial and manual training schools or departments.

15. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose, or school property.

16. And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in said city.

SEC. 72. All contracts for building shall be given to the lowest bidder therefor, offering adequate security, to be deter-

mined by the Board after due public notice published for not less than ten days in the official newspaper of the city. It shall be the duty of the Board to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, merchandise, repairing, and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred on account of such matter may exceed five hundred dollars, shall be done or furnished by contract let to the lowest bidder after like public advertisement; *provided*, that the Board of Education may reject any and all bids under this section.

Educational
department.

SEC. 73. Any member of the Board of Education, officer, or other person officially connected with the School Department, or drawing a salary from the Board of Education, who, while connected or drawing such salary, upon investigation by the Board of Education, shall be found to be interested either directly or indirectly in, or to have gained any advantage or benefit from, any contract, payments under which have been or are to be made in whole or in part from moneys derived from the School Fund, or raised by taxation, or otherwise, for the support of the public schools, shall forfeit his office, and the Board of Education shall thereupon declare such office vacant.

SEC. 74. The Board of Education shall, before the thirtieth day of June of each year, fix a schedule of salaries for teachers and employes of the School Department, to take effect on the first day of July following, and to remain in force during one year.

SCHOOL SUPERINTENDENT.

SEC. 75. The Superintendent, with the approval of the Board of Education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city, until the next meeting of the Board of Education. It shall be the duty of the Superintendent to report to the Board of Education annually, and at such other times as it may require, all matters pertaining to the expenditures, income, and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school at least once a month; to observe and cause to be observed such general rules for the regulation, government, and instruction of the schools as may be established by the Board; to recommend to the Board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the Board, and inform it at each session of the condition of the public schools, school houses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city; and to acquaint himself with all the laws, rules, and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

SCHOOL FUND.

Educational
department.

SEC. 76. The School Fund shall consist of all moneys received from the State School Fund and County School Fund, and of all moneys arising from taxes which shall be levied annually by the City Council of the city for school purposes; of all moneys arising from the sale, rent, or exchange of any of the school property, and of such other moneys as may, from any source whatever, be paid into any School Fund. The School Fund shall be separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this charter. If, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund for the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this charter.

SEC. 77. The said School Fund shall be used and applied by said Board of Education for the following purposes, to wit:

1. For the payment of the salaries or wages of the Superintendent, Deputy Superintendent, clerk, teachers, janitors, school census marshals, and other persons who may be employed by said Board.

2. For the erection, alteration, repairs, rent, and furnishing of school houses.

3. For the purchase money or rent of any real or personal property purchased or leased by said Board.

4. For the insurance of all school property.

5. For the discharge of all legal incumbrances on all school property.

6. For lighting the school rooms and the offices and rooms of the Superintendent and the Board of Education.

7. For supplying the schools with fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.

8. For supplying books, printing, and stationery for the use of the Superintendent and Board of Education, and for the incidental expenses of the department.

9. For grading and improving all school lots, and for grading, sewerage, planking, or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

SEC. 78. All demands authorized by this article shall be paid by the City Treasurer from the School Fund; *provided*, that the said Board shall not have power to contract any debts or liabilities, in any form whatsoever, against the said city, in contravention of this article, or exceeding in any year the income and revenue provided for the School Fund for such year; but this provision shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the general laws of the State, for the purpose of defraying the cost of such permanent improvement.

SEC. 79. It shall be the duty of the Auditor of the County of Los Angeles, upon the first Monday in each month, and at such other times as he may deem proper, to certify in duplicate to the Superintendent of Schools of such county the amount of school moneys at that time in the County Treasury, and the amount received during the previous month. The County Superintendent shall, upon the receipt of such certificates, indorse upon one of them the amount of such moneys to which the public schools of the city are entitled. The certificate so indorsed shall be at once returned to said Auditor, who shall direct upon the same the County Treasurer to pay the sum designated upon such certificate to the Treasurer of the city for the use of the School Fund thereof.

Educational
department.

SEC. 80. The Treasurer of said county shall thereupon pay to the Treasurer of said city the sum directed by the Auditor as above provided; and when said moneys are placed in the City School Fund, they shall be used in precisely the same manner as moneys raised by city school taxes in the city; *provided*, that the entire revenue derived by the city from the State School Fund and State School Tax Fund shall be applied by said Board of Education exclusively to the support of primary and grammar schools.

ARTICLE VIII.

LIBRARY DEPARTMENT.

SEC. 81. The public library and reading-room, known as the "Los Angeles Public Library," is hereby continued in existence, and shall be free of access to all citizens of said city and the general public, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the Board of Directors of said library, hereinafter provided.

Library
department.

SEC. 82. There shall be levied and collected annually, on all the taxable property in the city, as in other cases, a tax sufficient to maintain such library, not to exceed five cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the general laws of the State, for the purpose of defraying the cost of such improvements.

DIRECTORS.

Library
department.

SEC. 83. The Mayor shall, immediately after his qualification under this charter, appoint a Board of five Directors, subject to confirmation by the Council, for said library, who shall serve without compensation, and be known as the "Board of Directors of the Los Angeles Public Library," and who shall be chosen from the citizens at large, male or female, without regard to their political opinions, but with reference to their fitness for said office, and not more than one member of the City Council shall be at any one time a member of said Board.

SEC. 84. Said Directors shall hold office for two years, and thereafter the Mayor shall appoint, as before, Directors to take the place of the retiring Directors, who shall hold office for two years, or until their successors are appointed and qualified. Any vacancy occurring shall be filled by the Mayor, subject to confirmation by the Council, for the balance of the unexpired term. The Mayor may, by and with the consent of the City Council, remove any Director for misconduct or neglect of duty.

ORGANIZATIONS.

SEC. 85. Said Directors shall, immediately after appointment, meet and organize by the election of a President from one of their number. The Librarian shall be clerk of the Board, and shall keep a record and full minutes in writing of all their proceedings, and may certify to such proceedings, or any portion thereof, under his hand, to be verified by seal, if a seal be adopted and provided by the Board for that purpose.

POWERS OF THE BOARD.

SEC. 86. Such Board, by a majority of all the members, to be recorded in the minutes with the ayes and noes at length, shall have power to make and enforce all such by-laws, rules, and regulations as may be necessary or expedient for its own guidance, and for the administration, government, and protection of such library, reading-room, and property; to determine the number of officers and assistants to be appointed for such library and reading-room, and to determine and define their duties; to fix the salary and wages of all such employes; to appoint a Librarian and necessary assistants, and such other employes as may be necessary, and for good cause to remove them; to control and order the expenditure of all moneys at any time in the Library Fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the City Treasurer contained in article twenty-one; to purchase or lease all necessary real property whereon to construct, and thereon to construct a library building or buildings, or to

lease appropriate rooms, or a building or buildings, for such library, and to have the general supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose, and generally to do all that may be necessary to carry out the spirit and intent of this charter in establishing a public library and reading-room; *provided*, that all moneys received for such library shall be deposited in the treasury of the city, to the credit of the Library Fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund upon demands authenticated by the signatures of the President and Clerk of the Board. All libraries and reading-rooms heretofore established by said city, and all property, real and personal, thereto belonging, shall be turned over to the charge, custody, and administration of the Board of Directors, with like powers and liabilities as if such library had been established under this charter.

Library
department.

WHO MAY USE THE LIBRARY.

SEC. 87. The library and reading-room shall be forever free to the use of the inhabitants of the city, and persons sojourning therein, always subject to such reasonable rules and regulations as the Board of Directors may adopt, and said Board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules, and said Board may extend the privileges and use of such library and reading-room to persons residing outside the city, upon such terms and conditions as said Board may, from time to time, by its regulations prescribe.

DONATIONS AND CONVEYANCES.

SEC. 88. Any person desiring to make donations of money, securities, or other personal property or real estate, shall have the right to vest the title to such money, personal property, or real estate so donated, in "The Board of Directors of the Los Angeles Public Library," hereby created, to be owned, held, and controlled by such Board when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and, as to such property, the Board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said Board, in its name, as such special trustee; and the City of Los Angeles may, in its discretion, by ordinance, set apart and order to be conveyed by said Board, as such special trustee, any part of the real property of the city not otherwise appropriated.

SEC. 89. The Board of Directors shall make the annual report and estimate hereinbefore required.

SEC. 90. The City Council shall have the power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or the property thereof, or for injury to or failure to return any book belonging to such library.

ARTICLE IX.

POLICE.

Police.

SEC. 91. The Mayor and four citizens, to be appointed by the Council, not more than two of whom shall be members of the same political party, and who shall serve without compensation, shall constitute the Board of Police Commissioners of the city.

SEC. 92. The Police Commissioners shall meet at least once a week.

SEC. 93. The Police Department shall consist of the Chief of Police, and as many subordinate officers and regular and special policemen and detective officers as the Council shall by ordinance determine. All appointments and removals in the force shall be made by the Board of Police Commissioners.

SEC. 94. The salary of the whole force, except the salary of the Chief of Police, herein elsewhere provided for, shall be fixed by the Council by ordinance.

SEC. 95. The Police Commissioners shall prescribe the rules and regulations for the government of the police force, and fix and enforce the penalties for their violation.

SEC. 96. The Board of Police Commissioners, the Chief of Police, and other officers and employes, shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

ARTICLE X.

POLICE COURTS.

Police
Courts.

SEC. 97. The judicial power of the city shall be vested in a Police Court.

SEC. 98. Each of the Police Judges may hold such Court, and there may be as many sessions of the Police Court held at one time as there are Police Judges.

SEC. 99. The Police Judges shall have the powers of examining magistrates, and may commit offenders for trial in the proper Court.

SEC. 100. The Police Court shall have exclusive jurisdiction of the criminal proceedings for a violation of any city ordinance, and of all civil actions and proceedings arising out of a violation of such ordinances, and for the collection of any license required by any ordinance, except such actions and proceedings as fall within the jurisdiction of other Courts under the provisions of the Constitution of this State.

SEC. 101. The Police Court shall also have exclusive jurisdiction of the following public offenses committed within the city (except when prosecuted by indictment or information): First, petit larceny; second, assault and battery; third, breaches of the peace, riot, committing willful injury to property, and all misdemeanors punishable by fine or by impris-

onment in the county jail, or by both; fourth, proceedings respecting vagrants, lewd, or disorderly persons. Police Courts.

SEC. 102. The Clerks of said Court shall remain at their respective Court-rooms during business hours, and for such reasonable time thereafter as may be necessary for the discharge of their duties.

SEC. 103. All fines, penalties, and forfeitures collected by said Police Court shall be the property of the city, and shall be immediately deposited with the City Treasurer for the use of said city.

SEC. 104. The city shall furnish the necessary dockets, and all blanks and other books and papers and stationery necessary in the transaction of the business of the said Police Court. A complete record of all cases shall be entered in the docket of said Court. Separate dockets shall be kept for the civil and criminal business.

SEC. 105. The said Court shall have a seal, which shall be furnished by the city.

SEC. 106. The Police Court shall always be open for the transaction of business, except on Sundays and other legal holidays.

ARTICLE XI.

FIRE DEPARTMENT.

SEC. 107. The Mayor and four citizens, to be appointed by the Council, not more than two of whom shall be members of the same political party, and who shall serve without compensation, shall constitute the Board of Fire Commissioners of the city. Fire Department.

SEC. 108. The Fire Commissioners shall meet at least once a week.

SEC. 109. The Fire Department shall consist of a Chief Engineer and as many subordinate officers, firemen, and employés as the Council may, by ordinance, from time to time determine to be necessary. All appointments and removals in the department shall be made by the Board of Fire Commissioners.

SEC. 110. The salary of all officers and employés of the Fire Department shall be fixed by ordinance.

SEC. 111. The Board of Fire Commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

SEC. 112. The Board of Fire Commissioners and the Chief Engineer and other officers and employés shall have such other powers, and perform such other duties, as may be granted or imposed by ordinance.

ARTICLE XII.

PARK DEPARTMENT.

SEC. 113. All lands and real property located in the City of Los Angeles, which have been heretofore, or which may Park Department.

Park De-
partment.

be hereafter, set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public as such park or parks, inviolate, and no part of said lands or real property shall ever be used or occupied for any other purpose.

SEC. 114. The Mayor and four citizens, to be appointed by the Council, not more than two of whom shall be members of the same political party, and who shall serve without compensation, shall constitute the Board of Park Commissioners of the city.

SEC. 115. The Park Commissioners shall meet at least once a month.

SEC. 116. The Park Department shall consist of as many officers and employés as the Council may, by ordinance, from time to time determine to be necessary. All appointments and removals in the department shall be made by the Board of Park Commissioners.

SEC. 117. The salary of all officers and employés of the Park Department shall be fixed by ordinance.

SEC. 118. The Board of Park Commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

SEC. 119. The Board of Park Commissioners shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

ARTICLE XIII.

BOARD OF HEALTH.

Board of
Health.

SEC. 120. There is hereby established in and for the city a department to be known as the Board of Health, to consist of five members, namely: The Mayor, who shall be ex officio a member and President of the Board, and four citizens, to be appointed, without regard to their political opinions, by the City Council. Three of said citizens shall be physicians in good standing, and graduates of some reputable medical college.

SEC. 121. The appointed members of the Board shall hold office for two years, and until their successors are elected and qualified, and shall serve without compensation. All vacancies shall be filled for the unexpired term only. Any appointed member failing to qualify within ten days after his appointment shall be deemed to have declined the office; and a new appointment shall be made. Three members shall constitute a quorum for the transaction of business.

A HEALTH OFFICE.

SEC. 122. The Board of Health shall be provided by the City Council with a suitable office, in which it shall hold its official meetings once a month, or when requested by three members of the Board.

SEC. 123. The Board of Health shall have such general supervision as may be provided by ordinance of all matters appertaining to the sanitary condition of the city, including jails, hospitals, and all public health institutions.

Board of Health.

THE HEALTH OFFICER.

SEC. 124. The Board shall appoint and may remove at pleasure a Health Officer, who shall also act as a City Physician, and whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college, and shall have practiced medicine at least seven years, and be a citizen and resident for two years in the city, and have his license to practice medicine recorded with the County Clerk of Los Angeles County, in accordance with the laws of the State of California regulating the practice of medicine. He must reside within the city limits, and devote his entire time to the duties of his office. The Board shall also, when authorized by ordinance, have the power to appoint an Assistant Health Officer, and such other officers and assistants as the sanitary condition of the city may require.

SEC. 125. The Health Officer shall be the executive officer of the Board, and he shall see that all ordinances in respect to the public health and the rules and regulations of the Board of Health are enforced; and shall receive all complaints of the violation of such ordinances, rules, and regulations, and investigate the same and act thereon. He shall make to the Board an annual report of the affairs of his office, including mortuary and other statistics, with such general observations as in his judgment might benefit the sanitary condition of the city. He shall in person visit, once in each quarter, all the public institutions in the city under the charge of the Health Department, and twice in each year he shall visit every public school in said city; during such visit he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. At the meeting of the Board in the months of January, April, July, and October he shall report to the Board the result of his examinations. He shall also act as City Physician, whose duties shall be defined by ordinance.

QUARANTINE.

SEC. 126. Whenever it shall be certified to the Board of Health by the Health Officer that any building, or part thereof, is unfit for human habitation, by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among its occupants, said Board may issue an order, and cause the same to be fixed conspicuously on the building, or in front thereof, and to be personally served upon the owner, agent, or lessee, if the same can be found, requiring all persons therein to vacate such building for the reasons aforesaid, to be stated therein. Such building, or part thereof, shall, within ten days thereafter, be vacated, or

Board of
Health.

within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it should become satisfied that the danger from the building, or parts thereof, has ceased to exist, may revoke said order, and it shall henceforth become inoperative.

SEC. 127. Every physician in the city shall report to the Health Officer, in writing, every patient he shall have sick of typhus, ship, or yellow fever, Asiatic cholera, leprosy, smallpox, diphtheria, or scarlet fever, and every death from such disease immediately after it shall have occurred. Also, every householder in said city shall forthwith report, in writing or otherwise, to the Health Officer, the name of every inmate of his or her house whom he or she shall have reason to believe is sick of typhus, ship, or yellow fever, leprosy, cholera, or smallpox, and any deaths occurring at his or her house from such disease.

INFECTIOUS DISEASES.

SEC. 128. The Health Officer shall report to the Superintendent of the Public Schools the names and residences of every person sick of typhus, ship, or yellow fever, Asiatic cholera, smallpox, leprosy, diphtheria, or scarlet fever, he may deem dangerous to the public health; and it shall be the duty of the Superintendent of Public Schools, when so notified of the residence of any person sick of any of the diseases enumerated, to refuse admittance to the public schools to any member of a family, one or more of whose inmates are sick of any of the aforesaid diseases; *provided*, that the parties excluded shall be readmitted upon presenting a certificate from the Health Officer that there is no longer any danger from contagion.

SEC. 129. No person shall drive or use any vehicle, or suffer or permit any vehicle under his or her charge or control to be driven or used for the conveyance, transportation, or removal of any person infected with the smallpox, or the body of any person who has died of smallpox, without the written consent of the Health Officer; also, no person shall use or drive, or suffer or permit any vehicle authorized by the written consent of the Health Officer to convey, transport, or remove persons infected with the smallpox, or the bodies of persons who may die of the smallpox, to be used or driven for the conveyance, transportation, or removal of persons uninfected with smallpox, without the written consent of the Health Officer.

SEC. 130. Whenever a case of smallpox, Asiatic cholera, or yellow fever is reported to the Health Officer, he shall immediately visit the premises where the person is, and the said Health Officer, upon personal inspection, shall, in case of smallpox, Asiatic cholera, or yellow fever, immediately cause to be erected a yellow or quarantine flag in a conspicuous place on said premises, or put upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

SEC. 131. The Board of Health may appoint and remove

at pleasure a physician and nurses for the hospital or hospitals of the city, when, in their judgment, it may be necessary. The salary for the said officers shall be provided for in the same manner as for other officers of the Board.

Board of
Health.

A SMALLPOX HOSPITAL.

SEC. 132. No person shall remove a smallpox patient from any house or place within the limits of the city to any house or place, without the permission of the Health Officer. The said officer, with the approval of the Board of Health, may cause to be removed to the hospital of the city provided for that purpose any and all persons affected with smallpox, from within such houses as cannot be properly quarantined. The Board of Health, whenever and at such time as by them it shall be deemed necessary, may, by proclamation, require all railroad cars or other public conveyances bound for this city, before the same shall land or stop at any depot or landing or stopping place therein, to stop or touch at any or either of the sites, places, or boundaries so selected and established for quarantine purposes, and leave all such immigrants, travelers, or persons, and all such sick, diseased, or unclean persons, with their stores and baggage, as in the opinion of the officers stationed at such quarantine sites, places, or boundaries shall be deemed proper on account of the existing or general report of cholera, smallpox, or any contagious disease or diseases apprehended to endanger the health of the city.

SEC. 133. The said Board shall make such rules and regulations for the government of the quarantine or health of the city as from time to time it shall deem necessary, and the physicians or Health Officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper management and conducting thereof, and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city about said quarantine stations or places to carry out and obey the same.

SEC. 134. The Board of Health shall cause to be kept a record of all births, deaths, interments, and cremations occurring in said city; such record must be kept in the Health Office, and shall be open for the inspection of any person during office hours. All physicians and midwives in said city shall report to the Health Officer, on or before the fifth of each month, all births occurring in his or her practice during the previous month. Any physician or midwife failing to make such report shall be guilty of a misdemeanor.

SEC. 135. No person shall deposit in any cemetery, cremate, or inter in said city, any human body without first having obtained and filed at the Health Office a certificate signed by a licensed physician or Coroner, setting forth as near as possible the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of the deceased, and obtained from the Health Officer a burial permit. Physicians, when deaths occur in their practice, must give the certificate herein mentioned, unless the physician believes

Board of
Health.

such death to be a proper case for investigation by the Coroner; nor shall any human body be removed or disinterred without the permit of the Board of Health or Health Officer or by order of the Coroner.

SEC. 136. Superintendents of cemeteries within the boundaries of the city must return to the Health Officer on each Monday the names of all persons interred, cremated, or deposited within their respective cemeteries for the preceding week.

SEC. 137. It shall be unlawful to disinter or exhume from a grave, vault, or other burial place within the limits of said city the body or remains of any deceased person, unless a permit for so doing shall have been first obtained from the Health Officer. Nor shall any body or remains disinterred, exhumed, or taken from the grave, vault, or other place of burial or deposit be transported in or through the streets or highways of said city, unless the person or persons transporting such bodies or remains shall first obtain from the Health Officer a permit in writing therefor. When an applicant for a permit to disinter a body shall desire to remove said body beyond the limits of said city, and shall so state on making application, the permit, if the same be issued, shall include the right to disinter and remove. Said permit shall accompany the body or remains.

SEC. 138. The permits in the last section may be granted, in the discretion of the Board of Health, under such general restrictions and conditions as the Board may prescribe. The Health Officer shall prepare a book of blank permits, in proper form and consecutively numbered, containing stubs on which, as well as in the permit, shall be entered a record of the transaction, giving the name, age, sex, nativity, place of burial, and destination of remains to be transported or removed; and upon granting such permit for the removal of a body beyond the State limits, he shall require to be paid to him the sum of ten dollars therefor, to be paid into the treasury for the use and benefit of the General Fund of said city.

SEC. 139. Any person or persons who shall disinter, exhume, transport, or remove, or cause to be disinterred, exhumed, transported, or removed from a grave, vault, or other receptacle or burial place, the remains of a deceased person, without a permit therefor from such Health Officer, or who shall transport or cause to be transported on or through the streets or highways of said city the body or remains of a deceased person, which has been exhumed or disinterred without such permit, shall be guilty of a misdemeanor.

SEC. 140. Nothing in this charter contained shall be taken to apply to the removal of the remains of a deceased person from one place of interment to another place within the same cemetery.

SEC. 141. No person shall receive for transportation or shall transport upon any boat, vessel, or railroad car, or public or private conveyance, the body of any person who has died within the limits of said city, unless said body is

accompanied by a permit for such transportation from the Health Officer. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 142. Any member of the Board of Health or the Health Officer may administer oaths on business connected with the Health Department.

ARTICLE XIV.

ESTABLISHMENT AND CHANGE OF GRADE.

SEC. 143. Whenever it shall be deemed expedient to establish or change the grade of any street or part thereof, the Council may, by ordinance, declare its intention to establish or change such grade, in which ordinance must be specified the grade that is proposed to be established or changed. Such ordinance must be published at least ten days in a daily newspaper published in the City of Los Angeles.

Establishment and change of grade.

SEC. 144. Within ten days from the first publication of such ordinance, the owner or owners of property fronting on such street or part thereof, as the case may be, amounting to two thirds of the frontage on such street or part thereof, may make out and file with the City Clerk a written remonstrance against the proposed grade or alteration thereof, and thereupon the same shall not be further proceeded in or made; but no protest shall be binding upon the Council for any longer period than three months from the presentation thereof, but at the end of said period the Council may recommence the proceeding, as in the first instance; *provided, however,* when an ordinance of intention has been published to establish or change a grade on the hill lands, the owners of property on the streets crossing the street, the grade of which is proposed to be established or changed, from said streets to the center or middle of the block adjoining, shall have the same rights of protest, and their frontage shall, for that purpose, be considered in determining whether the requisite two thirds have remonstrated.

SEC. 145. If no such remonstrance be made and filed, the Council, within six months from the first publication of such ordinance of intention, may, by ordinance, establish the proposed grade or alteration thereof.

SEC. 146. The Council may, by ordinance, authorize the owners of property fronting on any street, or part thereof, to grade or otherwise improve such street, or part thereof, or construct and lay sewers therein, without expense to the city. Such ordinance shall state the kind of improvement, giving specifications thereof, or refer to some other ordinance for such specifications, and fix the time for the completion of said grading or other improvement, or the laying of such sewer, and if such work is not completed to the satisfaction of the Street Superintendent and the Council in the time the said ordinance specified for such completion, such time can only be extended by ordinance.

SEC. 147. The authority mentioned in the preceding section cannot be given after a proposal to do such work has been accepted by the Council, and in giving such authority the Council may impose such terms and conditions as may be necessary to secure the deposit of such excavations upon any part of such street as may require to be filled up.

ARTICLE XV.

OF PROCEEDINGS TO CONDEMN PROPERTY FOR STREETS.

Proceedings
to condemn
property for
streets.

SEC. 148. The term "streets," wherever used in this article, shall be deemed to include alleys and other highways.

SEC. 149. Whenever it shall be necessary for the city to take private property for the purpose of opening, extending, or widening a street, the Council may, by ordinance, direct proceedings to be taken for the condemnation of such property, and to ascertain the compensation to be paid therefor, and shall, in such ordinance, fix the limits of the district within which property shall be assessed to pay such damages.

SEC. 150. The owners of property fronting upon the street or streets, or portion thereof declared to be within the district of assessment, may make and file with the City Clerk, within twenty days from the time such ordinance takes effect, a written remonstrance against the proposed improvement, and if such remonstrance be signed by the owners of two thirds of the frontage of the property upon such streets, the proceeding for the taking of such property, and for opening, widening, or extending such street, shall not be further continued; nor shall a new ordinance be passed or further proceeding taken thereunder within three months from the filing of such remonstrance, unless a petition therefor, signed by two thirds of such owners, be filed with the City Clerk.

SEC. 151. If such remonstrance, signed by the owners of two thirds of such frontage, be not filed within the time before mentioned, the City Attorney shall, within ten days, or such other time as the Council may order or direct, commence an action in the Superior Court of the County of Los Angeles, in the name of the City of Los Angeles, for the condemnation of said land; which action shall be considered as and have the effect of an action in rem against the land. The complaint shall set forth or state the effect of the ordinance, and shall describe the land sought to be condemned, and shall state the names of the owners and claimants of the property, and all persons having or claiming liens upon or interest in the same, so far as known to the City Attorney.

SEC. 152. All owners of property to be condemned, and the owners of each separate parcel thereof, or any number less than all, may be joined in one action, and the damages shall be ascertained as to each tract separately, and also the value of each and every separate interest and estate therein.

SEC. 153. Upon the filing of the complaint, or at any time thereafter, the plaintiff may record in the office of the County Recorder of Los Angeles County, notice of the pendency of the action, containing the names of the parties so far as known, the object of the action, and a general description of the property to be affected thereby. The said notice, besides being indexed in the names of the parties named therein, shall also be indexed in the name of the street for which the property is sought to be condemned. From the time of filing such notice for record all persons shall be deemed to have notice of the pendency of the action.

Proceedings
to condemn
property for
streets.

SEC. 154. The summons shall be directed to all the defendants named in the action and, generally, to all persons, known or unknown, who have or claim any interest or lien upon the property sought to be condemned.

SEC. 155. The Court shall order a copy of the summons to be published in a newspaper, to be designated by it, as often and for such length of time as it may deem to be reasonable, but not less than once a week for two months. Upon such publication, and at the expiration of the time prescribed by the order therefor, the service of the summons upon all parties not personally served is complete.

SEC. 156. The summons shall also be served personally upon all the defendants named in the action, who can be found in the State; but if it appear to the satisfaction of the Court, by affidavits or otherwise, that any of said parties cannot be found within the State, the Court shall make an order dispensing with such personal service upon such defendant or defendants.

SEC. 157. Upon such personal service and the completion of the publication aforesaid, the Court shall acquire full jurisdiction of the property sought to be condemned, and of the proceedings for that purpose; and no irregularity, mistake, or error in the subsequent proceedings, shall affect its jurisdiction.

SEC. 158. Upon the requisite proofs being made, the Court shall order a condemnation of the property sought to be condemned, and (unless a jury be impaneled as hereinafter provided) shall appoint three disinterested persons referees, to ascertain the compensation, who shall be residents of the city, and shall be sworn to discharge their duties faithfully and impartially. If any one or more of such referees fail to qualify, or thereafter be prevented from acting, such vacancy shall be filled by the Court.

SEC. 159. The referees shall view the premises and ascertain and report in writing to the Court, as soon as practicable, the compensation proper to be paid to the parties interested in each piece of property sought to be taken. Each referee shall sign the report—assenting thereto or dissenting therefrom.

SEC. 160. After hearing the report, the Court may confirm, change, or modify it, or may set it aside and order a new report, and in its discretion appoint new referees.

SEC. 161. The Court shall, upon the demand of any of the defendants, order a jury to determine the compensation due

Proceedings
to condemn
property for
streets.

to the defendants respectively, and in such case the jury, after viewing the land and hearing such evidence as may be submitted to it, shall return a special verdict, specifying the amount of compensation to be paid to the parties interested in each piece of property sought to be taken, and the Court may thereupon confirm the verdict or set it aside and order a new jury to be impaneled and a new verdict rendered.

SEC. 162. Upon the report of the referees, or the verdict of a jury, as the case may be, being approved by the Court, an interlocutory judgment shall be entered by the Court, confirming the report or verdict, and adjudging that upon the payment to the parties interested, or into Court, of the amounts severally found due to them, the said property shall be condemned to the use of the city and the public, and dedicated as a street. It shall not be necessary to give the names of the interested parties in the judgment, but they may be described by reference to the report or verdict. The judgment shall specify the names of all streets of which any portions are included within the district of assessment, and a certified copy of the said judgment shall be recorded in the Recorder's office of the County of Los Angeles, in the current Book of Deeds, and be indexed in the list of grantors under the names of the streets specified in the judgment.

SEC. 163. The expenses of the referees must be ascertained and allowed by the Court, and included in the costs of the action.

SEC. 164. An appeal may be taken from the said interlocutory judgment within sixty days from the entry thereof, as in case of an interlocutory judgment in partition.

SEC. 165. At any time subsequent, and within one year from the expiration of the time for appeal, or, if an appeal be taken, from the final determination thereof, on proof being made that the respective amounts of damages awarded to the parties in interest have been paid to them, or into Court, a final judgment shall be made and entered by the Court, adjudging that the property described in the complaint and sought to be condemned, be and thereby is condemned for the use of the plaintiff and the public, and dedicated to such use as a public street; and that the plaintiff have, hold, and enjoy the said property for such public use.

SEC. 166. The said judgment shall have the effect of a judgment against a specific thing, as provided in subdivision one, section one thousand nine hundred and eight of the Code of Civil Procedure, and shall be binding and conclusive upon all persons, whether named as parties to the action or not, having any interest in or lien upon the property sought to be condemned at the commencement of the action, or at any time thereafter, and upon all other persons claiming from such parties or persons or any of them; and the said judgment shall not be invalidated by reason of the death of any party before final judgment, but shall be as conclusive against the heirs, legal representatives, or assigns of such decedent as if it had been entered before his death.

SEC. 167. The action may be dismissed by the plaintiff without prejudice, upon payment of costs, at any time prior to the payment of damages awarded to the defendants or in Court.

SEC. 168. The Council shall, at any time before entry of the interlocutory judgment, have the power to agree with any person upon the amount to be paid for his interest in the property sought to be condemned, and in case of such agreement the amount agreed upon shall be entered in the said judgment by the Court.

ARTICLE XVI.

OF THE IMPROVEMENT OF STREETS AND CONSTRUCTION OF SEWERS AND BRIDGES.

SEC. 169. Whenever it shall be deemed expedient by the Council to grade, macadamize, gravel, pave, repave, or otherwise improve any street, or the sidewalk thereof, or both, or to construct sewers or drains, or to construct any bridge or other viaduct, the Council may, by ordinance, declare its intention to make such improvement, and shall in such ordinance specify the street or portion thereof to be improved, the lines of the proposed sewers or drains, or the location of the proposed bridge or viaduct, as the case may be, and the nature of the proposed improvement, and fix and determine the limits of the district to be benefited thereby, and to be assessed for the cost thereof. Such ordinance must be published at least ten days in a daily newspaper published in the City of Los Angeles before it shall take effect.

Improvement of streets, etc.

SEC. 170. Any of the owners of property fronting upon the street to be improved, or any street within the limits of the district of assessment, may file with the City Clerk, within ten days from the time the ordinance takes effect, a written remonstrance against the proposed improvement; and if such remonstrance be signed by the owners of two thirds of the frontage of the property upon such street or streets, further proceedings under said ordinance shall be discontinued; nor shall a new ordinance be passed, or further proceedings taken thereunder, within three months from the filing of said remonstrance, unless a petition therefor, signed by two thirds of such owners, be filed with the City Clerk.

SEC. 171. If such remonstrance, signed by two thirds of such owners, be not filed, the Council may order the proposed improvement to be made, and shall thereafter, without unnecessary delay, cause a notice to be published in such newspaper or newspapers, for such time and in such manner as it shall direct, calling for proposals for the said work, and upon receiving such proposals shall award the contract for the said work as it shall deem best, subject to the provisions of this charter. The Council shall have the right to reject any or all bids, and may readvertise for other proposals; and it may let the work in such sections or parcels as it may deem best.

Improvement of streets, etc.

SEC. 172. Upon the awarding of such contract, an ordinance shall be passed ordering the work to be done in accordance therewith, and directing such contract to be executed by the Mayor or other person on behalf of the city. The said ordinance, in addition to the matters required to be stated in the ordinance of intention, shall contain a statement of the cost of the improvement as determined by the contract, and shall specify by name all streets of which any portion is included within the district of assessment. A copy thereof shall be recorded in the Recorder's office of the County of Los Angeles, in the current Book of Deeds, and be indexed in the list of grantors under the names of the streets specified in the ordinance as above provided. Thereupon, the work shall be prosecuted to completion.

SEC. 173. In case the grade of a street has been established, and it has been graded in conformity thereto by the city, or by property owners under license from the city, or buildings having been erected, or improvements on property aligning said street been made, conforming to said grade, and thereafter the said grade has been altered, the said street shall not be regraded or improved in conformity to said new grade without compensating the owners for any damage which is occasioned to them thereby. Such damage may be determined by agreement between such owners, or any of them, and the Council, and when so determined shall constitute a portion of the cost of such improvement, and be assessed as such, and be paid to such owners. In case such an agreement cannot be obtained with any one or more of such owners, the amount of damages justly payable to each of such owners shall be determined by an action in the name of the city against them, in which action all or any of such parties may be joined as defendants; *provided*, that no such person shall be entitled to damages unless he shall remonstrate against the proposed improvement, or claim damages therefor within the time fixed in section one hundred and seventy hereof, and in the manner provided for remonstrances.

SEC. 174. The power of the Council to improve streets shall include the power to construct tunnels to connect the different portions of a street, or different streets, but the owners of property on the surface above shall not be assessed for the cost of the tunnel unless directly benefited thereby.

ARTICLE XVII.

OF ASSESSMENTS FOR OPENING AND IMPROVING STREETS AND CONSTRUCTING SEWERS AND BRIDGES.

Assessments for opening and improving streets, etc.

SEC. 175. Upon the passage of the final ordinance for any street improvement, or the construction of a sewer, or drain, or bridge, or upon the entry of an interlocutory judgment by the Superior Court in any action for the condemnation of land for the opening, extending, or widening of a street, the

Council shall proceed to assess upon the property fronting upon streets within the limit of the district of assessment, the sums necessary to raise the amount required by such ordinance or by such judgment. In making such assessment, all property shall be assessed in proportion to its frontage on such streets; but the Council shall, by order spread upon its minutes (to be called the Order of Assessment), before proceeding to make the assessments, provide that the assessment of each lot or portion of land shall be determined solely by the proportion borne by its frontage to the aggregate frontage on all the streets within the district of assessment; or it may fix a different rate per front foot for different streets within said district, and for different portions of each street accordingly as it may deem the property to be assessed to be more or less benefited by the improvement; and in the case of the construction of a sewer or drain, bridge or tunnel, the Council may also direct such proportion of the cost as it may deem just, to be assessed to the city generally, to be paid out of moneys in the treasury of the city not otherwise appropriated. The order for assessment shall specify by name all streets of which any portion is within the district of assessment, and shall be recorded in the office of the Recorder of the County of Los Angeles, in the current Book of Deeds, and shall be indexed in the list of grantors under the names of the streets specified in the order; *provided*, that the assessment for the construction of any sewer shall not exceed one dollar per front foot for the property on either side of the street, and if such assessment is not sufficient to pay for the cost of such sewer, then the remainder of such cost shall be paid out of the general or other appropriate fund of the city.

Assessments
for opening
and improv-
ing streets,
etc.

SEC. 176. The assessment shall then be made accordingly, and when made the Council shall, by order, declare the same, and shall direct the City Clerk to enter a statement thereof in the Docket of City Liens, as provided in the next section.

SEC. 177. The Docket of City Liens is a book in which must be entered, in pursuance of this charter, the following matters in relation to assessments in pursuance of this charter. There must be entered therein:

First—The number or letter of the lot assessed, and the number or letter of the block in which it is situated, or any other valid description of the property; and if a separate assessment is made upon a part of a lot, a particular description of the part.

Second—The name of the owner thereof, or that the owner is unknown.

Third—The sum assessed upon each lot, or part thereof, and the date of the entry.

SEC. 178. The Docket of City Liens is a public writing, and imparts notice to all the world of the matters and things therein recorded, and from the date of an entry therein of an assessment upon a lot, or a part thereof, the sum so entered is to be deemed a tax levied and a lien thereon.

Assessments
for opening
and improv-
ing streets,
etc.

SEC. 179. No defect in the name of the owner shall affect the validity of any assessment upon any lot or part thereof; and if the name of any owner be unknown, the lot or part thereof may be assessed to unknown owners, nor shall the inadvertent omission to assess any portion of the said property affect the validity of the other assessments.

SEC. 180. Upon the recording of the final ordinance directing a street improvement, or the construction of a sewer or drain, bridge, or tunnel, as provided in section one hundred and seventy-two, or of the interlocutory judgment for the condemnation of land for the opening, extending, or widening a street, as provided in section one hundred and sixty-two, each lot and portion of land fronting on a street within the district of assessment shall stand charged with its proportionate part of the aggregate cost of the improvement, or the aggregate damages for the land condemned, as the case may be, such proportionate part to be determined by the order for assessment provided in section one hundred and seventy-five; and there shall be a lien upon the same therefor until a valid assessment be made, as provided in sections one hundred and seventy-six and following; and in case any lot or portion of land be omitted from such assessment there shall continue to be a lien thereon for the amount properly assessable to it, and said amount may be recovered and the lien therefor enforced by an action in the Superior Court.

SEC. 181. Immediately upon the entry of the assessment in the Docket of City Liens, the City Clerk shall publish a notice in a daily newspaper published in this city, for ten days, that said assessment has been entered in the Docket of City Liens and is payable to the City Treasurer, giving the date of said entry and the date on which the assessment will be delinquent, and describing generally the district of assessment.

SEC. 182. If within twenty days from the first publication of the notice provided for in the preceding section, the sum assessed upon any lot or part thereof is not wholly paid to the City Treasurer, and a duplicate receipt therefor filed with the City Clerk, the same shall be delinquent, and five per cent of the amount of each assessment shall be added thereto by the said Clerk; and thereupon the City Clerk shall issue a warrant directed to the City Tax and License Collector, or other person authorized to collect taxes due to the city, requiring him forthwith to levy upon the lot or part thereof delinquent, and to sell the same, or such portion thereof as may be necessary, in the manner provided by law for sales under execution, to satisfy the amount due upon such delinquent assessment, with five per cent thereof added as aforesaid, and the cost of advertising notice of sale, not to exceed fifteen dollars in any case, and to return the proceeds of such sale to the City Treasurer, and the warrant to the said Clerk, with his doings indorsed thereon, together with a receipt of the City Treasurer for the proceeds of such sale as paid to him; and if at such a sale a sufficient sum be not bid to cover the assessment and costs, the city shall become the purchaser.

SEC. 183. Such warrant shall have the force and effect of an execution against real property, and shall be executed in like manner, except as in this article otherwise specially provided. If from any cause any warrant be not executed within the time allowed by law, the Council may order the issue of an alias warrant, and as many thereof as may be necessary to enforce the collection of such assessment.

Assessments
for opening
and improv-
ing streets,
etc.

SEC. 184. All the provisions of the Code of Civil Procedure with reference to the sales of real property under execution, and with reference to certificates of sales, redemption and execution of deeds, shall apply to such sales, except that the time of redemption shall be twelve months, and the amount to be paid for redemption shall be as provided in the next section; and that no deed shall be made to the purchaser, except upon proof that written notice of thirty days has been personally served upon the owner, if resident in the county, or, in case of his absence, upon some person in occupation of the land, or in case the land is unoccupied, by posting the same for that period in a conspicuous place upon the land.

SEC. 185. Redemption of the whole property is made by the payment of the purchase money, and, in addition thereto, ten per cent if paid within three months; twenty per cent if paid within six months; thirty per cent if paid within nine months; and forty per cent if paid within twelve months; and the amount of any tax or incumbrance which the purchaser may have paid upon the property. Redemption of a part is made by the payment of that proportion of the purchase money and penalty which the part redeemed bears in value to the property sold for the assessment.

SEC. 186. In making a deed for real property sold for a delinquent assessment for any improvement, it shall not be necessary to set forth or recite the proceedings prior to the sale, but it shall be sufficient if it substantially appear from such deed that the property was sold by virtue of a warrant of said city, and the date thereof, that it was for a delinquent assessment, and the amount thereof, together with the date of the sale and the amount bid thereat by the purchaser. The style of the warrant for the collection of assessments shall be "In the name of the people of the State of California."

SEC. 187. Instead of proceeding to collect the assessment as next hereinbefore provided, the Council may, at its option, provide by either general or special ordinance that the same be collected and the liens therefor be enforced by action in the Superior Court in the name of the city, or in that of its assignee or assignees, or both jointly, against the owners of the property assessed. The complaint shall contain such matters as may be necessary to show the plaintiff's cause of action, and the proceedings in said action with reference to the contents, issuance, personal service, and publication of the summons, and the effect of the judgment, shall be the same as those prescribed in an action for the condemnation of lands as provided in article fourteen.

Assessments
for opening
and improv-
ing streets,
etc.

SEC. 188. In such action the Court may adjudge the payment of the amounts assessed, and also, in case any portions of the lands have escaped assessment, the amount properly assessable thereon, and the enforcement of the lien for such assessments or amounts assessable; or, in case the Court should adjudge the whole assessment from any cause to be invalid, it may adjudge the payment of the amounts properly assessable upon each portion of said land, and for the enforcement of the liens therefor.

SEC. 189. The cost of providing cross-walks, and of improving all intersections of streets, and of the space included between the center line of the street to be improved and the prolongation of the side lines of any street forming a junction with such street, to be improved to such center line, including the cost of constructing sewers therein, shall be paid out of the general or other appropriate fund of the city, and shall not be included in such assessments; the costs of the surveys, maps, and of establishing grades shall also be paid out of the general or other appropriate fund of the city. Whenever any street or part thereof has been graded or otherwise improved at the expense of the owners of the real estate fronting thereon, and the same has been accepted by the Council, and the roadbed thereof shall require any repairs to be made thereon at any time, the Council shall order such repairs to be made at the expense of the city; any material required in such repairs, except on paved streets, to be of the same nature and kind as previously used. Whenever any street or part thereof has been paved and a sewer constructed therein at the expense of the owners of the real estate fronting thereon, and the same has been accepted by the Council, and the roadbed thereof shall thereafter require repaving, or it shall be necessary to construct a new sewer therein, the cost of such repaving or of such new sewer shall be at the expense of the city, and shall not be assessed against the owners of the property aligning such street. The Council shall have power, either by general ordinance or by ordinances provided for in this article, to make such further provision, not inconsistent with the provisions of this charter, with reference to street improvements, advertisements for bids, terms of contract, manner in which the work shall be done and payment therefor made, or any other matters connected with such improvement, as it shall deem proper.

ARTICLE XVIII.

WATER AND WATER RIGHTS.

Water and
water rights.

SEC. 190. The City of Los Angeles shall continue in the ownership and enjoyment of all rights to the water of the River Los Angeles heretofore vested in it, its predecessor or predecessors, including the Pueblo of Los Angeles, and is hereby declared to have the full, free, and exclusive right to all the water flowing in the said river at any point from its source or sources, to the intersection of said river with the

southern boundary of said city, and also the ownership of, and the right to develop, economize, control, use, and utilize all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above named. Water and
water rights.

SEC. 191. The said city shall not convey, lease, or otherwise dispose of its right in said waters, or any part thereof, or grant or lease to any corporation or person any right or privilege to use, manage, or control the said waters, or any part thereof, for any purpose, public or private, otherwise than by license revocable by said city at pleasure, upon notice not to exceed six months; *provided*, that this provision shall not be construed to prevent the ordinary sale and distribution of the said waters to the inhabitants of the city, or persons doing business therein, for irrigating and domestic uses, and for manufacturing purposes other than for water power.

SEC. 192. The said corporation shall have the right and power to construct, maintain, and operate waterworks, dams, reservoirs, ditches, canals, and other means to conduct the said waters from the said river at all points between the said termini, and to supply the city and its inhabitants with water, and to distribute such water, either in zanjas, pipes, or otherwise, into, upon, and over the lands within the limits of said city. All water mains, by whomsoever hereafter laid in said city, shall be of such material and of such capacity as shall be prescribed by ordinance; *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter.

SEC. 193. The rates of compensation for use of water to be collected by any person, company, or corporation in said city shall be fixed annually by ordinance, and shall continue in force for one year, and no longer. Such ordinances shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Should the Council fail to pass the necessary ordinances fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested.

ARTICLE XIX.

ELECTIONS.

SEC. 194. Elections to be held in said city, for the purpose of electing the officers of said city, and for all other purposes, are of two kinds:

First—General municipal elections.

Second—Special elections.

SEC. 195. General municipal elections shall be held in said city on the first Monday in December, eighteen hundred and ninety, and on the first Monday in December every two years thereafter, at which shall be elected: A Mayor, a City Clerk, a City Attorney, a City Treasurer, a City Auditor, a City Tax and License Collector, a City Engineer, a Street Superintendent, a City Assessor, and two Police Judges, and Elections.

Elections. by the electors of each ward of the city, one member of the City Council, and one member of the Board of Education; *provided*, that within thirty days after the date of the taking effect of this charter a general municipal election shall be held in the City of Los Angeles for the election by the electors of said city of all the officers provided in this charter to be elected by the people, viz.: A Mayor, a City Clerk, a City Attorney, a City Treasurer, a City Auditor, a City Tax and License Collector, a City Engineer, a Street Superintendent, a City Assessor, and two Police Judges, and by the electors of each of the said wards, respectively, one member of the Council, and one member of the Board of Education. Said election shall be held in accordance with the provisions of article ten of an Act of the Legislature of the State of California entitled "An Act to amend an Act entitled an Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government, approved April first, eighteen hundred and seventy-six," approved March thirtieth, eighteen hundred and seventy-eight, so far as said article relates to general municipal elections; *provided*, that the division herein made of the city into nine wards, and the provision in relation to the division of wards into precincts, in section two hundred hereof, shall be in force at said election.

SEC. 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in January of the year succeeding their election, and shall serve for two years, and until their successors shall have been elected and qualified; except in case of an election to fill a vacancy at a special election, in which case they shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office, and shall serve for the remainder of the term, and until their successors shall have been elected and qualified; *provided*, that the City Assessor elected at a general municipal election shall enter upon the discharge of his duties on the first Monday in January after his election; *and provided*, that the officers elected at the first general municipal election after the taking effect of this charter, except the City Assessor, shall, after having qualified as herein provided, enter upon the discharge of the duties of the offices to which they have been respectively elected one calendar month after said election, and shall hold office until their successors shall have been elected and qualified.

SEC. 197. Special elections shall be held for the purpose of electing a Mayor, an Assessor, a City Tax and License Collector, a member of the Council, or any other officer herein made elective by the people, in case of a vacancy occurring in any of the said offices, or for other purposes not especially provided for. In the event of any such vacancy, such election shall be ordered and held without delay; *provided*, that the Council shall, in all such cases, except in the event of a

vacancy in the Council, have power to fill such vacancy until ^{Elections.} an election can be held.

SEC. 198. The Council shall have power to submit to the electors of said city at any election any question required to be submitted by the Constitution, the law, this charter, or by ordinance; *provided*, that in case such question is required by said Constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

SEC. 199. If any special election be ordered, held, and conducted, it shall be ordered, held, and conducted (except as to the date thereof), and the result thereof made known and declared in the same manner as herein provided for other elections.

SEC. 200. The Council of said city shall by ordinance order the holding of all elections. Such ordinance shall specify the object and time of, and a place or places within the limits of each ward for the holding of such election, and the names of the Inspector and Judges for each ward or precinct of each ward, as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election; *provided*, that the Council may, by said ordinance, divide any of the wards into two or more precincts, specifying the boundary of each precinct, and provide for the holding an election in each of said precincts. Said ordinance shall be published in some daily newspaper printed and published in said city, for at least ten days prior to the time appointed for the holding of the election.

SEC. 201. Returns of all elections shall be made to the Council, who shall, within ten days thereafter, either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of election to be issued by the City Clerk to the persons elected. The Council shall be the judge of the qualifications of all of the elective officers.

SEC. 202. All elections shall, in all other respects, be conducted and held in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time.

SEC. 203. No person shall be eligible to any municipal office under this charter who, at the time of his election or appointment, is not a qualified elector of this city under the laws of the State; and to be eligible to the offices of member of the Council and member of the Board of Education, in addition to the above qualifications, the person elected must also be a resident of the ward from which he is elected, in the case of a member of the Council, for at least two years, and in the case of a member of the Board of Education, for at least twelve months next preceding such election; and in case any member of the Council or member of the Board of Education shall remove from the ward which he represents, his office shall immediately become vacant, and the office shall be filled as directed in this charter; *provided*, that in case a redistricting or redivision of the city into wards be made, whereby the lines or boundaries of any wards are

Elections. changed, the last provision in regard to residence shall not apply to any person elected as member of the Council or member of the Board of Education before such change.

SEC. 204. The qualification of an elector at any election held in said city in pursuance of this charter shall be the same as those prescribed by the laws of this State for electors at any general State election in force at the time of such election; and in addition thereto, each elector must have resided in the ward or precinct in which he offers his vote for at least thirty days next prior to such elections.

SEC. 205. It shall be the duty of the Board of Supervisors of the County of Los Angeles, when the Great Registers are printed, to provide for the printing of a sufficient number of such registers (in addition to the number required otherwise by law to be printed) for the general, municipal, and special elections to be held or likely to be held in the City of Los Angeles, and it shall be the duty of the County Clerk of said county to furnish such registers in sufficient numbers when so required, to the authorities of the City of Los Angeles.

SEC. 206. The present officers of the city shall hold, continue to hold, and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

ARTICLE XX.

CONTRACTS.

Contracts. SEC. 207. The City of Los Angeles shall not be, and is not, bound by any contract, or in any way liable thereon, unless the same is made in writing by order of the Council, the draft thereof approved by the Council, and the same ordered to be, and be, signed by the Mayor, or some other person authorized thereto, in behalf of the city; *provided*, that the approval of contracts by the City Attorney, as required by the provisions of article four of this charter, shall be indorsed on the draft thereof before the Council shall have power to approve the same; but the Council, by an ordinance, may authorize any officer, committee, or agent of the city to bind the city without a contract in writing for the payment of any sum of money not exceeding three hundred dollars.

ARTICLE XXI.

CLAIMS AND DEMANDS.

Claims and demands. SEC. 208. All claims and demands whatever against the City of Los Angeles, except interest coupons on bonds and bonds of the funded debt, shall be paid only on demands as herein provided for.

SEC. 209. Said demands, except demands payable out of the School Fund and Library Funds, shall be presented to the Council on forms and blanks to be provided by the City Clerk, and shall be referred to its Committee on Finance. The said committee shall, by indorsement thereon, approve or reject the same, in whole or in part. The Council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be indorsed thereon, with the date of such action, and certified by the signatures of the President and City Clerk; *provided*, that it shall require the votes of two thirds of the members of the whole Council, under a call of the ayes and noes, and the votes spread upon the minutes, to approve any such demand in whole or in part.

Claims and demands.

SEC. 210. Any such demand approved by the Council in whole or in part shall be delivered to the Mayor, who shall approve the same in whole or in part, or reject the same, and indorse such approval or rejection thereon, with the date thereof; *provided*, that the Mayor shall have no power to approve a demand for a sum larger than the sum in which it is approved by the Council. If the Mayor approve only in part, and for a less amount than approved by the Council, or reject any such demand, he shall return the same to the City Clerk, with his objections in writing attached thereto.

SEC. 211. All demands approved by the Mayor for the same amount as approved by the Council shall by him be delivered to the City Auditor, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the City Treasury is authorized by law, and out of what fund. If he approve it, he shall indorse upon it the word "Approved," with the name of the fund out of which it is payable, with the date of such approval, and sign his name thereto; *provided*, that such approval by the City Auditor shall be valid only for such amount as shall have been approved by both the Council and the Mayor, unless the objections of the Mayor have been overruled by the Council, as provided in section two hundred and fourteen; and if, in the judgment of the City Auditor, such demand should be allowed only for a less amount than approved by the Council and the Mayor, or he shall reject the said demand, he shall return the same to the Council, with his objections in writing attached thereto.

SEC. 212. All demands payable out of the School Fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Education, by a vote of six members thereof, taken with the ayes and noes, and spread on the minutes, and the action of said Board indorsed on said demand, and signed by the presiding officer and the Clerk thereof. After the approval of said demands they shall be delivered to the City Auditor, who shall have the same powers and shall perform the same duties in reference to demands payable out of the School Fund as is provided for other demands; *provided*, that in case the City

Claims and demands.

Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the Board of Education instead of the Council.

SEC. 213. All demands payable out of the Library Fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Directors of the Los Angeles Public Library, by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes, and the action of said Board indorsed on said demand, and signed by the presiding officer and the Clerk thereof. After the approval of said demands they shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference to demands payable out of the Library Fund as is provided for other demands; *provided*, that in case the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the said Board of Directors instead of to the Council.

SEC. 214. Any demand returned to the City Clerk, with the objections of either the Mayor or City Auditor, shall again be considered by the Council, and if it shall again be approved by the Council by the same vote, and taken, recorded, and indorsed in the same manner as required in section two hundred and nine hereof, the said objection shall be thereby overruled. Any demand returned to the Board of Education or the Board of Directors of the Los Angeles Public Library, with the objection of the City Auditor, shall again be considered by such Board, and if such demand be again approved as required in the first instance, such objection of the City Auditor shall be thereby overruled. Any demand, the objection to which of the Mayor has been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor; and any demand, the objection to which of the City Auditor has been overruled by the Council, Board of Education, or Board of Directors of the Los Angeles Public Library, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

SEC. 215. No demand can be approved by any Board or officer, audited or paid, unless it specify each several item, with the date and amount thereof.

SEC. 216. No payment can be made from the City Treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon, and approved by every officer and Board of officers, as required by this charter, or the objections of the Mayor, or City Auditor, or both, as the case may be, have been overruled, as herein provided, and this must appear on the face of the paper representing the demand, or else it is not aud-

ited; *provided*, that the approval or rejection, in whole or in part, of a demand by the Committee on Finance of the Council is advisory only to the Council, and the rejection by said committee of a demand, in whole or in part, does not of itself prevent its being duly audited. Claims and demands.

SEC. 217. No demand upon the treasury shall be allowed by the City Auditor in favor of any person or officer in any manner indebted thereto, without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of, or disbursement of public funds, unless his account has been duly presented, passed, approved, and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns, or his reports in writing, in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any Act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the Mayor or the President of the Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the City Auditor may examine any officer receiving a salary from the treasury on oath touching such absence.

SEC. 218. The City Auditor must number and keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and name of the original and present holder, on what account allowed, out of what fund payable, and by what officers or Board it has been previously approved; and it shall be a misdemeanor in office for the City Auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

SEC. 219. Every lawful demand upon the treasury, duly audited as in this charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable; and being so registered shall be returned to the party presenting it, with an indorsement of the word "registered," dated and signed by the City Treasurer. All registered demands shall be payable in the order of their registration.

SEC. 220. Nothing in this article contained shall be construed as interfering with or preventing the payment by the City Treasurer of bonds of the funded debt of the City of Los Angeles, and the interest coupons thereon, in accordance with the Constitution, laws, and ordinances authorizing the issuance of said bonds.

Claims and demands.

SEC. 221. All public moneys collected by any officer or employé of the city shall be paid into the City Treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employé, or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited and paid.

SEC. 222. No suit shall be brought upon any claim for money or damages against the City of Los Angeles, its Board of Education, or the Board of Directors of the Los Angeles Public Library, until a demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city upon any such claim or demand, if the same shall be in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandate, or other proceeding, against the said Council or any Board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

ARTICLE XXII.

MISCELLANEOUS PROVISIONS.

Miscellaneous provisions.

SEC. 223. The indebtedness of said city must not exceed, in the aggregate, the sum of two million dollars; and any debt or liability incurred in violation of this section, except as hereinafter provided, whether by borrowing money, loaning the credit of the city, or otherwise, is null and void, and of no effect; *provided*, that for the purpose of acquiring or establishing a system of waterworks for supplying the inhabitants of the city with water, or of establishing and constructing a system for the collection and distribution of the sewage of the city, a further indebtedness may be incurred by the issue of bonds for that purpose, under the provisions of the Constitution and general laws.

SEC. 224. In any action, suit, or proceedings in any Court concerning an assessment of property, or levy of taxes, authorized by this Act, or the collection of any such, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter, or thing is by this Act committed, or left to the discretion of the Mayor and Council, or the Council, or other authorities of said city, such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

SEC. 225. Real property when sold for or to satisfy a delinquent assessment or tax, must be sold for United States coin, and not otherwise; and any one applying or seeking to

redeem property so sold, as in this charter provided, must pay, or offer to pay, the sum necessary therefor in such coin, and not otherwise. Miscellaneous provisions.

SEC. 226. In all prosecutions for violation of any city ordinance, rule, or other regulation of said authorities, whether in the Court of original jurisdiction, or in any appellate Court, it shall be unnecessary to plead the contents of the same; but the Court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule, or other regulation, and of the contents thereof; and, in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule, or regulation, may be prima facie proven by the introduction of the original entry thereof on the Journal of the proceedings of the Council, a copy of such entry, certified by the City Clerk to be a full, true, and correct copy of such original entry, or by the introduction of a printed copy thereof.

SEC. 227. All Acts of the Legislature relating to the City of Los Angeles, and all city ordinances, resolutions, and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect until changed or repealed by the proper authority; and all rights vested under any former Act or regulation, when this takes effect, shall not thereby be lost, impaired, or discharged; and all actions and proceedings commenced in any Court wherein the City of Los Angeles is a party, shall be continued under the law existing when said action or proceeding was commenced; *provided*, that whenever in any ordinance or resolution hereby continued in force, there shall be imposed duties on, or powers given to, the Clerk of the Council, such duties shall be performed by and such powers be exercised by the City Clerk.

SEC. 228. This charter shall take effect immediately on its approval by the Legislature, as provided by law.

CERTIFICATE.

We, the undersigned members of the Board of Freeholders of the City of Los Angeles, elected at the special election held on the thirty-first day of May, eighteen hundred and eighty-eight, have prepared and do hereby propose as a charter for said city the foregoing, consisting of twenty-two articles and two hundred and twenty-eight sections.

Done in duplicate at the City of Los Angeles, this twenty-third day of August, Anno Domini eighteen hundred and eighty-eight.

W. H. WORKMAN.
JOHN MANSFIELD.
W. W. ROBINSON.
A. F. MACKAY.
JOSE G. ESTUDILLO.

JERRY BALDWIN.
 P. M. SCOTT.
 CHARLES E. DAY.
 J. H. BOOK.
 THOS. B. BROWN.
 I. R. DUNKELBERGER.
 DR. JOS. KURTZ.
 GEO. H. BONEBRAKE.
 WALTER S. MOORE, Secretary.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each House voting for and concurring herein), That said charter be and the same is hereby approved as a whole for and as the charter of said City of Los Angeles.

CHAPTER II.

Assembly Concurrent Resolution No. 5.

[Adopted February 1, 1889.]

Preamble.

In view of the importance and amount of the unpaid claims of this State against the United States, and in order that the Legislature may have full information in regard thereto, and as to whether the good faith of this State has been maintained with all persons employed to collect any claims of this State against the United States; therefore, be it

Investigation of unpaid claims against the United States.

Resolved by the Assembly, the Senate concurring, That all matters which in anywise relate to the unpaid claims of this State against the United States, and to the efforts to secure a recognition and collection thereof from the United States made by this State, or by any of its officers, and all matters involving the good faith of this State towards any persons employed to collect any claims of this State against the United States, be investigated by a special joint committee of seven, three from the Senate, to be selected by the President pro tempore, and four from the Assembly, to be selected by the Speaker, which joint committee is now hereby appointed for the purposes aforesaid.

Appointment of committee.

When to report.

Said committee, at the earliest date practicable, shall report all the facts and its conclusions, and may submit at any time its recommendations thereon, by bill or otherwise.

CHAPTER III.

Senate Joint Resolution No. 1.

Joint Resolution approving the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the sixth day of November, eighteen hundred and eighty-eight.

[Adopted February 14, 1889.]

WHEREAS, The City of Oakland, in Alameda County, is now, Preamble.
and at all times herein referred to was, a city containing a population of more than ten thousand and not more than one hundred thousand inhabitants; and whereas, at a special election duly held therein on the tenth day of December, eighteen hundred and eighty-seven, according to law and to the provisions of section eight of article eleven of the Constitution of this State, a Board of Fifteen Freeholders, duly qualified, was duly elected in and by said city and by the qualified electors thereof, to prepare and propose a charter for said city, which Board of Freeholders did, within ninety days after said election, prepare and propose a charter for said city; and whereas, the same was, on the eighth day of March, eighteen hundred and eighty-eight, signed in duplicate by a majority of the members of said Board of Freeholders, and was, on the ninth day of March, eighteen hundred and eighty-eight, returned and delivered, one copy thereof to the Mayor of said City of Oakland, and the other copy thereof to the Recorder of Alameda County (within which said city is situated); and whereas, such proposed charter was then published in two daily newspapers of general circulation in said city, to wit: in "The Morning Times" and in the "Oakland Enquirer," in each instance for more than twenty days, such publication having been commenced within twenty days after the completion of said proposed charter; and whereas, said charter was submitted (within not less than thirty days after the completion of said publication) by the legislative authority of said city, to wit: by the City Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on the sixth day of November, eighteen hundred and eighty-eight; and whereas, at said special election a majority of such qualified electors of said city voting at said special election did vote in favor of, and did ratify said charter so proposed, and the same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, as provided for in said section eight of article eleven of the Constitution; and whereas, the said charter so ratified is in the words and figures following, to wit:

CHARTER FOR THE CITY OF OAKLAND,

Prepared and proposed by the Board of Fifteen Freeholders, elected December tenth, eighteen hundred and eighty-seven, in pursuance of the provisions of section eight, article eleven, of the Constitution of the State of California.

ARTICLE I.

OF BOUNDARIES, RIGHTS, AND LIABILITIES.

Boundaries,
rights, and
liabilities.

SECTION 1. The municipal corporation now existing, known as the City of Oakland, shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Oakland, and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold, and enjoy real and personal property, within and without the City of Oakland, and sell, convey, mortgage, and dispose of the same for the common benefit; and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn, and may receive bequests, gifts, and donations of all kinds of property within and without the city, in fee simple, or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with power to manage; sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

SEC. 2. The public buildings, lands, and property, all rights of property, and rights of action, all moneys, revenues, and income belonging or appertaining to the City of Oakland, are hereby declared to be vested in the said City of Oakland.

SEC. 3. The said City of Oakland shall continue to have, hold, and enjoy all public buildings belonging to the City of Oakland, lands, wharves, waters, property real and personal, rights of property, rights of action, suits, actions, moneys, revenue, income, books, documents, records, archives, claims, demands, and things in possession, and action of every nature and description, and shall be subject to all the obligations, debts, liabilities, dues, and duties of the existing municipality.

SEC. 4. Suits, actions, and proceedings may be brought in the name of the City of Oakland for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of or contracts with said City of Oakland, whether made, or arising, or accruing before or after the adoption of this charter; and all existing suits, actions, and proceedings in the Courts or elsewhere to which said city is a party shall continue to be carried on by or against the said City of Oakland.

BOUNDARIES OF THE CITY.

SEC. 5. The boundaries of the City of Oakland are as follows, to wit: Beginning at the intersection of the center line of Telegraph Avenue, with the line between plots number ten and number eleven, as the same are shown and delineated on Kellersberger's map of the Rancho of V. and D. Peralta; thence south seventy-three and three fourths degrees east along the eastern projection of said line, between plots ten and eleven, crossing New Broadway and Webster Avenue, two thousand seven hundred and fifteen feet to the center of the creek which runs southerly from Mountain View Cemetery; thence down the center of said creek following the meanderings thereof, the direction of which meanderings are generally described by a line on the westerly bank of said creek by the following courses and distances, commencing on the aforesaid projection of the line between plots number ten and number eleven, at a stake fifty-eight feet westerly from the center of said creek, measured along said projection; thence running south fifty degrees and forty-five minutes west, one hundred and thirty and six tenths feet to a stake one hundred and fifteen feet from said creek (which runs from Mountain View Cemetery); thence south eighteen degrees and seven one hundredths minutes west, seventy-nine and four tenths feet, to a stake fifty-four and one half feet from said creek; thence south fifty-two degrees twenty-eight minutes west, eight hundred and fifty-five hundredths feet, to a stake sixty feet from said creek; thence south twenty-two degrees twenty-eight minutes west, five hundred and forty-two and six tenths feet, to a stake seventy-three feet from junction of westerly branch of said creek, from which stake a small oak tree on westerly bank of Cemetery Creek, one foot in diameter, bears magnetic south eighty-seven degrees east, twenty-eight and seven tenths feet distant, and a laurel tree, two feet in diameter, at junction of creeks, bears magnetic south three and one half degrees east, sixty-nine feet distant; thence from last said stake south twenty degrees and fifty-five minutes west, one hundred and fifty feet, to stake in creek; thence south forty-one degrees and twenty-one minutes west, one hundred and eighty-four and eight tenths feet, to stake in creek, thence south twenty degrees and forty-six minutes west, four hundred and sixty-six feet, to tack in top of culvert in Prospect Avenue; thence south six degrees and thirty-four minutes west, one hundred and fifty-seven and one tenth feet, to stake in creek, thence south twenty-five degrees and thirty-four minutes west, one hundred and twenty feet, to stake in creek (from which two blazed oak trees on the easterly bank of creek are distant eleven and one half feet); thence south thirty-six degrees and nineteen minutes west (crossing fence at seventeen feet, two hundred and thirty-seven feet to stake, about twenty feet east of creek); thence south thirty-two degrees and fifty-one minutes west (crossing fence at four feet) at five hundred and thirteen and four tenths feet, in range with fence on north line of Bay Place, and twenty-

Boundaries
of the city

Boundaries
of the city.

eight and four tenths feet easterly from the southwest corner of land of Edson Adams, at five hundred and fifty-nine and one tenth feet, to tack in center of bridge in Bay Place; thence south sixteen degrees and nineteen minutes east, six hundred and fifty-four and one tenth feet, to tack near southwest corner of bridge in Elm or Twenty-fourth Street, thence south eighteen degrees and nineteen minutes east, four hundred feet, to stake six feet west of ditch; thence north eighty-three degrees and fifty-four minutes east, two hundred and forty-nine feet, to stake number forty-two of the State Tide Land Survey, at head of westerly arm of Lake Merritt; thence following the easterly shore of said arm of said lake south thirty-seven degrees east, one hundred and eighteen and eighty one hundredths feet, to station number forty-one, Tide Land Survey; thence south twelve degrees west, sixty-six feet, to station number forty of Tide Land Survey; thence south sixty-five degrees west, sixty-six feet, to station number thirty-nine of Tide Land Survey; thence south twenty-seven degrees and thirty minutes west, seventy-two and sixty one hundredths feet, to station thirty-eight of Tide Land Survey; thence south five degrees and thirty minutes east, one hundred and fifty-eight and forty one hundredths feet, to station thirty-seven of Tide Land Survey; thence south seven degrees west, two hundred and fifty-seven and forty one hundredths feet; thence south thirteen degrees and fifteen minutes west, two hundred and twenty-four and forty one hundredths feet; thence south three degrees and thirty minutes west, three hundred and ten and twenty one hundredths feet; thence south nine degrees and forty-five minutes west, one hundred and fifty-eight and forty one hundredths feet; thence south one degree east, ninety-two and forty one hundredths feet, to stake on old charter line of the City of Oakland; thence south sixty-three and three fourths degrees east, along the old charter line of the City of Oakland, crossing Adam's Point to the easterly arm of Lake Merritt; thence north thirty-nine degrees east, one hundred and ten and twenty-two one hundredths feet; thence north seventy-three degrees east, fifty-two and eighty one hundredths feet; thence north thirty-five degrees and thirty minutes east, one hundred and eighty-four and eighty one hundredths feet; thence north twenty-eight degrees and fifteen minutes east, two hundred and eleven and twenty one hundredths feet; thence north seventy-two degrees east, one hundred and ninety-one and four tenths feet; thence south seventy-four degrees and thirty minutes east, one hundred and forty-five and twenty one hundredths feet; thence north eighty-two degrees and thirty minutes east, two hundred and sixty and four one hundredths feet; thence south seventy-eight degrees east, one hundred and thirty-eight and sixty one hundredths feet; thence north seventy-seven degrees and thirty minutes east, one hundred and twenty-seven and thirty-eight one hundredths feet; thence north fifty and one fourth degrees east, one thousand one hundred and five and one half feet, to stake number five of State Tide Land Survey, at the head of the eastern arm of Lake Merritt; thence south three degrees and fifteen minutes

west, eight hundred and eighty-four and four tenths feet, to stake number four of State Tide Land Survey; thence north twenty-five degrees and ten minutes east, two hundred and thirty-five and six one hundredths feet, to a stake in the middle of Lake Shore Avenue, which is opposite Lane's northerly fence; thence north twenty-three degrees and twenty-nine minutes east, three hundred and sixty-six and three tenths feet; thence north forty-nine degrees and thirty-nine minutes east, three hundred and twenty and six tenths feet; thence north fifty-eight degrees and fifty-five minutes east, five hundred and twenty-four and fifteen one hundredths feet, to stake opposite Prospect Avenue; thence north thirty-four degrees ten minutes east, two hundred and thirty-six and sixty-five one hundredths feet, to stake; thence north sixty-five degrees forty minutes east, eight hundred and ninety-three and one tenth feet, to stake in Lake Avenue, opposite Indian Gulch; thence up Indian Gulch, following the meanderings thereof, the general course being as follows: From the last stake in Lake Avenue, south eighteen degrees twenty-nine minutes east, one hundred and twenty feet; thence south four degrees one minute west, sixty feet; thence south forty-five degrees sixteen minutes east, forty feet; thence south sixty-three degrees fifty-four minutes east, seventy-five feet; thence south twenty-eight degrees twenty-four minutes east, one hundred feet; thence south sixty-six degrees fourteen minutes east, one hundred and ten feet; thence south thirty degrees forty-four minutes east, one hundred and sixty feet; thence south seventy-three degrees twenty-nine minutes east, one hundred and forty feet; thence north eighty-two degrees fifty-three minutes east, one hundred and thirty feet; thence south fifty-one degrees four minutes east, three hundred feet; thence south sixty-six degrees thirteen minutes east, four hundred and sixty feet; thence south fifty degrees forty-seven minutes east, two hundred and eighty-one feet; thence south eighty-four degrees thirty-nine minutes east, two hundred and seventy feet; thence north eighty-two degrees thirty-nine minutes east, three hundred and thirteen feet; thence north seventy-six degrees nine minutes east, three hundred and fourteen feet; thence south sixty-nine degrees twenty-three minutes east, one hundred and ten feet; thence south forty-three degrees eighteen minutes east, eighty feet, thence south eighty-one degrees one minute east, fifty feet; thence south sixty-six degrees thirty-one minutes east, seventy feet; thence south forty-nine degrees forty-four minutes east, forty feet; thence north seventy degrees forty-eight minutes east, one hundred and eleven feet; thence south thirty-six degrees twenty-seven minutes east, one hundred and fifteen feet; thence north sixty degrees thirteen minutes east, forty-three feet; thence north thirteen degrees fifty-six minutes west, forty-one feet; thence south eighty-eight degrees twenty-six minutes east, thirty-seven feet, thence south fifty degrees twenty-nine minutes east, ninety feet; thence south twenty-five degrees nineteen minutes east, fifty feet; thence south sixty-nine degrees nineteen minutes east, sixty feet; thence north thirty-nine degrees

Boundaries
of the city.

Boundaries
of the city

thirty-one minutes east, fifty-four feet; thence south seventy degrees twenty-nine minutes east, fifty-five feet; thence north thirty-six degrees seventeen minutes east, ninety feet; thence south sixty-six degrees thirty-five minutes east, thirty feet; thence south forty degrees five minutes east, thirty-five feet; thence south seventy-three degrees fifty-three minutes east, twenty-five feet, thence south twenty-six degrees thirty-five minutes east, seventy-five feet; thence north eighty-eight degrees forty-nine minutes east, thirty-six feet; thence south thirty degrees seven minutes east, thirty-three feet; thence north fifty degrees twenty-nine minutes east, thirty feet; thence north eighty degrees fifty-nine minutes east, eighty-two and fifteen one hundredths feet, to intersection of Indian Gulch with the northeasterly line of land of T. H. Williams; thence, leaving Indian Gulch, and along fence on northeasterly line of said land of T. H. Williams, south thirty degrees twenty-three minutes east, one thousand ninety-six and one half feet to stake in the county road to Moraga Valley, twenty-six feet from the fence on the northwestern side of said county road; thence south seventy-six degrees fifty-one minutes east, three thousand three hundred and eighty-two feet, to the middle of Sausal Creek, thence down the middle of Sausal Creek, as follows: South ten degrees forty-one minutes east, one hundred and twenty feet; thence south sixty-three degrees forty-nine minutes west, eighty-six feet; thence north fifty degrees twenty-six minutes west, one hundred and seven feet; thence south nine degrees thirty-eight minutes west, one hundred and ninety-seven feet; thence south thirty-five degrees fifty-seven minutes east, seventy-nine feet; thence south fifty degrees fifty-four minutes west, seventy feet; thence south five degrees thirty minutes west, three hundred feet; thence south twenty degrees twenty-eight minutes west, two hundred feet; thence south forty-five degrees twelve minutes east, one hundred and twenty-five feet; thence south thirty-four degrees forty-six minutes west, two hundred and eighty feet; thence south thirty-nine degrees four minutes west, one hundred and ninety-four feet; thence south fifty degrees fifty-three minutes west, one hundred and sixty feet; thence south sixty-eight degrees nineteen minutes west, seventy feet; thence south twenty degrees twenty-one minutes east, one hundred and thirty-five feet; thence, leaving Sausal Creek, north seventy-six degrees forty-one minutes west, along the northerly line of land of Stevens, two thousand one hundred and forty feet, to the easterly line of Lynn; thence south thirteen degrees eight minutes west, along the easterly line of Lynn, five hundred and three and one half feet, to the southeasterly corner of Lynn; thence north seventy-seven degrees fifteen minutes west, twenty-seven and one half feet; thence south twelve degrees fifty-three minutes west, one thousand seven hundred and eight feet, thence south fifty-five degrees forty-seven minutes east, forty-nine and one half feet; thence south thirty-six degrees forty-five minutes west, one thousand four hundred and sixty and six tenths feet, to the northern corner of the Fifty Associates' Tract; thence south fifty-three degrees fifteen minutes east, along the northeasterly line of the Fifty

Associates' Tract, one thousand four hundred and ninety-one and six tenths feet, to the easterly corner of said tract; thence south thirty-six degrees forty minutes west, one thousand four hundred and twelve feet, to the southerly line of the "old county road" to San Leandro; thence north eighty-five degrees fifty minutes west, along the southerly line of said county road, nine hundred and thirty-four and one half feet, to the northerly line of the Cannon Tract; thence south fifty-three degrees fourteen minutes east, six hundred and thirty-nine feet, to the easterly corner of land formerly owned by Sevin Vincent; thence south thirty-six degrees thirty-eight minutes west, eight hundred and eighty-two and eighty-five one hundredths feet, to the southwesterly line of East Fourteenth Street; thence north fifty-three and one fourth degrees west, one hundred and eighty-seven feet, along said line of East Fourteenth Street, to the southeasterly line of the Kennedy Tract; thence south thirty-six degrees forty-five minutes west, seven hundred and sixty-six feet, to the southwesterly line of the right of way of the Southern Pacific Railroad; thence south forty-nine degrees twenty-two minutes east, along said line of right of way, one thousand four hundred and forty-seven and thirty-two one hundredths feet, to the easterly corner of the Knowles and Potter Tract, formerly known as the Kennedy Tract; thence south thirty-six degrees forty-five minutes west, eight hundred and sixty-seven and forty-four one hundredths feet, to the southerly corner of the said Knowles and Potter Tract; thence south thirty degrees twenty-five minutes west, two thousand and seventy feet, to the center of the bridge on Park Avenue, at the intersection of said avenue with the Encinal line of the town of Alameda; thence westerly, following the center of the slough and the center of the estuary of San Antonio, to ship channel in the Bay of San Francisco; thence northerly and westerly along ship channel to its intersection with the westerly projection of the line between plots numbers ten and eleven, as the same are shown and delineated on Kellersberger's map of Vicente and Domingo Peralta's Rancho, in Alameda County, State of California; thence running along said westerly projection and said line between said plots south seventy-three degrees forty-five minutes east, to the point of beginning.

Boundaries
of the city.

DIVISION INTO WARDS.

SEC. 6. The City of Oakland shall be divided into seven wards, the respective boundaries of which shall be as follows, to wit:

Division into
wards.

First Ward—Commencing at the intersection of the center line of Adeline Street with the northern boundary line of the City of Oakland, and running thence southerly along the center line of Adeline Street and its southerly projection thirteen thousand four hundred feet, more or less, to the center line of the estuary of San Antonio; thence westerly along the center line of the estuary of San Antonio to its intersection with the westerly boundary line of the City of Oakland, said boundary line being the ship channel in the Bay of San

Division into
wards.

Francisco; thence northerly along the said ship channel to its intersection with the westerly projection of the northern boundary line of the City of Oakland; thence easterly along the said northern boundary line to the place of beginning.

Second Ward—Commencing at the intersection of the center line of Adeline Street and the northern boundary line of the City of Oakland, and running thence easterly along the said northern boundary line of the City of Oakland six thousand nine hundred feet, more or less, to the center line of Cemetery Creek; thence southerly along the center of said creek to the westerly arm of Lake Merritt; thence southerly along the easterly shore of said arm of Lake Merritt to the easterly projection of the center line of Twentieth Street; thence westerly along said projection and the center line of said Twentieth Street to the intersection of its westerly projection with the center line of Adeline Street, seven thousand feet, more or less, said point of intersection being about three hundred and eighty feet north of the intersection of the Encinal line with the center line of Adeline Street; thence northerly along the center line of Adeline Street, five thousand and forty feet, more or less, to the point of beginning.

Third Ward—Commencing at the intersection of the center lines of Tenth and Adeline Streets, thence northerly along the center line of Adeline Street two thousand eight hundred feet, more or less, to its intersection with the westerly projection of the center line of Twentieth Street; thence easterly along the center line of Twentieth Street five thousand and fifty feet, more or less, to the intersection of the center lines of Twentieth Street and New Broadway; thence southerly along the center lines of New Broadway and Broadway three thousand and forty feet, more or less, to its intersection with the center line of Tenth Street; thence westerly along the center line of Tenth Street four thousand five hundred feet, more or less, to the point of beginning.

Fourth Ward—Commencing at the intersection of the center line of Tenth and Adeline Streets, and running thence easterly along the center line of Tenth Street four thousand five hundred feet, more or less, to the intersection of the center lines of Tenth Street and Broadway; thence southerly along the center line of Broadway three thousand three hundred feet, more or less, to its intersection with the center line of the estuary of San Antonio; thence westerly along the center line of the estuary of San Antonio to its intersection with the southerly projection of the center line of Adeline Street; thence northerly along the center line of Adeline Street five thousand six hundred feet, more or less, to the point of beginning.

Fifth Ward—Commencing at the intersection of the center lines of Broadway and Tenth Streets, and running thence northerly along the center lines of Broadway and New Broadway three thousand and forty feet, more or less, to the intersection with the center line of Twentieth Street; thence easterly along the center line of Twentieth Street and its easterly projection to the easterly shore line of the westerly arm of Lake Merritt; thence northerly along the easterly

shore line of the westerly arm of Lake Merritt to its intersection with the old charter line; thence easterly along the said old charter line across Adam's Point to the center line of the easterly arm of Lake Merritt; thence southerly along the center line of Lake Merritt and the estuary to its intersection with the easterly projection of the center line of Tenth Street; thence westerly along the center line of Tenth Street to the place of beginning.

Division into
wards.

Sixth Ward—Commencing at the intersection of the center lines of Broadway and Tenth Streets, and running thence easterly along the center line of Tenth Street four thousand feet, more or less, to the intersection with the center line of estuary; thence southerly along the center line of the estuary to its intersection with the center line of the estuary of San Antonio; thence westerly along the center line of the estuary of San Antonio to its intersection with the southerly projection of the center line of Broadway; thence northerly along the center line of Broadway three thousand three hundred feet, more or less, to the place of beginning.

Seventh Ward—Commencing at the intersection of the old charter line of the City of Oakland with the center line of the easterly arm of Lake Merritt, and running thence westerly along the said charter line to its intersection with the westerly shore of the easterly arm of Lake Merritt; thence northeasterly along said westerly shore of said easterly arm of Lake Merritt, as described in the description of the boundaries of the City of Oakland, to the head of said easterly arm; thence southeasterly along the easterly shore of said easterly arm of Lake Merritt to Lake Shore Avenue, at station four (4) of Tide Land Survey; thence northeasterly along Lake Shore Avenue and Lake Avenue, as described in said boundaries of the City of Oakland, and thence following said boundaries of the City of Oakland easterly and thence southerly to the bridge at the Encinal line of the Town of Alameda; thence following the said boundaries along the estuary of San Antonio to the southeasterly corner of the Sixth Ward, heretofore described; thence northeasterly along the center of the arm of the estuary leading to Lake Merritt; and thence along the center of Lake Merritt and its easterly arm to the point of beginning.

ARTICLE II.

ELECTIONS.

Sec. 7. General municipal elections shall be held biennially on the second Monday in March, commencing with the second Monday in March next after the adoption of this charter. At each general election there shall be elected a Mayor, eleven members of the Council, eleven members of the Board of Education, an Auditor who shall be ex officio Assessor, a Treasurer who shall be ex officio Tax Collector, a Police Judge, and two Justices of the Peace.

Elections.

Elections.

SEC. 8. The provisions of Title II, Part III, of the Political Code, relating to elections, and all laws amendatory thereof and supplemental thereto, and all rights, duties, liabilities, and restrictions arising thereunder, not inconsistent with the provisions of this charter, are hereby, so far as the same can be applied, made applicable to all municipal elections; and the respective officers of the city shall have, possess, and perform such powers and duties in all matters relating to municipal elections as are by law conferred or imposed upon county officers and officers of election in State and county elections; and to that end, all rights, powers, and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred upon the Council; and all rights, powers, and duties so by law conferred or imposed upon the County Clerk are hereby conferred and imposed upon the City Clerk, except as in this charter provided.

SEC. 9. In establishing election precincts, the Council shall make them as geographically compact as possible, and so that no precinct shall have more than four hundred electors therein.

SEC. 10. Only such persons residing in the city, whose names appear upon the Great Register of Alameda County at the time of any municipal election, shall be entitled to vote at such election; and to this end and extent, said Great Register is hereby adopted as the register of voters in and for the city. The Council shall cause authenticated copies of such Great Register to be made and used at and for all municipal elections.

SEC. 11. The certificates of election issued by the City Clerk must be authenticated with the seal of the city. No other authentication shall be necessary.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Legislative
department.

SEC. 12. The legislative power of the City of Oakland shall be vested in a Council of eleven members, whose term of office shall be two years.

SEC. 13. One member of the Council shall be elected from each of the seven wards of the city, each of whom shall at the time of his election be a resident of the ward from which he was elected. Four members of the Council shall be elected from the city at large, but no two of the latter shall at the time of election be residents of the same ward.

SEC. 14. The Council shall meet on the second Monday after the election of its members shall have been officially declared, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the Mayor, the President of the Council, or five members of the Council. Seven members of the Council shall be a quorum, and the affirmative vote of six members shall be necessary to pass any measure, but a less number than seven may adjourn from day to day, and compel the attendance of

absent members in such manner and under such penalties as the Council may prescribe. Legislative
department.

SEC. 15. The Council shall annually elect a President from its own members, who may be removed by an affirmative vote of not less than nine members of the Council.

SEC. 16. The Council shall establish rules for its proceedings. It shall have the power to punish its members for disorderly conduct in its presence, and may expel any member for malfeasance in office by an affirmative vote of nine of its members. The Council shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business properly before that body.

SEC. 17. The President of the Council, and the Chairman of each committee thereof, shall have the power to administer oaths and affirmations relating to any business brought before the Council or under consideration by its committees.

SEC. 18. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be reenacted at length as amended.

SEC. 19. Every ordinance shall embrace but one subject, which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SEC. 20. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next meeting of the Council. No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

SEC. 21. Every bill, after it has passed the Council, shall be signed by the President thereof, and every bill which shall have passed the Council and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days after receiving it. If he shall sign the same it shall then become an ordinance, but if he shall disapprove the bill he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

SEC. 22. When a bill is returned without the approval of the Mayor, the Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than eight members, it shall take effect as if the Mayor had approved the same. If the bill shall fail on being so considered to receive eight affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Council.

SEC. 23. The action of the Council shall be by ordinance or resolution. To constitute an ordinance a bill must before final action thereon be passed to print, and published, with the ayes and noes, for ten days; and in case of any amendment being thereafter made, must in like manner be republished as amended for not less than five days. No action providing for any specific improvement, or the granting of any privilege, or involving the lease, appropriation, or dispo-

Legislative
department.

sition of public property, or the expenditure of public money (except sums of less than five hundred dollars), or the levying of any tax or assessment, or the imposing of any new duty or penalty, shall be taken except by ordinance.

SEC. 24. No ordinance passed by the Council shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

SEC. 25. The Council shall, in the year one thousand eight hundred and ninety, and every tenth year thereafter, redistrict the city into seven wards, making the same as nearly equal in population and as geographically compact as possible; but the city shall not be so redistricted within ninety days previous to any municipal election.

SEC. 26. The Council shall, during the first year after its organization under this charter, cause all ordinances then in force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinance, without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication. The Council shall, every three years after the publication as herein provided, cause all the ordinances at that time in force to be compiled, and shall publish the same, subject to the terms and conditions herein expressed.

SEC. 27. The enacting clause of all ordinances shall be in these words: "Be it ordained by the Council of the City of Oakland, as follows."

SEC. 28. No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than one year; nor shall any contract be made to pay for gas, electric lights, or any other illuminating material, at a higher rate than is charged to any other consumer.

SEC. 29. No contract for the supplying of water for the use of the municipality, in any of its departments, shall be made wherein the rates exceed those charged to other consumers.

SEC. 30. All contracts must be in writing, executed in the name of the city, and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the Auditor, numbered, and registered in a book kept for that purpose.

SEC. 31. Council shall have power to pass ordinances:

1. To establish or alter the grades of, and to open, lay out, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes, and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of the streets when constructed and completed, in accordance with such regulations as the Council may adopt. Also, to open, lay out, and construct, alter, repair, and vacate walks, crosswalks, avenues, and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachments upon or obstructions to the same, and to require their removal. Legislative
department.

3. To regulate the laying of telegraph or telephone wires in or upon the public streets; erecting of gas and electric lights therein; the numbering of houses on the streets and avenues; the naming of the streets, avenues, public places, and thoroughfares; the crossing of streets, avenues, sidewalks, and gutters; the use of streets and sidewalks for signs, sign-posts, awnings, awning-posts, horse-troughs, telegraph-posts, and other purposes; the exhibiting of banners, placards, or flags, in or across the street or from houses or other buildings; public cries, advertising and other noises, steam whistles and the ringing of bells in the street; the use of the streets and public places for foot passengers, animals, vehicles, cars, and locomotives.

4. To regulate the building and repairing of sewers; and it shall establish, through the Board of Public Works, a general and comprehensive system of sewers in the city.

5. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, lighting and watering of the streets, avenues, and public places.

6. To regulate dispensaries, hospitals, markets, and other public institutions.

7. To provide for the construction and repair of bridges, wharves, docks, piers, slips, ferries, and public places.

8. To fix, regulate, and collect tolls, wharfage, and dockage.

9. To regulate, under the superintendence of the Board of Public Works, the moving and anchoring of vessels within the waters of the city, and to prevent obstruction to the free navigation of the same.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, preventing the erection or repairing of wooden buildings, or any buildings composed of combustible material therein, and for restricting the height of buildings or structures.

11. To declare what shall constitute a nuisance, and abate the same.

12. To provide and maintain a morgue.

13. To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, exhibitions; and practices which are against good morals, and contrary to public order and decency, or dangerous to the public safety.

14. To regulate or prohibit the sale, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosives or combustible materials and substances, the places of their manufacture, storage, and their transportation.

15. To regulate the maintenance of acid works, slaughter houses, washhouses, laundries, tanneries, offensive trades, and all other manufactories, works, and business of every description that may endanger the public safety, health, or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper, or exclude such works and business from the city.

Legislative
department.

16. To prevent or regulate the running at large of any animals, to establish a pound, and to authorize the destruction or impounding of any animals running at large.

17. To provide for the public printing, and to provide suitable rooms and buildings for the Courts, Boards, and officers of the city, and such furniture, fuel, lights, and stationery, and other supplies of any kind, as are necessary for the convenient transaction of public business, all of which shall be provided by the Board of Public Works upon requisition of the Council, when the expenditure to be incurred may exceed one hundred dollars. The Council shall annually, at its first regular meeting in May, make such requisition for whatever it shall judge necessary for the ensuing fiscal year, and shall make other requisitions from time to time as occasion may require. The requisitions shall state in clear and explicit terms the quantity and kind of supplies, material, or work needed, and how, when, and where to be delivered or performed.

18. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

19. To prevent throwing into any stream, creek, bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the waters thereof.

20. To regulate or prohibit the use of steam boilers, the location of telegraph and telephone poles and wires, awnings, and the construction of entrances to cellars and basements from sidewalks.

21. To establish hack stands, and regulate the rates of charges of hacks and other licensed vehicles.

22. To regulate the entrance to and exits from theaters, lecture-rooms, public halls, and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles, in the aisles of such buildings.

23. To maintain and regulate a fire alarm and police telegraph.

24. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the mode of conducting the same.

25. To fix and determine, annually, the rates of compensation to be collected by any person, company, or corporation in the city, for the use of water supplied to the city or the inhabitants thereof, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

26. To regulate the quality, capacity, and location of water and gas pipes, mains, and fire plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places, and public buildings.

27. To regulate the speed of railway engines, and to require railroad companies either to station flagmen or place sufficient automatic warning signals and signal bells at street crossings. Legislative
department.

28. To grant franchises permitting any company or corporation to lay and maintain tracks, and to pass with steam railroads along, upon, and across, or elevated above or placed below, any street of the city; *provided*, that the free use of the said streets shall not be unnecessarily obstructed thereby, and that, except in that portion of the city which is designated in the following subdivision of this section, such franchises shall be granted only after notice published for two weeks and by ordinance passed by the votes of two thirds of the members of the Council, and upon the previous petition in writing of the owners of two thirds of the front feet of lands upon that part of the street to be so used. Such grants shall be without prejudice to the rights of non-consenting owners to compensation for damages.

29. It shall be the duty of the Council, and the Council is hereby required, to grant to any railroad company or corporation applying therefor, a franchise to lay and maintain tracks along any line selected by the applicant, and to pass with steam railroads along, upon, and across, or elevated above or placed below, any street or streets within that portion of the city which lies west and south of a dividing line commencing at the point where the east line of Halleck Street intersects the present charter line of the city; and running thence southwardly in a straight line to the northwesterly corner of block number seven hundred and seventy; thence southwardly along the east side of Wood Street to the northeasterly corner of Taylor and Wood Streets; thence on a curve with a radius of three quarters of a mile to a point where said curve intersects the south line of the right of way of the Western Pacific Railroad Company, now occupied by the Southern Pacific Company, near the foot of Cypress Street, extended southwardly; and thence along the said line of said right of way of the Western Pacific Railroad Company until the same intersects the present eastern charter line of the city. And in case that the limits of the city be hereafter extended northwardly and eastwardly, the said dividing line shall be extended northwardly to the northern limit of the city, keeping parallel with and three hundred feet east of the right of way of the Northern Railway Company, and shall be extended eastwardly to the eastern limit of the city, keeping along the southerly line of said right of way of the Western Pacific Railway Company. And the Council shall upon said portion of the city grant equal privileges, subject to the general laws of the State of California, to all railroad companies or corporations to enter the city and operate and maintain railroads for the convenience of the public to and upon the waterfront of the city; and shall grant to such companies or corporations, without discrimination between them, the right to construct and maintain freight and passenger depots, engine-houses, workshops, wharves, docks, slips, ferries, landing places, and other terminal facilities; *provided*, that no

Legislative
department

franchise for right of way exceeding fifty feet in width, and no franchise for terminal facilities upon land exceeding one thousand feet of frontage on the waterfront, shall be granted to any one company or corporation, or to any companies or corporations under one management or control.

30. The Council shall, upon the portion of the city designated in the preceding subdivision of this section, grant, subject to general laws, to all companies or corporations desiring to acquire, or condemn property for public uses, equal privileges to construct and maintain wharves, docks, slips, landing places, ferries, warehouses, and other property devoted to public uses, but not upon land exceeding one thousand feet of frontage upon the waterfront to any one company or corporation, or to any companies or corporations under one management or control.

31. The Council, as soon as practicable, shall cause to be prepared by the Board of Public Works a map of all that portion of the city which lies west and south of the dividing line aforesaid, upon which map it shall lay out a general and complete plan of harbor improvement, and designate what lands are necessary for the public uses of avenues or highways to the waterfront, and for terminal facilities for railroads and for open slips, canals, and docks for the accommodation of vessels, and for public wharves, landing places, warehouses, and other public uses; and all franchises granted under subdivisions twenty-nine and thirty of this section shall be made to conform to said plan.

32. The grant of a franchise under subdivisions twenty-eight to thirty, inclusive, shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

33. To grant the right to construct, and to regulate and control the construction thereof, to railroad corporations, of pipes, tubes, conduits, signal bells, warning-signs, wires, and other electric, telegraph, and mechanical appliances, in, along, over, and across the streets; *provided*, that said appliance be so constructed as not to interfere with the free use of the sidewalks and streets.

34. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

35. To determine fines, forfeitures, and penalties for the violation of any ordinance or any provisions of this charter.

36. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers, where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the City Treasury.

37. To grant franchises for the construction of street railroads on and along the streets of the city; *provided*, that whenever application is made for such franchises, the Council shall, by resolution, cause a notice of such application to be published for twenty days, and shall in said notice specify

the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay at the expiration of five years after said railroad is completed, and thereafter semi-annually, the largest per centum of the gross receipts of such road, according to a verified statement of the same; *and provided further*, that in all grants of franchises for street railroads, it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are of the most approved flat rail pattern for street railways operated by horses, mules, cables, or other motors than steam. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and, in case no bids are made, may in their discretion, grant a franchise for such period as may be deemed most expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years.

38. To establish and regulate the issuing and granting of municipal licenses and the collection of license taxes.

39. To establish a City Hospital, and to provide for its maintenance.

40. To acquire lands for public parks, and to improve and maintain such lands for the benefit of all the inhabitants of the city, and also to acquire lands for public buildings and other public uses.

41. To provide water for the uses of the city and its inhabitants.

42. To provide for the execution of all trusts confided to the city.

43. To offer rewards, not exceeding five hundred dollars, for the arrest and conviction of any person or persons who may have committed a felony in said city.

44. To provide an urgent necessity fund, not exceeding five hundred dollars a year, to be expended under direction of the Mayor.

45. To establish a House of Correction and Reformation for juvenile offenders.

46. To grant to the Associated Charities of the City of Oakland a sum not to exceed one hundred and fifty dollars per month, to be expended in accordance with the articles of incorporation of that association.

47. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

48. To regulate all parades and processions, and to determine what parades or processions upon the streets shall not be lawful, and to declare the same a nuisance.

49. To make all rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general laws in said city.

50. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and provisions of this charter.

ARTICLE IV.—EXECUTIVE DEPARTMENT.

OF THE MAYOR.

Mayor

SEC. 32. The Mayor shall be the chief executive officer of the city, and his term of office shall be two years.

SEC. 33. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they may execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, Boards, officers, and persons in the employ or service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, Board, officers, and persons are kept in legal and proper form; and any official defalcation or willful neglect of duty, or official misconduct which he may discover, or which shall be reported to him, shall be laid by him before the Council, City Attorney, or District Attorney, in order that the public interests shall be protected, and the person in default be proceeded against according to law. He shall from time to time give the Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interests. He shall see that the laws of the State and the ordinances of the city are observed and enforced. He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, Board, or officer, at least once in every year, and enforce such examination. Any person refusing to submit to, or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid in the manner provided by law, in order that such riots or tumults may be properly and effectually suppressed.

SEC. 34. He shall, at least once in three months, together with a majority of the Finance Committee of the Council, count the cash in the City Treasury, and see that it corresponds with the books of the Treasurer and Auditor.

SEC. 35. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. It shall be the duty of every

officer and person in the employ or service of the city, when ^{Mayor} it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employé, as in case of malfeasance in office.

SEC. 36. The Mayor may call special meetings of the Council. The action of the Council, at special meetings, shall be confined to the matters specified in the notice.

SEC. 37. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Council shall act as Mayor pro tempore. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Council, assembled for the purpose. A member of the Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 38. The Mayor may, when authorized by the Council so to do, appoint a clerk, to be known as Mayor's Clerk. The Mayor shall perform all such other duties as may be prescribed by law or ordinance.

CITY CLERK.

SEC. 39. The Council shall appoint a City Clerk, to hold ^{City Clerk} office for the term of two years from the date of his appointment, unless sooner removed by resolution. His duties shall be to keep the corporate seal and all books, papers, records, and other documents belonging to the city, the custody of which is not in this charter otherwise provided for; to attend all meetings of the Council and keep a journal of its proceedings, all its by-laws, ordinances, and resolutions; and perform such other duties relating to his office as the Council shall direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor.

AUDITOR AND ASSESSOR

SEC. 40. The Auditor shall be ex officio Assessor. As ^{Auditor and Assessor} Assessor he shall perform all the duties prescribed by this charter, or by law, for assessing property in the city for purposes of taxation. As Auditor he shall number and keep a record of all demands allowed by him, showing the date of approval, amount, and name of original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, on the first Monday of each month, or oftener if required, report to the Mayor the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and business-like manner, every money transaction of the

Auditor and Assessor. city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue were derived and how expended. He shall issue all licenses and turn the same over to the Tax Collector for collection, and shall draw and sign all warrants upon the treasury, except as otherwise in the charter provided. Every demand must, before it can be paid, be presented to the Auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and out of what fund. After such examination he shall approve or reject the claim, in whole or in part, and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved, the fund out of which it is to be paid shall be designated. If the claim is rejected, or any part of it, unless the party presenting it is willing to take in full of the entire demand the sum offered, the Auditor shall return it with his reasons for rejecting it, to the Council, Board, or other body which originally authorized it; then, if it is allowed by a majority vote of all the members of the Council, or of the members of the Board or other body authorizing it, and approved by the Mayor, it can be audited in the same manner as if it had not been rejected; *provided*, the said Council, Board, or other body had the authority to make the expenditure out of which the claim arose. No demand upon the City Treasury shall be considered, presented for action, or acted upon, allowed, or approved, unless it specifies on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the Auditor in the order of its presentation to him; and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment in the same order as allowed. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or other person, or any of their assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody, or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance or other regulation of the Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance or other regulation of the Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business.

TREASURER.

Treasurer. SEC. 41. The Treasurer shall be ex officio Tax Collector. As Tax Collector he shall perform the duties in this charter and by the general laws of the State provided. As Treasurer

he shall receive and pay out all moneys belonging to the city, ^{Treasurer.} and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and shall do all things required of him by law or ordinance of said city. He shall not pay out any moneys belonging to the city, except upon claims presented, allowed, and audited in the manner provided by law. As soon as suitable vaults and safes are provided, the Treasurer shall keep therein all moneys belonging to the city; and he shall not thereafter, under any circumstances, deposit with or loan to any person, corporation, or bank, any of the moneys of the city, or allow the same (except in payment of demands against the city) to pass out of his custody. If he shall violate any of the provisions of this section he shall forfeit his office and be forever disqualified from holding any position in the service of the city. As soon as possible after the adoption of this charter, the Council shall provide suitable vaults and safes for the use of the Treasurer.

PAYMENTS AND COLLECTIONS.

SEC. 42. All fees and other moneys received or collected <sup>Payments and collec-
tions.</sup> by any officer, agent, or employé of the city (excepting only such fees as the City Engineer may be authorized by ordinance to collect) shall be paid by such officer, agent, or employé, each month, or as much oftener as the Council may require, into the City Treasury for the use of the city; and no payment of salary shall be made to any officer, agent, or employé, who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor an affidavit that he has paid into the City Treasury all fees or other moneys theretofore received by him or collected.

OATH.

SEC. 43. Every officer provided for in this charter shall, before entering upon the duties of his office, take, subscribe, and file with the City Clerk the following oath: "I do solemnly swear (or affirm) 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 [— —] to the best of my ability." ^{Oath}

SALARIES OF OFFICERS.

SEC. 44. The compensation of officers and employés of the ^{Salaries.} city shall be per annum as follows: Mayor, three thousand dollars; Treasurer and Tax Collector, three thousand dollars; Auditor and Assessor, three thousand dollars; City Attorney, two thousand four hundred dollars; City Clerk, one thousand five hundred dollars; City Superintendent of Schools, two thousand five hundred dollars; Superintendent of Streets, one thousand five hundred dollars; Chief of Police,

two thousand one hundred dollars; Police Judge, two thousand four hundred dollars; Chief of Fire Department, one thousand eight hundred dollars; City Engineer, six hundred dollars; Policemen, one thousand two hundred dollars; members of Board of Public Works, each two thousand four hundred dollars; members of the Council, each four hundred and eighty dollars. Two policemen may be detailed as Captains of Police and two as detectives. Those so detailed shall be paid three hundred dollars per annum each in addition to their regular salary as policemen.

OFFICIAL BONDS.

Official
bonds

SEC. 45. Every officer provided for by law shall, before entering upon the duties of his office, and within ten days after the mailing or delivery to him of his certificate of election or appointment, file an official bond in such sum as the Council may, by resolution, approved by the Mayor or passed over his veto, direct, payable to the city, which bond shall be subject to the law concerning official bonds of officers. All official bonds shall be approved by the Mayor and City Attorney (except that of the Mayor, which shall be approved by the Treasurer and City Attorney, and also except that of City Attorney, which shall be approved by the Mayor and Treasurer), the approval to be indorsed thereon, and said bonds shall be filed and kept in the office of the Auditor, and must also be recorded forthwith, at the expense of the party giving the same, in the office of the City Clerk, in a book kept for that purpose. The official bond of the Auditor, after recording, shall be filed and kept in the office of the Mayor. The City Council may, at any time, require an additional amount or new sureties upon any official bond which it may determine insufficient; and must require an additional bond or new sureties whenever a surety thereon shall die or become insolvent, or cease to be a resident of the State. If such additional bond or additional security be not given, the Council, upon notification thereof by the Mayor, must declare the office vacant; and as soon as such declaration is made the office becomes vacant. No official bonds shall be approved unless the sureties thereon shall justify in the manner provided for in the Political Code for the justification of the official bonds of county officers; and all persons offered as sureties on official bonds must be personally examined on oath as to their qualification, by the officers whose duty it is to approve the bond. No officer or employé of the city, or member of the Council, shall be surety upon the official bond of any other officer of the city.

ARTICLE V.—JUDICIAL DEPARTMENT.

CITY ATTORNEY.

SEC. 46. The Mayor shall, by and with the advice and consent of the Council, appoint an attorney for the city, who shall be known as the City Attorney. His term of office shall be two years. He shall be an attorney and counselor at law, duly admitted to practice by the Supreme Court of this State, and shall have actually been engaged in the practice of his profession for the period of at least five years before his appointment. It shall be his duty to prosecute, on behalf of the people, all criminal cases growing out of violations of city ordinances and resolutions, and to attend to all suits and other matters in which the city may be legally interested; to give his advice or opinion, in writing, whenever required by the Mayor, Council, Board of Education, or Board of Public Works, and to do and perform all such other things touching his office as by the Council or Mayor may be required of him. The City Attorney shall draft and approve all official or other bonds required by this charter, or by ordinance, resolution, motion, or order of the Council, except his own bond. His bond shall be drafted and approved by the Mayor.

COURTS.

SEC. 47. The judicial power of the city shall be vested in a Police Court, and in such Justices' Courts as are or may be provided for by law.

POLICE COURT.

SEC. 48. A Judge of the Police Court shall be elected to hold office for two years.

SEC. 49. The Police Court shall have exclusive jurisdiction:

1. Of all proceedings and prosecutions for violation of any ordinance of the city.

2. Of all prosecutions for misdemeanors committed within the limits of the city, jurisdiction of which is now or hereafter may be conferred by law upon Police or Justices' Courts.

3. Of all actions, prosecutions, and proceedings, jurisdiction of which is now or hereafter may be conferred by law upon Police Courts.

4. Of proceedings for security to keep the peace.

SEC. 50. The Judge of said Court shall have jurisdiction to hold an examination in cases where a person is charged with having committed a felony or misdemeanor triable only in the Superior Court, and after such hearing to commit an offender to jail for trial in the Superior Court, or admit him to bail, as provided by law.

SEC. 51. In all cases over which said Court has jurisdiction, it may try, render judgment, and carry its judgment into execution, as the case may require, according to law, and shall

Police Court have power to issue warrants of arrest, subpoenas, and all other processes necessary to the full and proper exercise of its power and jurisdiction.

SEC. 52. The said Court shall have power to impose such fine or penalty as may be prescribed by law or ordinance upon any person duly convicted, and may also, in default of payment of a fine so imposed, direct that the party so convicted be imprisoned in the city prison, and be employed at labor, during reasonable hours of the day (Sundays and holidays excepted), on any public work or improvement of the city, or upon any public street, sewer, plaza, or square of the city, as the Council may prescribe, at the rate of one dollar per day, until the fine so imposed be satisfied.

SEC. 53. The said Court may punish for contempt in the manner and to the extent provided by law.

SEC. 54. The Police Court shall have a Clerk, to be appointed by the Police Judge, whose term of office shall be two years. He shall keep a record of the proceedings of the Court, issue all processes ordered by said Court, or Judge thereof, and shall render to the Auditor, monthly, on the first Monday of each and every month, and before any amount can be paid to him on account of his salary, an exact and detailed account, upon oath, of all fines imposed, and all bail forfeited, and moneys collected since his last account was rendered. He shall receive and be the custodian of all costs, bail, or money deposited as bail by any person charged with the commission of a public offense. He shall also have power to administer oaths and affirmations, and take and certify thereto in any proceedings in said Police Court.

SEC. 55. The Police Judge and the Clerk shall attend, at the room of said Court, for the dispatch of business, daily, from the hour of nine o'clock A. M. until five o'clock P. M., legal holidays and non-judicial days excepted. The Court shall always be open for business.

SEC. 56. The Clerk shall pay to the Treasurer of the city, on the first Monday of each month, all fines collected and bail forfeited, and all other moneys collected by him, accompanied by a verified statement showing from whom each fine was collected, in what case, specifying the offense and amount, and by whom such bail was forfeited.

SEC. 57. Any Justice of the Peace of the city who may be designated in writing by the Mayor, shall have power to preside in and hold the Police Court of the city in the event of the temporary absence of the Police Judge, or of his inability to act, or when from any cause the Police Judge is disqualified from acting. During such temporary absence or disability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are, or may be, conferred by law upon said Police Judge or Court.

SEC. 58. The Police and Fire Commissioners shall designate a policeman who shall always attend on the Police Court and act as Bailiff thereof.

JUSTICES' COURTS.

SEC. 59. Two City Justices of the Peace shall be elected, whose terms of office shall be two years. Their Courts shall always be open, legal holidays excepted. Justices'
Courts.

SEC. 60. The Justices' Court, and the Justices thereof, shall have the powers and jurisdiction which are now or may be prescribed and conferred by law upon the City Justices of the Peace and City Justices' Courts; *provided, however*, that within the corporate limits of the city the City Justices of the Peace and City Justices' Courts shall have exclusive jurisdiction and power over all matters, actions, and things which are now or may be conferred by law upon Justices of the Peace; *and provided further*, that they shall not have the power to try or decide any public offenses whereby the Police Court of said city has jurisdiction.

SEC. 61. Each Justice of the Peace shall pay to the Treasurer of said city, on the first Monday of each month, all fines by him collected, and all fees which are by law chargeable for services rendered by him, accompanied by a verified written report, showing the amount thereof, from whom and in what case such fines and fees were collected and paid. A copy of this report shall, at the same time, be filed with the Auditor. All such fines and fees shall go to the credit of the General Fund.

SEC. 62. The Justices' Courts herein provided for are intended to be the Justices' Courts provided for by general law, and nothing herein contained shall be construed to authorize the election of more than two Justices of the Peace for the city.

ARTICLE VI.

DEPARTMENT OF PUBLIC WORKS.

CHAPTER I.

SEC. 63. There shall be a Department of Public Works, under the management of three Commissioners, who shall constitute the Board of Public Works. The Commissioners shall be appointed by the Mayor from among the qualified electors of the city. Their terms of office shall be four years, and not more than two shall belong to the same political party. The Commissioners first appointed shall, at their first meeting, so classify themselves by lot that one of them shall go out of office in two years, one in three years, and one in four years. Department
of Public
Works.

SEC. 64. Immediately upon their appointment and qualification the Commissioners shall organize as a Board and elect one of their number President, who shall hold his office for the term of one year; and they shall elect a Secretary, who shall not be a member of the Board. The Board shall establish rules and regulations governing its proceedings, and for

Department
of Public
Works.

the regulation and conduct of its officers, clerks, and employés; and may require bonds from any of its subordinates for the faithful performance of their duties.

SEC. 65. The Board shall hold a regular meeting once in each week, and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon its records, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks. The meetings of the Board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution. No business shall be transacted at a special or adjourned meeting of the Board, except such as may have been made the special order of business for such meeting, or such as may have been under consideration at the meeting from which the adjournment was had, or such as may have been specified in the notice of the meeting.

SEC. 66. The Board shall cause to be kept a record of its proceedings; and shall keep all maps, plans, specifications, estimates, contracts, certificates, receipts, surveys, field notes, and profiles belonging to the city, and all papers pertaining to the transactions of the Board. It may, when it shall deem it expedient, and shall, when requested by the Council, or the Board of Education, or the Mayor, furnish such data or information as may be requested.

SEC. 67. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall cause the publication of all notices herein authorized to be published, or which the Board shall order to be published, and shall perform such other duties as the Board may from time to time prescribe.

SEC. 68. The Board may appoint such employés as are herein provided for, or as may be authorized by the Council. The salaries of all officers, clerks, and employés of the Board, except so far as the same are designated in this charter, shall be fixed from time to time by the Council, in its discretion, on recommendations by the Board.

SEC. 69. The Board shall immediately after its organization take possession and have the custody and control of all maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, appliances, contract rights, privileges, books, documents, papers, archives, and property belonging to said city, heretofore kept by or in the offices of City Engineer, the City Marshal, and the Wharfinger.

SEC. 70. The Board shall have charge and superintendence of all public work of every kind, not otherwise controlled by general laws, to be done for the city, or for the Board of Education or any other department, and also of the furnishing of all material and supplies for public use, or for the use of the Board of Education or for any other department, except as otherwise provided in this charter. It shall

be the duty of the Board vigilantly to inspect all parts of the city, and to recommend from time to time to the Council such work as it shall deem necessary or proper. Department
of Public
Works.

SEC. 71. The Board shall have special charge, superintendence, and control, subject to such ordinances as the Council may from time to time adopt, of the harbor and waterfront, and of all streets, sidewalks, highways, roads, bridges, wharves, parks, and public places belonging to the city, or dedicated to public use, and of the improvement and repair thereof; of all sewers, drains, and cesspools, and the work pertaining thereto, or to the drainage of the city; of the cleaning of streets, and of all repairs upon accepted streets; of the construction and repair of all public buildings, and the making of all public improvements for the city, or under its authority, and of the repairs of such improvements; of all lamps and lights for the lighting of the streets, parks, public places, and public buildings of the city, and of the erection of all posts for such lamps and lights, and of all public works and improvements hereafter to be done by the city. The Board shall have exclusive authority to prescribe rules and grant permits, in conformity with the ordinances of the city, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks, and the construction of entrances thereto; the construction of steps or other approaches to buildings upon the sidewalks, and of railings and fences inclosing areas upon the sidewalks; the putting up of signs and awnings; the location of steam boilers; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for electric lighting or other electrical purposes, and the laying of telegraph or telephone wires, and wires for electric lighting or other electrical purposes; the construction of drains and sewers; the laying down and taking up of gas, steam, and water pipes, pneumatic or other tubes or pipes, and sewers and drains, and determining the location thereof; the use of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use. The Board shall have full power to regulate and control, subject to the ordinances of the city, the anchorage of vessels in San Antonio Creek, or elsewhere within the limits of the city; the manner of using the streets, sidewalks, wharves, harbor, parks, and public places, and to prevent and remove obstructions therefrom, and to cause the prompt repair of the streets, sidewalks, and public places when the same may be taken up or altered. The Board is authorized to collect, by suit or otherwise, in the name of the city, the expense of such repairs from the person or persons by whom such street or sidewalk was injured or torn up. The Board shall regulate, subject to the requirements of the Board of Health and the ordinances of the Council, the construction of sinks, gutters, wells, cesspools, and privy vaults, and compel the cleaning or emptying of

Department
of Public
Works.

the same, and regulate the time and manner in which the work shall be done.

SEC. 72. The Board shall appoint a civil engineer, who shall have had at least ten years' practical experience as such, who shall be designated City Engineer. He shall perform all civil engineering and surveying required in the prosecution of the public works and improvements done under the direction of the Board, and shall certify to the progress and completion of the same, and do such other work pertaining to his profession as he may be directed to do by the Board, or by the Council, or by any general law of the State of California. He shall possess the same power in the city in making surveys, plats, and certificates as is or may be from time to time given by law to the County Surveyor; and his official acts, and all plats, surveys, and certificates made by him, shall have the same validity, and be of the same force and effect, as are or may be given by law to those of County Surveyor. With the consent and approval of the Board, the City Engineer may appoint such deputies, not exceeding the number that may be fixed by the Council, as the duties of his office may require.

SEC. 73. The Board shall appoint a Superintendent of Streets, whose duty shall be to see that the laws, ordinances, orders, and regulations relating to the public streets and highways, be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of all sewers, and keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and grounds of the city, and report the same to the Board, and shall perform such other duties as are hereinafter specified, or as the Board may require of him, and he shall have the power and shall perform the duties required of the Superintendent of Streets by the Act of the Legislature of the State of California entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, or by any Acts amendatory thereof, supplementary thereto, or substituted therefor. He shall keep a public office in some convenient place within the city, and shall keep therein the records of his office and a register of all streets accepted by the city, with an index for easy reference. He shall, before entering upon the duties of his office, give bonds to the city with such sureties, and for such sum as may be required by the Council; and should he fail to see the laws, ordinances, and regulations relating to the public streets and highways carried into execution after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in person or property in consequence of said official neglect.

SEC. 74. The Board may, whenever it shall deem it advisable, appoint an architect, who, under the direction and control of the Board, shall prepare plans and specifications of the work to be done; make necessary drawings and estimates of

the cost of the same; judge of and determine the quality and durability of the materials that may be furnished for the construction or repair of any public building, and approve or reject the same, and take special care that all work be done in a good, substantial, and workmanlike manner, and in accordance with the drawings, plans, and specifications.

Department
of Public
Works.

SEC. 75. The Board may also, whenever it shall deem the same advisable, appoint a Superintendent of Public Works, who shall be a master builder, and who shall, when any public building is in the course of construction or of repair, or when any materials to be used in its construction or in its repair are being furnished, be in attendance at said building and see that the work is done in a good, substantial, and workmanlike manner, and that the materials used or furnished are of the description, quality, and quantity called for by the specifications and contract. All work upon public buildings under the control of said Board shall be done under the immediate supervision of said Superintendent, and all materials used in the construction or repair thereof shall be furnished under his immediate supervision.

SEC. 76. All officers, employés, and agents appointed by the Board shall hold office during the pleasure of the Board.

SEC. 77. The Board of Public Works shall, within the time specified in the requisitions made upon it by the Council, or by the Board of Education, or other department of the city thereunto authorized, procure and cause to be done, such construction, improvement, addition, or repairs, and printing, and other work of any kind as may be required of it.

SEC. 78. All public work authorized by the Council to be done under the supervision of the Board, and not within the provisions of the general law of the State of California operating thereon, and all work for which the Board of Education shall make requisition upon the Board of Public Works, shall be done under written contract, except in case of urgent necessity, as hereinafter provided. Before awarding any contract for doing work authorized by this chapter, the Board shall cause notice inviting sealed proposals for the contemplated work to be posted conspicuously in its office and published for not less than five days; and in case that the estimated cost of the work exceed five thousand dollars, to be so posted and published for not less than twenty days; except that, when any repair or improvement, not exceeding an estimated cost of two hundred dollars, shall be deemed of urgent necessity by the Board, such repair or improvement may be made by the Board, under written contract or otherwise, without advertising for sealed proposals.

SEC. 79. Said advertisement and notice shall invite sealed proposals, to be delivered at a certain day and hour at the office of the Board, for furnishing the materials for the proposed work, or for doing said work, or for both, as may be deemed best by the Board, and shall contain a general description of the work to be done, the materials to be furnished, the time within which the work is to be commenced, and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer

Department
of Public
Works.

to plans and specifications on file in the office of the Board for full details and description of said work and materials.

SEC. 80. All proposals shall be made upon printed forms to be prepared by the Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that his bid is genuine, and not sham or collusive, or made in the interest or on behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over other bidders. Any bid made without such affidavit or in violation thereof shall be absolutely void, and also any contract let thereunder. If at any time discovery shall be made that a contract has been let to a bidder who has violated or evaded this oath the contract shall be canceled and no recovery shall be had thereon, and the Board shall at once proceed as before to award a new contract. All bids shall be clearly and distinctly written without any erasure or interlineation, and if any bid shall have any erasure or interlineation, it shall not be received or considered by the Board. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the Clerk of the Council, for an amount not less than ten per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check. No person, corporation, or firm shall be allowed to make, file, or be interested in more than one bid for the same work. If on the opening of said bids more than one bid appear in which the same person, corporation, or firm is interested, all such bids shall be rejected.

SEC. 81. On the day and at the hour specified in said notice inviting sealed proposals, the Board shall assemble and remain in session for at least one hour thereafter, and all bids shall be delivered to the Board by the bidder or his agent while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid, as it shall be received, shall be numbered and marked "Filed" by the President, and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Board shall, in open session, open, examine, and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning the Board shall compare the bids with the record made by the Secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of the Board in some conspicuous place in the office of the Board. The Board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and

all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the Board shall return all the checks to the proper parties, and again invite sealed proposals, as in the first instance. The checks accompanying the accepted bid shall be held by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the Street Department Fund. Neither the Board of Public Works, nor the Council, nor the Board of Education, shall have power to relieve from or remit such forfeiture.

Department
of Public
Works.

SEC. 82. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon, and the Board shall advertise for a new contract for said work.

SEC. 83. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used. No change or modification in the plans or specifications shall be made after proposals for doing the work have been called for. Every contract entered into by the Board shall be signed by at least two of the members thereof, and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Board of Education, where the work is done upon requisition of that Board, and in other cases with the City Clerk; one thereof, with said specifications and drawings, shall be kept in the office of the Board, and the other, with said specifications and drawings, shall be delivered to the contractor. At the same time with the execution of said contract, said contractor shall execute to said city, and deliver to the Secretary of the Board, a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Board, or shall deposit with the Secretary a certified check upon some solvent bank for said amount, for the faithful performance of said contract. No surety on any bond shall be taken unless he be a resident and householder or freeholder within the State, and worth the sum specified in the bond over and above all his just debts and liabilities exclusive of property exempt from execution, and each surety shall justify and make and sign an affidavit to that effect, of which affidavit a form shall be printed upon the bond. But when the amount specified in the bond exceed three thousand dollars and there are more than two

Department
of Public
Works.

sureties thereon, they may state in their affidavits that they are severally worth amounts less than that expressed in the bond, if the whole amount be equivalent of two sufficient sureties. The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board the Council may extend said time; but in no event shall the time for the performance of said contract be extended by the Council more than ninety days beyond the time originally fixed for its completion. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Council shall not pay or allow to him any compensation for any work done by him under said contract.

SEC. 84. The Board of Public Works shall, within the time specified in the requisitions made upon it by the Council or by the Board of Education or other department of the city thereunto authorized, procure and furnish such material and supplies as may be required of it. The Board of Public Works shall invite sealed proposals for furnishing the material and supplies so required by notices to be posted conspicuously in its office and published for five days, and in case the estimated cost exceed five thousand dollars, to be so posted and published for ten days, and shall award contracts therefor to the lowest bidder upon his giving security satisfactory to the Board.

SEC. 85. The notices inviting proposals for work to be done and materials and supplies to be furnished as provided for in this chapter, shall specify for what department the requisition is made, and shall require the work done and the material and supplies furnished to be subject to the approval of such department; and all contracts must contain a provision to that effect, and also to the effect that the work done and material and supplies furnished must be in accordance with the specifications and to the satisfaction of the Board of Public Works. When said work shall have been completed, or material and supplies furnished to the satisfaction of the Board of Public Works, it shall so declare by resolution, and shall deliver to the contractor a certificate to that effect.

SEC. 86. The Commissioners shall not, nor shall either of them, or any person employed in said department, be interested, directly or indirectly, in any contract for work, labor, or material entered into by the Board; nor shall either of such Commissioners, officers, or employes be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or material for the same. Any contract made in violation of any of the provisions of this section shall be void; and the receipt of any such gratuity shall be cause for the immediate removal from office, or from employment, of the person so receiving it, and he shall be forever disqualified from holding any position in the service of the city.

CHAPTER II.

OPENING OF STREETS.

SEC. 87. The Council is empowered to open, straighten, extend, and widen streets, and to modify the boundaries and change the grades thereof, and to determine the property benefited thereby, and to assess the expenses of such improvement upon the property benefited. ^{Opening of streets.}

SEC. 88. All proceedings under this chapter shall be commenced by petition, signed by five or more residents and freeholders within the city, addressed to the Council, and filed with the City Clerk.

SEC. 89. The petition shall contain:

First—The names of the petitioners, and a statement that each of the petitioners is a resident and freeholder within the city.

Second—A statement that in the opinion of the petitioners the public interest requires that the improvement (describing it generally) should be made.

Third—A request that the Council proceed to order the improvement made.

SEC. 90. Upon the filing of such petition, the Council shall refer the same to the Board of Public Works, which shall determine whether, in its judgment, the said improvement or some modification thereof would be of public benefit, and shall report its decision to the Council. If the Council determine that the improvement described in the petition or some modification thereof be of public benefit, it shall, by resolution, so instruct the Board of Public Works, giving in its resolution a general description of any modification it may deem expedient. The Board of Public Works shall then proceed to determine and define the lands to be taken, and the lands, if any, to be damaged by the proposed improvement, and the lands to be benefited and assessed for the expenses thereof. It shall by resolution define the lands necessary to be taken, and the lands, if any, to be damaged, and shall specify the exterior boundaries of the district to be benefited and assessed therefor. The Board shall thereupon publish for twenty days notice of the passage of its resolution, and requiring all persons interested in the lands to be taken or damaged, or in the district to be benefited, to present to the Board within the said twenty days accurate descriptions of the lots or parcels of land owned by them respectively, and to specify objections, if any they have, against the proposed improvement. Within ten days after said publication, or such further time as the Council may by resolution allow, the Board of Public Works shall, with the assistance of the City Engineer, cause to be prepared and presented to the Council a report of its action, embracing an accurate description of each lot, piece, or parcel of land necessary to be taken or damaged, with the names of the persons to whom the several lots, pieces, or parcels of land are respectively assessed upon the assessment roll of

Opening of
streets.

said city, and also a description of the exterior boundaries of the district to be benefited, and make a map clearly exhibiting the same as described. The City Engineer shall have the right, if necessary, to enter upon any of the said lands for the purpose of examination or survey. Upon receiving the said report from the Board of Public Works the Council shall by resolution adopt or modify the proposed improvement, and the district to be benefited thereby, or wholly reject the same. In case of modifying the same the matter shall be referred back to the Board of Public Works, until the proposed improvement, and the district to be benefited thereby, shall conform to the views of the Council; and the Council shall then pass a resolution declaring its intention to make the improvement and assessment for benefits. The resolution shall embody the descriptions as finally reported by the Board of Public Works, and the names of the owners of the several parcels of land, as reported by the Board. The resolution shall also specify a time within which objections to the proposed improvement may be made to the Council by owners of the land to be taken or damaged, or of the lands to be assessed for benefits, and a day for the hearing of such objections. The said resolution must be published for fifteen days (Sundays and non-judicial days excepted), during which time the owners must file their objections. On the day set for the hearing, or upon any day to which the same may be adjourned, the Council shall hear and pass upon the objections, and may dismiss the proceedings, or by ordinance resolve to proceed and order the improvement to be made. The ordinance by which the Council resolve to proceed with the improvement may refer to the resolution declaring its intention to make the improvement by its number without embodying the description, and shall order the improvement to be made by the Board of Public Works. The Council shall forthwith transmit to the Board of Public Works a copy of the said ordinance and of the resolution to make the improvement.

SEC. 91. Upon receiving the said copy of ordinance and resolution, the Board of Public Works shall, with the aid of the City Attorney, ascertain as accurately as possible the names of the owners to be made parties, and shall cause proceedings to be taken in the name of the city to condemn as provided by law, under the right of eminent domain, the lands or any interest therein to be taken or damaged for the said improvement. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings hereinbefore provided for; and the resolution and ordinance adopting and ordering the work to be done, shall be conclusive evidence of such necessity. As soon as the amounts to be paid for the lands to be taken and the lands to be damaged shall by the said proceedings be finally ascertained and determined, the Board of Public Works and the Council shall proceed as hereinafter provided to apportion and collect the same by assessment upon the district to be benefited by the improvement.

SEC. 92. The Board of Public Works shall ascertain and determine, as nearly as may be, the entire costs of the improvement, including value of the lands, cost of condemnation, and expenses of all kinds attending the proceeding, and shall apportion and assess the whole amount of such value, costs, and expenses upon the property within the district declared by the resolution of the Council to be benefited by the improvement, and shall assess each lot or parcel of land within the said district with its proportionate share of said amount according to the benefits derived by it, in the judgment of the Board, from the said improvement.

Opening of
streets.

SEC. 93. Within thirty days after the final determination of the amount to be paid, as aforesaid, or such further time as may be allowed by resolution of the Council, the Board shall make and hold, subject to inspection in their office, a report of assessments, exhibiting the sum of money to be paid to the owner or owners of each parcel of land to be taken or damaged, stating the names of owners, as far as they can be ascertained, and describing accurately the several parcels of lands within the district to be benefited, and the names of the owners thereof, as far as they can be ascertained, and where the owners are unknown, stating the fact, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof.

SEC. 94. Upon the completion of the said report the Board shall fix a day for hearing objections thereto, and shall give notice of such hearing by posting and publication for not less than fifteen days.

SEC. 95. Upon the day fixed for the hearing, or upon any day or days to which the hearing shall be regularly adjourned by entry in its minutes, the Board shall hear any party interested upon any question touching the justice or equality of the assessment, or the regularity of its proceedings, and may confirm or revise and modify the said assessment until it shall be adjudged to be fair and equal; and it shall then adopt such a report of assessments as it adjudges to be fair and equal, and transmit the same to the Council.

SEC. 96. The Council shall, by ordinance, confirm the report of the Board of Public Works, and order the completion of the improvement in accordance therewith, or it may by resolution refer the same back to the Board of Public Works, with instructions to modify the assessments, until it shall, by ordinance, finally adopt and establish such assessment as it shall adjudge to be fair and equal, and order the completion of the improvement in accordance therewith.

SEC. 97. This ordinance shall accurately describe the several parcels of land assessed, giving the names of the respective owners, as far as the same have been ascertained, and where the owners are unknown, stating the fact, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof; but it may refer to the report of the Board of Public Works for description of the lands to be taken or damaged by the improvement. The ordinance shall direct the sale of each parcel of land so assessed, or of so much thereof as may be necessary to pay the

Opening of
streets.

amount of its assessment and expenses of sale, and the application of the proceeds of such assessment and sale to the payment of the expenses of sale, and the amount awarded to the owners of the lands to be taken or damaged by the said improvement.

SEC. 98. A copy of the ordinance shall be forthwith transmitted to the Board of Public Works for collection of the assessments. The said Board shall cause the ordinance to be published for thirty days, during which time the several owners may make payment to the Board of Public Works of the several amounts assessed against their lands, and the Board of Public Works shall by notices invite such payment.

SEC. 99. After the expiration of the said thirty days the Board of Public Works shall prepare a delinquent list, exhibiting, by accurate description, the several parcels of land so assessed, upon which the assessments have not been paid, and the names of the owners of the said parcels, as far as ascertained, and where the owners are unknown, stating the fact, and the amounts for which they are respectively assessed, and shall forthwith transmit the said delinquent lists, certified by the Secretary of the Board, to the Tax Collector, who shall proceed to collect the amounts appearing due thereon by sale, as in case of the collection of delinquent taxes, and pay over immediately to the Board of Public Works the amounts so collected. The deed of the Tax Collector made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor.

SEC. 100. The moneys coming into the Board of Public Works from the said assessment shall be applied by the said Board to the payment of the several amounts determined to be due as compensation for the lands taken or damaged, by payment into Court on behalf of the owners. Upon such payment being made the title to the lands, or the interest therein, or the easement therein condemned, shall vest in the City of Oakland for the uses and purposes specified in the said improvement, and the Board of Public Works shall take possession of the same, and cause the said improvement to be carried out and completed.

CHAPTER III.

IMPROVEMENT OF STREETS.

Improvement of
streets.

SEC. 101. All streets, lanes, alleys, places, and courts in said city now open or dedicated, or which may hereafter be opened or dedicated, to public use, and of which the grade and width have been legally established, are and shall be open public streets for the purposes of this article. The Council shall, as soon as practicable, cause an official map of the city, upon which shall be exhibited all streets, lanes, alleys, places, courts, parks, and squares dedicated to public

use; and upon the approval of said map by the Council, all streets, lanes, alleys, places, courts, parks, and squares appearing thereon shall be prima facie deemed and held to be open public streets, lanes, alleys, places, courts, parks, and squares. Improvement of streets.

SEC. 102. Upon such open public streets in said city all "improvement," as defined in the Act of the Legislature of the State of California entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, shall be done by authority of the Council, and the expenses thereof paid under and in accordance with the provisions of the said Act, and of any Acts which may be passed in amendment thereof or supplemental thereto, or in substitution therefor. And the Council is invested with jurisdiction to change the grades of said streets, lanes, alleys, places, and courts, and fix the width thereof.

SEC. 103. Whenever application shall be made to the Council for any improvements to be done under the provisions of this chapter, unless such application be made by the owners of more than one half in frontage of lots and lands fronting on the street, lane, alley, place, or court upon which the improvement is to be done, or their agents, the Council shall refer the matter to the Board of Public Works for information. The Board shall, as soon as practicable thereafter, determine whether in its judgment the public interest or convenience requires the said improvement to be made, and shall immediately report its determination to the Council, which shall thereupon take such action as it shall deem proper in the premises.

SEC. 104. The Superintendent of Streets shall at all times keep the members of the Board of Public Works advised of the commencement and progress of any street improvement which is being done under his superintendence. They shall continuously examine and inspect the same, its materials and construction, and the Board of Public Works shall make any recommendation in reference thereto which it may deem advisable; and before finally accepting the same the Superintendent shall advise the Board of its completion, in due season to permit of such recommendation, and of his action thereon.

CHAPTER IV.

SEWERS AND DRAINAGE.

SEC. 105. The Board of Public Works shall devise a general system of sewerage and drainage, which shall embrace all matters relative to the thorough, systematic, and effectual drainage and sewerage of the city, and shall submit the same to the Council, and shall from time to time make to the Council such recommendations upon the subject of sewerage and drainage as it may deem proper. Sewers and drainage.

SEC. 106. The Board shall prescribe and recommend to the Council for adoption the location, form, and material to be used in construction, reconstruction, and repairing of all

Sewers and
drainage.

public sewers, manholes, sinks, drains, cesspools, and other appurtenances belonging to the drainage and sewerage system, and of every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 107. The Board shall recommend to the Council rules and regulations concerning the public and private sewers and drains in the city, and upon recommendation of said Board the Council is authorized to pass an ordinance establishing the same, and prescribing the penalties for any violation thereof.

SEC. 108. No person shall connect with, or open, or penetrate any public sewer or drain without first obtaining a permit in writing from the Board of Public Health, and complying with the rules and regulations of said Board in reference thereto.

SEC. 109. The Board of Public Works may also recommend to the Council the construction of canals, sewers, tunnels, ditches, drains, embankments, reservoirs, pumping works, machinery, and other works necessary for the proper and effectual drainage of the city, together with plans for connecting the same with sewers and private drains already constructed, or thereafter to be constructed.

SEC. 110. The Council may, upon the recommendation of said Board, by ordinance authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer, or the making of any improvement provided for in this charter.

SEC. 111. When, upon the recommendation of the Board of Public Works, the Council shall determine upon any improvement for the purpose of sewerage and drainage, which necessitates the acquisition or condemnation of private property, and said Board or Council is unable to agree with the owner thereof upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which said Board shall deem it most expedient, it shall, when authorized by the Council, by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, and for the ascertainment of damages in the manner, so far as the same is applicable, which is provided in this article for the condemnation of real estate when necessary for the opening of any street.

ARTICLE VII.

EDUCATIONAL DEPARTMENT.

Educational
department.

SEC. 112. The government of the School Department of the city shall be vested in a Board of Education, to consist of eleven members, to be called School Directors, and who shall receive no compensation. One School Director shall be elected from each ward, and four from the city at large.

Their terms of office shall be two years. No person shall be eligible to the office of School Director unless he is, at the time of his election, the head of a family; and no two of those elected at large shall be residents of the same ward at the time of their election.

SEC. 113. The Board of Education shall, immediately after their election and qualification, meet and organize by electing one of their number President, whose term of office shall be one year. The Board shall hold regular meetings at least once in each month, and at such times as shall be determined by its rules. Special meetings may be called at any time by the President or any three of the members. A majority of all the members shall constitute a quorum for the transaction of business, and the affirmative vote of six members shall be necessary to pass any measure, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken, when demanded by any member, and entered on the records of the Board. Its records shall be open to public inspection. The Board shall fill all vacancies occurring in the Board until the next regular municipal election.

SEC. 114. The powers and duties of the Board of Education are as follows:

1. To establish and maintain public schools, to change, consolidate, and discontinue the same, to manage and control the school property, to establish school districts, and to fix and alter the boundaries thereof.
2. To employ, pay, and dismiss teachers, janitors, and School Census Marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no teacher shall be dismissed until after investigation and without good cause established to the satisfaction of the Board.
3. To make, establish, and enforce all necessary and proper rules and regulations for the government and progress of public schools and for the investigation of charges against any person in the employ of the department, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text-books (other than those published by the State), course of study, and mode of instruction shall be used in said schools; but any text-book determined upon by the Board shall not be changed within a period of four years after its adoption.
4. To provide for the School Department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.
5. To build, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances.
6. To purchase, sell, or exchange school lots, and to take charge of any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for

Educational
department.

Educational
department.

the use and benefit of the public schools of the city; and to make in the name of the city conveyances of property belonging to the city and sold by the Board of Education; *provided*, that no real estate shall be bought, sold, or exchanged, without the consent of the Council, evidenced by ordinance; and *provided further*, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots, or the erection of school houses for the use of this department.

7. To appoint School Census Marshals on or before the first day of May of each year, whose duties shall be as prescribed by general law, and to notify the County Superintendent of Schools of such appointments.

8. To sue in the name of the city for any and all property acquired or claimed for the use and benefit of the School Department, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the City Attorney in all such actions.

9. To estimate annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board shall, on or before the last Monday of July of each year, submit in writing to the Auditor a statement, verified by at least a majority of the Board, containing a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city for the above purposes. The Auditor shall transmit the same to the Council as in this charter provided, and the Council shall, in each year, after receiving such estimate, fix, in its discretion, by ordinance, the percentage of taxes to be levied and collected for school purposes; *provided*, that the amount to be thus levied for school purposes shall not exceed thirty cents on each one hundred dollars valuation upon the assessment roll, but may be increased to forty cents by the consent of two thirds of the Council, and that when collected it shall be immediately paid into the School Fund, to be drawn out only upon the order of the Board of Education.

10. To establish regulations for the just and equitable disbursement of all moneys belonging to the Public School Fund.

11. To examine every demand payable out of the School Fund, and for good cause to reject any such demand, or to allow the same, in whole or in part, and to compel the attendance of witnesses before the Board, or any committee thereof, in any matter under investigation.

12. To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

13. To prohibit any child under six years of age from attending the public schools, and to suspend or expel pupils for misconduct.

14. To dispose of and sell at public auction such personal property as shall no longer be required by the department.

All moneys realized from such sales shall be paid into the treasury to the credit of the School Fund. Educational
department.

15. To receive and manage property or money acquired by devise, bequest, or donation, in trust for the benefit of any school, educational purpose, or school property.

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

17. To furnish books for the children of parents unable to furnish them. The books so furnished shall belong to the city, and shall be kept in the libraries of the schools when not in use.

18. To keep a register at each school, open to the inspection of the public, of all children applying for and entitled to admission in the schools, and to notify the parents or guardians of such children when vacancies occur, and to receive such children in the schools in the order in which they are registered.

19. To make an annual report on or before the first day of July in each year to the County Superintendent of Schools, in the manner and form and on the blanks prescribed by the State Superintendent of Public Instruction.

20. To make a report whenever required directly to the State Superintendent of Public Instruction of the text-books used in the city schools.

21. Each member of the Board shall visit every school in the city at least once in each term, and examine carefully into its management, condition, and wants.

22. It shall be the duty of the Board to prescribe a course of study that will fit and prepare the students therein to enter any of the departments of the University of the State of California. Such course shall be known as the High School Course.

23. The Board may provide departments for the training of pupils in the industrial and mechanic arts, and shall have power to furnish such departments with necessary tools, apparatus, and appliances.

24. And generally to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city.

SEC. 115. The City School Superintendent, and each member of the Board, shall have power to administer oaths and affirmations in all matters connected with the department.

SEC. 116. For all supplies, books, stationery, fuel, printing, goods, merchandise, and all other materials and supplies for the public schools, or any of them, when the expenditure to be incurred on account of such matter may exceed one hundred dollars, the Board of Education shall make a requisition upon the Board of Public Works. Such requisition shall state in clear and explicit terms the quantity and kind of all articles needed, and how, when, and where to be delivered.

SEC. 117. The Board of Education shall annually, at its first regular meeting in May, make such requisition for all

Educational
department.

supplies estimated to be required by the School Department for the ensuing fiscal year.

SEC. 118. It shall be the duty of the Board to furnish annually, in writing, such information concerning the public schools of the city as may be required from it by law, or the State Superintendent of Public Instruction, or the Council.

SEC. 119. The Board of Education, at any time when deemed necessary, may, by resolution passed at a regular meeting, make a requisition upon the Board of Public Works for plans and specifications and estimates for a new school house, specifying the location thereof, the number of class-rooms needed, the date on which it should be completed, the amount of money in the School Fund available for the purpose, and such other information as will enable the Board of Public Works to prepare the necessary plans, specifications, and estimates of the cost of such school house.

SEC. 120. The Board of Public Works shall, within thirty days after the receipt of such requisition, submit in duplicate to the Board of Education such plans, specifications, and estimates, which the Board of Education may approve, reject, or recommit to the Board of Public Works. When approved, the date of approval shall be indorsed on each duplicate by the President and Secretary of the Board of Education; and thereupon one of said duplicates shall be filed with the archives of the Board of Education, and the other shall be returned to the Board of Public Works, which shall proceed without delay with the erection of such new school house in accordance therewith.

SEC. 121. The Board of Public Works shall notify the Board of Education of the completion of such new school house. The Board of Education shall thereupon examine the same, and if built in accordance with the plans and specifications, and within the estimated cost thereof, shall accept, pay for, and take possession thereof.

SEC. 122. When any school house, building, fence, grounds, or sidewalk under the control of the Board of Education needs repairing, altering, improving, or additions, said Board shall notify the Board of Public Works, specifying in general terms the work to be done. If the cost of such repairing, altering, improving, and additions shall not exceed two hundred dollars, the last named Board shall cause the same to be done forthwith, and report the completion thereof with an itemized account of the cost to the Board of Education. If the cost of such repairing, altering, improving, and additions shall exceed such sum, the same proceedings shall be had as provided for the erection of a new school house.

SEC. 123. Any School Director, officer, or other person officially connected with the School Department, or drawing a salary from the Board of Education, who shall, while an officer so connected or drawing a salary, be interested either directly or indirectly in, or who shall gain any advantage or benefit from any contract, payments under which are to be made in whole or in part out of the moneys derived from the School Fund, or raised by taxation or otherwise for the support of the public schools, or who shall gain or attempt to

gain by reason of any official act, or the promise of any official act, any consideration, advantage, or benefit from any teacher or any employé of the department, or from any applicant for a position in the department, shall forfeit his office and be forever disqualified from holding any position in the service of the city; and this provision shall not be construed to relieve such persons from any other penalty, but shall be deemed cumulative to other penalties and disabilities for such acts and offenses.

SEC. 124. The Board of Education shall, between the first and tenth days of June of each year, fix a schedule of salaries for teachers and employés of the School Department, to take effect on the first day of July following, and to remain in force during the fiscal year.

SEC. 125. There shall be a City Board of Examination, which shall have the authority and shall be constituted, governed, and compensated as provided in Article XVII, Chapter III, Title III, Part III, of the Political Code, and all Acts amendatory thereof and supplemental thereto; and the holders of the certificates, granted by the Board of Examination, shall be entitled to the same protection and subject to the same rules and regulations as are provided in said Article XVII.

SEC. 126. It shall be the duty of the Board of Education, immediately after its organization, to elect a City School Superintendent, who shall be an experienced teacher, and whose term of office shall be four years. The City Superintendent may appoint an assistant, who shall also be an experienced teacher, and whose salary shall be fixed by the Board.

SEC. 127. The City School Superintendent shall act as Secretary and bookkeeper of the Board of Education, and perform the clerical duties required by such Board. In the absence of the Superintendent and his assistant, the Board of Education may appoint one of their own number to act as Secretary. It shall be the duty of the Superintendent, for good and sufficient cause, to provisionally suspend any teacher employed in the schools of the city until the next meeting of the Board. It shall be his duty to report to the Board of Education annually, and at such other times as it may require, all matters pertaining to the expenditures, income, and condition, and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school at least once a month; to observe, and cause to be observed, such general rules for the regulation, government, and instruction of the schools as may be established by the Board; to recommend to the Board, for good cause, the dismissal of teachers and the cancellation of their certificates, stating the reason therefor; to attend all sessions of the Board, and inform them, at each session, of the condition of the public schools, school houses, School Fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city; to acquaint himself with all the laws, rules, and regulations governing the public schools in the

Educational
department.

city, and the judicial decisions thereon, and give advice connected with the public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

SEC. 128. The School Fund shall consist of all moneys received from the State and County School Fund; of all moneys arising from taxes, which shall be levied annually by the Council for school purposes; of all moneys arising from the sale, rent, or exchange of any of the school property; and of such other moneys as may, from any source whatever, be paid into the School Fund, which fund shall be separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this charter. If, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this charter.

SEC. 129. The School Fund shall be used and applied by the Board of Education for the following purposes, to wit:

1. For the payment of the salaries or wages of the Superintendent, Assistant Superintendent, teachers, janitors, School Census Marshals, and other persons who may be employed by said Board.

2. For the erection, alteration, repairs, rent, and furnishing of school houses.

3. For the purchase money or rent of any real or personal property purchased by or leased to said Board.

4. For the discharge of all legal incumbrances on any school property

5. For lighting and heating the school-rooms and the offices and rooms of the Superintendent and Board of Education.

6. For supplying the school with fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.

7. For supplying books, printing, and stationery for the use of the Superintendent, Board of Education, and Board of Examination, and for the incidental expenses of the department.

8. For grading and improving school lots, and for grading, sewerage, planking, or paving and repairing streets, and constructing and repairing sidewalks, in front thereof.

SEC. 130. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members elected to said Board, upon a call of the ayes and noes, which shall be recorded, they shall be signed by the President of the Board and by the City School Superintendent. Every demand shall have indorsed upon it a certificate of its approval. All demands for salaries shall be paid monthly, and all claims payable out of the School Fund shall be by warrant, signed by the President and Secretary of the Board.

SEC. 131. All demands authorized by this article shall be paid by the Treasurer from the School Fund, when the same shall be presented to him approved by the Board and duly audited by the Auditor; *provided*, that no demand shall be

paid except upon such a warrant as aforesaid, duly indorsed by the payee named herein; *and provided further*, that the said Board shall not have power to contract any debts or liabilities, in any form whatsoever, against the city, in contravention of this article, or exceeding in any year the income and revenue provided for the School Fund for such year. Educational
Department.

SEC. 132. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and Council, incur extraordinary expenditures in excess of the annual limit provided by law and in this charter for the repair, construction, and furnishing of school houses; and the Council may by ordinance cause to be transferred to the School Fund from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditure.

PUBLIC LIBRARIES.

SEC. 133. There shall be maintained in the City of Oakland free public libraries and reading rooms, as provided for by the Act of the Legislature of this State entitled "An Act to establish free libraries and reading rooms," approved April twenty-sixth, eighteen hundred and eighty, and such other Acts of the Legislature as may be hereafter enacted amendatory thereof and supplemental thereto. Public
Libraries

ARTICLE VIII.

REVENUE AND TAXATION.

SEC. 134. On or before the last Monday of August in each year, the Auditor shall prepare and transmit to the Council, accompanied with the estimates and reports of each department, which he shall require to be delivered to him, an estimate of the probable necessities of the city for the current fiscal year, giving the amount required to meet the Interest and Sinking Funds for any and all outstanding funded debts, together with the amount needed for salaries and probable wants of all the departments of the municipal government, in detail, and showing the necessities of each of the several funds to be provided for in the treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue is likely to accrue to the treasury, and be collected from the fines, licenses, and all other sources of revenue, exclusive of tax upon property; and shall give an estimate of what amount will be required to be levied and raised by tax upon all property in the city, in order to meet the necessities of such fiscal year. Revenue and
Taxation.

SEC. 135. The Council shall, before fixing the rate of the annual city tax, establish, by ordinance, separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a General Fund; and the percentage of said levy shall be named for each fund, and the whole amount of taxes

Revenue and
taxation.

and revenue of the city apportioned accordingly; and no transfer shall be made except of balances in excess, or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds.

SEC. 136. The Council shall, on or before the first Monday of October in each year, by ordinance, fix the rate of taxes to be levied, and levy the taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year one dollar for each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city.

SEC. 137. Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments, and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner and with like effect as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes, and sale of property for unpaid taxes for State and county purposes and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection, and sale for State and county purposes and hereby applied to and shall be the law governing such assessment, equalization, levy, collection, and sale for State and county purposes, and hereby applied to and shall be the law governing such assessment, equalization, levy, collection, and sale for municipal purposes; and the respective officers of the city shall have, possess, and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for State and county purposes; and to that end:

First—All powers and duties so by law conferred or imposed upon the County Assessor, are hereby conferred and imposed upon the City Assessors.

Second—All powers and duties so by law conferred or imposed upon the Board of Supervisors, are hereby conferred and imposed upon the Council.

Third—All powers and duties so conferred or imposed upon the District Attorney, are hereby conferred and imposed upon the City Attorney.

Fourth—All powers and duties so by law conferred or imposed upon the County Tax Collector, are hereby conferred and imposed upon the City Tax Collector.

Fifth—All powers and duties so by law conferred or imposed upon the County Treasurer, are hereby conferred and imposed upon the City Treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the County Clerk or County Auditor, are hereby conferred and imposed upon the City Clerk and City Auditor.

The Assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city, any statement or report whatsoever, nor make any record or entry as to equalization by the State Board of Equalization, or as to school, road, or other districts.

Revenue and
taxation.

SEC. 138. On or before the first Monday in July, in each year, the Assessor shall complete his list, or assessment roll, and shall attach his certificate thereto, and deliver it and the books, and any maps he may have accompanying the same, and all the original lists of property given to him, to the City Clerk, and the Clerk shall thereupon notify the Board of Equalization and the taxpayers of the fact, by posting three notices, specifying the time of the meeting of said Board for the purpose of equalizing the taxes. Said roll shall be kept open in his office for public inspection.

SEC. 139. The Assessor must make the abstract provided for in section three thousand six hundred and seventy-eight of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the Assessor to determine the proportion of valuation of such instrument to be assessed in the city, and assess the same accordingly.

SEC. 140. The Council may, by an order entered upon its journal, extend, for not exceeding thirty days, the time fixed in this article for the performance of any act.

SEC. 141. The Tax Collector must, at least once in each month, and oftener if required by the Council, settle with the Auditor, and pay into the treasury the full amount of money received by him for the city.

SEC. 142. All fines and forfeitures arising under the revenue and taxation laws, as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case, and in like manner, and with like effect as it may be struck off or sold to the State when offered for sale for State or county taxes, and the Council shall have the same powers and duties in relation to such property as is by law given to the State Board of Equalization in case of a sale to the State; and no certificate or receipt need be delivered to the State Controller.

SEC. 143. The Council shall have and exercise the powers, and duties conferred and imposed upon the State Board of Equalization by sections three thousand eight hundred and twelve and three thousand eight hundred and fourteen of the Political Code, or by any Acts amendatory thereof or supplemental thereto.

SEC. 144. No city officer shall be required to send or transmit any statement or report to any State officer or Board.

SEC. 145. All papers and instruments required to be filed or recorded with or by the County Recorder by the revenue

Revenue and
taxation.

and taxation laws, shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the County Recorder of Alameda County.

SEC. 146. The Assessor shall be governed as to the amount of taxes to be by him collected on personal property by the city tax rate of the previous year.

SEC. 147. The assessment of property within the city made by the County Assessor of Alameda County and the State Board of Equalization shall be the basis of taxation for the city, as provided for by section three thousand six hundred and seventy-one of the Political Code; *provided*, that if any property in the city shall not be assessed by the County Assessor, the City Assessor shall assess and enter the same in the "Subsequent Assessments" provided for in the next section.

SEC. 148. It shall be the duty of the Assessor at any time subsequent to the first Monday in July, and prior to the fourth Monday in August, of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the City Clerk, to be by him compared with the entries on the assessment roll.

SEC. 149. Whenever the Council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, work, sewer, property, water rights, bridges, or improvement, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of Article XI of the Constitution of this State and general law; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issued therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor. Nor shall any such bonds be issued or sold during any one year in excess of the actual expenditures incurred in that year.

ARTICLE IX.

POLICE AND FIRE DEPARTMENT.

Police and
Fire depart-
ment.

SEC. 150. The Police and Fire Department shall be under the management of a Board of three Commissioners. The members of the Board of Public Works shall be *ex officio* the Board of Commissioners of the Police and Fire Departments.

SEC. 151. Immediately after their appointment and qualification as Commissioners of the Board of Public Works, they shall organize as a Board of Commissioners of the Police and Fire Department, and elect one of their number Presi-

dent, who shall hold his office for the term of one year. The Secretary of the Board of Public Works shall act as the Secretary of the Board of Police and Fire Commissioners. The Board shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, clerks, and employés, and may require bonds from any of its subordinates for the faithful performance of their duties.

Police and
Fire depart-
ment.

SEC. 152. The Board shall hold a regular meeting at least once a week, and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution, entered upon its records, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks. The meetings of the Board shall be public; two members shall constitute a quorum, and the votes of two members shall be sufficient to pass any order or resolution; *provided, however*, that executive sessions may be held in special cases by unanimous vote. No business shall be transacted at a special or adjourned meeting of the Board except such as may have been made the special order of business for such meeting, or such as may have been under consideration at the meeting from which the adjournment was had, or such as may have been specified in the notice of the meeting. The Board shall cause to be kept a record of its proceedings. It may, when it shall deem it expedient, and shall, when required by the Council or the Mayor, furnish such data or information as may be required.

SEC. 153. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall perform such other duties as the Board shall prescribe or direct.

SEC. 154. The officers, members, and employés of said Police and Fire Department shall be appointed by said Board, but no appointments or removals shall be made for political reasons, nor shall any removal be made except for cause established to the satisfaction of the Board.

SEC. 155. Said Board shall have power:

1. To prescribe the qualifications, duties, badges of office, and uniforms of the officers, members, and employés of said departments.

2. To prescribe rules and regulations for the government and discipline of the same, and prescribe and enforce penalties for their violation.

3. To hear and summarily determine all complaints of misconduct, inefficiency, or violation of the rules or other charge against any officer, member, or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline, and efficiency of such departments.

4. To appoint in their discretion special policemen, who shall be under the supervision and control of the Chief of

Police and
Fire depart-
ment.

Police, and to remove the same at pleasure; *provided, however,* that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the Council.

5. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said Board by this charter, or by any ordinance of the Council passed pursuant thereto, or by the Constitution and laws of this State; and, in general, to manage and control said departments.

SEC. 156. The Board shall have the custody and control of the houses, engines, hose carts, trucks, ladders, horses, telegraph lines, stables, and all other property and equipments now or hereafter used or belonging to the Police or Fire Departments.

SEC. 157. The Board shall annually, on or before the last Monday of July, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department and the Fire Department, and of the Fire Alarm and Police Telegraph, for the ensuing year, specifying in detail the proper time for which the same will be required.

SEC. 158. Every claim against the Police Department or Fire Department shall be approved by the Board, in open session, which approval shall be entered in the minutes of the Board. No such claim shall be allowed or ordered paid by the Council until the same has been so approved by said Board, and has indorsed thereon such approval, authenticated by the signatures of the President and Secretary of the Board.

SEC. 159. The Board shall determine and report to the Council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional apparatus, materials, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required, and as to materials and supplies required for the efficient working of the Fire Alarm and Police Telegraph hereinafter provided for; but the action of the Board with respect to the necessity of these matters shall be only advisory to the Council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the Council. All contracts let and work ordered for said Police and Fire Departments, and said Fire Alarm and Police Telegraph, shall be let and ordered by the Board of Public Works; and the Board of Public Works shall see that the same are faithfully carried out and performed; *provided, however,* that the Board of Police and Fire Commissioners shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of fifty dollars.

SEC. 160. The Council shall maintain a Fire Alarm and Police Telegraph, which shall be in charge of the Board of Police and Fire Commissioners, who shall manage and con-

trol the same, and appoint the Superintendent thereof in like manner with other employés of the Police and Fire Departments. Police and Fire department.

SEC. 161. The Police Department shall consist of a Chief of Police and such Captains, detectives, and other policemen, not exceeding in the aggregate forty, as the Board may determine to be necessary. The Fire Department shall consist of a Chief Engineer and as many drivers, hosemen, and other employés, not exceeding in the aggregate seventy, as the Board may determine to be necessary. The Board may, with the consent of the Council, evidenced by ordinance, add to the above numbers, from time to time, should the increase of population and public interest so require.

SEC. 162. Any officer or member of the Police or Fire Departments, or of the Fire Alarm and Police Telegraph, other than the Police and Fire Commissioners, guilty of any legal offense or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or conduct injurious to the public peace or welfare, or detrimental to the efficiency of the department of which he may be an officer or member, or breach of discipline or efficiency, or (in case of a police officer) of conduct unbecoming an officer, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer or member; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and maintained, under such regulations as the Board may adopt, for the benefit of the sick and disabled members and the families of deceased members of the department of which the accused may be an officer or member. The Board shall annually render to the Council a verified itemized account in writing of all moneys so received and disbursed during the preceding year.

SEC. 163. In all investigations or trials conducted by said Board, the President thereof shall have the power to issue subpoenas for the attendance of witnesses and production of papers before it. Such subpoenas shall be served by any policeman. Any member of the Board may administer oaths and affirmations in the conduct of said investigations.

ARTICLE X.

HEALTH DEPARTMENT.

SEC. 164. There shall be a Health Department under the management of a Board of Health, to consist of five members, who shall be appointed by the Mayor, and whose terms of office shall be two years. The members of said Board must be residents of the City of Oakland, physicians in good standing, and graduates of some medical college. Health department.

SEC. 165. The members first appointed shall, immediately after their appointment and qualification, so classify themselves by lot, that two of them shall go out of office at the end

Health de-
partment.

of one year, and three of them at the end of two years, after their appointment. They shall elect one of their members as President of the Board, who shall hold office for one year. Any member failing to qualify within ten days after his appointment shall be deemed to have declined the office, and a new appointment shall be made. Three members shall constitute a quorum for the transaction of business. No measure shall be passed without the concurrence of a majority of the whole Board. The members of said Board shall receive no compensation.

SEC. 166. The Board of Health shall be provided by the Council with a suitable office, which shall be known as the Health Office, in which they shall hold their official meetings at least once a month, and also whenever requested, in writing, by three members of the Board, or by the President thereof.

SEC. 167. The Board of Health, subject to the ordinances of the Council, shall have general supervision of all matters appertaining to the sanitary condition of the city, including the sewers, jails, hospitals, and all public city institutions.

SEC. 168. The Board shall, on or before the first Monday of July, make an annual report of the affairs of the Health Department to the Council, and shall include therein the annual report of the Health Officer, and shall at the same time furnish the Auditor a detailed statement of the amount of money that will be required for the Health Department during the ensuing fiscal year, and the Council may provide for the raising of such amount, or so much thereof as in their judgment may be necessary. All expenditures of the Board shall be subject to allowance by the Council, in the same manner as the expenditures of other branches of the municipal government.

SEC. 169. The Board shall appoint, and may remove at pleasure, a Health Officer, who shall also act as City Physician, and whose compensation shall be fixed by the Council. He must be at least thirty years of age, a graduate of a regular medical college, and a resident for three years in the city. He must reside within the city limits, and must execute an official bond in such sum as the Council may direct. The Board may appoint and remove at pleasure a Secretary, who shall keep a record of the proceedings of the Board, and perform such other duties as may be prescribed by the Board, and whose compensation shall be fixed by the Council.

SEC. 170. The Health Officer shall be the executive officer of the Board, and shall see that all laws and ordinances relating to the public health and the rules and regulations of the Board of Health are enforced. He must make to the Board an annual report of the affairs of his office, including mortality and other statistics, with such general observations as in his judgment might benefit the sanitary condition of the city. He shall in person visit, once in each quarter, all the public schools and other public institutions in the city. During such visits he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. In the

months of January, April, July, and October, he shall report to the Board the result of his examinations. Health department.

SEC. 171. Whenever it shall be certified to the Board of Health by the Health Officer that any building, or part thereof, is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness amongst its occupants, said Board may issue an order, and cause the same to be fixed conspicuously on the building, or front thereof, and to be personally served upon the owner, agent, or lessee, if the same can be found, requiring all persons therein to vacate such building for the reasons to be stated therein, as aforesaid. Such building, or part thereof, shall, within ten days thereafter, be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it should become satisfied that the danger from the building, or part thereof, has ceased to exist, may revoke said order.

SEC. 172. Every physician in the city shall immediately report to the Health Officer, in writing, every patient he shall have sick of typhus, ship, or yellow fever, Asiatic cholera, or smallpox, and shall report to the Health Officer every death from such disease immediately after it shall have occurred. Also, every householder in said city shall forthwith report, in writing, to the Health Officer the name of every inmate of his or her house whom he or she shall have reason to believe sick of typhus, ship, or yellow fever, cholera, or smallpox, and any deaths occurring at his or her house from such diseases.

SEC. 173. The Health Officer shall immediately report to the City School Superintendent the names and residences of every person sick of typhus, ship, or yellow fever, Asiatic cholera, or smallpox, or any other contagious disease he may deem dangerous to public health; and it shall be the duty of the City School Superintendent, when so notified of the residence of any person sick of any diseases enumerated, to refuse admittance to the public schools to any member of a household, one or more of whose inmates are sick of any of the aforesaid diseases; *provided*, that the parties excluded shall be readmitted upon presenting a certificate from the Health Officer that there is no longer any danger from contagion.

SEC. 174. Whenever a case of smallpox, or Asiatic cholera, or yellow fever is reported to the Health Officer, he shall immediately visit the premises where the person is, and the said Health Officer, upon personal inspection, shall, in case of smallpox, Asiatic cholera, or yellow fever, immediately cause to be displayed a quarantine flag in a conspicuous place on said premises, and put upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

SEC. 175. The Board may locate, establish, and maintain pest-houses, and discontinue and remove the same, when and where such location, establishment, and maintenance or discontinuance and removal may be necessary to the preservation of public health. They may appoint and remove at pleasure such physicians and nurses (whose compensation

Health de-
partment.

shall be fixed by the Council) for said pest-houses as may be necessary to maintain the efficiency of the same and comfort of the inmates; and may cause to be removed thereto, and kept, any person affected, within the limits of the city, with smallpox, Asiatic cholera, or yellow fever; *provided*, that no person, unless he is unable or refuses to maintain such quarantine as may be prescribed by resolution of the Board, shall be so removed to any pest-house. The Board may make all rules and regulations regarding the conduct of said pest-houses as may be needful. No person shall remove a patient affected with such disease from any house or place within the limits of the city to any other house or place, without the permission of the Health Officer.

SEC. 176. The Board may proclaim such quarantines and establish and declare such quarantine districts and grounds and the boundaries thereof as may, in their judgment, be necessary for the preservation of the public health; and may, when deemed necessary, require all vessels, railroad cars, or other public conveyances, before the same shall land or stop at any landing, depot, or stopping place in the city, to stop or touch at any or either of the districts, grounds, or boundaries so selected and established for quarantine purposes, and leave all such persons, with their stores and baggage, as in the opinion of the Health Officer or physician stationed at such quarantine sites, places, or boundaries shall be deemed proper on account of the existence or general report of Asiatic cholera, smallpox, or yellow fever.

SEC. 177. The said Board shall make such rules and regulations for the government of the quarantine or the health of the city as from time to time they shall deem necessary, and the physicians or Health Officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper management thereof; and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city in and about said quarantine stations or places, to carry out and obey the same.

SEC. 178. The Board of Health shall cause to be kept a record of all births and deaths occurring in said city; such records must be kept in the Health Office, and shall be open for inspection of any person during office hours. All physicians and midwives in the city shall report to the Health Office, on or before the fifth of each month, all births occurring in his or her practice during the previous month.

SEC. 179. No person shall deposit in any cemetery the body of any human being who has died in the city, or remove the same from within the limits of the city, without having first obtained and filed at the Health Office a certificate signed by a physician or Coroner, setting forth, as nearly as possible, the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of deceased, and obtained from the Health Officer a permit in writing therefor, for burial or other purposes. Physicians, when deaths occur in their practice, must give the certificate herein mentioned, unless the physician believes the death to be a proper case for

investigation by the Coroner. No body of a human being who has died without the limits of the city, and no body or remains of a deceased person exhumed or taken from any grave, vault, or other place of burial or deposit, within or without the city, shall be transported in or through the streets or highways of the city, unless the person or persons transporting such body or remains shall first obtain from the Health Officer a permit in writing therefor, which shall accompany the body or remains. Health Department.

SEC. 180. The permits in the last section may be granted, in the discretion of the Board of Health, under such general restrictions and conditions as the Board may prescribe. The Health Officer shall prepare a book of blank permits, in proper form and consecutively numbered, containing stubs on which, as well as in the permit, shall be entered a record, giving the name, age, sex, nativity, place of burial, and destination of remains to be transported or removed.

SEC. 181. The Board of Health must exercise a general supervision over the death records of the city, and may adopt such forms and regulations, not inconsistent with law and the ordinances of the Council, for the use and government of physicians, undertakers, and Superintendents of Cemeteries, as in their judgment may be best calculated to secure reliable statistics of mortality in the city and prevent the spread of disease.

SEC. 182. The Council must, by ordinance or otherwise, provide for the enforcing of such orders and regulations as the Board of Health may adopt and the Council approve. All expenses, which in the opinion of the Council are necessarily incurred in carrying out the provisions of this article, must be provided for by the Council.

SEC. 183. In addition to the powers and duties in this article enumerated, the Board shall have such other powers and perform such other duties as may be prescribed by ordinance of the Council, or by general laws.

SEC. 184. Any member of the Board of Health or the Health Officer may administer oaths on business connected with the Health Department.

ARTICLE XI.

MISCELLANEOUS PROVISIONS. ■

SEC. 185. Unless otherwise provided in this charter, all contracts for work or supplies of any kind, for more than one hundred dollars, shall be let to the lowest bidder after notice given, by posting the same for ten days, and by publishing the same for five days, and all sales or leases of property belonging to the city shall be by public auction to the highest bidder, upon such terms and conditions as the Council may, by ordinance, direct, and after like notice given. Miscellaneous provisions.

SEC. 186. No grant of any franchise by the Council shall have any validity or effect unless the person or persons to whom the same is made shall, within six months thereafter,

Miscellaneous provisions.

actually and in good faith, and not colorably, commence the exercise or enjoyment of the same, there being no legal impediment thereto; *provided*, that condemnation proceedings commenced and diligently prosecuted shall be deemed the exercise of a franchise granted under subdivisions twenty-eight, twenty-nine, thirty, and thirty-one, section thirty-one, Article III, of this charter. Whenever any franchise shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and the said franchise, or that part thereof so in disuse, shall no longer be exercised or enjoyed; *provided*, that the disuse of any portion of the franchise, unless permission be before obtained of the Council, shall be deemed a forfeiture of the whole.

SEC. 187. Whenever, within the corporate limits of the city, two or more railroads, operated by steam power, cross each other on the same grade or level, the corporations operating the roads shall, within four months after the adoption of this charter, or in case of roads now being or hereafter to be constructed, within four months after the completion of crossings, as above described, cause the erection and operation of a complete interlocking safety switch and signal system, which said signal system shall be so constructed as to prevent collisions at such crossings between cars or trains of cars, or locomotive engines, running on the different roads. Failure, neglect, or refusal to conform to the requirements of this section shall subject each corporation to a penalty of fifty dollars for each and every day during which such failure, neglect, or refusal shall continue.

SEC. 188. Any person holding a salaried office under this city, whether by election or appointment, who shall, during his term of office, hold or retain any other civil office of profit or emolument under the government of the United States or of this State, or who shall hold any other office connected with the government of the city, or who shall become a member of the Legislature, shall be deemed thereby to have vacated the office held by him under the city government.

SEC. 189. No member of the Council, and no officer or employé of the city, shall be or become directly or indirectly interested in or with the performance of any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city. Any member of the Council, officer, or employé of this city violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city, while he is such member, officer, or employé, unless the same shall devolve upon him by law, shall forfeit his office and be forever disqualified from holding any position in the service of the city, and all con-

tracts made, or right or franchise granted in violation of this section, shall be absolutely void.

Miscellaneous provisions.

SEC. 190. No officer or employé of the city shall give or promise to give to any other person any portion of his compensation, or any money or thing of value, or any position, in consideration of having been or of being nominated, appointed, voted for, or elected to any office or employment under the city. Any person violating the provision of this section shall forfeit his office and employment under the city, and be forever disqualified from holding any position in the service of the city.

SEC. 191. Any officer of the city, who shall, while in office, accept any donation or gratuity in money, or anything of value, either directly or indirectly, from any subordinate or employé, or from any candidate or applicant for any position under him, shall forfeit his office and be forever disqualified from holding any position in the service of the city.

SEC. 192. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from such books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, upon paying or tendering ten cents per folio of one hundred words.

SEC. 193. Except as otherwise provided for by law or this charter, all public offices shall be kept open for business every day (except legal holidays) from half-past eight o'clock in the forenoon until five o'clock in the afternoon; and in addition thereto, for two weeks before taxes become delinquent in each year, the office of the Tax Collector shall be kept open until nine o'clock in the evening.

SEC. 194. Whenever the Council shall adjudge it necessary for the city to take or damage private property for public uses, the Council may direct proceedings to be taken by the City Attorney under title seven, part three, of the Code of Civil Procedure, to condemn the same.

SEC. 195. No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk, or employé receive any salary or compensation for any service of any kind, unless the same is specially authorized by law or this charter; *provided, however*, that when any officer or Board shall require additional employés, application shall be made to the Council to authorize the appointment of such additional employés, and thereupon the Council may, in its discretion, authorize such appointment and provide for the compensation of such appointees.

SEC. 196. Whenever power is given in this charter to call special meetings of the Council, Board of Education, or any Board, the notice thereof shall be in writing, and shall specify the object of the meeting. The notice shall be served on each member personally, or by mail addressed to his place of residence; if by mail, the notice shall be deposited in the Post Office of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

Miscellaneous provisions.

SEC. 197. Wherever this charter provides for the posting of notices, such notices shall be posted at the front door of the City Hall, the United States Post Office, and at the office of the body authorizing the notice.

SEC. 198. Whenever a provision is made in this charter wherein publication is required, such publication shall be made in a newspaper of general circulation, printed and published in the City of Oakland, except as otherwise provided.

SEC. 199. Every officer shall hold his office until the expiration of the term for which he was elected or appointed and until his successor is elected or appointed and qualified; and where no other period is prescribed, the term of such officer shall not exceed two years. An officer shall be deemed to have qualified when he has taken the oath of office and filed the same, together with his official bond, if a bond is required, as herein provided.

SEC. 200. The Mayor, members of the Council, Auditor, Treasurer, City Attorney, Police Judge, Commissioners of Public Works, School Directors, members of Board of Health, and Health Officer, must each, at the time of their election or appointment, have been a citizen of the United States and a resident and qualified elector of the city for three years next preceding their election or appointment.

SEC. 201. All officers, deputies, clerks, assistants, and other employés of the city, and of the several departments thereof, must be citizens of the United States, and during their respective terms of office or employment must, with the exception of teachers in the public schools, reside in the city, and have been residents of the city one year next preceding their appointment. They and each of them shall perform such duties as may be required of them respectively by law, ordinance, or this charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased during the term of their respective offices or employment.

SEC. 202. If any officer of the city shall remove from the city, or absent himself therefrom for more than thirty days consecutively, without the permission of the Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within ten days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The Mayor shall have the power to appoint suitable persons to fill vacancies in any office, except as in this charter provided. The appointee shall hold for the unexpired term, and until the election and qualification of his successor.

SEC. 203. Unless otherwise provided by law or this charter, any officer, Board, or department authorized to appoint any deputy, clerk, assistant, or employé, shall have the right to remove any person so appointed.

SEC. 204. All appointments of officers, deputies, and clerks to be made under any provision of this charter, must be made in writing and in duplicate, authenticated by the person or

persons, Board, or officer making the same. One of said duplicates must be filed with the City Clerk and the other with the Auditor. Miscellaneous provisions.

SEC. 205. All franchises and privileges heretofore granted by the city, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

SEC. 206. Competent and experienced employes in the several departments shall not be unnecessarily removed.

SEC. 207. All ordinances and resolutions of the city in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed, and all officers of the city in office when this charter takes effect shall continue to hold and exercise their respective offices, under and in accordance with the terms and provisions of this charter, until the election or appointment and qualification of their successors, provided for herein.

SEC. 208. The City Council of the present City of Oakland shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

Be it known: That the City of Oakland, containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the tenth day of December, one thousand eight hundred and eighty-seven, at a special election, and under and in accordance with the provisions of section eight of article eleven of the Constitution of this State, did elect the undersigned, a Board of Fifteen Freeholders, to prepare and propose a charter for said city, and we, the members of said Board, in pursuance of said provision of the Constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, signed by us in duplicate, as and for the charter of the said City of Oakland.

In witness whereof, we have hereunto set our hands, this eighth day of March, Anno Domini one thousand eight hundred and eighty-eight. Done in duplicate.

JNO. A. STANLY, Chairman.
 PATRICK SCULLY.
 EDWARD J. PRINGLE.
 JOHN R. GLASCOCK.
 N. W. SPAULDING.
 V. D. MOODY.
 WM. C. BARTLETT.
 JOHN L. BROMLEY.
 WALLACE EVERSON.
 WARREN OLNEY.
 J. A. FOLGER.
 H. A. POWELL.

Attest: FRED. L. BUTTON, Secretary.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each House voting for and concurring herein), That said charter be and the same is hereby approved as a whole, for and as the charter of said City of Oakland.

CHAPTER IV.

Substitute for Senate Concurrent Resolution No. 4, requesting the Senate and House of Representatives of the United States to continue in force a certain Act of Congress entitled "A supplement to an Act entitled 'An Act to execute certain treaty stipulations relating to Chinese,'" approved on the first day of October, 1888, and praying for additional legislation to make it more effective.

[Adopted February 20, 1889]

Preamble.

Resolved by the Senate of the State of California, the Assembly concurring, That we fully indorse the action of Congress and of the President in the enactment of the measure known as the Scott Exclusion Bill. That in behalf of the people of California, irrespective of political parties, we ask the Government of the United States, in all of its branches, to rigidly enforce the provisions of said law.

To make
Chinese
Restriction
Act more
effective.

Resolved, That we respectfully memorialize Congress and the President of the United States to concur in the enactment of such additional legislation as will make said Restriction Act more effective, by preventing the entrance of the Chinese into the United States over the Canadian and Mexican borders; to this end we respectfully but earnestly recommend that, if necessary, treaties be entered into between our Government and the Governments of Mexico and Great Britain to prevent the violation of the said Restriction Law by the transit of Chinese through Mexico and Canada into the United States.

Resolved, That an experience of forty years has proven that the concession to the people of China of the rights and privileges of the most favored nations was a mistake, and that the reception within our borders of a non-assimilating class is an evil unmitigated by a single real benefit to the citizen of the Republic.

Resolved, That our Senators in Congress be instructed and our Representatives requested to present this concurrent resolution to the Senate and House of Representatives of the United States.

Resolved, That his Excellency the Governor be requested to immediately forward, by telegraph, a copy of this resolution to each of our Senators and Representatives in Congress.

CHAPTER V.

Senate Concurrent Resolution No. 2.

Concurrent Resolution, relating to the matter of securing an appropriation for the improvement of Eel River.

[Adopted February 14, 1889.]

WHEREAS, There are many resources of the southern part of Humboldt County that depend for their early and profitable development upon the successful navigation of Eel River, the largest river in Northern California, and one that runs through a country unsurpassed in natural wealth and commercial advantages; and whereas, the uncertainty at present attending the navigation of said river, caused by the presence of a sand bar at its mouth, is materially retarding the advancement of a large section of country which now annually produces many hundred thousand dollars worth of agricultural and dairy products, and which, if the navigation of said river could be made certain, would open up a great number of profitable fields for various branches of industry; and whereas, it is universally conceded by those competent to judge, that said river can be greatly improved and its navigation rendered certain by the expenditure of a comparatively small sum of money, and the people living in that part of said county thus afforded the means by which their many valuable products can be safely and cheaply transported to market; therefore, recognizing the urgent necessity for immediate action looking to the abatement of this injurious condition of affairs, and the just demand these people hold for relief in the premises, be it

Preamble.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives be requested to use all honorable endeavors to secure an appropriation to be used for the purpose of improving said Eel River and rendering its navigation certain, and that a most emphatic demand be made to Congress for the relief herein asked.

Improving
Eel River.

And be it further resolved, That his Excellency the Governor is hereby requested to forward to each of our Senators and Representatives in Congress a copy of this resolution.

CHAPTER VI.

Assembly Concurrent Resolution No. 6, relative to establishing a government arsenal and gun factory.

[Adopted February 21, 1889.]

WHEREAS, The growing importance of the States and Territories of the Pacific Coast demands the greatest consideration for the protection of their cities and towns against

Preamble.

invasion and attack in case of war; and whereas, the reported complications with foreign powers growing out of affairs at Samoa point to the necessity of adopting means and measures for the better protection and defenses of our coast; and whereas, the great distance from the places of manufacture of heavy ordnance, material of war, and naval armaments makes the transportation of such ordnance, material of war, and naval armaments to this coast both difficult and expensive; and whereas, this coast offers many advantages for the manufacture of such ordnance, material of war, and naval armaments; therefore, be it

To establish
government
arsenal and
gun factory.

Resolved by the Assembly, the Senate concurring, That our Representatives in Congress be requested and our Senators be instructed to use every effort to secure an appropriation for the purpose of establishing a government arsenal and gun factory, for the manufacture of heavy ordnance and material of war at some eligible point in this State.

Resolved, That his Excellency the Governor be requested to immediately forward to each of our Senators and Representatives a copy of these resolutions.

CHAPTER VII.

Assembly Concurrent Resolution No. 7, relative to the system of postal service.

[Adopted February 21, 1889.]

Preamble.

WHEREAS, The system of postal service was established and is maintained for the accommodation of the public, and not intended to be a source of revenue for the Government; and whereas, it would be a source of good to the poor of the country to have the present price of our postal service reduced; now, therefore, be it

Changing
system of
postal
service.

Resolved by the Assembly of California, the Senate concurring, That our Representatives in Congress be requested and our Senators instructed to use their endeavors to have the present system of postal service changed in such a way as to reduce the cost of postal stamps, and in a way to inure to the benefit and accommodation of the poor of this country in transmitting messages and documents under the care and management of the postal service of the United States.

CHAPTER VIII.

Senate Concurrent Resolution No. 7, memorializing Congress to grant to the City of Oakland the north arm of the estuary of San Antonio, for the sanitary improvement of the city.

[Adopted February 21, 1889.]

WHEREAS, The north arm of the estuary of San Antonio, Preamble. extending into the City of Oakland from Front Street on the south to Twelfth Street on the north, and lying between the Fifth and Sixth Wards on the west side, and the Seventh Ward on the east side, is of no value for the purposes of navigation; and whereas, the said arm of the said estuary is, at half tide, an exposed mud flat, from which arises pestilential vapors deleterious to the health of the whole city, and making the property contiguous thereto unfit for habitation; and whereas, it is a sanitary necessity for the people of Oakland that said arm of the estuary be ceded to the City of Oakland, that the same may be improved in such a manner so that the nuisance may be abated; therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, Improving Oakland Harbor. That the Congress of the United States be and it is hereby requested to grant to the City of Oakland the said arm of the estuary of San Antonio, for improvement for the benefit of the people of Oakland; and be it further

Resolved, That a copy of this memorial be immediately transmitted by the Governor of the State to each of our Representatives in Congress, and that they be requested to use all honorable endeavors to obtain such a grant.

CHAPTER IX.

Senate Concurrent Resolution No. 16.

[Adopted February 25, 1889.]

WHEREAS, The Chamber of Commerce of the City of San Francisco, Posts of the Grand Army of the Republic, and other organizations in California have, as an expression of public sentiment on the subject, petitioned Congress to make the necessary appropriations for the repair of Admiral Farragut's historic flagship Hartford, now at Mare Island Navy Yard; and whereas, in compliance with these requests, the National House of Representatives, at the commencement of its last session, passed unanimously a bill making an appropriation of one hundred and seventy-five thousand dollars, the estimated cost of the repairs for this purpose, transmitting the same to the United States Senate, Preamble.

where it was duly referred to the Naval Committee of that body, and where it has ever since remained; now, therefore, be it

Repairing
flagship
Hartford.

Resolved by the Senate of the Legislature of California, the Assembly concurring, That the Senators of California in the United States Congress be and they are hereby instructed to request the Senate Committee on Naval Affairs to report the bill making an appropriation for the repairs of the flagship Hartford to the United States Senate at the earliest practical moment, and exert their influence to secure the passage thereof.

Resolved, That the Governor of the State be and he is hereby requested to telegraph these resolutions to our Senators in Congress.

CHAPTER X.

Assembly Joint Resolution No. 1, relative to the election of United States Senator.

[Approved March 1, 1889.]

Election of
U. S. Sena-
tors by direct
vote of the
citizens.

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators and Representatives in Congress be and they are hereby requested to propose an amendment to the Constitution of the United States, to be submitted to the Legislature of the several States for ratification, providing for the election of United States Senators from the several States by the direct vote of the citizens thereof, instead of the Legislature.

Resolved, That his Excellency the Governor of the State of California be requested to send a certified copy of this resolution to each of our Senators and Representatives in Congress and Congressmen and Senators elect.

CHAPTER XI.

Senate Joint Resolution No. 4.

Approving the charter of the City of Stockton, in the County of San Joaquin and State of California, prepared and proposed by the Board of Freeholders elected on the twenty-ninth day of May, one thousand eight hundred and eighty-eight, and voted for and ratified by a majority of the qualified electors of said city who voted at a special election, held therein for that purpose on the twentieth day of November, one thousand eight hundred and eighty-eight. All in accordance with the provisions of section eight, article eleven, of the Constitution of the State of California.

[Adopted March 2, 1889.]

WHEREAS, The City of Stockton, in the County of San Joaquin, Preamble. and State of California, is now and at all times herein referred to was a city containing a population of more than ten thousand and not more than one hundred thousand inhabitants; and whereas, at a special election duly held therein on the twenty-ninth day of May, one thousand eight hundred and eighty-eight, according to law and the provisions of section eight, article eleven, of the Constitution of this State, a Board of Fifteen Freeholders, duly qualified, was duly elected in said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which Board of Freeholders did, within ninety days after said election, prepare and propose a charter for said city; and whereas, the same was, on the twenty-seventh day of August, one thousand eight hundred and eighty-eight, signed in duplicate by the majority of the members of said Board of Freeholders, and was, on the said twenty-seventh day of August, one thousand eight hundred and eighty-eight, returned and delivered, one copy thereof to the Mayor of said City of Stockton, and the other copy thereof to the Recorder of San Joaquin County (within which county said city is situated); and whereas, such proposed charter was then published in two daily newspapers of general circulation in said city, to wit: in the "Stockton Daily Independent," and in "The Mail," in each instance for more than twenty days, such publication having been commenced within twenty days after the completion of said proposed charter; and whereas, said charter was submitted within not less than thirty days after the completion of said publication by the legislative authority of said city, to wit: by the City Council thereof, to the qualified electors of said City of Stockton, at a special election duly called and held therein, on the twentieth day of November, one thousand eight hundred and eighty-eight; and whereas, at said special election a majority of such qualified electors of said city who voted at said special election did vote in favor of, and did ratify said charter so proposed, and the same is now submitted to the

Legislature of the State of California for its approval or rejection as a whole, as provided for in said section eight of article eleven of the Constitution of the State of California; and whereas, the said charter so ratified is in the words and figures following, to wit:

CHARTER FOR THE CITY OF STOCKTON.

Prepared and proposed by the Board of Fifteen Freeholders elected May twenty-ninth, eighteen hundred and eighty-eight, in pursuance of the provisions of section eight, article eleven, of the Constitution of the State of California.

BOUNDARIES, RIGHTS, AND LIABILITIES.

Boundaries,
etc.

SECTION 1. The municipal corporation now existing, known as the City of Stockton, shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Stockton, and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold, and enjoy real and personal property, within and without the City of Stockton, and sell, convey, mortgage, and dispose of the same for the common benefit; and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn, and may receive bequests, gifts, and donations of all kinds of property, within and without the city, in fee simple or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the gift, bequest, or trust.

SEC. 2. The public buildings, lands, and property, all rights of property, and rights of action, all moneys, revenues, and income belonging or appertaining to the City of Stockton are hereby declared to be vested in the said City of Stockton.

SEC. 3. The said City of Stockton shall continue to have, hold, and enjoy all public buildings belonging to the City of Stockton, lands, wharves, waters, property real and personal, rights of property, rights of action, suits, actions, moneys, revenue, income, books, documents, records, archives, claims, demands, and things in possession and action, of every nature and description, and shall be subject to all the obligations, debts, liabilities, dues, and duties of the existing municipality.

SEC. 4. Suits, actions, and proceedings may be brought in the name of the City of Stockton for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of or contracts with said City of Stockton, whether made, or arising, or accruing before or after the adoption of this charter; and all existing suits, actions, and proceedings, in the Courts or elsewhere, to which said city is a party, shall

continue to be carried on by or against the said City of Stockton. Boundaries,
etc.

SEC. 5. The City of Stockton shall be divided into four wards, the respective boundaries of which shall be as follows, to wit:

First Ward—All the territory within the limits of said city south of the center of Main Street and west of the center of Sutter Street.

Second Ward—All the territory within the limits of said city north of the center of Main Street and west of the center of Sutter Street.

Third Ward—All the territory within said city south of the center of Main Street and east of the center of Sutter Street.

Fourth Ward—All the territory within said city north of the center of Main Street and east of the center of Sutter Street.

ELECTIONS.

SEC. 6. General municipal elections shall be held biennially on the third Tuesday in May, commencing with the third Tuesday in May next after the adoption of this charter. At each general election there shall be elected a Mayor, five members of the Council, members of the Board of Education, an Assessor, a Treasurer who shall be ex officio Tax Collector, a City Clerk and Controller, a City Surveyor, and a Superintendent of Streets. Elections.

SEC. 7. The provisions of title two, part three, of the Political Code, relating to elections, and all laws amendatory thereof and supplemental thereto, and all rights, duties, liabilities, and restrictions arising thereunder, not inconsistent with the provisions of this charter, are hereby, so far as the same can be applied, made applicable to all municipal elections; and the respective officers of the city shall have, possess, and perform such powers and duties in all matters relating to municipal elections as are by law conferred or imposed upon county officers and officers of election in State and county elections; and to that end, all rights, powers, and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred upon the Council; and all rights, powers, and duties so by law conferred or imposed upon the County Clerk are hereby conferred and imposed upon the City Clerk, except as in this charter provided.

SEC. 8. In establishing election precincts, the Council shall make them as geographically compact as possible, and so that no precinct shall have more than three hundred electors therein.

SEC. 9. Only such persons residing in the city, whose names appear upon the Great Register of San Joaquin County at the time of any municipal election, shall be entitled to vote at such election; and to this end and extent, said Great Register is hereby adopted as the register of voters in and for the city. The Council shall cause the authenticated copies of such Great Register to be made and used at and for all municipal elections.

SEC. 10. The certificates of election issued by the City Clerk must be authenticated with the seal of the city. No other authentication shall be necessary.

LEGISLATIVE DEPARTMENT.

Legislative
department.

SEC. 11. The legislative power of the City of Stockton shall be vested in a Council of five members, whose terms of office shall be two years.

SEC. 12. One member of the Council shall be elected from each of the four wards of the city, each of whom shall at the time of his election be a resident of the ward from which he was elected. One member of the Council shall be elected from the city at large.

SEC. 13. The Council shall meet on the second Monday after the election of its members shall have been officially declared, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the Mayor, the President of the Council, or three members of the Council. Three members of the Council shall be a quorum, and the affirmative vote of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may prescribe.

SEC. 14. The Council shall annually elect a President from its own members, who may be removed by an affirmative vote of not less than three members of the Council.

SEC. 15. The Council shall establish rules for its proceedings. It shall have the power to punish its members for disorderly conduct in its presence, and may expel any member for malfeasance in office by an affirmative vote of three of its members. The Council shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business properly before that body.

SEC. 16. The President of the Council, and the Chairman of each committee, and each and every city officer (except policemen and firemen) shall have the power to administer oaths and affirmations relating to any business brought before the Council or under consideration by their respective departments.

SEC. 17. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be reenacted at length as amended.

SEC. 18. Every ordinance shall embrace but one subject, which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SEC. 19. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next meeting of the Council. No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

SEC. 20. Every bill, after it has passed the Council, shall be signed by the President thereof, and every bill which shall have passed the Council, and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days after receiving it. If he shall sign the same it shall then become an ordinance, but if he shall disapprove the bill, he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

Legislative
department.

SEC. 21. When a bill is returned without the approval of the Mayor, the Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than four members, it shall take effect as if the Mayor had approved the same. If the bill shall fail on being so considered to receive four affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Council.

SEC. 22. The action of the Council shall be by ordinance or resolution. To constitute an ordinance, a bill must before final action thereon be passed to print, and published, with the ayes and noes, for ten days; and in case of any amendment being thereafter made, must in like manner be republished as amended for not less than five days. No action providing for any specific improvement, or the granting of any privilege or involving the lease, appropriation, or disposition of public property, or the expenditure of public money (except sums of less than five hundred dollars), or the levying of any tax or assessment, or the imposing of any new duty or penalty, shall be taken except by ordinance.

SEC. 23. No ordinance passed by the Council shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

SEC. 24. The Council shall, in the year one thousand eight hundred and ninety, and every tenth year thereafter, redistrict the city into four wards, making the same as nearly equal in population and as geographically compact as possible; but the city shall not be so redistricted within ninety days previous to any municipal election.

SEC. 25. The Council shall, during the first year after its organization under this charter, cause all ordinances then in force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinance, without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication. The Council shall, every five years after the publication as herein provided, cause all the ordinances at that time in force to be compiled, and shall publish the same, subject to the terms and conditions herein expressed.

SEC. 26. The enacting clause of all ordinances shall be in these words: "Be it ordained by the City Council of the City of Stockton as follows."

Legislative
department.

SEC. 27. No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than one year; nor shall any contract be made to pay for gas, electric lights, or any other illuminating material at a higher rate than is charged to any other consumer.

SEC. 28. No contract for the supplying of water for the use of the municipality, in any of its departments, shall be made wherein the rates exceed those charged to other consumers.

SEC. 29. All contracts must be in writing, executed in the name of the city, and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the Auditor, numbered, and registered in a book kept for that purpose.

SEC. 30. The Council shall have power to pass ordinances:

1. To establish or alter the grades of, and to open, lay out, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes, and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of the streets when constructed and completed, in accordance with such regulations as the Council may adopt. Also, to open, lay out, and construct, alter, repair, and vacate walks, crosswalks, avenues, and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachments upon or obstructions to the same, and to require their removal.

3. To regulate the laying of telegraph or telephone wires in or upon the public streets; erecting of gas and electric lights therein; the numbering of houses on the streets and avenues; the naming of the streets, avenues, public places, and thoroughfares; the crossing of streets, avenues, sidewalks, and gutters; the use of streets and sidewalks for signs, sign-posts, awnings, awning-posts, horse-troughs, telegraph-posts, and other purposes; the exhibiting of banners, placards, or flags, in or across the street, or from houses or other buildings; public cries, advertising, and other noises, steam whistles, and the ringing of bells in the street; the use of the streets and public places for foot passengers, animals, vehicles, cars, and locomotives.

4. To regulate the building and repairing of sewers; and it shall establish, through the Board of Public Works, a general and comprehensive system of sewers in the city.

5. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, lighting and watering of the streets, avenues, and public places.

6. To regulate dispensaries, hospitals, markets, and other public institutions.

7. To provide for the construction and repair of bridges, wharves, docks, piers, slips, ferries, and public places.

8. To fix, regulate, and collect tolls, wharfage, and dockage.

9. To regulate, under the superintendence of the Board of Public Works, the moving and anchoring of vessels within

the waters of the city, and to prevent obstruction to the free navigation of the same. Legislative
department.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, preventing the erection or repairing of wooden buildings, or any buildings composed of combustible material therein, and for restricting the height of buildings or structures.

11. To declare what shall constitute a nuisance, and abate the same.

12. To provide and maintain a morgue.

13. To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, exhibitions, and practices which are against good morals, and contrary to public order and decency, or dangerous to the public safety.

14. To regulate or prohibit the sale, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosive or combustible materials and substances, the places of their manufacture, storage, and their transportation.

15. To regulate the maintenance of acid works, slaughter houses, washhouses, laundries, tanneries, offensive trades, and all other manufactories, works, and business of every description that may endanger the public safety, health, or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper, or exclude such works and business from the city.

16. To prevent or regulate the running at large of any animals, to establish a pound, and to authorize the destruction or impounding of any animals running at large.

17. To provide for the public printing, and to provide suitable rooms and buildings for the Courts, Boards, and officers of the city, and such furniture, fuel, lights, and stationery, and other supplies of any kind as are necessary for the convenient transaction of public business, all of which shall be provided by the Board of Public Works upon requisition of the Council, when the expenditure to be incurred may exceed one hundred dollars. The Council shall annually, at its first regular meeting in May, make such requisition for whatever it shall judge necessary for the ensuing fiscal year, and shall make other requisitions from time to time as occasion may require. The requisitions shall state in clear and explicit terms the quantity and kind of supplies, material, or work needed, and how, when, and where to be delivered or performed.

18. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

19. To prevent throwing into any stream, creek, or bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the waters thereof.

20. To regulate or prohibit the use of steam boilers, the location of telegraph and telephone poles and wires, awnings, and hanging signs, and the construction of entrances to cellars and basements from sidewalks.

Legislative
department.

21. To establish hack stands, and regulate the rates of charges of hacks and other licensed vehicles.

22. To regulate the entrance to and exit from theaters, lecture rooms, public halls, and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles in the aisles of such buildings.

23. To maintain and regulate a fire alarm and police telegraph.

24. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the mode of conducting the same.

25. To fix and determine, annually, the rates of compensation to be collected by any person, company, or corporation in the city for the use of water supplied to the city or the inhabitants thereof, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

26. To regulate the quality, capacity, and location of water and gas pipes, mains, and fire plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places, and public buildings.

27. To regulate the speed and conduct of railway engines, and to require railway companies either to station flagmen or place sufficient warning signals and signal bells at street crossings.

28. To grant franchises permitting any company or corporation to lay and maintain tracks, and to pass with steam railroads along, upon, and across, or elevated above or placed below any streets of the city; *provided*, that the free use of said streets shall not be unnecessarily obstructed thereby; and such franchises shall be granted only after notice published for two weeks and by ordinance passed by the votes of four-fifths of the members of the Council. Such grants shall be without prejudice to the rights of the owners of property to compensation for damages.

29. The grant of a franchise shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

30. To grant the right to construct, and to regulate and control the construction thereof, to railroad corporations, of pipes, tubes, conduits, signal bells, warning signs, wires, and other electric, telegraph, and mechanical appliances, in, along, over, across, and under the streets; *provided*, that said appliances be so constructed as not to interfere with the free use of the sidewalks and streets.

31. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

32. To determine fines, forfeitures, and penalties for the violation of any ordinance or any provision of this charter.

33. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the City Treasury. Legislative
department

34. To grant franchises for the construction of street railroads on and along the streets of the city; *provided*, that whenever application is made for such franchises the Council shall by resolution cause a notice of such application to be published for twenty days, and shall in said notice specify the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay to the City of Stockton at the expiration of five years after said railroad is completed, and thereafter semi-annually, the largest per centum of the gross receipts of such road, according to a verified statement of the same; *and provided further*, that in all grants of franchises for street railroads it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are the most approved flat rail pattern for street railways operated by horses, mules, cables, or other motors than steam. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and in case no bids are made, may, in their discretion, grant a franchise for such period as may be deemed most expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years; *provided further*, that all applications for franchises under this section shall be accompanied by a deposit sufficient to pay advertisements and other necessary expenses to the final action of the City Council on such application; and such sum shall be applied to such purposes.

35. To establish and regulate the issuing and granting of municipal licenses and the collection of license taxes.

36. To establish a city hospital, and to provide for its maintenance.

37. To acquire lands for public parks, and to improve and maintain such lands for the benefit of all the inhabitants of the city, and also to acquire lands for public buildings and other public uses.

38. To provide water for the uses of the city and its inhabitants.

39. To provide for the execution of all trusts confided to the city.

40. To offer rewards not exceeding five hundred dollars, for the arrest and conviction of any person or persons who may have committed a felony in said city.

41. To provide an urgent necessity fund, not exceeding five hundred dollars a year, to be expended under direction of the Mayor.

42. To establish such industrial schools, houses of correction, workshops, homes for confirmed inebriates, and such other institutions as may be deemed proper, and to provide for the support, maintenance, and management of the same.

Legislative
department.

43. To grant to the charitable associations of the City of Stockton a sum not to exceed one hundred and fifty dollars per month.

44. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

45. To regulate all parades and processions, and to determine what parades or processions upon the streets shall not be lawful, and to declare the same a nuisance.

46. To make all rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general laws in said city.

47. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and the provisions of this charter.

48. To appropriate out of the General Fund of the city a sum not to exceed one thousand dollars in any one year, to be used in celebrations of any legal holiday.

49. To provide for a Board of Health, and prescribe their powers and duties.

50. To provide for removing human remains from the city.

EXECUTIVE DEPARTMENT.

OF THE MAYOR.

Mayor.

SEC. 31. The Mayor shall be the chief executive officer of the city, and his term of office shall be two years.

SEC. 32. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, Boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, Boards, officers, and persons are kept in legal and proper form; and any official defalcation or willful neglect of duty, or official misconduct which he may discover, or which shall be reported to him, shall be laid by him before the Council, City Attorney, or District Attorney, in order that the public interests shall be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interests. He shall see that the laws of the State and the ordinances of the city are observed and enforced. He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, Board, or officer, at least once in every year, and enforce such examination. Any person refusing to

submit to or to permit such examination, or purposely delay-^{Mayor.}ing or impeding the same, may be suspended from office by the Mayor, and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectually suppressed.

SEC. 33. He shall, at least once in three months, together with a majority of the Finance Committee of the Council, count the cash in the City Treasury, and see that it corresponds with the books of the Treasurer and Controller.

SEC. 34. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all city officers, elected or appointed; he shall have power to suspend any city officer for a dereliction, neglect, or non-performance of duty, and shall report the same to the Council. If the Council approve of the suspension they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Council. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure to do so shall be cause for the removal of such officer or employé, as in case of malfeasance in office.

SEC. 35. The Mayor may call special meetings of the Council. The action of the Council at special meetings shall be confined to the matters specified in the notice.

SEC. 36. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Council shall act as Mayor pro tempore. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Council, assembled for the purpose. A member of the Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 37. The Mayor may, when authorized by the Council so to do, appoint a clerk, to be known as Mayor's Clerk. The Mayor shall perform all such other duties as may be prescribed by law or ordinance.

CITY CLERK.

City Clerk. SEC. 38. The duties of the City Clerk shall be to keep the corporate seal and all books, papers, records, and other documents belonging to the city, the custody of which is not in this charter otherwise provided for; to attend all meetings of the Council and keep a journal of its proceedings, all its by-laws, ordinances, and resolutions; and perform such other duties relating to his office as the Council shall direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall be *ex officio* Controller and License Collector. As Controller he shall prescribe the manner of keeping all records and accounts of the city, and the form in which all financial reports shall be made; he shall also draw all warrants on the City Treasurer, and perform such other duties as are prescribed by ordinance or resolution.

ASSESSOR.

Assessor. SEC. 39. It shall be the duty of the City Assessor to prepare, between the first Monday of January and the first Monday in April in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; to be present at the sessions of all Boards of Equalization mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council, by ordinance or resolution, may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. He shall receive a salary, to be fixed by the City Council, which shall not exceed five hundred dollars per annum. No change shall be made in the valuation of property fixed therein unless two days' notice be given to the taxpayer or his agent.

TREASURER.

Treasurer. SEC. 40. The Treasurer shall be *ex officio* Tax Collector. As Tax Collector he shall perform the duties in this charter and by the general laws of the State provided. As Treasurer

he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and shall do all things required of him by law or ordinance of said city. He shall not pay out any moneys belonging to the city, except upon claims presented, allowed, and audited in the manner provided by law. As soon as suitable vaults and safes are provided, the Treasurer shall keep therein all moneys belonging to the city; and he shall not thereafter, under any circumstances, deposit with or loan to any person, corporation, or bank, any of the moneys of the city, or allow the same (except in payment of demands against the city) to pass out of his custody. If he shall violate any of the provisions of this section, he shall forfeit his office and be forever disqualified from holding any position in the service of the city.

AUDITING COMMITTEES.

SEC. 41. There shall be a Board of Audit, to be composed of the Mayor, the City Clerk, and President of the Council. It shall be made the duty of the Board to make a final examination of all bills presented against the city for payment, except the claims of officers having a fixed salary. The Board shall act independently of every other Board, committee, department, or officer, and no claim, including claims for local improvements, shall be paid unless a majority of the Board shall certify that the services have been rendered, or the materials furnished, for which such bills may be presented, and that the charges are just and reasonable, or according to contract.

Auditing
Committees.

SEC. 42. All moneys drawn from the treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the Board of Audit, in whose office all such vouchers shall be filed.

SEC. 43. The Board of Audit shall have the right to require from the different officers, Boards, departments, and committees all the information which they possess, and to inspect any book, contract, resolution, or other paper or document in their respective offices or departments; and it is hereby made the duty of all such officers, Boards, departments, and committees to furnish and permit the same when required by the Board.

SEC. 44. It shall also have the right to examine any person presenting claims for settlement, or other witnesses concerning any such claim, and any member of the Board shall have authority to administer an oath to any such claimant or witness.

SEC. 45. It shall be the duty of the Board of Audit to report to the City Council monthly the name of every person in whose favor an account has been presented during the preceding month, with the amount thereof, and the decision of the Board on the same, and its final action thereon.

Auditing
Committees.

SEC. 46. Not later than fifty days next before the date established by this charter for the levy of city taxes, the several departments of the city government, through their Boards of control, and the several officers administering departments without Boards of control, shall submit to the Board of Audit itemized estimates of the amount of money necessary to carry on their several departments for the next succeeding year. And from the estimates thus submitted, with such deductions or additions as they may deem expedient, the Board of Audit shall, not later than thirty days next before the date for levying city taxes, submit to the City Council for their guidance, an itemized estimate, by departments, of the total amount of revenue necessary to carry on the city government for the next succeeding year.

SEC. 47. At the end of every fiscal year, the Board of Audit shall prepare and lay before the City Council an intelligible statement of the expenditures of the city government during the year for which such report is made, showing the objects to which the revenue has been devoted, and the extent of repairs which have been made, and the public improvements which have been effected. And it shall be the duty of the City Council to cause such a number of the same to be published as they shall declare by resolution, for gratuitous distribution among the inhabitants of the city.

PAYMENTS AND COLLECTIONS.

Payments
and collec-
tions.

SEC. 48. All fees and other moneys received or collected by any officer, agent, or employé of the city shall be paid by such officer, agent, or employé each month, or as much oftener as the Council may require, into the City Treasury for the use of the city; and no payment of salary shall be made to any officer, agent, or employé who shall be in receipt of money payable to the city, until he shall have taken and filed with the Controller an affidavit that he has paid into the City Treasury all fees or other moneys heretofore received by him or collected; *provided, however*, that this section shall not apply to the fees allowed the Assessor for the collection of taxes on personal property.

OATH.

Oath.

SEC. 49. Every officer provided for in this charter shall, before entering upon the duties of his office, take, subscribe, and file with the City Clerk the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and Constitution of the State of California, and that I will faithfully discharge the duties of the office of (— —) to the best of my ability."

SALARIES OF OFFICERS.

Salaries.

SEC. 50. The compensation of officers and employés of the city shall be fixed by the City Council at the first regular meeting in April next preceding the election of officers under this charter, not to exceed per annum as follows: Mayor,

two thousand five hundred dollars; Treasurer and Tax Collector, five hundred dollars; Assessor, seven hundred and fifty dollars; City Attorney, one thousand dollars; Prosecuting Attorney, five hundred dollars; City Clerk, one thousand eight hundred dollars; Superintendent of Streets, one thousand eight hundred dollars; Chief of Police, one thousand five hundred dollars; Municipal Judge, one thousand five hundred dollars; Chief of Fire Department, one thousand two hundred and fifty dollars; City Surveyor, six hundred dollars; Policemen, each, nine hundred dollars; members of the Council, each, three hundred dollars; Clerk of Municipal Court, six hundred dollars; Harbormaster, one thousand dollars; employés of the Fire Department, each, nine hundred dollars; *provided, however*, that the salaries of the officers and employés named herein, for the first two years after the adoption of this charter, shall be, per annum, as follows: Mayor, two thousand dollars; Treasurer and Tax Collector, five hundred dollars; Assessor, six hundred dollars; City Attorney, eight hundred dollars; Prosecuting Attorney, five hundred dollars; City Clerk, one thousand five hundred dollars; Superintendent of Streets, one thousand five hundred dollars; Chief of Police, twelve hundred dollars; Municipal Judge, twelve hundred dollars; Chief Engineer of Fire Department, twelve hundred dollars; City Surveyor, three hundred dollars; Policemen, each, nine hundred dollars; members of City Council, each, two hundred and fifty dollars; Clerk of Municipal Court, six hundred dollars; Harbor-master, one thousand dollars.

OFFICIAL BONDS.

SEC. 51. Every officer provided for by law shall, before ^{Bonds.} entering upon the duties of his office, and within ten days after the mailing or delivery to him of his certificate of election or appointment, file an official bond in such sum as the Council may, by resolution approved by the Mayor or passed over his veto, direct, payable to the city, which bond shall be subject to the law concerning official bonds of officers. All official bonds shall be approved by the Mayor and City Attorney (except that of Mayor, which shall be approved by the Treasurer and City Attorney, and also except that of City Attorney, which shall be approved by the Mayor and Treasurer), the approval to be indorsed thereon; and said bonds shall be filed and kept in the office of the City Clerk, and must also be recorded forthwith, in the office of City Clerk, in a book kept for that purpose. The official bond of the City Clerk, after recording, shall be filed and kept in the office of the Mayor. The City Council may, at any time, require an additional amount or new sureties upon any official bond which it may determine insufficient; and must require an additional bond or new sureties whenever a surety thereon shall die or become insolvent or cease to be a resident of the State. If such additional bond or additional security be not given, the Council, upon notification thereof by the Mayor, must declare the office vacant; and as soon as such declara-

tion is made the office becomes vacant. No official bond shall be approved unless the sureties thereon shall justify in the manner provided for in the Political Code for justification of the official bonds of county officers; and all persons offered as sureties on official bonds may be personally examined on oath as to their qualification, by the officers whose duty it is to approve the bond. No officer or employé of the city, or member of the Council, shall be surety upon the official bond of any other officer of the city.

CITY ATTORNEY.

City Attor-
ney.

SEC. 52. The Mayor shall, by and with the advice and consent of the Council, appoint an attorney for the city, who shall be known as the City Attorney. His term of office shall be two years. He shall be an attorney and counselor at law duly admitted to practice by the Supreme Court of this State, and shall have actually been engaged in the practice of his profession for a period of at least five years before his appointment. He shall attend to all suits and other matters in which the city may be legally interested. He shall give his advice or opinion, in writing, whenever required by the Mayor, City Council, Board of Education, Board of Fire and Police Commissioners, or Board of Public Works, and do and perform all such other things touching his office as by the Council or Mayor may be required of him. The City Attorney shall draft and approve all official or other bonds required by this charter, or by ordinance, resolution, motion, or order of the City Council, except his own bond. His bond shall be drafted and approved by the Mayor.

SEC. 53. The Mayor shall, by and with the advice and consent of the Council, appoint a Prosecuting Attorney, whose duty it shall be to prosecute on behalf of the people all criminal cases before the Municipal Court, and all violations of city ordinances and resolutions.

TAXATION.

Taxation.

SEC. 54. The City Council shall have full power and authority to assess, levy, and collect annually taxes upon all the property within the city taxable for State purposes not exceeding one and one half per cent upon the assessed value thereof, which shall be paid into the General Fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and for the payment of the other indebtedness of such city not funded; and they may each year levy, assess, and collect an additional tax upon the taxable property, as aforesaid, not exceeding two per cent in any one year, which, when collected, shall be paid into a fund to be disbursed as follows:

1. To pay the interest on said bonds.
2. To a fund for the payment of the principal thereof; and,
3. To meet any indebtedness, as aforesaid, not funded. And the City Council, in making said levy, shall estimate the pro-

portion requisite for each fund, and the same shall be expended under the direction of the City Council, for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed, and collected upon all property liable to taxation within such portion and such limits, and so much of the territory of such city as shall be liable therefor under the laws and charters in existence at the time of the organization of such city under this Act; and if by reason of extension of territory, or from any cause, a portion only or a certain district of such city be liable under said laws and charters for the payment of the bonded and other indebtedness above named, or any portion of either thereof, the City Council in levying such tax shall make such levy upon and against the property which is situated, and persons who may reside in the territory of such city liable in each case for the payment of such indebtedness, or any particular class or portion thereof, according to such existing laws and charters. The City Council shall also have power to raise annually, by tax upon all the property within the city taxable for State purposes, whatever amount of money may be requisite for the support of free public schools therein, including high schools, and providing and furnishing houses therefor; but the tax provided for in this section shall not exceed thirty-five cents on each one hundred dollars' valuation upon the assessment roll in any one year; and shall, in like manner, raise by tax a fund for the establishment and maintenance of a free public library and reading-room, such tax not to exceed in any one year the rate of ten cents on each one hundred dollars' valuation, and not less than three cents thereon.

SEC. 55. And it shall be the duty of the City Assessor to prepare, between the said first Monday in January and the first Monday in April following in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; also, to make all assessments for the improvement of streets as herein or by ordinance provided; to be present at the sessions of all Boards of Equalization mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council by ordinance or resolution may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors,

Taxation

and shall receive therefor the same fees and compensation. The taxes so levied shall be a lien upon the property assessed, from the first Monday in January at twelve o'clock m.

SEC. 56. The City Council, or a committee of their number selected for that purpose by the City Council, at a meeting thereof to be held on the first Monday of April of each year, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment list to the City Clerk, and after five days' notice published in some newspaper in such city, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in such list, and shall have power, on their own motion, with or without complaint made, to modify or change such valuation in any way they shall deem just and proper; *provided, however*, that before making any change in any assessment, the Board shall notify the person interested by letter deposited in the Post Office or express, postpaid and addressed to such person, at least three days before action taken, of the day fixed when the matter will be investigated; *provided further*, that no reduction must be made in the valuation of property unless the party affected thereby or his agent makes and files with the Board a written application therefor, verified by his oath, showing the facts upon which it is claimed such reduction should be made. Any member of said Board shall have power to administer oaths and affirmations in the matter before said Board, and the sessions of said Board shall be held from time to time as in its notice specified, for the period of two weeks and no longer.

SEC. 57. After the Board of Equalization shall have completed their duties, the City Clerk shall add up the columns of valuation, and enter the total valuation of each description of property in the list, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Clerk shall, on the first Monday of May thereafter, deliver it to the City Council.

SEC. 58. On the first Monday in May, in every year, the City Council, by an ordinance, shall levy upon all the property in the city taxable by law for State purposes, a tax for school purposes, and for the current and general expenses of the city, and in conformity to the provisions of this charter, shall levy any and all other taxes by law directed then to be levied or assessed; and, in conformity with the provisions of this charter, shall levy a tax for the payment of the funded debt, upon the property liable therefor. Every tax so levied is made a lien which shall attach on said day in each year to and against all real property assessed, for the amount assessed against it; and if said property be assessed to a wrong person, or by a wrong name, said lien shall in nowise be affected or invalidated, and it shall not be satisfied or removed until the taxes are paid, or the property has absolutely vested in a purchaser, under and by reason of a sale, for such taxes. Every tax assessed upon personal property is a lien upon the real property of the owner thereof, from and after the time of the levy of such tax. The fiscal year shall begin on the first day

of January, and the terms "real and personal property" shall have the same meaning as the same terms used in the revenue laws of the State. Taxation.

SEC. 59. As soon as the City Council have declared and levied the taxes in any year, as in the preceding section provided, the City Clerk shall carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out the City Clerk shall certify to its correctness, and, on or before the third Monday of May thereafter, deliver it to the Tax Collector, and shall charge him with the amount of taxes as footed up, and take his receipt therefor.

SEC. 60. The Collector, on receiving the assessment list certified by the Clerk, shall proceed to collect the taxes specified therein, and pay over the same into the treasury, taking a receipt thereof. For the purpose of collecting the taxes authorized by this charter, the Tax Collector shall have such powers as are given by the revenue law of this State to collectors of State and county taxes, so far as the same are applicable. All taxes unpaid at the close of official business on the third Monday of June shall be deemed delinquent, and he shall on said day enter upon the assessment roll a levy upon all property therein assessed, the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the City Clerk a list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list.

SEC. 61. On the third Monday in June of each year, at six o'clock P. M., all unpaid taxes are delinquent, and thereafter the Collector must collect thereon, for the use of the city, an addition of five per cent.

SEC. 62. On the first Monday in July of each year, the Tax Collector must deliver to the City Clerk a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons or property.

SEC. 63. The City Clerk must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll, and must require from him the Treasurer's receipt for the full amount of taxes collected.

SEC. 64. After settlement with the Tax Collector as prescribed in the preceding section, the City Clerk must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the five per cent added thereto, and within three days thereafter deliver the list, duly certified, to such Tax Collector. Each taxpayer shall be required to make and

Taxation.

deliver to the City Assessor a statement, under oath, setting forth specifically all the real and personal property owned by said taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of January.

SEC. 65. On or before the third Monday in July of each year, the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property added to taxes on real estate where the real estate is liable therefor or the several taxes are due from the same person. To said list must be appended and with it published a notice that unless the taxes delinquent, together with the cost and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the Tax Collector's office, and not less than fourteen nor more than twenty-one days from first publication.

SEC. 66. Said list must be published three times a week for two successive weeks in some newspaper or supplement thereto published in such city, and when such publication is completed, and before commencing the sale, the Tax Collector must file with the City Clerk a copy of the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in a newspaper or a supplement thereto, stating the name and place of publication; such affidavit shall be prima facie evidence of all the facts therein stated. The expense of the publication of the delinquent list is to be paid by the city.

SEC. 67. The Tax Collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece, or tract of land separately assessed, and on each assessment of personal property, all of which must go to the city.

SEC. 68. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, of which he must give notice, the Tax Collector, between the hours of ten o'clock A. M. and three P. M., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of lots and blocks, until completed.

SEC. 69. He may postpone the day of commencing the sale, or the sale, from day to day, but the sale must be completed within two weeks from the day first fixed.

SEC. 70. The owner or person in possession of any real estate offered for sale for taxes due thereon, may designate, in writing, to the Tax Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including fifty cents to the Tax Collector for the duplicate certificate of sale, is the purchaser.

SEC. 71. After receiving the amount of taxes and costs, ^{Taxation.} the Tax Collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed

SEC. 72. The certificates must be signed by the Collector, and one copy delivered to the purchaser, and the other filed in the office of the County Recorder.

SEC. 73. The Tax Collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use.

SEC. 74. On filing the certificate with the County Recorder the lien of the city vests in the purchaser, and is only divested by the payment to him, or to the City Treasurer for his use, of the purchase money and twenty-five per cent thereon.

SEC. 75. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of the purchase.

SEC. 76. On receiving the certificate of sale, the Recorder must file it, and make an entry in a book similar to that required by the Collector. On the presentation of the receipt of the person named in the certificate, or of the City Treasurer, for his use, of the total amount of redemption money, the Recorder must mark the word "Redeemed," and the date by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

SEC. 77. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make to the purchaser or assignee a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The Collector shall be entitled to receive from the purchaser three dollars for making such deed.

SEC. 78. The matters recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that:

1. The property was assessed as required by law.
2. The property was equalized as required by law.
3. The taxes were levied in accordance with law.
4. The taxes were not paid.
5. At a proper time and place the property was sold as prescribed by law, and by the proper officer.
6. The property was not redeemed.
7. The person who executed the deed was the proper officer.
8. Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

Taxation

SEC. 79. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, free from all incumbrances.

SEC. 80. The assessment roll or delinquent list, or a copy thereof, certified by the City Clerk, showing unpaid taxes against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

EDUCATIONAL DEPARTMENT.

Educational
department

SEC. 81. The government of the School Department of the city shall be vested in a Board of Education, to consist of five members, to be called School Directors, and who shall receive no compensation. One School Director from each ward, and one from the city at large, shall be elected by the qualified electors of the whole city, at a regular municipal election, and shall hold office for a term of four years, and until their successors are elected and qualified; *provided, however*, that the Directors elected at the first election after the adoption of this charter, for the odd numbered wards, shall hold office for two years only. No person shall be eligible for the office of School Director who is not a parent, or the guardian of a child entitled to attend school.

SEC. 82. The School Directors shall enter upon the discharge of the duties of their office on the second Monday in September after their election, and the Board shall meet upon said date and organize by electing one of their number President, whose term of office shall be two years. The Board shall hold regular meetings, at least once in each month, at such time as shall be determined by its rules. Special meetings may be called at any time by the President or any two members of the Board. A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary to pass any measure. The sessions of the Board shall be public, and its records open to public inspection. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken, when demanded by any member, and entered on the records of the Board. Any vacancy occurring in the Board shall be filled, until the next municipal election, by a majority vote of the remaining Directors.

SEC. 83. The powers and duties of the Board of Education are as follows.

1. To establish and maintain public schools, including high schools, to change, consolidate, and discontinue the same.
2. To manage and control the school property.
3. To employ, pay, and dismiss teachers, janitors, School Census Marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow, and order paid their salaries or compensa-

tion, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election of a teacher or other person employed by the Board shall be construed as a contract, either as to the duration of time or amount of wages of such person.

Educational
department.

4. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

5. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction, and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the Board shall not be changed within a period of four years after its adoption.

6. To provide for the School Department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

7. To build, alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

8. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been or that may be hereafter acquired for the use and benefit of the public schools of the city, and to make, in the name of the city, conveyances of all such real estate belonging to the city and sold by the Board of Education; *provided*, that no real estate shall be bought, sold, or exchanged without the concurrence of four fifths of the members of the Board and the consent of the City Council, evidenced by ordinance; *and provided further*, that the proceeds of any such sale of real estate or personal property shall go into the General School Fund of the city; and the City Council is hereby authorized and required to make over to said Board of Education, upon an application in writing by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said City Council in trust for said city, for the use and benefit of said public schools.

9. To grade, fence, and improve all school lots, and in front thereof to grade, sewer, plank or pave, and repair streets, and to construct and repair sidewalks.

10. To sue for any and all lots, land, and property belonging to or claimed by said School Department, and to prosecute and defend all actions at law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land, and property.

11. To determine annually the amount of taxation for the establishment of free public schools therein, and for carrying into effect all provisions of law regarding public schools; and the amount so determined by said Board of Education, not exceeding twenty-five cents on the one hundred dollars of valuation on the assessment roll, shall be reported in writing

Educational
department.

to the Board of Audit. This report shall specify the proper items of the amount of money required to pay all outlays, and all fixed and incidental expenses, including the cost of erecting new buildings and of repairing old ones. The City Council is hereby authorized and required to levy, and cause to be collected, at the time and in the manner of levying and collecting other city taxes, the amount of taxation so determined and reported to the Board of Audit by the Board of Education, as school tax, upon all taxable property in the city, and said tax shall be in addition to all other amounts levied for city purposes; *provided*, that if an emergency shall arise when, in the opinion of the Board of Education, a greater tax than twenty-five cents on the one hundred dollars will be required to maintain the public schools, or to repair old buildings, or to erect new ones, the Board may recommend to the City Council an increase tax levy (not to exceed in the aggregate thirty-five cents on the one hundred dollars), and if the City Council shall sanction the same, it shall pass an ordinance so fixing the rate for that particular year.

12. To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

13. To prohibit any child under six years of age from attending public school.

14. To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand, for good cause, of which the Board shall be the sole judge.

15. To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the Board may direct, of tuition fees, to be fixed by the Board.

16. To dispose of, at public or private sale, such personal property as shall be no longer required by the department.

17. To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

18. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the school when not in use.

19. To use and apply the school funds of the city for the purposes herein named, and for no other purposes whatever.

20. And generally to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city.

SEC. 84. It shall be the duty of the Board to prescribe a course of study that will fit and prepare the student therein to enter any of the departments of the State University.

SEC. 85. Each member of the Board shall visit every school in the city at least once in each term, and examine carefully into its management, condition, and wants.

SEC. 86. The President of the Board of Education and the City Superintendent shall have power to administer oaths and affirmations concerning any demand upon the treasury, pay-

able out of the School Fund, or other matter relating to their official duties. Educational
department.

SEC. 87. All contracts for building shall be awarded to the lowest bidder therefor furnishing adequate security, to be determined by the Board, after due public notice, published for not less than ten days in one daily paper of the city.

SEC. 88. 1. No teacher shall be employed in any of the public schools of the city without having a certificate of the proper grade issued under the provisions of this charter.

2. For the purpose of granting certificates required by this section, the Board of Education, either as a body or by a Board of Examination appointed by said Board of Education, and of which the Superintendent shall be President, shall hold examinations of teachers.

3. No certificates shall be issued except to a person who shall have passed a satisfactory examination in such branches as the Board may require, and shall have given evidence of good moral character, ability, and fitness to teach.

4. Examinations of teachers shall be held annually at such time as the Board may determine.

5. The Board may, in its discretion, renew without examination the certificate of any person so employed.

6. It shall have power to revoke the certificate of any teacher upon evidence of incompetency, immoral, or unprofessional conduct.

7. The Board of Education may also, without examination, grant certificates, and fix the grade thereof, to the holders of life, State Educational, Normal School, and State University diplomas, and to the holders of such State and county certificates as were in force and effect on the first day of January, eighteen hundred and eighty.

SEC. 89. The Board of Education, one month after its organization, shall elect by ballot a City Superintendent of Schools, whose term of office shall be two years, unless sooner removed for cause, by a vote of four fifths of the members, after a full investigation. The Superintendent of Schools shall give his time and attention to the duties of his office, subject to the regulation of the Board of Directors. He shall have all the privileges of a member of the Board, except the right to vote. He shall act as Secretary and bookkeeper of the Board, and perform all clerical duties required by said Board. In the absence of the Superintendent, the Board may appoint one of its members to act as Secretary.

SEC. 90. It shall be the duty of the School Superintendent:

1. To report to the Board of Education annually, and at such times as it may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of the city during the preceding year, with such recommendations as he may deem proper.

2. To visit each school and thoroughly examine each grade thereof at least once a month, and at such other times as the welfare and efficiency of the schools demand.

3. To observe, and cause to be observed, such general rules for the regulation, government, and instruction of the schools as may be established by the Board.

Educational
department.

4. The Superintendent may for good and sufficient cause suspend any teacher employed in the schools of the city, until the next meeting of the Board of Education.

5. To recommend to the Board, for good cause, the dismissal of teachers and the cancellation of their certificates, stating the reasons therefor.

6. To attend all sessions of the Board, and give information at each session of the condition of the public schools, school houses, School Fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in this city.

7. To acquaint himself with all the laws, rules, and regulations governing the public schools in the city, and the judicial decisions thereon, and give advice upon matters connected with the public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

SEC. 91. He shall, at the regular meeting in the month of June of each year, submit to the Board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank books, books for indigent children, apparatus, and such other necessary school appliances as may be necessary for the use of the city schools and the Board for one year following.

SEC. 92. The Board of Education shall, upon the receipt of the statement from the Superintendent, as in the preceding section provided, advertise for the space of five successive days in some daily newspaper published in the city, for sealed bids for furnishing the articles in said statement specified. Said advertisement shall designate a day, after the expiration of the publication aforesaid, when said proposals will be considered, at which time the Board shall meet and publicly open and declare the proposals received, and shall thereupon award the contract therefor to the lowest responsible bidder, or bidders, in each case; *provided*, that any or all bids, or any part thereof, may be rejected if deemed too high; and the Board shall thereupon readvertise for the articles contained in said rejected bid, or bids, or parts thereof, as provided above. The Board may in its discretion require a good and sufficient bond, with two or more sureties, to be filed by each bidder, in the sum of two hundred dollars, conditioned upon the fulfillment of his proposal in case of the acceptance thereof.

SEC. 93. Neither the Superintendent nor any Director shall be interested in any contract pertaining in any manner to the School Department of said city. All contracts in violation of the provisions of this section are declared void, and any Director or Superintendent violating or aiding in the violation of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars.

SEC. 94. The Public School Fund of such city shall consist of all moneys received from the State and County School Fund; of all moneys arising from taxes which shall be levied by the City Council for school purposes; of all moneys arising from the sale, rent, or exchange of any school property, and of

such other moneys as may from any source whatever be paid into said School Fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this charter. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing of school moneys, and if at the end of the fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and no part of the School Fund shall be for any purpose, or in any manner whatever, diverted or withdrawn from such fund except as in this charter provided.

Educational
department.

SEC. 95. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and shall be approved by a majority of all the members elected to said Board, upon a call of ayes and noes, which shall be recorded. After claims have been approved, as herein mentioned, the Secretary of said Board shall draw a warrant upon the City Treasurer for the payment thereof, which warrant shall be signed by the President and countersigned by the Secretary. All demands for salaries of teachers and compensation of janitors shall be payable monthly, in the same manner, without presentation of claims therefor.

SEC. 96. All demands authorized by this article, and by the Board approved as aforesaid, shall be paid by the City Treasurer from the School Fund, upon presentation of the warrant therefor; *provided*, that the Board of Education shall not have power to create any debts or liabilities in any one year to exceed the actual revenue or available means in the City Treasury, under the control of the Board, and justly applicable for school purposes for such year.

SEC. 97. The Superintendent shall receive for his services a salary to be fixed by the Board of Education, which shall not exceed fifteen hundred dollars per annum; *provided, however*, that this may be increased when the number of pupils and classes warrant it, upon recommendation of the Board, by a vote of four fifths of the City Council.

SEC. 98. The salary of the Superintendent shall be fixed by the Board at the regular meeting next preceding the municipal election.

SEC. 99. The City Attorney shall be the attorney of the Board, but the Board shall have power to employ counsel to assist the City Attorney whenever the Board deems it advisable.

SEC. 100. The school year shall consist of forty-two weeks of actual schooling, including legal holidays, and such vacations as may be granted by the Board of less than one week duration.

SEC. 101. The daily sessions of the school shall continue for six hours, exclusive of noon intermission, and including the recesses; *provided, however*, that no pupil under eight years of age shall be kept in school more than four hours a day.

SEC. 102. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and City Council, incur extraordinary expendi-

Educational
department.

tures in excess of the annual limit provided by this charter for repair, construction, and furnishing of school houses; and the City Council may, by ordinance, cause to be transferred to the School Fund, from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditures.

SEC. 103. The Board of Trustees of any free public library, created or existing in such city under the provisions of an Act entitled "An Act to establish the free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, shall consist of five members, to be nominated by the Mayor and approved by the City Council, any provisions in said Act to the contrary notwithstanding.

JUDICIAL DEPARTMENT.

Judicial
department.

SEC. 104. The judicial power of the city shall be vested in a Municipal Court, to be held therein by a City Justice, to be designated and appointed by the Mayor; and it is hereby made the duty of said City Justice, in addition to the duties now required by law, to hold said Municipal Court. Said Justice shall be a duly licensed attorney of a Court of record.

SEC. 105. The Municipal Court shall have exclusive jurisdiction of the following public offenses committed in the city:

First—Petit larceny, receiving stolen property of the value of less than fifty dollars.

Second—Assault or battery, not charged to have been committed upon a public officer in the discharge of official duty, or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine, or by imprisonment, or by both such fine and imprisonment.

Fourth—Of proceedings respecting vagrants, lewd or disorderly persons.

Section 3. The said Municipal Court shall have exclusive civil jurisdiction in the City of Stockton:

First—In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not amount to three hundred dollars.

Second—In actions for damages for injury to the person, or for taking, detaining, or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or possession of the same, if the damage claimed does not amount to three hundred dollars.

Third—In actions to recover the possession of personal property, if the value of such property does not amount to three hundred dollars.

Fourth—In actions for a fine, penalty, or forfeiture, not amounting to three hundred dollars, given by statute or the ordinance of an incorporate city and county, city, or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll, or municipal fine.

Fifth—In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not amount to three hundred dollars, though the penalty may exceed that amount. Judicial
department.

Sixth—To take and enter judgment for the recovery of money on the confession of a defendant, when the amount confessed, exclusive of interest, does not amount to three hundred dollars.

Section 4. The said Municipal Court shall have concurrent jurisdiction with the Superior Courts within this city:

First—In actions of forcible entry and detainer, where the rental value of the property entered upon or unlawfully detained does not exceed twenty-five dollars per month, and the whole amount of damage claimed does not exceed two hundred dollars.

Second—In actions 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. 106. Except as in the last preceding section provided, the jurisdiction of said City Justice or Municipal Court shall not in any case trench upon the jurisdiction of any other of the Courts of record of the State, nor extend to any other action or proceeding against ships, vessels, or boats for the recovery of seamen's wages for a voyage performed in whole or in part without the waters of this State.

SEC. 107. Said Court shall also have exclusive jurisdiction of all actions and proceedings for violation of any ordinance of said city, both civil and criminal, and of an action for the collection of any license required by any ordinance of said city.

SEC. 108. Said Justice shall not sit in cases in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree; and, in case of the sickness or inability of the City Justice, the Mayor may call in a Justice of the Peace, residing in the County of San Joaquin, to act in his place and stead.

SEC. 109. The City Justice, while acting as Judge of said Court, shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law, and punish persons guilty of contempt of Court; and shall have power to issue warrants of arrest in case a criminal prosecution for a violation of a city ordinance, as well as in case of the violation of the criminal law of the State; also, all subpoenas, and all other processes necessary to the full and proper exercise of his powers and jurisdiction; and in such of the cases enumerated in this section in which trial by jury is not secured by the Constitution of the State he may proceed to judgment in the first instance without a jury, but on appeal such defendant shall be entitled to trial by jury in the Superior Court.

SEC. 110. The Municipal Court shall have a Clerk, to be appointed by the City Council upon the nomination of the Mayor, who shall hold office during the pleasure of the Coun-

Judicial
department.

cil. The Clerk shall keep a record of the proceedings of, and issue all process ordered by the City Justice, or by said Municipal Court, and receive and pay weekly into the City Treasury all fines imposed by said Court. He shall also, each month, render to the Board of Audit an exact and detailed account, upon oath, of all fines imposed and collected and of all fines imposed and uncollected since his last report, which said report is to be certified to by the City Justice. He shall prepare bonds, justify bail, when the amount has been fixed by the City Justice or said Court, in cases in which the bail does not exceed two hundred dollars, and may administer oaths. The Clerk shall remain at the Court-room of said Court, during business hours, and during such reasonable times thereafter as may be necessary for discharging his duty, and said Clerk shall also act as the Clerk of the Chief of Police. Before receiving his salary each or any month, he shall make and file with the City Clerk an affidavit that he has deposited with the City Treasurer all moneys that have come to his hands belonging to the city. Any violation of this provision shall be a misdemeanor. He shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the Mayor, conditioned for the faithful discharge of the duties of his office.

SEC. 111. All fines and other moneys collected on behalf of the city in the Municipal Court shall be paid into the City Treasury on the first Tuesday of each month; and all bills for fees and costs due the officers of said Court shall be reported to the City Council each month.

SEC. 112. The City Council shall furnish a suitable room for the holding of said Court, at which said City Justice shall remain from nine A. M. to twelve M., and from one P. M. to four P. M., and shall also furnish the necessary dockets and blanks. One docket shall be styled "The City Criminal Docket," in which all the criminal business shall be recorded, and each case shall be alphabetically indexed; another docket shall be styled "The City Civil Docket;" and it shall contain each and every civil case in which the city is a party, or which is prosecuted or defended for its interest, and each case shall be properly indexed. A third docket shall contain all the other business appertaining to the office of said City Justice, and in all cases the docket shall contain all such entries as are required by law to be made in Justices' dockets; and in any case tried before the Court, the docket must show what duties were performed by any officer of the Court, and the amount of the fees due to the officer for such services, and what amount of money, if any, collected.

SEC. 113. The Municipal Court shall be always open, except upon non-judicial days, and then for such purposes only as are by law permitted or required of other Courts of this State.

SEC. 114. Appeals may be taken from any judgment of said Municipal Court to the Superior Court of this county, in the same manner in which appeals are taken from Justices' Courts in like cases.

SEC. 115. Said Court shall have a seal, to be furnished by ^{Judicial} the city. _{department.}

SEC. 116. The City Justice shall, on the first Tuesday of each month, make to the City Council a full and complete report of all cases, civil and criminal, in which the city has an interest, or which are required to be entered in the City Civil Docket, or the City Criminal Docket; such report to be made upon blanks to be furnished by the City Council, and in such form as said Council may require.

SEC. 117. Certified transcripts of the dockets, made by the Clerk of said Court, under the seal of said Court, shall be evidence in any Court of this State of the contents of said docket; and all warrants and other process issued out of said Court, and all acts done by said Court, and certified under its seal, shall have the same force and validity in any part of this State as though issued or done by any other Court of record of this State.

SEC. 118. In all cases when the Municipal Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offense triable therein, the said Court may sentence the offender to be imprisoned in the city jail, if there be one established by the City Council; if not, then until said Council shall designate and establish a city jail or prison, may sentence offenders to be imprisoned in the county jail, and, in addition to imprisonment, may sentence offenders to be employed to labor in the city, under the direction of the Chief of Police, and in the manner prescribed by ordinance, and for the benefit of the city during such time of imprisonment, and may, in case of imposing a fine, embrace as a part of the sentence that, in default of payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city, as before provided, at the rate of two dollars a day, till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police shall, until the establishment of a city jail, be returned to the county jail at the end of each day's labor during their term of imprisonment, until a city jail shall be, by the City Council, established. It is hereby made the duty of the officer having the control or charge of the county jail of the county wherein such city is situated, to receive and safely keep all persons imprisoned by any judgment or order of the Municipal Court, in accordance with the order of commitment, and to allow those to be removed from the jail, under the charge of the Chief of Police, who are required to labor for the benefit of the city, or whom the said Justice may order brought forth for trial; and the keeper of said jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the Chief of Police.

SEC. 119. Said Court or Justice shall also have power to commit to the Home for the Care of the Inebriate, when any such institute may be established, any person who may be convicted before him of habitual intemperance, for a term not exceeding six months, or until sooner released by order of said Justice, or by the Board of Managers of such institution by a two-thirds vote of all the members of said Board.

Judicial
department.

SEC. 120. The said Court or Justice shall have the power to commit all offenders under eighteen years of age, duly convicted, to the Industrial School of said city, when any such school may be established, in all cases where such commitment shall by said Court or Justice be deemed to be more suitable than the punishment otherwise provided by law, not to exceed six months. If upon any trial it shall appear that the person on trial is under fourteen years of age, and has done an act, which if done by a person of full age would warrant a conviction of the crime of misdemeanor charged, then and in that case said Court or Justice shall have power to commit such child to the Industrial School. In either case said Court or Justice may sentence such person to be confined in the correctional department of said Industrial School for any term not exceeding six months. Upon application of the Mayor, or any member of the City Council, or of any three citizens, charging that any child under eighteen years of age lives an idle or dissolute life, and that his parents are dead, or, if living, do, from drunkenness or other vices or causes, neglect to provide any suitable employment or exercise salutary control over such child, the said Court or Justice shall have power to examine the matter, and upon being satisfied of the truth of such charges, may sentence such child to the Industrial School; *provided*, that no person shall be so sentenced for a longer period than until he arrives at the age of eighteen years.

SEC. 121. In cases where for any offense the said Court or Justice is authorized to impose a fine or imprisonment in the county jail, or both, it may sentence the offender to be employed at labor on the public works, or in the House of Correction, or workhouse, as the City Council may prescribe, for a period of time equal to the term of imprisonment which might legally be imposed; and may, in case a fine is imposed, embrace, as a part of the sentence, that in default of payment thereof, the offender shall be obliged to labor on said works at said House of Correction, or workhouse when such may be established, or elsewhere, at the rate of two dollars a day till the fine imposed is satisfied; *provided*, that no person under the age of twenty-one years, or who is to be sentenced on conviction for drunkenness, or breach of peace, shall be sentenced to labor upon the public works away from the House of Correction or workhouse.

SEC. 122. The Chief of Police shall designate a policeman, who shall attend constantly upon the Municipal Court, act as Bailiff thereof, and execute the orders and process of said Court, and of the Judge thereof.

SEC. 123. The Municipal Court and the City Justice shall be governed in their proceedings by the provisions of law regulating proceedings before Justices of the Peace, so far as such provisions are not altered or modified in this charter, and the same are or can be made applicable in the several cases arising before them. The Municipal Court of such city shall have power to make rules, not inconsistent with the Constitution and laws of this State, for the government of such Municipal Court, and the officers thereof; but such rules

shall not be in force until thirty days after their publication, and no rule shall be made imposing any tax or charge on any legal proceeding, or giving any allowance to any Justice or officer for services. Judicial department.

SEC. 124. All actions and proceedings pending and undetermined before the Justice's Court of this city, if any, at the time of its organization under this Act, shall be proceeded in, heard, and determined in said Municipal Court, or before said City Justice therein provided for, and execution shall be issued thereon, and other proceedings had therein, whether before or after judgment, whether on appeal or otherwise, and the Court provided for under this Act shall be a continuation of the same Courts before existing, and not a new Court.

SEC. 125. It shall not be lawful for the Justice, Chief of Police, policemen, Justice's Clerk, or any officer of such city, to appear or advocate, or in any manner act as attorney, counsel, or agent for any party or persons in any cause or in relation to any demand, account, or claim, pending or to be used or prosecuted before said Justice or said Court, or which may be within their jurisdiction. A violation of the provisions of this section shall be deemed a misdemeanor in office.

SEC. 126. No person, other than an attorney at law, duly admitted and licensed to practice in Courts of record, shall be permitted to appear as attorney or agent for any party in any case or proceeding before said Justice or Court, unless he produce a sufficient power of attorney to that effect, duly executed and acknowledged before said Justice, or before some other officer authorized by law to take acknowledgment of deeds; which power of attorney aforesaid shall be filed among the papers in such cause or proceeding.

SEC. 127. Said Court and the Justice thereof shall have all the jurisdiction and powers now or hereafter conferred by law upon Justices' Courts or Justices of the Peace, and shall charge and receive for the benefit of the city like fees for like services.

SEC. 128. The City Council of the City of Stockton shall have power to establish therein such Industrial Schools, Houses of Correction, workshops, Homes for Confirmed Inebriates, and such other institutes as may be deemed proper, and to provide for the support, maintenance, and management of the same.

SEC. 129. The judgments of said Municipal Court in civil cases shall have the same force and effect as judgments of Justices of the Peace or Justices' Court, and may be made a lien in the same manner.

SEC. 130. All provisions of law relating to Justices of the Peace and Justices' Courts are hereby made applicable to said Municipal Court and Justice.

POLICE AND FIRE DEPARTMENTS.

SEC. 131. The Police and Fire Department shall be under the management of a Board of three Commissioners, to be appointed by the Mayor from among the qualified electors of Police and Fire departments.

Police and
Fire depart-
ments.

the city, who shall hold office for the term of two years; but not more than two of said Commissioners shall belong to the same political party.

SEC. 132. The Commissioners shall enter upon their duties one month after the date on which the Mayor shall take office, and they shall organize as a Board by electing one of their number President, and a Secretary, who shall not be a member of the Board. The Board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employés; and may require bonds from its subordinates for the faithful performance of their duties.

SEC. 133. The Board shall hold regular meetings at least once a month and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon the records of the Board, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks in the office of the Board. The meetings of the Board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution. No business shall be transacted at a special or adjourned meeting of the Board except such as may have been made the special order of business for such meeting, or such as may have been under consideration at the meeting from which the adjournment was had.

SEC. 134. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall cause the publication of all notices herein authorized to be published, or which the Board shall order to be published, and shall perform such other duties as the Board may from time to time prescribe.

SEC. 135. The officers, members, and employés of the Police and Fire Departments shall be appointed by the Board, but no appointment or removal shall be made for political purposes, nor shall any removal be made except for cause established to the satisfaction of the Board; after due investigation and trial, as provided in sections twelve and thirteen of this article. The salaries of officers, clerks, and employés of the Board, except so far as the same are designated in this charter, shall be fixed from time to time by the City Council, in its discretion or recommendation of the Board.

SEC. 136. The Board shall have power:

1. To prescribe the qualifications, duties, badges of office, and uniforms of officers, members, and employés of said departments.

2. To prescribe rules and regulations for the government and discipline of the same, and prescribe and enforce penalties for their violation.

3. To hear and determine all complaints of misconduct, inefficiency, violation of the rules and regulations, or other

charge against any officer, member, or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline, and efficiency of said departments.

Police and
Fire depart-
ments.

4. To appoint and to remove at their discretion special policemen, who shall be under the supervision and control of the Chief of Police; *provided, however*, that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the City Council.

5. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said Board by this charter, or by any ordinance of the City Council passed pursuant thereto, or by the Constitution and laws of this State; and in general to manage and control said departments.

SEC. 137. The Board shall have the custody and control of the houses, engines, hose-carts, trucks, ladders, horses, stables, and all other property and equipments now or hereafter used by or belonging to said departments.

SEC. 138. The Board shall annually report to the Board of Audit an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department and of the Fire Department for the ensuing year; specifying in detail the proper items for which the same will be required.

SEC. 139. The Board shall make full monthly reports to the City Council of its acts and expenditures, and also of the condition of said departments.

SEC. 140. Every claim against the Police Department or the Fire Department shall be verified by the claimant and approved by the Board in open session, which approval shall be entered in the records of the Board. No such claim shall be allowed or ordered paid by the City Council until the same has been approved by said Board, and has indorsed thereon such approval, authenticated by the signatures of the President and Secretary of the Board.

SEC. 141. The Board shall determine and report to the City Council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional houses, apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required; but the action of the Board with respect to the necessity of these matters shall be only advisory to the City Council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the City Council. All contracts let and work ordered for said departments shall be let and ordered by the Board; and the Board shall see that the same are faithfully carried out and performed; *provided, however*, that the Board shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of two hundred and fifty dollars.

Police and
Fire depart-
ments.

SEC. 142. *First*—The Police Department shall consist of a Chief of Police, and such captains, detectives, and other policemen, not exceeding in the aggregate one to every one thousand inhabitants of the city.

Second—The Board may, with the consent of the City Council, evidenced by ordinance, add to the above numbers, from time to time, should the increase of population and public interest so require.

Third—The Fire Department shall consist of a Chief Engineer and as many drivers, engineers, hosemen, and other employés as the City Council may by ordinance authorize on recommendation of the Board.

SEC. 143. Any officer, member, or employé of the Police or Fire Department, other than the Police and Fire Commissioners and Chief of Police, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member, or employé, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension, or dismissal from the department of which he may be an officer, member, or employé; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and maintained, under such regulations as the Board may adopt, for the benefit of the sick and disabled members and the families of deceased members of the department of which the offender may be an officer, member, or employé. The Board shall annually render to the City Council a verified itemized account of all moneys so received and disbursed during the preceding year.

SEC. 144. In all investigations or trials conducted by said Board, the President thereof shall have the power to issue subpoenas for and to compel the attendance of witnesses and the production of papers before it. Such subpoenas shall be served by any policeman. Any member of the Board may administer oaths and affirmations in the conduct of said investigations.

SEC. 145. The policemen constituting the police force, and the drivers, engineers, hosemen, and other employés constituting the working force of the Fire Department at the time when this charter shall be submitted to the vote of the people, shall be retained in their several positions, unless removed for cause, as provided in sections twelve and thirteen of this article.

DEPARTMENT OF STREETS AND WHARVES.

Department
of Streets.

SEC. 146. The Mayor, the City Surveyor, and the Superintendent of Streets, shall constitute a Board of Public Works. As such Board they shall meet at least once a month.

SEC. 147. The Department of Streets and Wharves shall embrace the control of the waterfront and wharves; of the streets, sidewalks, bridges, and public thoroughfares; of the parks and public grounds; of the sewer system, drainage, and sewers; of the watercourses and channels within the city; of

the lighting of the streets and public buildings, and of every-
thing of a public nature pertaining to said subjects, or to
either of them; also, of all such special matters as the City
Council may by ordinance commit to its charge, and not
otherwise provided for in this charter.

Department
of Streets.

SEC. 148. All contracts let, and work ordered for said department, shall be let and ordered by the Board, and the Board shall see that the same are faithfully carried out and performed. The time for the completion of contracts shall be definitely fixed and agreed upon, and no further time shall be granted by the City Council, except on recommendation of the Board.

SEC. 149. The Board shall have power to make repairs, when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of three hundred dollars.

SEC. 150. All supplies and articles for said department shall be obtained upon orders signed by the Superintendent of Streets, and issued on properly prepared blanks. These orders must be made in duplicate, and duly numbered, with the words "To be returned with the bill of articles or supplies named in this order" plainly printed thereon; one to be retained on file in the Mayor's office, one to be returned with the bill of the merchant or dealer who has filled the same, and so submitted to the City Council.

SEC. 151. All claims for daily labor in said department, other than those for labor performed under contracts, shall be paid weekly. Said claims shall be made on properly prepared blanks, certified to and signed by the claimant, and certified as correct by the Superintendent of Streets and the Mayor. Thereupon the Controller shall draw his warrant for the amount, and charge the same to the proper account.

SEC. 152. The Mayor shall be ex officio Chairman of the Board. He shall countersign all orders for supplies needed, etc., all claims for work performed, and all warrants for monthly services of any officer in this department. No order, or claim, or warrants shall be valid without such signature thereto. He shall, in his monthly reports to the City Council, lay before them a statement of the work of said department, and a statement of the expenditures therein during the previous month, together with the recommendations of the Board as to improvements, and other matters concerning said department, said recommendations being numbered as the Board may direct. These recommendations shall be filed in regular order, as presented; they shall have precedence in the deliberations of the Council in the same order, and if concurred in, the Council shall, in like order, authorize the Board to carry out said recommendations.

SEC. 153. A certified copy of all work ordered by the City Council in said department shall at once be forwarded by the City Clerk to the Mayor, who shall receipt for the same, and shall enter on his journal an acknowledgment thereof; and it shall be his duty to see that the work described in such order is performed with due diligence.

SEC. 154. The City Surveyor shall make all surveys, maps, plans, diagrams, estimates, specifications, and calculations

Department
of Streets.

required by the Board, and shall give such professional advice and assistance as will lead to a skillful and economical administration of said department. He shall make no charge to any citizen for surveying any work that is ordered or authorized by the Board. He shall possess the same power in the city in making surveys, plats, and certificates as is or may be from time to time given by law to the County Surveyor, and his official acts, and all plats, surveys, and certificates made by him shall have the same validity, and be of the same force and effect as are or may be given by law to those of the County Surveyor.

SEC. 154. The Superintendent of Streets shall be the executive officer and Secretary of the Board. It shall be his duty to see that all laws, ordinances, orders, and regulations relating to the Department of Streets and Wharves be fully carried into execution, and that the penalties for violations thereof be rigidly enforced. He shall keep a set of books, in which shall be separate accounts for bridges, wharves, crosswalks, culverts, public squares, improvements, miscellaneous work (and if there be other items in number and amount to justify it, separate accounts for these also). Each bridge, section of wharf, crosswalk, etc., shall be so designated as to be readily distinguished. The various items shall be summarized and posted in an intelligible manner, and the books always open for reference and inspection.

SEC. 155. The Superintendent of Streets shall have charge of sewers, drains, etc. He shall have authority to enter private grounds and dwellings and other buildings for the purpose of ascertaining the condition of all sewers, drains, cesspools, and vaults; and finding any nuisance or infringement of any ordinance governing such matters, he shall proceed at once to abate the nuisance, or to enforce the ordinance.

SEC. 156. The Superintendent of Streets shall have full control of all employes in the Department of Streets and Wharves (except those working under contract). The number to be employed from time to time shall be agreed upon by the Board, and entered upon the journal of the Superintendent of Streets, who may employ whom he chooses, and may discharge, suspend, or replace at pleasure; he shall keep a time book with said employes, and shall turn the same into the City Clerk's office on the evening of every working day. He shall make monthly reports to the Board. He may, with the consent of the City Council and at such rate of pay as they shall affix, appoint a deputy to assist him in the discharge of his duties. He shall give bonds with two or more sufficient sureties for the faithful performance of his duties.

SEC. 157. The wharves and city waterfront shall be under the charge of an officer, to be entitled Harbormaster. He shall be appointed by the Mayor, and shall enter upon his duties one month after the date upon which the Mayor shall take office. He shall give bonds, with two or more sufficient sureties, for the faithful performance of his duties, and shall receive a salary not to exceed one thousand dollars per annum, payable monthly.

SEC. 158. He shall have an office in one of the steamboat sheds; he shall keep a set of books, in which shall appear an itemized account of all receipts, showing the source from which each amount is derived. On the first Monday of each month he shall make to the Board a detailed statement of such receipts for the preceding month, certifying to the same, and attaching thereto the City Treasurer's receipt for the full corresponding amount.

Department
of Streets.

SEC. 159. The Harbormaster shall give prompt notice to the Board of any defect or weakness, or any needed repairs in or about the wharves and waterfront. Any damage to the wharves, or buildings, or material thereon belonging to the city, caused by any steamer or other water craft, shall be assessed or collected at once, or the vessel causing such damage shall be detained by the Harbormaster by due process of law.

SEC. 160. The Harbormaster shall be appointed a police officer, but with no additional pay. He shall exercise the functions of a police officer only in and about the Department of Wharves and waterfront, to preserve the peace and to enforce the provisions of law and the rules governing the management of said department, and to arrest offenders attempting to evade said laws and rules, or opposing him in the enforcement thereof.

SEC. 161. The City Council shall have authority to fix and to change at its pleasure the rates of wharf rent, harbor dues, wharfage, dockage, and such other taxes or charges as shall be imposed for the use of the wharves, or upon vessels, or their owners or masters, or upon merchandise entering or departing from any waterway within the corporate limits of the city. All revenue derived from the several sources mentioned in this section shall constitute a separate fund, and shall be devoted exclusively to the dredging of channels, the building and repairing of wharves and bulkheads, and generally to the improvement of the wharves, levees, and waterfront.

SEC. 162. All harbor dues from vessels shall be collected upon their registered tonnage, and shall be deemed to be due and collectible upon the arrival of any steamer or other vessel at a wharf within the city. And no vessel shall occupy the waterfront or any wharf for more than six consecutive days without the consent of the Board of Public Works, and without the payment of the charges established by ordinance of the City Council. All other dues or charges, of whatsoever kind, and whether against a vessel, or the owner or master thereof, or against the merchandise or cargo of such vessel, shall be deemed to be due and collectible when the vessel enters or clears, as the case may be.

SEC. 163. No person, corporation, or company shall erect or maintain any building upon any wharf without the consent of the City Council, evidenced by ordinance. And any ordinance granting such privilege may be repealed at the pleasure of the City Council, and such repeal shall not have the effect to create any right of action for damages against the city. And upon the repeal of any such ordinance the City Council may order the removal of any such building or

Department
of Streets.

structure within a definite time, to be specified in the ordinance, and if the owner or person in control of the same shall neglect or refuse to remove it within the specified time, then the Board of Public Works shall remove the same. The wharves and waterfront shall be divided into convenient spaces, and the wharf sections shall be designated by numbers, and the waterfront sections by letters.

SEC. 164. For the purpose of providing for permanent waterfront improvements, a sum equal to four (4) per cent of the revenue actually collected for general purposes shall be set aside and placed at interest, and such sum shall constitute a special fund; and whenever a sufficient sum shall have accumulated to pay for constructing one hundred (100) feet of permanent wharf, the same shall be applied to that purpose; *provided, however*, that the construction of wharves from this fund shall begin at the head of the channel on El Dorado Street.

STREET DEPARTMENT.

Street
department.

SEC. 165. All streets, lanes, alleys, places, or courts in the municipalities of this State now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places, or courts, for the purposes of this Act, and the City Council of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places, or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in section two of this Act, under the proceedings hereinafter described.

SEC. 166. Whenever the public interest or convenience may require, the City Council is hereby authorized and empowered to order the whole or any portion of the streets, lanes, alleys, courts, or places, of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, and to order sidewalks, sewers, manholes, culverts, curbing, and crosswalks to be constructed therein, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, sidewalks, lanes, alleys, courts, or places, and it may order any of the said work to be improved.

SEC. 167. Before ordering any work done or improvements made, which is authorized by section two of this Act, the City Council shall pass a resolution of intention so to do, and describing the work. The Street Superintendent shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is the improvement of an entire crossing in front of each quarter block liable to be assessed, notices of the passage of said resolution. Said notices shall be headed, "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible char-

acters, state the fact of the passage of the resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for a period of five days in one or more daily newspapers published and circulated in said city and designated by said City Council, or by one insertion in a weekly newspaper so published, circulated, and designated. The owners of one half or more of the frontage of the property fronting on said proposed work or improvement, where the same is for one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of the City Council, who shall indorse thereon the date of its reception by him, and such objection so delivered and indorsed shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of one half or more of the frontage as aforesaid shall meanwhile petition for the same to be done. At any time before issuance of the assessment roll, all owners of lots or lands liable to assessment therein, who after the first publication of said resolution of intention may feel aggrieved, or who may have objections to any of the subsequent proceedings of the said Council, in relation to the performance of the work mentioned in said notice of intention, shall file with the Clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed upon by the said City Council, and its decisions therein shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, crosswalks, and sidewalks, and the objection thereto is signed by the owners of one half or more of the frontage as aforesaid, the said City Council shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The City Clerk shall thereupon notify the persons making such objection, by depositing a notice thereof in the Post Office of said city, postage prepaid, addressed to each objector, or his agent when he appears for such objector. At the time specified, said City Council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive, and the said bar for six months to any further proceeding shall not be applicable therein. And when not more than two blocks remain ungraded between one or more blocks on each side thereof which have been graded, said City Council may order that part of said street or highway so remaining ungraded, not exceeding two blocks, to be graded and improved, and the grading and improvement of said two blocks or less shall not be stayed or prevented by any written or other objection, unless such Council shall deem proper. And if one half or more in width or in length, or as to grading, one half or more of the grading work of any street lying and being between two successive main street crossings, or if a crossing has been already graded or improved as aforesaid,

Street
department.

Street
department.

said Council may order the remainder improved, graded, or otherwise, notwithstanding such objections of property owners. At the expiration of ten days after the expiration of the time of the publication, and at the expiration of fifteen days after the posting of any resolution of intention, if no written objection to the work therein described has been delivered, as aforesaid, by the owners of one half or more of the frontage of the property fronting on said work or improvement, the City Council shall be deemed to have acquired jurisdiction to order any of the work to be done or improvement to be made which is authorized by section two of this Act. Before passing any resolution for the construction of said improvements, plans, and specifications, and careful estimates of the cost and expenses thereof, shall be furnished to said City Council, if required by it, by the City Engineer of said city, and for the work of constructing sewers, specifications shall always be furnished by him. Whenever the estimated or actual cost of any work contemplated or ordered to be done by the City Council, and chargeable under the provisions of this Act against any lot or lots of land, or the owner thereof, shall exceed one half of the assessed value of such lot or lots as borne upon the last assessment roll whereon it was assessed, made for the levying of taxes for municipal purposes, the amount of the cost of said work exceeding said one half of the assessed value of said lot or lots, shall be paid out of the City Treasury, unless the owner of such lot or lots shall, in writing signed by himself or his authorized agent, consent that the whole expense of said improvement may be made a charge against said lot or lots.

SEC. 168. The owners of more than one half in frontage of lots and lands fronting on any street, lane, alley, place, or court, or their duly authorized agents, may petition the City Council to order any of the work mentioned in section two of this Act to be done, and the City Council may order the work mentioned in said petition to be done after notice of its intention so to do has been posted and published, as provided in section three of this Act.

SEC. 169. Before the awarding of any contract by the City Council for doing any work authorized by section two of this Act, the City Council shall cause notice to be posted conspicuously for five days on or near the Council Chamber door of said Council, inviting sealed proposals for the work contemplated. All proposals offered shall be accompanied by a check payable to the order of the Mayor of the city, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or, if so prescribed by the City Council, by a bond for the said amount, signed by the bidder and by two sureties, who shall justify before any officer competent to administer an oath, in double the said amount over and above all statutory exemptions. Said proposals shall be delivered to the Clerk of the said City Council, and said Council shall, in open session, examine and publicly declare the same; *provided, however,* that no proposal shall be considered unless accompanied by said check, or bond satisfactory to the Council. The City Council may reject any

and all bids, should it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all bids other than the lowest regular bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder, at the prices named in his bid, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bids so rejected. But the check accompanying such accepted proposal or bid shall be held by the City Clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of a major part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects, or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be declared to be forfeited to said city, and shall be collected by it and paid into its fund for repairs of streets; and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund. Notice of such awards of contract shall be posted for five days in the same manner as hereinbefore provided for the publication of proposals for said work. The owners of the major part of the frontage of lots and land upon the street whereon said work is to be done, which are liable to be assessed for said work, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals, but may, within ten days after the first posting of notice of said award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work and to enter into a written contract therefor within said ten days, or to commence the work within fifteen days after the first publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the Superintendent of Streets to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if said original bidder neglects, fails, or refuses for fifteen days after the first posting of notice of the award to enter into the contract, then the City Council shall again advertise for proposals, as in the first instance, and award the contract for said work to the then lowest regular responsible bidder. The bids of all persons and the election of all owners as aforesaid who have failed to enter into contract as herein provided, shall be rejected in any bidding or election subsequent to the first, for the same work. If the owners or contractor who may have taken any contract do not complete the same within the time limited in the contract, or within such further time as the City Council may give them, the Superintendent of Streets shall report such delinquency to the City Council, which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole. All contractors, contracting owners included, shall at the time of executing any contract for street

Street
department.

Street
department.

work herein, execute a bond to the satisfaction and approval of the Superintendent of Streets of said city, with two or more sureties, and payable to such city, in such sums as the said Mayor shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath in double the amount mentioned in said bond over and above all statutory exemptions. Before being entitled to a contract the bidder to whom award was made, or the owners who have elected to take the contract, must advance to the Superintendent of Streets for payment by him the cost of publication of the notices required hitherto under the proceedings prescribed in this Act.

SEC. 170. The Superintendent of Streets is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized by this Act, and to do any other act, either express or implied, that pertains to the Street Department under this Act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the City Council. The work provided for in section two of this Act must, in all cases, be done under the direction and to the satisfaction of the Superintendent of Streets, and the materials used shall comply with the specifications and be to the satisfaction of said Superintendent of Streets, and all contracts made therefor must contain a provision to that effect, and also express notice that in no case, except where it is otherwise provided in this Act, will the city or any officer thereof be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The City Council may, by ordinance, prescribe general rules directing the Superintendent of Streets and the contractor as to the materials to be used and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the Superintendent of Streets in the mode herein provided.

SEC. 171. Subdivision 1. The expenses incurred for any work authorized by section two of this Act, which shall not include such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expenses of the work. But wherever the said assessment upon any lot or portion of a lot would exceed one half of the valuation of said lot or portion of a lot, as it was last assessed for municipal taxation, then unless the owner, or his attorney in fact, shall have previously filed with the Superintendent of Streets a written waiver of the partial exemption herein provided, the assessment and the lien thereof

upon said lot or portion of a lot shall be only to the amount of one half of said last preceding municipal valuation, and the proper remainder of said assessment shall be assessed to the city, and be payable out of the City Treasury.

Subdivision 2. The expenses of all improvements, except such as are done by contractors, under the provisions of section thirteen of this Act, until the streets, street crossings, lanes, alleys, places, or courts are finally accepted, as provided in section twenty of this Act, shall be assessed upon the lots and lands as provided in this section, according to the nature and character of the work; and after such acceptance the expense of all work thereafter done thereon shall be paid by said city out of the Street Department Fund.

Subdivision 3. The expense of work done on main street crossings shall be assessed at a uniform rate per front foot of the four quarter blocks adjoining and crossing upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the quarter blocks fronting on said main streets, but only according to its frontage in said quarter blocks.

Subdivision 4. Where a main street terminates in another main street the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street opposite such termination.

Subdivision 5. Where any small or subdivision street crosses a main street the expense of all work done on said crossings shall be assessed on all the lots or portions of lots half way on said small streets to the next crossing or intersection, or to the end of such small or subdivision street, if it does not meet another.

Subdivision 6. The expense of work done on small or subdivision street crossings shall be assessed upon the lots fronting upon such small streets on each side thereof in all directions, half way to the next street, place, or court, on either side respectively, or to the end of such street, if it does not meet another.

Subdivision 7. Where a small street, lane, alley, place, or court terminates in another street, lane, alley, place, or court, the expense of the work done on one half of the width of the street, lane, place, alley, or court opposite the termination, shall be assessed upon the lot or lots fronting on such small street or lane, alley, place, or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, lane, alley, place, or court, or to the end of such street, lane, alley, place, or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Subdivision 8. Where any work mentioned in section two of this Act (sewers, manholes, cesspools, culverts, crosswalks, crossings, curbing, grading, curbing, piling, and capping excepted) is done on one side of the center line of said streets,

Street
department.

lanes, alleys, places, or courts, the lots or portions of the lots fronting on that side only shall be assessed to cover the expenses of said work according to the provisions of this section.

Subdivision 9. Section one of chapter three hundred and twenty-five of the laws of this State, entitled an Act amendatory of and supplementary to an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section, but the property herein mentioned shall be subject to the provisions of this Act, and to be assessed for work done under the provisions of this section.

Subdivision 10. It shall be lawful for the owner or owners of lots or lands fronting on any street, the width and grade of which have been established by the City Council, to perform at his own expense (after obtaining from the City Council permission so to do, but before said Council has passed its resolutions of intention to order grading inclusive of this) any grading upon said street to its full width, with its grade as then established, and thereupon to procure, at its own expense, a certificate from the City Engineer setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, and thereafter to file said certificate with the Superintendent of Streets, which certificate the Superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the City Council orders the grading of said street or any portion thereof on which any grading certificated as aforesaid has been done, the bids and contracts must express the prices by the cubic yard for cutting and filling in grading; and the said owner and his successors in interest shall be entitled to credit on the assessment upon his lots and lands fronting on said street for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his said certificate, at the prices named in the contract for said cutting and filling, or if the grade has meanwhile been duly altered, only for so much of said certificated work as would be required for grading to the altered grade; *provided, however*, that such owner shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him and proportionately assessed for the whole of said grading; and the Superintendent of Streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, for the whole of said grading to the duly altered grade, so much of said certificated work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments made upon the amounts assessed against the lots and lands owned respectively by said certificated owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities, or credit any sums in excess

of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certificated owners, or their successors in interest. ^{Street} ^{department.}

Subdivision 11. The City Council may include in one resolution of intention and order any of the different kinds of work mentioned in section two of this Act, and it may except therefrom any of said work already done upon the grade. The lots and portions of lots fronting upon said excepted work shall not be included in the frontage assessment for the class of work from which the exception is made; *provided*, that this shall not be so construed as to affect the special provisions as to grading contained in subdivision ten of this section.

SEC. 172. After the contractor of any street work has fulfilled his contract to the satisfaction of the Street Superintendent of the said city, or City Council on appeal, the Street Superintendent shall make an assessment to cover the sum due for the work performed and specified in said contracts (including any incidental expenses), in conformity with the provisions of the preceding section, according to the character of the work done; or if any direction and decision shall be given by said Council on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot, or portion of a lot, if known to the Street Superintendent; if unknown, the word "Unknown" shall be written opposite the number of the lot, and the amount assessed thereon, the number of each lot or portion of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place, or court on which any work has been done, and showing the relative location of each distinct lot or portion of a lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting assessed for said work, contracted for and performed.

SEC. 173. To said assessment shall be attached a warrant, which shall be signed by the Superintendent of Streets and countersigned by the Mayor of said city. The said warrant shall be substantially in the following form:

Form of the Warrant.

By virtue hereof I (name of Superintendent of Streets), of the City of ———, County of ——— (or City and County of ———), and State of California, by virtue of the authority vested in me as said Superintendent of Streets, do authorize and empower (name of contractor) (his or their) agents or assigns, to demand and receive the several assessments upon

Street
department.

the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date.)

(Name of Superintendent of Streets.)

Countersigned by (name of), Mayor.

Said warrant, assessment, and diagram shall be recorded in the office of said Superintendent of Streets. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, and diagram, all persons mentioned in section eleven of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, and diagram are recorded the same shall be delivered to the contractor or his agent or assign, on demand, but not until after the payment to the said Superintendent of Streets of the incidental expenses not previously paid by the contractor or his assigns; and by virtue of said warrant said contractor or his agents or assigns shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

SEC. 174. The contractor or his assigns, or some person in his or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment in the presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the persons so assessed, or their agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Superintendent of Streets within thirty days after its date, with a return indorsed thereon, signed by the contractor or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the Superintendent of Streets shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded, at full length in a book to be kept for that purpose in his office, and shall sign the record. The said Superintendent of Streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to

the plaintiff; and he may release any assessment upon the books of his office on the payment to him of the amount of the assessment against any lot, with interest, or on the production to him of the receipt of the party, or his assigns, to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided, however*, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid.

SEC. 175. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this Act or in the assessment, feeling aggrieved by any act or determination of the Superintendent of Streets in relation thereto, or who claim that the work has not been performed according to contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the Superintendent of Streets, shall, within thirty days after the date of the warrant, appeal to the City Council, as provided in this section, by briefly stating their objections in writing, and filing the same with the Clerk of said City Council. Notice of the time and place of the hearing briefly referring to the work contracted to be done or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be published for five days. Upon such appeal the said City Council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the Superintendent of Streets relative to said work; may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the City Council; and may instruct and direct the Superintendent of Streets to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said City Council in relation thereto, at their option. All the decisions and determinations of said City Council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section as to all errors, informalities, and irregularities which said City Council might have remedied and avoided; and no assessment shall be held invalid, except on appeal to the City Council, as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where notice of the intention of the City Council to order the work to be done for which the assessment is made has been actually published in any des-

Street
department.

igned newspaper of said city for the length of time prescribed by law, before the passage of the resolution ordering the work to be done.

SEC. 176. At any time after the period of thirty-five days from the date of the warrant, as hereinbefore provided, or if any appeal is taken to the City Council, as is provided in section eleven of this Act, at any time after five days from the decision of said Council, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in section eleven of this Act (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lot assessed, on the day of the date of the recording of the warrant, assessment, and diagram, or on any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon, as hereinbefore provided; and in all cases of recovery, under the provisions of this Act, the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable cost, as attorney's fees, but not any percentage upon said recovery. Suit may be brought in the Superior Court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands the owners whereof cannot with due diligence be found, the service in each of such actions may be had in such manner as is prescribed in the Codes and laws of this State. The said warrant, assessment, and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of the Superintendent of Streets and City Council upon which said warrant, assessment, and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The Court in which such suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of the sale of real estate by the process of said Courts; and on appeal the appellate Court shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter brought to recover street assessments, the proceedings therein, shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Codes of this State. This Act shall be liberally construed to effect the ends of justice.

SEC. 177. Whenever any portion of any street, lane, alley, court, or place in said city, improved, or any sidewalk constructed thereon according to law, shall be out of repair and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of the said Superintendent of

Streets to require, by notice in writing to be delivered to them personally or left on the premises, the owner or occupants of lots or portions of lots fronting on said portion of said street, lane, alley, court, or place, or of said portion of said walk so out of repair as aforesaid, to repair forthwith said portion of said street, lane, alley, court, or place to the center thereof, or said sidewalk in front of the property of which he is the owner or tenant or occupant; and said Superintendent of Streets shall specify in said notice what repairs are required to be made. After the expiration of three days from the date of the service of said notice, the said Superintendent of Streets shall be deemed to have acquired jurisdiction to contract for the making of the repairs required by said notice. If said repairs be not commenced within three days after notice given as aforesaid and diligently and without interruption prosecuted to completion, the said Superintendent of Streets may, under authority from said City Council, make such repairs or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, at a reasonable price, to be determined by said Superintendent of Streets; and such owner, tenant, or occupant shall be liable to pay the same. Upon the completion of said repairs by said contractors, as aforesaid, to the satisfaction of said Superintendent of Streets, said Superintendent of Streets shall make and deliver to said contractor a certificate to the effect that said repairs have been properly made by said contractor, and that the charges for the same are reasonable and just, and that he, said Superintendent, has accepted the same.

Street
department.

SEC. 178. If the expenses of the work and material for such improvements, after the completion thereof and the delivery to said contractor of said certificate, be not paid to the contractor so employed, or his agent or assignee, on demand, the said contractor or his assignee shall have the right to sue such owner, tenant, or occupant for the amount contracted to be paid; and said certificate of the Superintendent of Streets shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the said Superintendent of Streets in a book kept by him in his office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien, the same as provided in section nine of this Act, and may be enforced in the same manner.

SEC. 179. In addition, and as cumulative to the remedies above given, the City Council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable, or neglecting or refusing to make repairs when required, as provided in section thirteen of this Act, which fines and penalties shall be recovered for the use of the city by prosecution in the name of the People of the State of California, in the Court having jurisdiction thereof, and may be applied, if deemed expedient by the said Council, in the payment of the expenses of any such repairs not otherwise provided for.

Street
department.

SEC. 180. The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the County Recorder's office of each county, or the person in possession of lands, lots, or portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner," for the purpose of this law, according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

SEC. 181. Any tenant or lessee of the lands or lots liable may pay the amount assessed against the property of which he is the tenant or lessee, under the provisions of this Act, or he may pay the price agreed on to be paid under the provision of section thirteen of this Act, either before or after suit brought, together with costs, to the contractor, or his assigns, or he may redeem the property, if sold on execution or decree for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due and to become due from him; and for any sums so paid beyond the rents due from him he shall have a lien upon and may retain possession of the said land and lots until the amounts so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner.

SEC. 182. The records kept by the Superintendent of Streets of said city, in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

SEC. 183. Notices in writing, which are required to be given by the Superintendent of Streets, under the provisions of this Act, may be observed by any person, with the permission of the Superintendent of Streets, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent of Streets (who for that purpose is hereby authorized to administer oaths), or other person authorized to administer oaths, or such notices may be delivered by the Superintendent of Streets himself, who must also verify the service thereof, and who shall keep a record of the fact of giving such notices, when delivered by himself personally, and also of the notices and proofs of service when delivered by any other person.

SEC. 184. Whenever any street or portion of a street has been or shall hereafter be fully constructed to the satisfaction of the Superintendent of Streets and of the City Council, and is in good condition throughout, and a sewer, gas pipes, and water pipes are laid therein, under such regulations as the City Council shall adopt, the same shall be accepted by the City Council by ordinance, and thereafter shall be kept in

repair and improved by the said municipality; the expense thereof, together with the assessment for street work done in front of city property, to be paid out of a fund to be provided by said Council for that purpose; *provided*, that the City Council shall not accept of any portion of the street less than the entire width of the roadway (including the curbing) and one block in length, or one entire crossing; *and provided further*, that the City Council may partially or conditionally accept any street or portion of a street without a sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that the Council deems such sewer, or gas pipes, or water pipes to be then unnecessary, but the lots of land previously or at any time assessable for the cost of constructing a sewer shall remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, whenever said Council shall deem a sewer to be necessary, and shall order it to be constructed, the same as if no partial or conditional acceptance had ever been made. The Superintendent of Streets shall keep in his office a register of all streets accepted by the City Council under this section, which register shall be indexed for easy reference thereto.

SEC. 185. The Superintendent of Streets shall keep a public office in some convenient place within the municipality, and such records as may be required by the provisions of this Act. He shall superintend and direct the cleaning of all sewers, and the expense of the same shall be paid out of the Street or Sewer Fund of said city.

SEC. 186. It shall be the duty of the Superintendent of Streets to see that the laws, ordinances, orders, and regulations relating to the public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and grounds of said city, as may be prescribed by the City Council. He shall, before entering upon the duties of his office, give bonds to the municipality, with such sureties and for such sums as may be required by the City Council; and should he fail to see the laws, ordinances, orders, and regulations relative to the public streets or highways carried into execution, after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of said official neglect.

SEC. 187. If in consequence of any graded street or public highway, improved under the provisions of this Act, being out of repair and in condition to endanger persons or property passing thereon, any person while carefully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damage to his person or property through any such defect therein, no recourse for damage thus suffered shall be had against such city; but if such defect in the street or public highway shall have existed for the period of twenty-four hours or more after notice thereof to said Superintendent of Streets, then the person or persons on

Street
department.

whom the law may have imposed the obligations to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; *provided*, that said Superintendent has the authority to make said repairs, under the direction of the City Council, at the expense of the city.

SEC. 188. The City Council of such city shall have full power and authority to construct sewers and manholes, and provide for the cleaning of the same, culverts with crosswalks, or culverts, or crosswalks, or sidewalks, or any portion of any sidewalk, upon or in any street, lane, alley, court, or place in such city, of such materials, in such a manner, and upon such terms as it may deem proper. None of the work or improvement described in this section shall be stayed or prevented by any written or any other remonstrance or objection, unless such Council deems proper.

SEC. 189. The City Council may, in its discretion, repair and water streets that shall have been graded, curbed, and planked, paved, or macadamized, and may build, repair, and clean sewers, and shall provide a Street Contingent Fund, at the same time and in the same manner as other funds are provided, out of which to pay the costs and expenses of making said repairs, and watering said streets, and building, repairing, and cleaning said sewers; but whenever any unaccepted street or part of a street requires regrading, recurring, repiling, repaving, replanking, or regravelling, or remacadamizing, or requires new culverts, or new crosswalks, or new sidewalks, or new sewers, the work shall be advertised and let out by contract, and the costs and expenses thereof shall be assessed upon the property affected or benefited thereby, the same as in the first instance.

SEC. 190. The City Council may, in its discretion, order that the whole or any part of the cost and expenses of any of the work mentioned in section two of this Act be paid out of the treasury of the municipality from such fund as the Council may designate. Whenever a part of such cost and expenses is so ordered to be paid, the Superintendent of Streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expenses proportionately upon the lots, parts of lots, and lands fronting on the streets where said work was done, and in the manner heretofore provided. And whenever the City Council shall order to be done any of the work mentioned in section two of this Act, it shall be deemed to exercise its discretion mentioned in this section and to include an order for the payment out of its treasury for the excess of any assessment for said work otherwise chargeable upon any lot, or portion of a lot, over and above one half of the valuation of said lot, or portion of a lot, in its last preceding assessment for municipal taxation.

SEC. 191. Whenever the City Council deem it necessary to construct a sewer, then the said Council may, in its discretion, determine to construct said sewer, and assess the cost and expenses thereof upon the property to be affected or benefited thereby, in such manner and within such assessment district as it shall prescribe, and the lien therefor upon said property shall be the same as is provided in section nine of this Act, or said Council may determine to construct said sewer and pay therefor out of the Street Contingent Fund.

SEC. 192. If at any time the City Council shall deem it necessary to incur any indebtedness for the construction of sewers, in excess of the money in the Street Contingent Fund applicable to the construction of such sewers, they shall give notice of a special election by the qualified electors of the city to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the route and general character of the sewer or sewers to be constructed, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the City Council to pass an ordinance providing for the mode of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city 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 a period of not more than twenty years from the time of contracting the same. It shall be the duty of the City Council in each year thereafter, at the time when other taxes are levied, to levy a tax sufficient for such purpose in addition to the taxes authorized to be levied for city purposes. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

SEC. 193. If bonds are issued under the provisions of the last section, said bonds shall be in sums of not less than one hundred dollars nor more than one thousand dollars, shall be signed by the Mayor and Treasurer of the city, and the seal of the city shall be affixed thereto. Coupons for the interest shall be attached to each bond, signed by the Mayor and Treasurer. Said bonds shall bear interest, to be fixed by the City Council, at the rate of not to exceed five per cent per annum.

SEC. 194. Before the sale of said bonds the Council shall, at a regular meeting, by resolution, declare its intention to sell a specified amount of said bonds, and the day and hour of such sale, and shall cause such resolution to be entered in the minutes, and shall cause notice of sale to be published

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Street
Department

for fifteen days in at least one newspaper published in the city in which the bonds are issued, and one published in the City and County of San Francisco, and in any other newspaper in the State, at their discretion. The notice shall state that sealed proposals will be received by the Council for the purchase of the bonds on the day and hour named in the resolution. The Council, at the time appointed, shall open the proposals and award the purchase of the bonds to the highest bidder, but may reject all bids.

SEC. 195. The Council may sell said bonds, at not less than par value, without the notice provided for in the preceding section.

SEC. 196. The proceeds of the sale of the bonds shall be deposited in the City Treasury to the account of the Sewer Fund, but no payment therefrom shall be made, except to pay for the construction of the sewer, or sewers, for the construction of which the bonds were issued, and upon the certificate of the Superintendent of Streets and the City Engineer that the work has been done according to contract.

SEC. 197. Whenever said Council shall determine to construct any sewer, and pay therefor out of the Street Contingent Fund, or by the issuance of bonds, as above provided, then said Council shall cause to be prepared plans and specifications of said work in sections, and shall advertise for twenty days in at least one newspaper published in the city in which the sewer is to be constructed, and one in the City and County of San Francisco, for sealed proposals for constructing said sewer. The work may be let in sections, and must be awarded to the lowest responsible bidder, the Council having the right to reject any and all bids. The work shall be done and the material furnished under the supervision and to the satisfaction of the Superintendent of Streets and the City Engineer.

SEC. 198. *First*—The City Engineer, or where there is no City Engineer, the County, or City and County Surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this Act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the cost and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all Courts in this State of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this Act as in other cases. In all those cities where there is no City Engineer, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of City Engineer, and all the provisions hereof applicable to the City Engineer shall apply to such person so appointed; said City Council is hereby empowered to fix his compensation for said services.

Second—The words "improve," "improved," and "improvement," as used in this Act, shall include all work mentioned in section two of this Act, and also the reconstruction of all or any portion of said work.

Third—The term "incidental expenses," as used in this Act, shall include the compensation of the City Engineer for

work done by him; also the cost of printing and advertising; also the compensation of Superintendent of Sewers, and the piling and capping. Street
department

Fourth—The notices, resolutions, orders, or other matter required to be published by the provisions of this Act, shall be published in a daily, semi-weekly, or weekly newspaper, to be designated by the Council of such city, as often as the same is issued; *provided, however*, that in case there is no daily, semi-weekly, or weekly newspaper printed and circulated in any such city, then such notices as are herein required to be published in a newspaper shall be posted and kept posted for the same length of time as required herein for the publication of the same in a semi-weekly or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, or clerk of the newspaper, or of the poster of the notice.

Fifth—The word "municipality," and the word "city," as used in this Act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Sixth—The words "paved or repaved," as used in this Act, shall be held to mean and include pavement of stone, iron, wood, or other materials, whether patented or not, which the City Council shall by ordinance adopt.

Seventh—The word "street," as used in this Act, shall be deemed to and is hereby declared to include highways, lanes, alleys, crossings or intersections, courts, and places; and the term "main street" means such actually opened street or streets as bound a block.

Eighth—The terms "Street Superintendent" and "Superintendent of Streets," as used in this Act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is under the law to have care or charge of the streets or the improvements thereof, in any city. In all those cities where there is no Street Superintendent or Superintendent of Streets, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of Street Superintendent or Superintendent of Streets; and all the provisions hereof applicable to the Street Superintendent or Superintendent of Streets shall apply to such person so appointed.

Ninth—The term "City Council" is hereby declared to include any body or Board which, under the law, is the legislative department of the government of any city.

Tenth—In the municipalities in which there is no Mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the President of the Board of Trustees, or other chief executive officer of the municipality.

Eleventh—The term "Clerk" and "City Clerk," as used in this Act, is hereby declared to include any person or officer who shall be Clerk of said City Council.

Street
department

Twelfth—The term "quarter blocks," as used in this Act as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on each intersecting street, half way from said crossing or intersection to the next main street.

SEC. 199. The Superintendent of Streets shall, when necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this Act, and of piling and capping, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom, to report the same to the Superintendent of Streets. Such person shall be allowed for his time, actually employed in the discharge of his duties, such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined in this Act.

SEC. 200. Wherever the word "Act" is used herein under the Street Department, the same shall mean charter as well.

MISCELLANEOUS PROVISIONS.

Miscellaneous
provisions

SEC. 201. Unless otherwise provided in this charter, all contracts for work or supplies of any kind for more than three hundred dollars, shall be let to the lowest bidder after notice given, by posting the same for ten days, and by publishing the same for five days, and all sales or leases of property belonging to the city shall be by public auction to the highest bidder, upon such terms and conditions as the City Council may by ordinance direct, and after like notice given.

SEC. 202. No grant of any franchise by the City Council shall have any validity or effect unless the person or persons to whom the same is made shall within six months thereafter, actually and in good faith, and not colorably, commence the exercise or enjoyment of the same, there being no legal impediment thereto; *provided*, that condemnation proceedings commenced and diligently prosecuted shall be deemed the exercise of a franchise granted under this charter. Whenever any franchise shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and the said franchise, or that part thereof so in disuse, shall no longer be exercised or enjoyed; *provided*, that the disuse of any portion of the franchise, unless permission be before obtained of the City Council, shall be deemed a forfeiture of the whole.

SEC. 203. Whenever within the corporate limits of the city two or more railroads, operated by steam power, cross each other on the same grade or level, the corporations operating the roads shall, within four months after the adoption of this charter, or in case of roads now being or hereafter to be constructed, within four months after completion of crossings as above described, cause the erection and operation

of a complete interlocking safety switch and signal system, which said signal system shall be so constructed as to prevent collisions at such crossings between cars or trains of cars, or locomotive engines running on the different roads. Failure, neglect, or refusal to conform to the requirements of this section shall subject each corporation to a penalty of fifty dollars for each and every day during which such failure, neglect, or refusal shall continue.

Miscellaneous provisions

SEC. 205. No member of the City Council, and no officer of or employé of the city shall be or become directly or indirectly interested in or with the performance of any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city. Any member of the City Council, officer, or employé of this city violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city while he is such member, officer, or employé, unless the same shall devolve upon him by law, shall forfeit his office, and be forever disqualified from holding any position in the service of the city; and all contracts made, or right or franchise granted in violation of this section, shall be absolutely void.

SEC. 206. No officer or employé of the city shall give, or promise to give, to any other person, any portion of his compensation, or any money or thing of value, or any position, in consideration of having been or of being nominated, appointed, voted for, or elected to any office or employment under the city. Any person violating the provisions of this section shall forfeit his office and employment under the city, and be forever disqualified from holding any position in the service of the city.

SEC. 207. Any officer of the city who shall, while in office, accept any donation or gratuity in money, or anything of value, either directly or indirectly, from any subordinate or employé, or from any candidate or applicant for any position under him, shall forfeit his office and be forever disqualified from holding any position in the service of the city.

SEC. 208. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from such books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, upon paying or tendering ten cents per folio of one hundred words.

SEC. 209. Except as otherwise provided for by law or this charter, all public offices shall be kept open for business every day (except legal holidays) from nine o'clock in the forenoon until five o'clock in the afternoon; and in addition thereto, for two weeks before taxes become delinquent in each year, the office of Tax Collector shall be kept open until nine o'clock in the evening.

Miscellaneous provisions

SEC. 210. Whenever the City Council shall adjudge it necessary for the city to take or damage private property for public uses, the City Council may direct proceedings to be taken by the City Attorney under title seven, part three, of the Code of Civil Procedure, to condemn the same.

SEC. 211. No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk, or employé receive any salary or compensation for any service of any kind unless the same is specially authorized by law or this charter; *provided, however*, that when any officer or Board shall require additional employés, application shall be made to the City Council to authorize the appointment of such additional employés, and thereupon the City Council may, in its discretion, authorize such appointment and provide for the compensation of such appointees.

SEC. 212. Whenever power is given in this charter to call special meetings of the City Council, Board of Education, or any Board, the notice therefor shall be in writing, and shall specify the object of the meeting. The notice shall be served on each member personally, or by mail addressed to his place of residence; if by mail, the notice shall be deposited in the Post Office of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 213. Wherever this charter provides for the posting of notices, such notices shall be posted at the front door of the City Hall, the United States Post Office, and at the office of the body authorizing the notice.

SEC. 214. Whenever a provision is made in this charter wherein publication is required, such publication shall be made in a newspaper of general circulation, printed and published in the City of Stockton, except as otherwise provided.

SEC. 215. Every officer shall hold his office until the expiration of the term for which he was elected or appointed and until his successor is elected or appointed and qualified; and where no other period is prescribed, the term of such officer shall not exceed two years. An officer shall be deemed to have qualified when he has taken the oath of office and filed the same, together with his official bond, if a bond is required, as herein provided.

SEC. 216. All officers mentioned in this charter, elected or appointed, must, at the time of their election or appointment, have been a citizen of the United States, and a resident and qualified elector of the city for two years next preceding their election or appointment.

SEC. 217. All officers, deputies, clerks, assistants, and other employés of the city, and of the several departments thereof, must be citizens of the United States, and during their respective terms of office or employment must reside in the city, and have been residents of the city one year next preceding their election or appointment. They, and each of them, shall perform such duties as may be required of them respectively by law, ordinance, or this charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased or

diminished during the term of their respective offices or employment.

Miscellaneous provisions

SEC. 218. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the City Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within ten days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of felony, or be adjudged insane, his office shall be vacant, and the vacancy filled as herein provided. The Mayor shall have the power to appoint suitable persons to fill vacancies in any office, except as in this charter provided. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor.

SEC. 219. Unless otherwise provided by law or this charter, any officer, Board, or department authorized to appoint any deputy, clerk, assistant, or employé, shall have the right to remove any person so appointed.

SEC. 220. All appointments of officers, deputies, and clerks to be made under any provision of this charter, must be made in writing and in duplicate, authenticated by the person or persons, Board, or officer making the same. One of said duplicates must be filed with the City Clerk, and the other with the Mayor.

SEC. 221. All franchises and privileges heretofore granted by the city, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees, or their assigns, shall, within six months after this charter takes effect, in good faith, commence the exercise and enjoyment of such privilege or franchise.

SEC. 222. Competent and experienced employés in the several departments shall not be unnecessarily removed.

SEC. 223. All ordinances and resolutions of the city in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed; and all officers of the city in office when this charter takes effect shall continue to hold and exercise their respective offices under and in accordance with the terms and provisions of this charter, until the election or appointment and qualification of their successors, provided for herein.

SEC. 224. The City Council of the present City of Stockton shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

SEC. 225. The provisions of this charter are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Now, therefore, be it

Resolved by the Senate of the State of California, its Assembly Approved
thereof concurring (a majority of all the members elected to each

House voting for and concurring herein), The said charter be and the same is hereby approved as a whole, for and as the charter of said City of Stockton, San Joaquin County, and State of California.

CHAPTER XII.

Assembly Concurrent Resolution No. 14, relative to Assembly Bill No. 4, and the enrollment thereof.

[Adopted March 4, 1889]

Preamble

WHEREAS, On the twenty-second day of January, eighteen hundred and eighty-nine, Assembly Bill No. 4—An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March thirteenth, eighteen hundred and eighty-three, and an Act amendatory thereof, approved February eighteenth, eighteen hundred and eighty-five, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal section nine of said Act, and to appropriate money for the uses of the State Board of Horticulture—passed the Assembly, and thereafter was duly transmitted to the Senate, and was amended in the Senate, and passed as amended by that body on the fourth day of February, eighteen hundred and eighty-nine, and retransmitted to the Assembly, and the Senate amendments thereto concurred in by the Assembly; and whereas, the bill was properly engrossed and sent to the Superintendent of State Printing for enrollment, and during such enrollment a mistake was made in making such enrollment, as follows, viz.: In section eight of the original amended bill as printed, on page three, line fourteen, the word "seventy" was enrolled "twenty," the same being purely a mistake of the printer, and remained undiscovered by the Assembly Enrolling Committee, in which erroneous form the bill was presented to his Excellency the Governor, for his approval or rejection, and was by him approved, and a message approving the same was duly announced to the Assembly, the House wherein said bill originated. Now, therefore, in order to correct said mistake so made as aforesaid,

Return of
Assembly
Bill No 4

Resolved by the Assembly, the Senate concurring, That the Secretary of State is hereby requested to return said bill to the Governor's office, and the Governor is hereby requested to return the same to the Clerk of the Assembly, that the Assembly may take such action thereon as it may be deemed necessary.

CHAPTER XIII.

Senate Concurrent Resolution No. 19, relative to the boilermakers of San Francisco.

[Adopted March 5, 1889]

WHEREAS, The boilermakers of the Pacific Coast are now Preamble. engaged in a patriotic struggle to protect the interests of our State and country, and to encourage the development of our home industries against the avarice of the Risdon Iron and Locomotive Works, and other foreign contractors, in the matter of importing finished ironwork which could be produced and can be produced by our own resident mechanics and laborers; therefore, be it

Resolved by the Senate, the Assembly concurring, That the boilermakers have our full and sincere sympathy in their present contest with the Risdon Iron and Locomotive Works of San Francisco, and that in their said contest they are entitled to the moral support and encouragement of all patriotic citizens of California.

CHAPTER XIV.

Assembly Concurrent Resolution No. 4, relative to filling the vacancy caused by the death of William Blanding.

[Adopted March 6, 1889]

WHEREAS, By the death of Captain William Blanding, a Preamble vacancy has occurred in the Board of Managers of the National Home for Disabled Volunteer Soldiers; and whereas, James A. Waymire, President of the Veterans' Home Association, of California, is familiar with the wants of the soldiers on this coast, and was largely instrumental in having a branch of the National Home established in California; therefore, be it

Resolved by the Assembly, the Senate concurring, That our To secure appointment of J. A. Waymire Senators in Congress be instructed and our Representatives be requested to use their influence to secure the appointment by Congress of James A. Waymire to be a member of said Board of Managers.

CHAPTER XV.

Senate Concurrent Resolution No. 12, relative to the matter of the payment of Indian depredation claims.

[Adopted March 7, 1889.]

WHEREAS, Many of the citizens of [this] State justly hold Preamble claims for losses incurred by them through Indian depre-

dations; and whereas, Congress has failed to provide for the payment of the same; and whereas, this State has already assumed and paid many of such claims; therefore, be it

Payment of
Indian
depreciation
claims

Resolved by the Senate, the Assembly concurring, That our Representatives in Congress be requested and our Senators be instructed to use all proper means to secure the adoption of such suitable legislation as will amply provide for the prompt and final adjudication and payment of all claims for Indian depredations committed by Indians upon the property of the people of this State; and, be it further

Resolved, That we deem such legislation just as will provide for the payment to this State of all claims of such character heretofore paid by the State.

Resolved, That his Excellency the Governor is hereby requested to forward a copy of these resolutions to each of our Representatives and Senators in Congress.

CHAPTER XVI.

Senate Concurrent Resolution No. 1, relating to the opening for settlement of Klamath River Indian Reservation.

[Adopted March 7 1889]

Preamble

WHEREAS, By an Act of Congress approved April eighth, eighteen hundred and sixty-four, there were set apart and determined the number of and places for Indian reservations in the State of California, and said Act directed that lands formerly held in this State as Indian reservations should be surveyed and opened for sale and to settlement; and whereas, Klamath River Indian Reservation, extending up Klamath River on both sides thereof a distance of twenty miles from the mouth of said river, situated in the northern part of California, was prior to the approval of the Act referred to, held as an Indian reservation, and was not selected as such by said Act, and never has been used as a reservation since; and whereas, the land included in said reservation has been withheld from sale as directed by said Act or otherwise, and has not been thrown open to settlement, and the Land Department of the United States has persistently and unwarrantedly refused to comply with the provisions of said Act or to open said land to settlement; and whereas, included in said reservation are many thousands of acres of land peculiarly well adapted to agricultural, grazing, and lumbering purposes, and contains the larger part of a navigable river, the Klamath River, almost equal in size to the Potomac, abounding in fish and affording unsurpassed facilities for salmon fisheries; and whereas, there are less than one hundred Indians on said reservation at the present time, who receive no governmental aid or support whatever, who cannot avail themselves of its

many resources, and who would be immensely benefited by being afforded a field of labor in the establishment of industries thereon; and whereas, ample provisions can be made for said Indians without withholding so large and valuable tract of land from settlement; and whereas, by reason of the Act referred to, as well as correspondence from said department, and the fact that it was generally believed, by persons competent to judge, that said reservation was abandoned by said Act, many industrious settlers were encouraged to settle upon said reservation, and they have spent many years of labor and much money in developing some parts of said reservation, that they might have and enjoy homes of their own, only to be driven therefrom whenever it would suit the caprice of some departmental authority; and whereas, it is conceded to be against the best interests of our State that so large a field for labor and enterprise should be held in reserve from our people; and whereas, it is wrong and improper that those who formerly settled on said reservation, under the circumstances brought about by said department, should be compelled to suffer loss and annoyance by reason of the delinquency and inattention in failing to comply with the provisions of said Act; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives be requested to immediately take such action in Congress as they deem necessary, to the end that said reservation be thrown open to settlement, and not sold as provided by said Act, and that due and proper protection be awarded the rights and equities of the former settlers thereon, and that every honorable means be used with this view, until such objects are accomplished and the rights of such settlers recognized and protected.

Settlement
of Klamath
Indian
Reservation.

And be it further resolved, That his Excellency the Governor is hereby requested to forward to each of Senators and Representatives in Congress a copy of this resolution.

CHAPTER XVII.

Senate Concurrent Resolution No. 14, relating to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to establish Agricultural Experiment Stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto," approved March 2, 1887.

[Adopted March 12, 1889]

WHEREAS, By section nine (9) of said Act it is provided: Preamble
That the grants of moneys authorized by this Act are made subject to the legislative assent of the several States and Territories to the purposes of said grants; therefore, be it

Assent to
grants.

Resolved by the Senate, the Assembly concurring, That the State of California does hereby assent to the grants named in said Act, approved March second, eighteen hundred and eighty-seven, and to the conditions thereof for and on behalf of the State of California and the Board of Regents of the University of the State of California. And be it further

Assigned to
Regents of
the University
of California

Resolved by the Senate, the Assembly concurring, That the State of California does hereby specifically designate "The Board of Regents of the University of the State of California," a corporation organized and existing under the laws of California, and controlling the University of California, the only institution in this State established in accordance with the provisions of an Act approved July second, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," as the institution to which this grant is by law assigned, for the benefit of Agricultural Experiment Stations connected with the said University. Be it further

Resolved, That his Excellency the Governor of California be and he is hereby requested to transmit to the Secretary of the Treasury of the United States a copy of these resolutions, duly certified by the Secretary of State.

CHAPTER XVIII.

Senate Concurrent Resolution No. 17, relative to the organization of a naval militia force under the control of government.

[Adopted March 12, 1889]

Preamble.

WHEREAS, A bill is now before Congress, known as "Whitthorne's Naval Reserve Bill" (H. R. 10,622), the purpose of which is the organization of a naval militia force under the control of the government; and whereas, the bill aforesaid has received the support of the principal commercial organizations of the United States, and is an enactment worthy of patriotic support and encouragement; therefore, be it

Approval of
Whitthorne
Naval Reserve
Bill

Resolved, That the Legislature of the State of California cordially approves the Whitthorne Naval Reserve Bill, and urges its passage upon Congress as a laudable and patriotic measure, conducive to the national defense, and an encouragement to the maritime interests of the United States.

Resolved, That attested copies of this resolution be forwarded to the California delegation in Congress, with the request that the bill be aided by its influence and support.

CHAPTER XIX.

Senate Concurrent Resolution No. 21, relative to the desert land Act of March 3, 1877.

[Adopted March 14, 1889]

WHEREAS, Large tracts of agricultural land have been and are claimed under the so called desert land Act of March third, eighteen hundred and seventy-seven, in the State of California, and have been, by order of a former Secretary of the Interior, withdrawn from market, as well as from the operation of the preemption and homestead Acts of the United States, to the great detriment of land seekers and the general public; therefore, be it

Preamble

Resolved by the Senate of the State of California, the Assembly concurring, That the President of the United States be and he is hereby requested by and through the Interior Department of the Government to pass upon and determine the matter involved in said order of suspension, to the end that said lands may be restored to the public domain for entry under the land laws of the United States.

Restoring
desert land
to public
domain.

Resolved, That a copy of the foregoing preamble and resolution, duly attested, be forwarded to the President of the United States.

CHAPTER XX.

Senate Joint Resolution No. 5.

[Adopted March 16, 1889]

Approving the charter of the City of San Diego, in San Diego County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the second day of March, 1889.

WHEREAS, The City of San Diego, in San Diego County, is now, and at all times herein referred to was, a city containing a population of more than ten thousand and not more than one hundred thousand inhabitants; and whereas, at a special election duly held therein on the fifth day of December, eighteen hundred and eighty-eight, according to law and to the provisions of section eight of article eleven of the Constitution of this State, a Board of Fifteen Freeholders, duly qualified, was duly elected in and by said city and by the qualified electors thereof, to prepare and propose a charter for said city, which Board of Freeholders did, within ninety days after said election, prepare and propose a charter for said city; and whereas, the same was, on the tenth day of January, eighteen hundred and eighty-nine, signed in duplicate by each and all of the members of said Board of Freeholders, and was, on the

Preamble

tenth day of January, eighteen hundred and eighty-nine, returned and delivered, one copy thereof to the Mayor of said City of San Diego, and the other copy thereof to the Recorder of San Diego County (within which said city is situated); and whereas, such proposed charter was then published in two daily newspapers of general circulation in said city, to wit: in the "San Diego Daily Sun" and in "The Daily San Diegan," in each instance for twenty days, such publication having been commenced within twenty days after the completion of said proposed charter; and whereas, said charter was submitted (within not less than thirty days after the completion of said publication) by the legislative authority of said city, to wit: by the City Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on the second day of March, eighteen hundred and eighty-nine; and whereas, at said special election a majority of such qualified electors of said city voting at said special election did vote in favor of, and did ratify said charter so proposed, and the same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, as provided for in said section eight of article eleven of the Constitution; and whereas, the said charter so ratified is in the words and figures following, to wit:

CHARTER FOR THE CITY OF SAN DIEGO.

Prepared and proposed by the Board of Fifteen Freeholders elected December 5, 1888, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

ARTICLE I.

BOUNDARIES, RIGHTS, AND LIABILITIES, DIVISION INTO WARDS, AND ELECTIONS.

CHAPTER I.—OF BOUNDARIES, RIGHTS, AND LIABILITIES.

Boundaries,
rights, etc

SECTION 1. The municipal corporation now existing and known as "The City of San Diego" shall continue to be a municipal corporation under the same name, with the same boundaries that it now has, to wit: All that tract of land known as the pueblo lands of San Diego, included in the survey made in July, eighteen hundred and fifty-eight, by J. C. Hayes, United States Deputy Surveyor-General for the State of California, according to the field notes of said survey by said Hayes; and, also, all that portion of the Peninsula of San Diego, which lies north of a straight line drawn from the southwest corner of the pueblo lands of San Diego, westward to the Lighthouse on Point Loma; and the municipal jurisdiction of said City of San Diego shall extend to said limits and boundaries and over the tide-lands and

waters of the Bay of San Diego, and into the Pacific Ocean to the extent of one marine league from the shore. Boundaries, rights, etc

SEC. 2. The said corporation shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold, and enjoy real and personal property, within and without the City of San Diego, and sell, convey, and dispose of the same for the common benefit; receive bequests, donations, and gifts of all kinds of property, within and without the City of San Diego, in fee simple or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gifts, bequests, or trusts.

SEC. 3. The said corporation shall be and continue vested with all the property rights and rights of action of every kind now belonging to the City of San Diego, and shall succeed to all the property of the present Board of Education of said city, and shall be subject to all the liabilities now existing against said city or against said Board.

CHAPTER II—OF WARDS.

SECTION 1. The said city shall be and is hereby divided into nine wards, as follows:

FIRST WARD.

SEC. 2. This ward shall include all that portion of said city bounded as follows: Commencing at a point where the center line of Upas Street, in Middletown, intersects the Bay of San Diego; thence northeasterly along the center of said street to a connection with the west end of Upas Street, in Horton's Addition; thence easterly, following the center line of said street to the west line of the City Park; thence north along said west line to the northwest corner of said park; thence east along the north line of said City Park, and along the north lines of pueblo lots numbers eleven hundred and twenty-eight (1128) and thirteen hundred and fifty (1350) to the eastern boundary of said city; thence northwesterly, following the eastern boundary of said city to a point where said boundary intersects the Pacific Ocean; thence southerly, following the shore line of said ocean to the most southerly end of Point Loma; thence in a northeasterly direction, following the water line of said Point Loma and the shore line of the Bay of San Diego to the point of commencement. Wards

SECOND WARD.

SEC. 3. This ward shall include all that portion of said city within the boundaries as follows: Commencing at a point where the center line of Ash Street in Middletown intersects the Bay of San Diego; thence northerly, following

Wards. the shore line of said bay to the center line of Upas Street; thence northerly and easterly, following the center line of said Upas Street, both in Middletown and Horton's Addition, to the west line of the City Park; thence south along the said west line of Park to the center line of Date Street; thence west on center line of Date Street to the center line of Fifth Street; thence south on center line of Fifth Street to center line of Ash Street; thence west along the center line of Ash Street to the Bay of San Diego, or place of beginning.

THIRD WARD.

SEC. 4. This ward shall include all that portion of the city bounded on the north by the center line of Ash Street, from its intersection with the Bay of San Diego to the center line of Fifth Street; thence south on center line of Fifth Street to center line of E Street; thence west on center line of E Street to the Bay of San Diego; thence north on shore line of said bay to the center line of Ash Street, or place of beginning.

FOURTH WARD.

SEC. 5. This ward shall include all that portion of the city bounded as follows: Commencing at the center of the intersection of Ash and Fifth Streets; thence north on center line of Fifth Street to center line of Date Street; thence east on center line of Date Street to west line of the Park; thence north on said west line of the Park to the north boundary of said Park; thence east on said north Park line, and south of pueblo lots numbers eleven hundred and twenty-seven (1127) and thirteen hundred and forty-nine (1349) to the eastern boundary of the city; thence southerly along the said eastern boundary of the city to a point where the center line of D Street extended will intersect the said eastern boundary; thence west along the center line of D Street, so extended, to the eastern end of D Street, as now opened, and west along the center line of D Street to center line of Fifth Street; thence north on center line of Fifth Street to center line of Ash Street, or place of beginning.

FIFTH WARD.

SEC. 6. This ward shall include all that portion of the city bounded on the north by the center line of E Street, from its intersection with the Bay of San Diego east to the center line of Fifth Street; thence south on center line of Fifth Street to the Bay of San Diego, thence on the south and west by the Bay of San Diego.

SIXTH WARD.

SEC. 7. This ward shall include all that portion of the city bounded as follows: Commencing at the center of intersection of Fifth and D Streets; thence east on center line of D Street extended, to eastern boundary of the city; thence southerly on said boundary to the center line of H Street extended, to

said boundary; thence west on center line of H Street to ^{wards} center line of Fifth Street; thence north on center line of Fifth Street to center line of D Street, or place of beginning.

SEVENTH WARD.

SEC. 8. This ward shall include all that portion of the city bounded as follows: Commencing at the center point of intersection of H and Fifth Streets; thence east on center line of H Street extended, to the eastern boundary of the city; thence southeasterly on said boundary to the center line of N Street extended, to the city boundary; thence west on center line of N street extended, to the Bay of San Diego; thence northwesterly along said bay to the intersection of the center line of Fifth Street with said bay; thence along the center line of Fifth Street to center line of H Street, or place of beginning.

EIGHTH WARD.

SEC. 9. This ward shall include all that portion of the city lying south of the center line of N Street, from its intersection with the Bay of San Diego, east to the eastern boundary of the city; thence southerly to the southeast boundary of the city; thence westerly on the southerly boundary to the Bay of San Diego; thence northwesterly on the shore of said bay to the intersection of the center line of N Street, or place of beginning.

NINTH WARD.

SEC. 10. This ward shall include all that portion of the city lying north of the southern boundary of the city known as the Peninsula of San Diego, bounded by the Bay of San Diego and the Pacific Ocean.

SEC. 11. The jurisdiction of all wards bounded by the Bay of San Diego shall extend to the center of ship's channel at right angles with the shore line.

SEC. 12. The Common Council shall in the year eighteen hundred and ninety-two, and every five years thereafter, re-district the city into nine wards; making the population in each ward as nearly equal as convenience will permit.

CHAPTER III.—OF ELECTIONS.

SECTION 1. Elections to be held in said city for the pur- ^{Elections.} pose of electing the officers of said city, and for all other purposes, are of two kinds:

First—General municipal elections.

Second—Special elections.

SEC. 2. General municipal elections shall be held in said city on the first Tuesday after the first Monday in April in each odd numbered year, for the purpose of electing all officers made elective by the terms of this charter, and for other purposes in this charter provided.

Elections

SEC. 3. Special elections for all purposes designated in this charter shall be held on the days as fixed by the Common Council therefor.

SEC. 4. All general municipal elections and all special elections shall in all respects, as nearly as may be, be conducted and held in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time; and the Common Council shall make all the necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the results of all elections by the Common Council shall be in accordance with the provisions of said State laws.

SEC. 5. The qualifications of an elector at any election held in said city in pursuance of this charter shall be the same as those prescribed by the laws of this State for electors at any general State election in force at the time of such election.

SEC. 6. It shall be the duty of the Board of Supervisors of the County of San Diego, when the great registers are printed, to provide for the printing of a sufficient number of such registers (in addition to the number required otherwise by law to be printed) for the general municipal and special elections to be held or likely to be held in the City of San Diego, and it shall be the duty of the County Clerk of said county to furnish such registers in sufficient numbers when so required to the authorities of the city.

SEC. 7. All officers elected at a general municipal election shall take office on the first Monday of May next following such election.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

CHAPTER I.—OF THE COMMON COUNCIL.

Legislative
department

SECTION 1. The legislative power of the City of San Diego shall be vested in two houses of legislation, which shall be designated the Common Council, and shall consist of a Board of Aldermen and a Board of Delegates.

SEC. 2. The Board of Aldermen shall consist of nine members, who shall be elected by general ticket from the city at large.

SEC. 3. At the first election under this charter nine members of the Board of Aldermen shall be elected. The five receiving the highest number of votes shall hold office for four years, and the other four for two years, and in case of a tie vote, the right to hold for two or four years shall be determined by lot. At each general municipal election thereafter, members of the Board of Aldermen shall be elected to succeed those whose terms are about to expire; and the members so elected shall hold office for four years.

SEC. 4. The Board of Delegates shall consist of two members from each ward, who shall be elected at each general municipal election by the qualified electors of their respec-

tive wards, and shall hold office for two years. Each member of the Board of Delegates must have been both an elector of the city and an actual resident of the ward for which he was elected at least one year next preceding his election. Legislative
department.

SEC. 5. No person shall be eligible as a member of either Board who shall have been convicted of malfeasance in office, bribery, or any other infamous crime, by the judgment of a Court; any such conviction during his term of office shall cause the forfeiture of his seat in said Board.

SEC. 6. The Boards shall meet in separate chambers. A majority of its members shall be a quorum for each Board, but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each Board may prescribe.

SEC. 7. Each Board shall:

1. Choose a President annually from its own members, who may be removed by the affirmative vote of not less than two thirds of the members of such Board.

2. Establish rules for its proceedings.

3. Keep a journal of its proceedings, and allow the same to be published. The ayes and noes on any question shall, on the demand of any two members, be taken and entered therein.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence; and to expel any member by the affirmative vote of not less than two thirds of its members, specifying in the order of expulsion the cause thereof

5. Have power to compel the attendance of witnesses and production of papers pertinent to any business before such Board, or any of its committees.

SEC. 8. Each Board shall meet upon the first Monday of each month, or, if that day be a legal holiday, then upon the next day; and neither Board shall, without the consent of the other, adjourn for more than seven days, or to any other place than its regular place of meeting. The meetings of each Board shall be public.

SEC. 9. No member of either Board shall hold any other office, Federal, State, County, or Municipal, except in the National Guard or as a Notary Public, or be an employé of said city, or of either of said Boards, or be directly or indirectly interested in any contract with said city or with or for any department or institution thereof; or advance money or furnish material or supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract; or directly or indirectly recommend, solicit, advise, request, or in any manner use his influence to obtain the appointment of any person to any office, position, place or employment under the City Government, or under any Department, Board or officer thereof; but nothing in this section shall impair the right of a member to nominate and recommend any person for any office or position to be filled by appointment or election by the Common Council or the Board of which he is a member. Upon taking office, each member shall make and file in the office of the Clerk

Legislative
department.

an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of any of the provisions of this section shall cause a forfeiture of his office.

SEC. 10. Every legislative act of said city shall be by ordinance. The enacting clause of every ordinance shall be: "Be it ordained by the Common Council of the City of San Diego as follows." Any ordinance may originate in either Board, and when it shall have passed one Board, may be passed, amended, or rejected in the other.

SEC. 11. No bill shall become an ordinance unless, on its final passage in each Board, at least a majority of all the members vote in its favor, and the vote be taken by ayes and noes, and the names of the members voting for and against the same be entered in the journals.

SEC. 12. No amendment to any bill by either Board shall be concurred in by the other except by the affirmative vote of at least a majority of its members, taken by ayes and noes, and the names of those voting for and against the same shall be entered in the journal of such Board. Reports of committees of conference shall be adopted in either Board only by the affirmative vote of at least a majority of its members, taken by ayes and noes, and the names of those voting for and against the same shall be recorded in the journal.

SEC. 13. No ordinance shall be revised, reenacted, or amended by reference to its title; but the ordinance to be revised or reenacted, or the section thereof amended, shall be reenacted at length as revised or amended.

SEC. 14. When a bill is put upon its final passage in either Board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted on before the next meeting of said Board. No bill for the grant of any franchise shall be finally passed within thirty days after its introduction.

SEC. 15. No ordinance shall take effect until ten days after its passage, unless otherwise expressed in said ordinance.

SEC. 16. Every bill, after it has passed the two Boards, shall be signed by the President of each Board in open session, in authentication of its passage. In signing such bill, he shall call the attention of the Board to the bill, and that he is about to sign it; and if any member so request, the bill shall be read at length for information as to its correctness as enrolled. If any member objects that the bill is not the same as when considered and passed by the Board, such objection shall be passed upon, and if sustained, the President shall withhold his signature, and the bill shall be corrected and signed before the Board proceeds to any other business.

SEC. 17. Every bill which shall have passed the two Boards, and been authenticated, as provided in the last section, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Board in which it originated within ten days after receiving it. If he approve it he shall sign it, and it shall then become an ordinance. If he disapprove it, he shall specify his objections thereto in writ-

ing. If he do not return it with such disapproval, within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large on the Journal of the Board in which such bill originated. Said Board shall, after five and within thirty days after such bill shall have been so returned, reconsider and vote upon the same; and if the same shall, upon reconsideration, be again passed by the affirmative vote of not less than two thirds of the members of each Board, the Presidents of the respective Boards shall certify that fact on the bill, and when so certified, the bill shall become an ordinance with like effect as if it had received the approval of the Mayor; but if the bill shall fail to receive upon the first vote thereon in either Board an affirmative vote of two thirds of the members, it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for or against the same shall be entered in the Journals of each Board.

Legislative
department

SEC. 18. All ordinances and resolutions shall be deposited with the Clerk, who shall record the same at length in a suitable book. Ordinances of a general nature shall be published at least once in the city official newspaper.

CHAPTER II.—OF THE POWERS OF THE COMMON COUNCIL.

SECTION 1. Subject to the provisions, limitations, and restrictions in this charter contained, the Common Council shall have power to pass ordinances:

Common
Council,
powers of

1. To make and enforce within the limits of said city all such local, police, sanitary, and other laws and regulations as are not in conflict with general laws or this charter.

2. To regulate and control the use of the streets, sidewalks, highways, roads, and public places for any and all purposes; to prevent encroachments upon and obstructions to the same, and require the removal of any encroachments or obstructions thereon.

3. To regulate and control the use of the streets and sidewalks for signs, sign posts, awnings, awning posts, drinking fountains, horse troughs, urinals, all posts for the suspension of electric wires; for traffic and sale therein; for exhibiting banners, placards, or flags in or across the same, or from houses or other buildings, and for all other purposes.

4. To regulate the cleaning and sprinkling of the streets, sidewalks, and gutters, and prevent the depositing of ashes, offal, dirt, rubbish, or garbage in the same.

5. To regulate the opening of street surfaces for the laying of gas or water mains, of telegraph or telephone wires; for the building and repair of sewers; for the erection of gas or electric lights, or for any other use or purpose.

6. To regulate the numbering of houses and blocks and the naming of streets, public places, and thoroughfares.

7. In relation to street beggars, vagrants, and mendicants, and the exhibition and distribution of advertisements or handbills along the streets or in public places.

Common
Council,
powers of.

8. In relation to intoxication, fighting, quarreling, and vulgar language in the streets and other places, and in relation to carrying concealed weapons.

9. In relation to the construction, maintenance, repair, and removal of public fountains, for the use of persons and animals on the streets and in other public places.

10. To regulate public assemblages and processions

11. To restrain and prevent any riot, mob, noise, disturbance, or disorderly assembly or amusement, dangerous to persons or property in any street, house, or place.

12. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion of the street or the adjoining land, for such limited time as may be necessary for such purpose and no longer.

13. To provide for lighting the streets, squares, parks, and public places, buildings, and offices; and for inclosing, improving, and regulating public grounds.

14. To establish fire districts, and determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration of existing buildings within such limits.

15. To prohibit, suppress, regulate, or exclude from the city, or certain limits thereof, all houses of ill fame, prostitution, and gaming; to prohibit, suppress, or exclude from the city, or certain limits thereof, all occupations, houses, places, pastimes, amusements, exhibitions, and practices, which are against good morals and contrary to public order and decency, or dangerous to public safety.

16. To regulate the manufacture, transportation, sale, disposition, storage, and use of firearms, firecrackers, fireworks, petroleum, and all explosive and combustible material and substances; the manufacture of acids, and the maintenance of acid works, slaughter houses, brick kilns, tanneries, laundries, foundries, steam boilers, and factories using steam boilers, and all other manufactories, works, and occupations of every description that may affect the public safety, health, or comfort, and to exclude them from certain limits.

17. To protect the health, comfort, and security of the inhabitants, and the safety and security of property and life; to exclude from certain limits hospitals, institutions, and places for the treatment of disease, or for the care of sick or insane persons; to regulate all noxious trades, and to restrict the prosecution thereof to such limits as may from time to time seem proper, or exclude them from said city; to make regulations for protection against fire, and to make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval, or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance, to provide for the examination of all buildings, and the removal thereof if found unsafe or constructed contrary to ordinance.

18. To authorize the establishment and maintenance of crematories, to regulate the same and to exclude them from certain limits.

Common
Council,
powers of

19. To declare what shall constitute a nuisance, and to provide for the abatement or summary removal of any nuisance.

20. To regulate hackney carriages and public passenger vehicles, and fix the rates to be charged for the transportation of persons or personal baggage; to regulate all vehicles used for the conveyance of merchandise, earth, or ballast; to prescribe the width of the tires of all vehicles and the weight to be carried by said vehicles; and to regulate drivers, carriers, runners, and solicitors.

21. To regulate the construction, repair, care, and use of markets and market places, and of places of public amusement and public assemblage.

22. To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, and sewers.

23. To provide a public pound and poundkeeper, with necessary assistants, and to fix a salary for the poundkeeper and his assistants, which shall be paid only out of fines collected and paid into the treasury for the redemption of impounded animals; to prescribe fines for the redemption of animals duly impounded, and to provide for the collection of such fines and their payment into the treasury; to prevent animals from running at large and to provide for impounding or killing them when found running at large. To provide for the removal and disposition of animals or vehicles found unattended in any street or public place.

24. To provide suitable buildings, rooms, or accommodations for all Courts, Departments, Boards, and officers, together with all necessary attendants, furniture, fuel, lights, and stationery for the convenient transaction of business.

25. To provide and maintain a morgue.

26. To provide for places for the detention of witnesses separate and apart from places where criminals, or persons accused of public offenses are imprisoned.

27. To regulate and provide for the employment on the streets and highways of said city of prisoners, and to make regulations requiring prisoners to be sentenced to such labor either in the chain-gang or elsewhere, as the Common Council may deem expedient; to establish, maintain, and regulate and change, discontinue and reestablish city jails, prisons, and houses of correction, and other places of detention, punishment, confinement, and reformation.

28. To purchase or acquire by condemnation such property as may be needed for public use.

29. To adopt, enter into, and carry out means for securing a supply of water for the use of the city, or its inhabitants, or for irrigating purposes therein, and along the line of its water supply.

30. To regulate the quality, capacity, and location of water and gas mains and fire plugs, and provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, and pumps, and such other appliances as may be used in the

Common
Council,
powers of

distribution of water or gas in the streets, public places, and public buildings.

31. To fix and determine the rate of compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and determine the maximum rate or compensation to be charged by any person, company, or corporation supplying gas, electric, or other illuminating power in said city, and in making such rate it shall be upon the basis of yielding at least seven per cent interest upon the amount of the capital invested.

32. To fix and determine in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company, or corporation in this city for the use of water.

33. To regulate and impose a license tax upon public amusements, shows, and exhibitions, pawnbrokers, and railroad passenger cars; upon the manufacture, sale, transportation, or storage of any combustibles or explosives; upon astrologers and fortune tellers who practice their profession for hire; upon billiard tables, bowling alleys, shooting galleries, and other games or amusements kept or conducted for gain or hire; upon the sale at retail of tobacco, cigars, cigarettes, alcoholic and malt liquors; and upon all such other callings, trades, employments, business, and places not prohibited by law, that may require special police surveillance, or that may be prejudicial to public morals and the general welfare.

34. To impose a license tax on dogs.

35. To provide for the collection of licenses and municipal revenues, and fix the amount thereof.

36. To prescribe fines, forfeitures, and penalties for the breach of any ordinance and for a violation of any provision of this charter; but no penalty shall exceed the amount of five hundred dollars, or six months' imprisonment, or both.

37. To provide for the security, custody, and administration of all property of said city.

38. To make rules and regulations for the government of all servants, employés, officers, and departments, and to fix the fees and charges for all official services, and to fix salaries and wages not otherwise provided by general laws or by this charter.

39. To allow and order paid out of the various funds provided in this charter the sums respectively chargeable thereto, the allowance of which is not otherwise provided for.

40. To allow and order paid out of the General Fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

41. To provide for the survey of streets and blocks of land within the limits of the city, and to declare such surveys official, and to compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official or otherwise dedicated.

42. To provide in the annual tax levy for a special fund to be used in the construction of a general system of sewerage and drainage for said city. Common Council, powers of

43. To provide a common seal for said city, and from time to time to alter and change the same; and, also, to provide for seals for the several departments, Boards, and officers of said city, and for the Police Court, and for altering and changing the same.

44. To open, close, straighten, or widen any street, road, or highway; to open and lay out any new street or highway through public or private property, upon making compensation to all persons whose property may be taken therefor, or injuriously affected thereby, upon the conditions and in the manner by law and in this charter provided; and in like manner to establish and change the grade of any street, road, or highway. But no compensation shall be allowed for damage to gas or water pipes, railway tracks, telegraph or telephone posts or wires, or other property or thing laid above, along, in, or under any street, highway, park, place, or other public property.

45. To regulate all street railroads, tracks, and cars, and when and where necessary to compel the owners of two or more of such roads using the same street for any distance, to use the same tracks and to equitably divide the expense thereof between the owners; to fix and establish, reduce and increase the fares and charges for transporting passengers and goods thereon; to regulate the rates of speed, and pass ordinances to protect the public from danger or inconvenience in the operation of such roads; to compel the owners of street railroads to pave and keep in repair the street between the rails, and also between their tracks, and for at least two feet on each side of the same, including all switches, turnouts, and side-tracks.

46. To grant authority, for a term not exceeding twenty-five years, to construct street railways and lay down street railroad tracks upon or over any of the streets of said city upon which cars may be propelled by horses, mules, steam, or other motive power, or by wire ropes running under the streets and moved by stationary engines, and on such conditions as may be required by law and provided by ordinance, and from time to time to establish, alter, and regulate the rates of fare to be charged by any person, company, or corporation to which such authority may be granted.

47. To allow any railroad company or corporation to enter said city, and make its way to the waterfront at the most convenient point for public convenience; but no exclusive right, franchise, or privilege shall be granted to such railroad company; and the use of all such rights, privileges, and franchises shall at all times be subject to regulation by the Common Council. Every ordinance granting such right, privilege, or franchise shall be upon the conditions that said company or corporation shall pave and keep in repair the street between the rails of each track, and also between the tracks, and for at least two feet on each side of the same, including switches, turnouts, and side-tracks, and that said

Common
Council,
powers of

company or corporation shall allow any railroad company or corporation to which a similar right, privilege, or franchise may be granted, to use in common with it the same track or tracks upon such terms as the Common Council shall determine.

48. To make appropriations allowed by law or this charter.

49. To provide for the execution of all trusts confided to said city.

50. To provide for the sale and conveyance, or lease, of all lands now or hereafter owned by said city not dedicated or reserved for public use; but all leases and sales shall be made at public auction after publication of notice thereof for at least three weeks. No sale shall be authorized or any lease made for a longer term than two years, except by ordinance passed by the affirmative vote of two thirds of the members of each Board.

51. To provide for the sale, at public auction, after advertising for five days, of all personal property unfit or unnecessary for the use of said city.

52. To provide for the purchase of property levied on under execution in favor of said city; but the amount bid on such purchase shall not exceed the amount of the judgment and costs.

53. To incur an indebtedness exceeding the revenue for any fiscal year in case of great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, or any other great or unforeseen emergency. The ordinance for such purpose must be passed by the affirmative vote of two thirds of the members of each Board, and be approved by the Mayor. 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. No such indebtedness shall be incurred without the assent of two thirds of the qualified electors of said city, voting at an election held for that purpose.

SEC. 2. A committee of three members from each Board shall constitute the Board of Equalization of said city, and shall meet at the time prescribed by this charter, and organize by the election of one of their number as Chairman, and shall have the powers and perform the duties concerning the equalization of taxes given to County Boards of Equalization by the general revenue laws of the State. The City Clerk shall act as the Clerk of the Board of Equalization, and the Common Council shall provide for the compensation of the members of the Board of Equalization for the time that they are actually engaged in the equalization of taxes.

SEC. 3. The Common Council shall have power to make all rules and regulations necessary to carry into execution all powers vested by this charter, or by law, in said city, or in any department or officer thereof.

SEC. 4. The Board of Aldermen and the Board of Delegates shall each have power to appoint from their members

a committee consisting of three, to be denominated "Finance Committee," and to fill all vacancies in said committee. Each of said committees shall have power to investigate the transactions and accounts of all officers having the collection, custody, or disbursement of public money, or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books, and papers in all public offices; shall have power to administer oaths or affirmations, and to examine witnesses, and compel their attendance before them by subpœna. Said committees, or either of them, may visit any of the public offices, when and as often as they think proper, and make their examinations and investigations therein without hindrance. It shall be the duty of such committees, as often as once in every six months, to examine the official bonds of all city officers and depositories of the city funds, and inquire into and investigate the sufficiency and solvency of the sureties thereon, and report the facts to the Mayor. Such report shall specify each bond, with the sureties and the amount for which each surety is bound, and state whether or not they are deemed sufficient and solvent. Upon such report the Mayor shall act so as to protect the city, and may require new bonds when necessary, and he may suspend the officer until a sufficient bond is filed and approved. In the exercise of its functions a concurrence of two members of either committee shall be deemed sufficient. Each of said committees shall keep a record of its proceedings, with the names of the witnesses examined, and a substantial statement of the evidence taken. If, from the examination made by either of such committees, it shall appear that a misdemeanor in office, or a defalcation, has been committed by any officer, said committee shall immediately report to the Mayor, who, if he approve said report, shall forthwith suspend or remove such officer. Any police officer shall execute the process and orders of said committees, or either of them.

Common
Council,
powers of.

SEC. 5. The Common Council shall not grant any franchise for the construction of any wharf into the Bay of San Diego, except in the manner following, viz.: In addition to the requirements under the general laws, each and every ordinance granting such franchise must receive the vote of at least two thirds of the members of each Board, and shall provide that work shall commence within six months and be prosecuted continuously, and shall be completed within one year thereafter. Said time shall not be extended for any cause, and unless so completed the franchise shall be forfeited.

SEC. 6. Every grant of a franchise, right, or privilege shall be subject to the right of the Common Council at any time thereafter to repeal, change, or modify the said grant, and every ordinance making such grant shall contain a reservation of the right of the Common Council to repeal, amend, or modify said ordinance.

SEC. 7. No exclusive franchise or privilege shall be granted for laying pipes or other conduits under any of the public

Common
Council,
powers of

streets or through any public place for the use of any telegraph, telephone, or other mode of transmitting intelligence or electric or any motive power.

SEC. 8. The Common Council shall make no appropriation in aid of any corporation, person, or society, unless expressly authorized by this charter or the laws of the State

SEC. 9. The Common Council shall not grant authority to construct a street railway or lay down street railroad tracks upon or over any of the streets of said city except in the manner and on the terms following, viz.: Upon the application being made to the Common Council for authority to construct and operate a street railway along and upon any of said streets, the Common Council shall, by concurrent resolution, determine whether such franchise, or any part thereof, should be granted; and, after such determination, they shall cause notice of such application and resolution to be published for ten days, and shall in said notice specify the route over and along which they have determined to grant such franchise, and shall offer to grant the same to the person, company, or corporation who will pay the highest sum for the franchise. Bidding for such franchises must be in accordance with the provisions of this charter in relation to bids made to the Board of Public Works, so far as such provisions may be applicable, and the Common Council may reject any and all bids, and may refuse to grant a franchise for any part of the route for which the application was made.

SEC. 10. All claims for damages against the city must be presented to the Common Council and filed with the Clerk within six months after the occurrence from which the damages arose.

SEC. 11. No expenditure, debt, or liability shall be made, contracted, or incurred during any fiscal year that cannot be paid out of the revenues provided for such fiscal year. Except as otherwise authorized in this charter, the city shall not, nor shall the Common Council, the Board of Education, or any Board, department, or officer 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 fiscal year. All contracts, indebtedness, or liabilities incurred contrary to the provisions of this section shall be void, and shall not be paid out of the Treasury, or constitute, or be the foundation of any claim, demand, or liability, legal or equitable, against said city. The words expenditure, indebtedness, and liability herein used, shall include official salaries and the pay of all employes of said city, or of any of its departments

SEC. 12. No part of the income or revenue provided for any particular fiscal year shall be applied in payment of any indebtedness or liability incurred during any previous fiscal year, the sinking fund and the interest upon the bonded debt alone excepted.

SEC. 13. Except as otherwise authorized in this charter, the Common Council, Board of Education, or any other Board, department, committee, or officer shall not give one

demand preference over another in the authorization, allowance, or approval thereof; but demands shall be acted upon in the order in which they are presented.

Common
Council,
powers of.

SEC. 14. All ordinances or resolutions, appropriating money or for the incurring of indebtedness or liability against the Treasury, introduced in either Board of the Common Council, or in the Board of Education, or other department or authority, must, before being passed, be presented to the Auditor, and until he certifies in writing upon such ordinance or resolution that such appropriation can be made or indebtedness incurred, without the violation of any of the provisions of this charter, no further action shall be had upon the same.

SEC. 15. Neither the Common Council, nor any officer, Board, department, or authority shall allow, make valid, or in any manner recognize any demand against the city which was not at the time of its creation a valid claim against the same, nor shall they, or any of them, ever allow or authorize to be paid any demand which, without such action, would be invalid, or which shall then be barred by any statute of limitation, or for which said city was never liable.

SEC. 16. All official advertising of the City of San Diego shall be done by contract. Immediately after the organization of the City Government under this charter, and every two years thereafter, the Clerk of the Common Council must publish a notice in a daily newspaper of said city, for ten days, calling for proposals to do all of the advertising of said city, including the delinquent tax list. Said notice must state:

1. That the maximum rate that will be allowed for such advertising will be as follows: For each one thousand ems of type, set solid, if the publication is made three times, or less, two dollars and twenty-five cents; if the publication is made five times, two dollars and fifty cents; if the publication is made ten times, three dollars; if the publication is made fifteen times, three dollars and twenty-five cents; if the publication is made twenty-one times, three dollars and fifty cents; if the publication is made thirty times, four dollars and fifty cents. For the completed publication of the delinquent tax list, set solid, four dollars per one thousand ems. Any single notice less than one thousand ems to be considered one thousand ems.

2. That unusual headlines, and other artifices to increase space, will not be allowed.

3. That the bidder must be the responsible publisher of a newspaper in said city having a bona fide daily circulation, and which has been regularly published in said city for at least two years immediately preceding his bid. The award of said advertising shall in all cases be made to the lowest responsible bidder. The newspaper to which the award of advertising is made shall be known and designated as the "city official newspaper." No Board, department, officer, or authority shall make any publication which is not expressly authorized by this charter; and all publications so authorized shall be made in the city official newspaper, exclusively,

unless otherwise expressly provided in this charter; *provided*, that if no qualified bidder shall be willing to publish said advertising for the maximum rates herein specified, then such publication shall not be required, and publication by posting at the place of meeting of the City Council for the number of days required shall be deemed sufficient.

ARTICLE III.

EXECUTIVE DEPARTMENT.

CHAPTER I.—OF THE MAYOR.

Mayor

SECTION 1. The Mayor shall be the chief executive officer of the city. He shall be elected by the qualified voters of the City of San Diego, at each general city election, and his term of office shall be two years.

SEC. 2. The Mayor shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, Boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, Boards, officers, and persons are kept in legal and proper form; and any official defalcation, or willful neglect of duty, or official misconduct which he may discover, or which shall be reported to him, shall be laid by him before the Common Council, City Attorney, or District Attorney, in order that the public interests shall be protected, and the person in default proceeded against according to law. He shall, from time to time, give the Common Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interests.

SEC. 3. He shall see that the laws of the State and the ordinances of the city are observed and enforced. He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, Board, or officer, at least once in every year, and enforce such examination. Any person refusing to submit to, or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the Governor for

military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectually suppressed. Mayor.

SEC. 4. He shall, at least once in three months, together with a majority of the Auditing Committee, count the cash in the City Treasury, including as cash the balance found by them to be standing in the bank depository to the credit of the Treasurer at the time of said counting, and see that it corresponds with the books of the Treasurer and Auditor.

SEC. 5. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and that that end shall cause legal proceedings to be commenced and prosecuted in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge, that any contract or agreement with the city or any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employé, as in case of malfeasance in office. The Mayor shall give a certificate, on demand, to any person reporting such facts and information, that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty.

SEC. 6. When any person shall furnish to the Mayor a statement in writing, under oath, to the effect that he has cause to believe, and does believe, that any deputy, clerk, or employé under any officer or in any department, is incompetent or inefficient, or that there are more deputies, clerks, or employés under any officer or in any department than are necessary, the Mayor shall at once investigate the matter, after notice to such deputy, clerk, or employé and his principal, or the head of the department; and if the Mayor find the same to be true, he shall suspend or remove such deputy, clerk, or employé.

SEC. 7. The Mayor shall appoint all officers whose election or appointment is not otherwise specially provided for in this charter or by law. He shall have power to remove for cause any person holding office by his nomination or appointment; and in case of such removal shall give written notice thereof, stating the cause, to the person removed, and shall immediately notify the Common Council of his action and the reasons therefor.

SEC. 8. The Mayor may call special sessions of the Common Council, or of either Board thereof, and shall communicate to them in writing when assembled, the objects for which they have been convened; and their action at such sessions shall be confined to such objects.

SEC. 9. When and so long as the Mayor is temporarily unable to perform his official duties the President of the Board of Aldermen shall act as Mayor pro tempore. When a vacancy occurs in the office of Mayor it shall be filled for

the unexpired term by the Common Council, assembled in joint convention for that purpose, and any person possessing the necessary qualifications may be chosen Mayor at such election. A member of the Common Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 10. The Mayor shall not receive for any public service rendered by him during his term of office any other or greater compensation than the salary allowed him as Mayor.

CHAPTER II.—OF THE CITY CLERK.

City Clerk.

SECTION 1. The Common Council, in joint session, shall elect a City Clerk, who shall hold office for two years from the date of his election, unless sooner removed by resolution. His duties shall be to keep the corporate seal and all books, papers, records, and other documents belonging to the city, the custody of which is not in this charter otherwise provided for; to attend all meetings of the Common Council and keep a journal of its proceedings, all its by-laws, ordinances, and resolutions, and perform such other duties relating to his office as the Common Council and this charter shall direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. The City Clerk shall have power to appoint a deputy, who shall, under his direction, have the same powers and perform the same duties as the City Clerk. The compensation of the City Clerk and his deputy shall be fixed by ordinance by the Common Council.

CHAPTER III.—OF THE AUDITOR AND ASSESSOR.

Auditor and Assessor.

SECTION 1. The Auditor shall be appointed by the Mayor, subject to confirmation by the Board of Delegates. He shall be ex officio Assessor. As Assessor he shall perform all the duties prescribed by this charter, or by law, for assessing property in the city for purposes of taxation, and in relation to street improvements.

SEC. 2. As Auditor he shall number and keep a record of all demands allowed by him, showing the date of approval, amount, and name of original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, on the first Monday of each month, or oftener if required, report to the Mayor the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and business-like manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the source from which the city's revenues were derived, and how expended. He shall issue all licenses and turn the same over to the Tax Collector for collection, and shall draw and sign all warrants upon the treasury, except as otherwise in this

charter provided. Every demand must, before it can be paid, be presented to the Auditor to be approved, who shall not approve the same unless the money is legally due and remains unpaid; and the payment thereof from the treasury of the city is authorized by law, and out of the proper fund. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or other person, or any of their assigns, who is in any manner indebted to the city without first deducting therefrom the amount of such indebtedness, nor in favor of any officer or other person, or his assigns, having the collection, care, custody, or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the Common Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the Common Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business.

Auditor and Assessor.

SEC. 3. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salary or wages received by each opposite his name, which list shall be revised and corrected by him monthly, and be at all times open to public examination.

SEC. 4. He shall perform such other duties as this charter or the Common Council may direct; and may appoint such regular and temporary deputies, both as Auditor and as Assessor, as the Common Council may authorize, whose compensation shall be fixed by ordinance.

SEC. 5. The term of office of the Auditor shall be four years.

SEC. 6. Whenever, in the judgment of the Common Council, it shall be for the best interest of the city, the offices of Auditor and Assessor may be made separate, and the salary of each of said officers shall be fixed by the Common Council; and where separated, the Assessor shall be appointed by the Mayor, subject to confirmation by the Board of Delegates, and hold his office for the term of four years from the time of such appointment.

CHAPTER IV.—OF THE TREASURER AND TAX COLLECTOR.

SECTION 1. The Treasurer shall be ex officio Tax Collector. As Tax Collector he shall perform the duties in this charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; and shall do all things required of him by this charter or any ordinance of said city. He shall not pay out any moneys belonging to the city except upon legal demands,

Treasurer and Tax Collector.

allowed and audited in the manner provided by this charter, or authorized by law.

SEC. 2. The Treasurer shall be elected in the same manner and at the same time as the Mayor, and shall hold office for two years.

CHAPTER V.—OF THE CITY ATTORNEY.

City Attor-
ney.

SECTION 1. The Common Council, in joint session, shall elect a City Attorney, who shall hold office for two years from the date of his election, unless sooner removed by resolution of each Board.

SEC. 2. It shall be the duty of the City Attorney to prosecute, in behalf of the people, all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters, and things in which the city may be legally interested; *provided*, that the Common Council shall have control of all litigation of the city, and may employ other attorneys to take charge of any such litigation, or to assist the City Attorney therein. He shall give his advice or opinion in writing whenever required by the Common Council, Mayor, or other city officers, and shall do and perform all such things touching his office as by the Common Council may be required of him. He shall approve by indorsement in writing, the form of all official or other bonds required by this charter, or by ordinance of the Common Council, before the same are submitted to the proper authority for final approval, and no such bonds shall be finally approved without such approval by the City Attorney. He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the city.

CHAPTER VI.—OF FEES AND COLLECTIONS.

Fees and
collections.

SECTION 1. All fees and other moneys received or collected by any officer, agent, or employé of the city shall be paid by such officer, agent, or employé, each month, or as much oftener as the Common Council may require, into the City Treasury for the use of the city; and no payment of salary shall be made to any officer, agent, or employé who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor an affidavit that he has paid into the City Treasury all fees or other moneys theretofore received by him or collected; except that the Assessor may retain his fees for collection of personal property tax.

CHAPTER VII.—OATH OF OFFICE.

Oath of
office.

SECTION 1. Every officer provided for in this charter shall, before entering upon the discharge of the duties of his office, take, subscribe, and file with the City Clerk the following oath: "I do solemnly swear (or affirm) 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 ——— to the best of my ability."

CHAPTER VIII.—OF OFFICIAL BONDS.

SECTION 1. All salaried officers of this city, other than ^{Bonds.} Mayor and members of the Common Council, must, before they can enter upon the discharge of their official duties, give approved bonds, conditioned for the faithful performance of such duties, with two or more sureties, which sureties shall be freeholders within this State and residents thereof, and worth the sums for which they become liable on such bonds, over and above all just debts and liabilities, in unincumbered property situated within this State, which is not exempt from execution and forced sale. All official bonds must be approved by a majority of the Auditing Committee, in open session. The amounts of all such bonds shall be fixed by the Common Council by ordinance; *provided*, that the following officers, taking office for the first time under this charter, shall give bonds in the following sums: City Clerk, five thousand dollars; Auditor, five thousand dollars; Assessor, five thousand dollars; Treasurer, twenty thousand dollars; Tax Collector, thirty thousand dollars; City Attorney, five thousand dollars; Police Judge, five thousand dollars; each Commissioner of the Board of Public Works, fifteen thousand dollars.

CHAPTER IX.—OF OFFICIAL SALARIES.

SECTION 1. The annual salaries of the officers, and the ^{Salaries.} compensation of the employés of the city shall be as follows: The Mayor, fifteen hundred dollars; the Auditor and Assessor, twenty-four hundred dollars; the Treasurer and Tax Collector, eighteen hundred dollars; the City Attorney, two thousand dollars; the Police Judge, fifteen hundred dollars; Commissioners of the Board of Public Works (each), fifteen hundred dollars; the City Engineer, two thousand dollars; the Chief of Police, eighteen hundred dollars; the Chief Engineer of the Fire Department, twelve hundred dollars; the Superintendent of Schools, fifteen hundred dollars. And of all other officers and employés as may be fixed by the Common Council, and all salaries shall be payable monthly. The Common Council, in the month of January, eighteen hundred and ninety-one, and every four years thereafter, shall readjust and fix anew the amount of all official salaries provided for in this charter.

CHAPTER X.—OF SUBORDINATE APPOINTMENTS AND REMOVALS.

SECTION 1. The Common Council shall have power to provide by ordinance for the appointment by the different departments and officers of such number of clerks, employés, and deputies as may be necessary to transact the business of such departments and officers, and also to provide the terms of service and compensation of such clerks, employés, and deputies; but the Common Council shall have power to order their discharge whenever their services are no longer needed. <sup>Appoint-
ments and
removals.</sup>

ARTICLE IV.

JUDICIAL DEPARTMENT.

OF THE POLICE COURT.

Police Court. SECTION 1. A Police Court is hereby established in the City of San Diego, to be held by the Police Judge elected at each general city election from the electors of said city, to hold office for the term of two years and until his successor is elected and qualified. Said Court shall always be open, except on non-judicial days, and upon such days may transact criminal business only.

SEC. 2. The Police Court shall have exclusive jurisdiction of the following public offenses, committed within this city:

First—Petit larceny, when not included in a complaint or information charging grand larceny.

Second—Assault or battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill, or in such manner as to make the offense a felony.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine, not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Fourth—Of proceedings respecting vagrants, lewd, or disorderly persons.

Fifth—Of all proceedings for violation of any ordinance of said city, both civil and criminal.

Said Court shall also have jurisdiction:

First—Of any and all suits to recover taxes, general or special, levied in said city for city purposes; and of all suits to recover any assessment levied in said city for the improvement of streets, avenues, levees, sidewalks, and public squares, and for the opening or laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm, or corporation assessed is less than three hundred dollars; *provided*, no lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit.

Second—Of any action for the collection of money due to said city, or from the city to any person, firm, or corporation, when the amount sought to be collected is less than three hundred dollars.

Third—Of any action for the breach or violation of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party, or is in any way interested, and on all forfeited recognizances given to, or for the benefit, or in behalf of said city, and upon all bonds given upon any appeal taken from the judgment of said Court in any action above named, when the amount claimed, exclusive of cost, is less than three hundred dollars.

Fourth—Of an action for the recovery of personal property Police Court. belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars.

Fifth—Of an action for the collection of any license required by any ordinance of the city.

SEC. 3. Any Justice of the Peace of said city, who may be designated in writing by the Mayor thereof for the purpose, shall have power to preside in and hold the Police Judge's Court of said city in cases in which the Police Judge is a party, or in which he is directly interested, or when the Judge is related to either party by consanguinity or affinity within the third degree; and also in the case of the sickness or temporary absence of the Judge, or his inability to act from any cause; and in all such cases, and during such sickness, temporary absence, or inability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are, or may be by law, conferred upon said Court or Judge.

SEC. 4. The Judge of said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law; and to punish persons guilty of contempt of Court, and shall have power to issue warrants of arrest in case of a criminal prosecution for the violation of a city ordinance, as well as in a case of the violation of the criminal law of the State; also, to issue all subpoenas and all other processes necessary to the full and proper exercise of his powers and jurisdiction in all trials or examinations before the Police Judge.

SEC. 5. There shall be furnished, for the use of the Police Court, two dockets; one shall be styled the City Criminal Docket, in which all the criminal cases shall be entered, and each case shall be alphabetically indexed; the other shall be styled the City Civil Docket, and it shall contain a record of every civil case which is prosecuted before said Court, and each case shall be properly indexed, and in all cases the docket shall contain all such entries as are required by law to be made in the Justice's docket; and in any case commenced or tried before the Court the docket must show what duties were performed by each officer, and the amount of fees due to the officer for such services, and the amount of money, if any, collected.

SEC. 6. Appeals from the Police Court may be taken to the Superior Court of the county in all cases cognizable by the Police Court, and such appeals shall be taken as in case of appeal from a Justice's Court.

SEC. 7. The City Attorney shall prosecute all cases for the violation of any lawful order, regulation, or ordinance of the City Council, and shall prosecute, conduct, and control all proceedings in cases mentioned in section two of this article, both in the Police Court and on appeal therefrom to the Superior Court, but the District Attorney may attend and

Police Court. conduct all proceedings of the nature of a preliminary examination before said Police Court.

SEC. 8. In all cases when the Police Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offense triable therein, the said Court may sentence the offender to be imprisoned in the city jail, if there be one established by the Common Council; if not, then until said Common Council shall designate and establish a city jail or prison, may sentence offenders to be imprisoned in the county jail; and in addition to imprisonment, may sentence offenders to be employed to labor in the city, under the direction of the Chief of Police, and in the manner prescribed by ordinance, for the benefit of the city, during such time of imprisonment, and may, in case of imposing a fine, embrace as part of the sentence that, in default of the payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city as before provided, at the rate of two dollars a day, till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police shall, until the establishment of a city jail, be returned to the county jail at the end of each day's labor during their term of imprisonment, until a city jail shall be by the Common Council established. It is hereby made the duty of the officer having the control or charge of the county jail of the county wherein said city is situated, to receive and safely keep all persons imprisoned by any judgment or order of the Police Court, in accordance with the order of commitment, and to allow those to be removed from the jail, under the charge of the Chief of Police, who are required to labor for the benefit of the city, or whom the Police Judge may order brought forth for trial, and the keeper of the jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the Chief of Police.

SEC. 9. The Court shall have a seal, to be provided by the city, and certified transcripts of the Police Judge's docket, and the seal of his Court shall be evidence in any Court of the State of the contents of the docket; and all warrants and other processes issued out of said Court, and all acts done by said Police Judge under its seal, shall have the same force and validity, in any part of this State, as though issued or done by any Court of record of this State.

SEC. 10. The Police Judge shall, on the first Monday of each month, make to the Common Council a full report of all the cases tried in his Court during the preceding month in which the city may be interested, and at the same time shall pay into the City Treasury all fines and other moneys collected on behalf of the city for such month.

SEC. 11. The Chief of Police, or any policeman of said city, is hereby authorized, empowered, and directed to serve, execute, and return any and all notices, warrants of arrest, and all processes directed to him by the Police Judge of said city, and to arrest all persons accused, or guilty, of the violation of any city ordinances, or of any public offenses.

SEC. 12. The interest which any inhabitant of said city may have in a penalty for the breach of a by-law or ordinance of said city, shall not disqualify said inhabitant to act as Judge, juror, or witness, in any prosecution to recover the penalty. Police Court.

SEC. 13. The proceedings prescribed for Justices of the Peace and Justice's Courts, in the Penal Code and the Code of Civil Procedure, shall be applicable to said Police Judge and Police Court, and all criminal proceedings shall be prosecuted in the name of the people of the State of California.

ARTICLE V.

DEPARTMENT OF PUBLIC WORKS.

CHAPTER I.—OF THE BOARD OF PUBLIC WORKS.

SECTION 1. There shall be a Department of Public Works, under the management of three Commissioners, who shall constitute a "Board of Public Works." Board of
Public
Works. The Commissioners shall be appointed by the Mayor from among the qualified electors of the city, subject to the approval of the Board of Delegates. Their term of office shall be four years, and not more than two shall belong to the same political party. The Commissioners first appointed shall, at their first meeting, so classify themselves by lot that one of them shall go out of office in two years, one in three years, and one in four years.

SEC. 2. Immediately upon their appointment and qualification said Commissioners shall organize as a Board and elect one of their number President, who shall hold his office for the term of one year, and until his successor is elected. Said Board shall elect a Secretary, who shall not be a member of said Board, and shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, clerks, and employes, and may require bonds from any of its subordinates for the faithful performance of their duties. Such bonds must be approved by at least two of said Commissioners, and be filed with the Auditor.

SEC. 3. The Board shall hold regular meetings once in each week, and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on the day and at the hour fixed by resolution entered upon its records. The meetings of the Board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.

SEC. 4. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall cause the publication of all

Board of
Public
Works.

notices herein authorized to be published, and shall perform such other duties as the Board may from time to time prescribe.

SEC. 5. It shall, immediately upon completing its organization, take possession of and hereafter keep the custody of all maps, surveys, field notes, plans, specifications, contracts; all documents, books and papers; all machinery, tools, and appliances, and all property belonging to the city (not otherwise provided for in this charter), or heretofore in possession of or under control of the City Surveyor, Street Commissioner, Sewer Inspector, Superintendent of Parks, and Harbor-master; and shall compile such data or furnish such information as may be required by the Mayor, the Common Council, or the Board of Education.

SEC. 6. The Board may appoint such employés as are herein provided for, or as may be authorized by the Common Council. The salaries of all officers, clerks, and employés of the Board, except so far as the same are designated by this charter, shall be fixed from time to time by the Common Council in its discretion, on recommendations by the Board.

SEC. 7. The Board shall have charge and superintendence of all public work of every kind, where not otherwise provided in this charter, to be done for the city or for the Board of Education, or any other department, and also of the furnishing of all material and supplies for said city. It shall be the duty of the Board to vigilantly inspect all parts of the city, and to recommend from time to time to the Common Council, such work as it may deem necessary and proper.

SEC. 8. The Board shall have special charge, superintendence, and control, subject to such ordinances as the Common Council may from time to time adopt, of the harbor and waterfront, and of all streets, sidewalks, highways, roads, bridges, wharves, parks, and public places belonging to the city, or dedicated to public use, and of the improvement and repair thereof; of all sewers, drains, cesspools, and the work pertaining thereto, or to the drainage of the city; of the cleaning of streets, and of all repairs upon all accepted streets; of the construction and repair of all public buildings, and the making of all public improvements for the city or under its authority, and of the repairs of such improvements; of all lamps and lights for the lighting of the streets, parks, public places, and public buildings of the city, and of the erection of all posts for such lamps and lights, and of all public works and improvements hereafter to be done by the city. The Board shall have exclusive authority to prescribe rules and grant permits in conformity with the ordinances of the city, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks, and the construction of steps or other approaches to buildings upon the sidewalks, and of railings and fences inclosing areas upon the sidewalks; the putting up of signs and awnings; the location of steam boilers; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for

electric lighting or other electrical purposes, and to restrict the number of such poles to one set on each side of the streets of the city; the construction of drains and sewers; the laying down and taking up of gas, steam, and water pipes, pneumatic or other tubes and pipes, and sewers and drains, and determining the location thereof, and to prescribe such rules as shall prevent unnecessary damage to the streets by reason of the laying of said pipes, tubes, and sewers, and which shall prevent the interference of the different systems; the use of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use. The Board shall have full power to regulate and control, subject to the ordinances of the city, the anchorage of vessels in the harbor of San Diego or elsewhere within the limits of the city; the manner of using the streets, sidewalks, wharves, harbor, parks, and public places, and to prevent and remove obstructions therefrom, and to cause the prompt repair of streets, sidewalks, and public places when the same may be taken up or altered. The Board is authorized to collect, by suit or otherwise, in the name of the city, the expense of such repairs from the person or persons by whom such sidewalk or street was injured or torn up. The Board shall regulate, subject to the requirements of the Board of Health and the ordinances of the Common Council, the construction of sinks, gutters, wells, cesspools, and privy vaults, and compel the cleaning or emptying of the same, and regulate the time and manner in which the work shall be done.

Board of
Public
Works.

SEC. 9. The Board shall appoint a Civil Engineer, who shall have at least ten years practical experience as such, who shall be designated City Engineer, and shall hold his office at the pleasure of said Board. He shall perform all civil engineering and surveying required in the prosecution of public works and improvements done under the direction of the Board, and shall certify to the progress and completion of the same, and do such other work pertaining to his profession as he may be directed to do by the Board, or by the Common Council, or by the general laws of the State of California. He shall possess the same power in the city in making surveys, plats, and certificates, as is or may be from time to time given by law to the County Surveyor; and his official acts, and all plats, surveys, and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the County Surveyor. With the consent and approval of the Board the City Engineer may appoint such deputies, not exceeding the number that may be fixed by the Common Council, as the duties of his office may require. The deputies so appointed shall receive such salaries or compensation as may be fixed by the Common Council upon the recommendation of said Board, and they or any of them may be removed at pleasure by the City Engineer or by said Board.

Board of
Public
Works.

SEC. 10. The Common Council shall by ordinance, upon the recommendation of said Board, establish such fees and charges as may be proper for the services to be performed by the City Engineer, and as are not inconsistent with the laws of the State, and may upon like recommendation, from time to time, change and adjust the same. Said Engineer shall require such fees in advance, to be paid to the Secretary of the Board for any official act or service demanded of him, and the money received for such services shall be turned over to the Treasurer and placed to the credit of the Street Fund.

SEC. 11. The Board may, when they shall deem it necessary, appoint a Superintendent of Streets, whose duty it shall be to see that the laws, ordinances, orders, and regulations relating to public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of streets, and shall keep himself informed of the condition of all public streets and highways, and also of all public buildings, lots, and grounds of the city, and report the same to the Board, and shall perform such other duties as are hereinafter specified, or as may be required of him by this Board.

SEC. 12. All officers, employes, and agents appointed by the Board shall hold office during the pleasure of the Board.

SEC. 13. All applications for establishing or changing the grade of any street or streets, the improvement of public grounds or buildings, the laying out, establishing, opening, closing, straightening, widening, or improvement of any street, road, or highway, or the laying out and opening of any new street through public or private property, and for all public improvements which involve the necessity of taking private property for public use, or where any part of the cost or expense thereof is to be assessed upon private property, shall be made to said Board, and such work or improvement shall not be ordered or authorized until after said Board shall have reported to the Common Council upon said application.

SEC. 14. All public work authorized by the Common Council to be done under the supervision of the Board, and all work for which the Board of Education shall make requisition upon the Board of Public Works, and all contracts for materials and supplies in an amount exceeding three hundred dollars, required by the Common Council, or any of the departments of the city, not otherwise provided for in this charter, shall be done under written contract, except in cases of urgent necessity, as hereinafter provided. Before awarding any contract authorized by this chapter, the Board shall cause notice inviting sealed proposals therefor, to be posted conspicuously in its office and published for not less than five days; and in case the estimated cost thereof exceeds two thousand dollars (\$2,000), to be so posted and published for not less than ten days; except that when any repair or improvement, not exceeding the estimated cost of two hundred dollars (\$200), shall be deemed an urgent necessity by the Board, such repair or improvement may be made by the

Board, under written contract or otherwise, without advertising for sealed proposals.

Board of
Public
Works.

SEC. 15. Said advertisement and notice shall invite sealed proposals, to be delivered at a certain day and hour, at the office of the Board, for furnishing the supplies and materials, and if for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the Board, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full detail and description of said work and materials.

SEC. 16. All proposals shall be made upon printed forms to be prepared by the Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that his bid is genuine, and not sham or collusive, or made in the interest or on behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over other bidders. Any bid made without such affidavit or in violation thereof, shall be absolutely void, and also any contract let thereunder. If at any time discovery shall be made that a contract has been let to a bidder who has violated or evaded this oath, the contract shall be canceled and no recovery shall be had thereon, and the Board shall at once proceed as before to award a new contract. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the City Clerk, for an amount not less than five per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check. No person, corporation, or firm shall be allowed to make, file, or be interested in more than one bid for the same work. If, on the opening of said bids, more than one bid appear in which the same person, corporation, or firm is interested, all such bids shall be rejected.

SEC. 17. On the day and at the hour specified in said notice inviting sealed proposals the Board shall assemble, and remain in session for at least one hour thereafter, and all bids shall be delivered to the Board by the bidder or his agent while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid, as it shall be received, shall be numbered and marked "filed," by the President, and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Board shall, in open session, open, examine, and publicly declare the same, and an abstract of each bid

Board of
Public
Works.

shall be recorded in the minutes of the Board by the Secretary. Before adjourning the Board shall compare the bids with the record made by the Secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of the Board in some conspicuous place in the office of the Board. The Board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contracts with the city, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected the Board shall return all the checks to the proper parties, and again invite sealed proposals, as in the first instance. The check accompanying the accepted bid shall be held by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the Street Fund. Neither the Board of Public Works, nor the Common Council, nor the Board of Education shall have power to relieve from or remit such forfeiture.

SEC. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon, and the Board shall advertise for proposals for a new contract.

SEC. 19. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the supplies and material to be used. No change or modification in the plans or specifications shall be made after proposals for doing the work have been called for. Every contract entered into by the Board shall be signed by at least two of the members thereof, and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Board of Education when the work is done, upon requisition of that Board, and in other cases with the City Clerk; one thereof, with said specifications and drawings, shall be kept in the office of the Board, and the other, with specifications and drawings, shall be delivered to the contractor. At the same time with the execution of said contract said contractor shall execute to said city and deliver to the Secretary of the Board a joint and several bond in the sum named in the notice for proposals, with two or

more sufficient sureties to be approved by the Board, or shall deposit with the Secretary a certified check upon some solvent bank for said amount for the faithful performance of said contract. No surety on any bond shall be taken unless he be a resident and householder or freeholder within the State, and worth the sum specified in the bond over and above all just debts and liabilities exclusive of property exempt from execution; and each surety shall justify and make and sign an affidavit to that effect, of which affidavit a form shall be printed upon the bond. But when the amount specified in the bond exceeds three thousand dollars (\$3,000), and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than that expressed in the bond if the whole amount be equal to two sufficient sureties. The contract for work shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board the Common Council may extend said time; but in no event shall the time for the performance of said contract be extended by the Common Council more than ninety days beyond the time originally fixed for its completion. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Common Council shall not pay or allow to him any compensation for any work done by him under said contract.

Board of
Public
Works.

SEC. 20. If the contractor who may have entered into any contract does not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, said Board may relet the unfinished portion of said work, after pursuing the formalities hereinbefore prescribed for the letting of the whole.

SEC. 21. The work in this article provided for must be done under the direction and to the satisfaction of said Board; and all materials and supplies furnished must be in accordance with the specifications and be to the satisfaction of said Board, and all contracts provided for in this article must contain a provision to that effect, and also that in no case unauthorized by this charter, will said city or any department or officer thereof, be liable for any portion of the contract price, or in case of the improvement of streets, for any delinquency of persons or property assessed. When said contract shall have been completed to the satisfaction and acceptance of said Board, it shall so declare by resolution, and thereupon said Board shall deliver to the contractor a certificate to that effect.

SEC. 22. The Commissioners of said Board shall not, nor shall either of them or any person employed in said department, be interested, directly or indirectly, in any contract for work, labor, supplies, or material entered into by said Board; nor shall either of such Commissioners, officers, or employes be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or material

Board of
Public
Works.

for the same. Any contract made in violation of any of the provisions of this section shall be void, and the receipt of any such gratuity shall be cause for the immediate removal from office or from employment of the person so receiving it.

SEC. 23. All contracts for subsistence of prisoners must be given out annually by the Boards of Public Works at a fixed price per day for each prisoner and person connected with the prison; and the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. All articles of food supplied for the prisons, hospitals, or other public institutions, must be sound and wholesome, and shall be subject to inspection and rejection by the Health Officer and by the principal officer of the prison, institution, or department for which the same are supplied, and the right to such inspection and rejection must be reserved in the contract therefor.

SEC. 24. No contract for lighting streets, public buildings, places, or offices, shall be made for a longer period than one year, nor shall any contract to pay for gas, electric light, or any illuminating material at a higher rate than is charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the Board or department using or having charge thereof, and shall specify the amount of gas, electric light, or illuminating material consumed in such building during the month.

SEC. 25. When water is supplied by any person or corporation to said city, or to any department, it shall not be paid for at more than the rate for the year established by the Common Council.

CHAPTER II.—OF THE IMPROVEMENT OF STREETS.

Street im-
provements

SECTION 1. All streets, lanes, alleys, places, and courts in said city now open or dedicated, or which may hereafter be opened or dedicated to public use, and of which the grade and width have been legally established, shall be deemed and held to be open public streets for the purposes of this article.

SEC. 2. The cost and expense of all work or improvements done upon any part of said streets, lanes, alleys, places, or courts, under the orders of the Common Council, shall be borne and paid for as follows:

First—The city shall pay out of the Street Fund the cost and expense of all work done on street crossings and intersections of streets that have been or may be accepted by said city, after the acceptance of the same, and of all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways; of all work done in front of, or that may be assessed to property owned by the city or any of the departments thereof; and of all work done in front of, or that may be assessed to property owned by the United States.

Second—The cost and expense of all grading, macadamizing, paving, planking, piling, and capping any street or

portion thereof, and of all curbs and gutters thereon, shall be assessed upon lands within the block or blocks adjacent thereto, as herein provided. Street im-
provements.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company, or corporation having railroad tracks thereon, shall be borne and paid for by such person, company, or corporation. No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding assessment book of said city.

SEC. 3. When any street or portion of a street, not less than one block, or any entire crossing, shall have been paved with stone or with such material as may be recommended by the Board of Public Works and approved by the Common Council by ordinance, throughout the entire width of the roadway thereof, and curbs of stone and sidewalks shall have been constructed thereon, and a brick sewer or iron-stone pipe, or cement pipe, shall have been constructed as may have been adopted by said Board, the same shall be accepted by the Common Council upon the recommendation of said Board, and all improvements of said streets, except for sidewalks, shall thereafter be done at the expense of the city. The Common Council shall not accept any sidewalk or incur any liability against said city for the construction or repair of any sidewalk, except in front of or with respect to public property.

SEC. 4. When application is made to said Board for any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, the Board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the Common Council; and the Common Council shall not order any such improvement until the same has been recommended by said Board. The Board may also, except as herein prohibited, recommend any improvement, the cost and expense of which is to be paid by the city, though no application may have been made therefor; and must make, with said recommendation to the Common Council, an estimate of the expense, and in such case the Common Council may order the same done. When said Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Said map shall be transmitted to the Common Council with such recommendation.

SEC. 5. Before recommending to the Common Council the ordering of any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private

Street im-
provements.

property, said Board shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it will take final action upon such resolution. Upon the passage of said resolution, and within ten days thereafter, the Secretary of said Board shall, without any further authority, cause a copy of said resolution to be published in the city official newspaper for a period of ten days. Said Board shall cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet distance apart, notices, not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of said resolution, its date, and, briefly, the work of improvement proposed, and refer to the resolution for further particulars.

SEC. 6. At any time within ten days after the first publication of said resolution of intention, the owner of, or any person interested in any lot liable to be assessed for the proposed improvement, may file with the Secretary of said Board his objection to said improvement, stating briefly the grounds thereof; and if at any time within said period of ten days, the owners of a majority of the frontage of the lands liable to be assessed for said improvement shall file written objections to the same, the Board shall not recommend the ordering of said improvement, and shall not within three months thereafter pass any resolution of its intention to recommend the same, unless prior thereto it shall receive a petition therefor signed by the owners of a majority of the frontage of the lands liable to be assessed for said improvement. Upon the day fixed in its resolution of intention for final action thereon, or at its next regular meeting, the Board shall consider and pass upon said objections. If the Board shall consider that the objections are sufficient, it shall adopt a resolution to that effect, and shall not recommend the ordering of said improvement. If it shall consider that said objections are not sufficient, or if no objections are filed, the Board may recommend the ordering of said improvement, and must, with its recommendation, transmit to the Common Council all objections to such recommendation that may have been filed. At the next regular meeting after receiving from said Board its recommendations of such improvement, or at such time within thirty days thereafter to which the hearing thereof by the Common Council may be postponed, the Common Council shall act upon such recommendation; and if any objections to the ordering of such improvement have been transmitted with said recommendation, they shall consider and dispose of said objections before passing upon said recommendation. If the Common Council shall consider the objections, or any of them, sufficient, it shall so declare by resolution. If the Common Council consider the objections insufficient, it may by ordinance order the work or improvement done. Their action on said recommendation must, in each case, be certified to the Secretary of the Board of Public

Works, and the Secretary shall thereupon enter the facts so certified in his records of street work. Street im-
provements.

SEC. 7. When any work in or upon any public street shall have been completed according to contract, the Board shall make an assessment to cover the sum due for the work performed and specified in said contract, including all incidental expenses, in conformity with the provisions of this article, according to the nature and character of the work; which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot if known to said Board, and if not known the word "Unknown" shall be written opposite the number or letter of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for such work. A mistake in the name of the owner shall not invalidate the assessment.

SEC. 8. After making said assessment said Board shall cause notice thereof to be published for five days, and to be delivered to the occupant of each lot assessed, which notice shall state the day and hour when the Board will at its office take final action upon said assessment. If any of said lots are unoccupied, said notice shall be posted in a conspicuous place upon said lot or lots.

SEC. 9. If the owner of any lot affected by said assessment is dissatisfied with the action of the Board as to said assessment, he may appeal to the Board of Aldermen at any time within five days after such final action, by filing with the Secretary of the Board of Public Works a notice of such appeal, and thereupon the Secretary shall, within two days after receiving such notice of said appeal, transmit said assessment and diagram with said objections and notice of appeal, to the Board of Aldermen, and said Board shall, in not less than ten days from the receipt thereof, consider and determine the sufficiency of said objections. If it shall determine that said objections are well taken, it shall direct the Board of Public Works to modify or change said assessment in the particulars wherein it is erroneous, and thereupon the like proceedings shall be had in making the assessment as in the first instance. If the Board of Aldermen shall determine that the objections to the assessment are not well taken, the Clerk of said Board shall certify such determination upon said assessment, and return said assessment so certified to the Board of Public Works, and thereupon said assessment shall become final and conclusive. When said assessment shall have so become final and conclusive, it, together with the diagram of the lots assessed, shall be recorded in the book of assessments, to be kept in the office of the Board of Public Works for that purpose, and the record thereof shall thereupon be signed by the President

Street im-
provements.

and Secretary of said Board, and thereafter the assessment shall be a lien upon the respective lots assessed until the same is canceled or discharged as provided in this article.

SEC. 10. The expense incurred for any work authorized by this chapter, except for such portion of any street as is required by law to be kept in order or repair by any person, company, or corporation having railroad tracks thereon, shall be assessed upon the lots and lands fronting thereon, except as herein otherwise specifically provided; each lot or portion of a lot being separately assessed in proportion to its frontage at a rate per front foot sufficient to cover the total expense of the work.

SEC. 11. The expense of work done on all street crossings where the streets intersect each other, shall be paid by the city out of the money in the Street Fund.

SEC. 12. The expense of all other work not herein specifically provided for shall be assessed according to such rules and regulations as the Board of Public Works may have prescribed prior to the recommendation of said work.

SEC. 13. In making an assessment, the Commissioners of Public Works shall act as a Board, and the assessment shall be authenticated by the signatures of all said Commissioners as "Commissioners of the Board of Public Works," and every assessment so authenticated and recorded in the book of assessments shall be prima facie evidence of the correctness and regularity of all proceedings of said Board and of the Common Council prior to the date of such record.

SEC. 14. Upon the recording of an assessment as aforesaid, the President and Secretary of the Board of Public Works shall sign a warrant for its collection, and thereupon said assessment and diagram, with the warrant attached thereto, shall be delivered to the Tax Collector of said city for collection, who shall immediately give notice thereof by publication for ten days. Said notice shall set forth in general terms the locality and character of the work or improvement for which the assessment was made, and shall notify all persons interested that a warrant for its collection has been given to said Tax Collector, and that unless payment is made within thirty days from the first publication of said notice the property so assessed will be sold to satisfy said assessment.

SEC. 15. When the assessment upon any of the lots delineated on said diagram shall be paid, the Tax Collector shall write the word "Paid," together with the date of payment, opposite the number of said lot upon the assessment, and shall give to the person paying the same a receipt therefor, showing upon which lot said payment was made. Upon presentation of said receipt to the Secretary of the Board of Public Works, he shall immediately enter upon the records of such assessment the fact and date of such payment.

SEC. 16. After the expiration of thirty days from the first publication of said notice, the assessment therein named shall be delinquent, and within twenty days thereafter the Tax Collector shall, after having published a notice for ten days, sell the lands upon which said assessments are delinquent.

He shall add to the amount of the assessment on each lot its portion of the costs of advertising said sale. After making such sales the Tax Collector shall return the assessment and warrant, with a report of his doings indorsed thereon, to the office of the Board of Public Works, and the Secretary of said Board shall forthwith note in the record of said assessment, and opposite to the number of each lot sold, the fact of payment or of the sale of said lot by the Tax Collector, together with the date and the name of the purchaser. Said report of the Tax Collector shall be prima facie evidence of the correctness of all the proceedings taken by him in the matter of collecting said assessments.

SEC. 17. The general revenue law of the State in force at the time of said sale in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws, in relation to the redemption from tax sales, except as herein otherwise provided, shall be applicable to the proceedings for the sale of land for delinquent assessments.

SEC. 18. If, at said sale, no person shall bid the amount of said assessment, with the aforesaid costs, the Tax Collector shall bid in the said lot for the amount of the assessment and costs in the name of the City of San Diego, and upon his filing a certificate of said sale with the Treasurer, the Treasurer shall transfer the amount so bid from the General Fund to the Street Fund, and shall forthwith notify, in writing, the Auditor of such transfer. All moneys received by the Tax Collector, in payment of any of said assessments, shall be by him paid to the Treasurer, who shall place the same to the credit of the Street Fund. And all moneys arising from redemption of property purchased by the city for delinquent street assessments shall be paid into the General Fund.

SEC. 19. When said sale is completed, the contractor shall present his demand for the work done under his contract to the Board of Public Works, which shall act upon the same. If said Board approve said demand, or any part thereof, the same must then be presented to the Auditing Committee, and when audited by the Auditor, shall be paid by the Treasurer out of the Street Fund; *provided*, that at any time before said sale, the Board of Public Works, under such regulations as it may establish, may allow partial payments to be made to the contractor, as the work progresses, not to exceed twenty-five per cent of the value of the work done by the contractor at that time.

SEC. 20. The Board of Public Works may at any time without any application therefor, recommend to the Common Council to order the planking, paving, or macadamizing of the portion of any street required by law to be planked, paved, or macadamized by the person, company, or corporation having railroad tracks thereon. Upon such recommendation the Common Council may, by ordinance, order such work to be done, and direct said Board to notify said person, company, or corporation of the fact of the passage of such ordinance. The Secretary of said Board shall thereupon forthwith in

Street im-
provements.

writing notify said person, company, or corporation of the passage of said ordinance; and if said person, company, or corporation shall not, within ten days after receiving said notice, commence in good faith to do said work, and prosecute the same diligently to completion, said Board of Public Works shall invite sealed proposals for doing said work in the manner provided in this article; and all the provisions of this article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of said Board, the contractor shall be entitled to recover from such person, company, or corporation, the contract price for the cost and expense of said work, together with incidental expenses, in an action instituted in a Court of competent jurisdiction. On the trial of such action the certificate of said Board of the completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto, and of plaintiff's right to recover in said action.

SEC. 21. No ordinance for the improvement of any street, other than for sewers, sidewalks, and curbs, except for the improvement of the streets constituting or lying along the waterfront of said city, and except for such work as is provided for in the last preceding section, shall be passed by the Common Council without extending said improvement throughout the whole width of such street.

SEC. 22. Wherever in this article the word "street" occurs, it shall be held to include all streets, lanes, alleys, places, and courts which have been, or may be hereafter, dedicated to public use, and whose grade and width has been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets. The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling, and capping; and the construction and repair of the sewers, cesspools, manholes, culverts, drains, sidewalks, and curbs. The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing. The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor. The word "paved" shall include any pavement of stone, iron, wood, or other material which the Council may, by ordinance, order to be used. The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for. All notices and resolutions required in this article to be published shall be published daily, in the city official newspaper, as often as said paper is published. All notices herein required to be served, whether by delivery or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the

publisher of the city official newspaper, or his clerk, of the publication of any notice required in this article to be published, shall be prima facie evidence of such publication. Street im-
provements

SEC. 23. When any street shall have been graded, paved, or otherwise improved in accordance with the terms of this charter, and the cost of said improvements shall have been paid by the owners of the lots or lands adjacent thereto, and such grading, paving, or other improvements shall have been accepted and established, no change shall be made in the grade of such street unless on the petition of one fourth of the owners of property fronting on said street. Upon the filing of said petition with the City Clerk, the Common Council shall refer the same to the Board of Public Works, which shall determine whether the improvements described would be a public benefit, and shall report its decision to the Common Council. If the report of said Board should favor granting the request of the petitioners, the Common Council shall proceed in the manner hereinafter specified in the chapter on the opening of new streets.

SEC. 24. In all cases where lands in said city shall be hereafter subdivided and laid out into blocks or plats, with lots, streets, and alleys, or when new streets or public grounds shall be laid out, opened, donated, or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Board of Public Works for its approval, and if the Board approve the same, such approval shall be by it indorsed upon the said map or plat, and said map, with said approval, shall then be filed in the office of the County Recorder; and without such approval indorsed thereon no such map or plat shall be filed in the office of said Recorder, or have any validity; nor shall any street, alley, or public ground hereafter opened and dedicated as such, become or be a public street, or be subject to any public improvement or expense without such approval, indorsement, and filing.

SEC. 25. Said Board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as may be from time to time fixed by the Common Council; but when the cost and expense of the repairs upon any street or a portion of a street shall exceed the sum of two hundred dollars, exclusive of materials to be furnished from the corporation material yard, the same shall be done under contract, awarded in the manner provided in this article.

SEC. 26. Said Board shall, from time to time, after it shall have been directed so to do by the Common Council, by ordinance, in vite proposals for supplying to said city such materials as may be required for the repair of the public streets, or for any improvement thereon, and such proceedings shall be had in awarding the contract therefor as are in this article provided for awarding other contracts.

SEC. 27. The Common Council shall select some place in said city which shall be known as the Corporation Material Yard, wherein shall be kept all material, tools, and implements to be used in cleaning and repairing the streets, or for

any improvement thereon. Said yard shall be in charge of the Superintendent of Streets, or such person as the Board of Public Works may designate, who shall have the custody of said tools and materials. He shall keep books of account, showing account of material received, for what purpose delivered, and amount on hand, when requested to do so by said Board.

CHAPTER III.—OF STREET IMPROVEMENT DISTRICTS.

Street improvement districts.

SECTION 1. If the Common Council shall at any time deem it expedient and for the public interest in the matter of street improvements, proceedings may be had as follows:

SEC. 2. Whenever five or more freeholders shall petition the Common Council in writing for the creation of a Street Improvement District, the Common Council may authorize and empower the Board of Public Works to designate, subject to the approval of the Common Council, any portion of the City of San Diego a Street Improvement District. Such Street Improvement Districts shall be numbered, from "one" onward, in the order of their creation, and shall be accurately delineated upon the official map of the city by the City Engineer, and such map shall be kept on file, together with separate maps of each Street Improvement District, in the office of the Secretary of the Board of Public Works.

SEC. 3. Whenever twenty-five or more freeholders in any Street Improvement District shall petition the Board of Public Works in writing to have any or all of the streets within such district improved, it shall be the duty of the Board to consider such petition immediately, and to determine the nature and full extent of the improvement or improvements proper to be made; and the Board shall thereupon notify the City Engineer of the nature of the work required to be done, and direct him to prepare detailed estimates of the entire cost of said work. As soon as the estimates of the City Engineer shall be completed, the Board of Public Works shall transmit the same, with its recommendation in the premises, to the Common Council. If the Common Council shall approve the recommendation, it shall, by resolution, authorize the Board of Public Works to make the improvement or improvements. All expenses of such street improvements shall be paid out of the Street Fund, as hereinafter provided.

SEC. 4. If the Common Council shall deem it necessary to incur an indebtedness for street work in any Street Improvement District in excess of the money in the Street Fund applicable to such work, it shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the nature and extent of the improvement or improvements to be made, and the amount of money necessary to be raised annually by taxation for an Interest and Sinking Fund, as hereinafter provided. Such notice shall be published for three successive weeks in the city official newspaper, and no other question or matter shall be submit-

ted to the electors at such election. Every ballot in favor of incurring such indebtedness shall have the words: "Street Improvement—Yes," printed or written thereon, and every ballot against incurring such indebtedness shall have the words: "Street Improvement—No," printed or written thereon. If, upon a canvass of the votes cast at such election, it shall appear that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Common Council to pass an ordinance, providing for the issuance of bonds of the City of San Diego for the amount of such indebtedness, and for the payment of the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within said city, sufficient to pay the interest on said bonds as it falls due, and also to create a Sinking Fund for the payment of the principal thereof within a period of not more than twenty years from the time of their issuance. It shall be the duty of the Common Council in each year thereafter, at the time when other city taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes authorized to be levied for city purposes. Such tax, when collected, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

SEC. 5. The bonds issued under the provisions of the foregoing section shall be denominated "Street Improvement Bonds of the City of San Diego, District No. —," and shall be issued in sums of not less than one hundred nor more than one thousand dollars; they shall be signed by the Mayor and Auditor of the city, and the seal of the city shall be attached thereto. Said bonds shall bear interest, to be fixed by the Common Council, not exceeding the rate of seven per cent per annum.

SEC. 6. The proceeds of the sale of said bonds shall be deposited in the City Treasury to the account of the Street Fund, and placed to the credit of the Street Improvement District for which the bonds were issued, and no payment shall be made from said proceeds, except to pay for the improvements in said Street Improvement District; and before auditing any demand upon said fund the Auditor must have from the Board of Public Works the certificate hereinafter required.

SEC. 7. Whenever the Board of Public Works shall be authorized by the Common Council to carry out street work in any Street Improvement District, the contract or contracts for such work shall be let and entered into as provided in sections fourteen to twenty-two, inclusive, of chapter one of this article.

SEC. 8. The contractor of any street work under this chapter shall upon the completion of his contract present his demand for payment to the Board of Public Works, which shall act upon the same. The Board shall require from the City Engineer and Superintendent of Streets a certificate that the work has been performed according to the specifications and conditions of the contract before allowing any demand.

Street im-
provement
districts.

If the Board approve such demand, or any part thereof, the President and Secretary shall so certify, and the demand must then be presented to the Auditing Committee, and, when certified by the Auditor, shall be paid by the Treasurer out of the Street Fund.

SEC. 9. After the street improvements in any Street Improvement District have been completed to the satisfaction of the Board of Public Works, it shall be the duty of said Board to assess the cost thereof upon the property within the Street Improvement District in the following manner, to wit:

First—The Board shall deduct from the total cost of such work the expenses of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also the expense of all necessary street crossings or crossways. Such expense shall be wholly paid by the city.

Second—The Board shall also deduct the expense of all improvements done in front of any property owned by the City of San Diego or the United States of America. Such expense shall be wholly paid by the city.

Third—The Board shall also deduct the expense of all improvements in the space in any street occupied by the track or tracks of any street car or other railway line, and the space of two feet on each side of said track or tracks. Such expense shall be wholly paid by the person, company, or corporation owning such track or tracks.

Fourth—The Board shall, after making the above provided deductions, divide the sum total of the remainder of the said street improvement expense by the total number of feet of land fronting upon the streets improved (less the frontage of city and Federal property, and the frontage of all property previously improved and accepted by the city), and shall assess each separate lot or portion of lot fronting thereon for the full amount of its proportion of the expense as herein ascertained and determined.

SEC. 10. The Board of Public Works shall make up a complete statement of the assessment for street improvements in each Street Improvement District, and such statement must show:

First—The nature and extent of the improvements made.

Second—The total cost of the improvements.

Third—The separate deductions and their total sum.

Fourth—The amount remaining after deductions.

Fifth—The total number of front feet (less the frontage of city and Federal property, and the frontage of all property previously improved and accepted by the city).

Sixth—The proportion of expense to each front foot.

Seventh—The amount due by each lot or part of lot.

Eighth—The name or names of the owner or owners of each lot or part of lot assessed; and, where the names cannot, after the exercise of due diligence, be ascertained, the property must be set down to "unknown owners."

The Board of Public Works shall procure suitable blanks upon which the assessment statement herein required shall be made out; said blanks shall be headed "Street Improve-

ment Assessment, District No. —;” and said blanks shall also have space for the certificates of the City Engineer and Superintendent of Streets, that the street work for which the assessment is made has been performed according to contract and specifications, which certificates must be indorsed upon the statement.

Street im-
provement
districts.

SEC. 11. When the street improvement assessment statement herein required has been carefully verified, and properly attested by the President and Secretary of the Board of Public Works, the Board shall transmit certified copies thereof to each Board of the Common Council, and to the Mayor, Auditor, Assessor, Treasurer, and Tax Collector.

SEC. 12. The Common Council, upon receipt of the street improvement assessment statement, shall declare by ordinance its approval of said street improvement assessment, and shall also declare in such ordinance the completion, and the acceptance by the city of the street improvements in that district. And all improvements thereafter made in said district in the nature of changes or reconstruction, shall be made at the sole charge and expense of the city; *provided*, that any damage caused to streets or sidewalks by the owners or tenants of property fronting thereon shall be repaired at the expense of the said property by the Board of Public Works, and the expense thereof shall become a lien upon said property, and collection thereof may be enforced by proceedings in the proper Court therefor.

SEC. 13. The ordinance of approval and acceptance, together with the statement of assessment by the Board of Public Works, shall be published in the city official newspaper five successive times; and, upon the completion of such publication, the assessment herein provided for shall become a lien upon the property so assessed until fully paid as hereinafter provided.

SEC. 14. The City Assessor shall keep a proper book for each Street Improvement District, in which he shall record without delay the assessment made against the property therein according to the provisions of this chapter. He shall also record in said book the certificate of the Mayor, attested by the City Clerk, under the seal of the city, that the successive steps required by this chapter have been duly taken, from the creation of the Street Improvement District up to and including the publication of the ordinance of approval and acceptance.

SEC. 15. Immediately upon the completion of said record of assessment, the City Assessor shall transmit a certified copy of the same to the City Tax Collector, who shall thereupon enter up in a proper book the assessment for street improvements as shown by said record, and shall keep an account of each separate lot or part of lot assessed therein, and of the payment or payments thereon, as hereinafter provided. The Tax Collector shall, within ten days after receiving the record of assessment from the City Assessor, publish a notice in the city official newspaper for thirty successive days, naming the Street Improvement District in which the assessment is due and the boundaries

Street im-
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thereof, and streets or parts of streets included therein, and stating that he is ready to receive payment of the same, and the terms upon which payments may be made.

SEC. 16. The owner of any property assessed under the provisions of this chapter shall have the option of making payment of the whole amount of or any portion of said assessment, either immediately or at any time within fifteen years from the date of the final publication of the Tax Collector's notice. Said assessment shall bear interest at the rate of ten per cent per annum until paid; but if the owner of the property shall elect to pay the whole amount of his assessment immediately, he shall be allowed a deduction of seven per cent therefrom. Payment within thirty days from the date of first publication of the Tax Collector's notice shall be deemed immediate payment. Interest upon said assessment shall begin to run thirty days from the date of the first publication of the Tax Collector's notice.

SEC. 17. All receipts given by the Tax Collector for payments on account of street assessments must specify the number of the Street Improvement District, and each particular lot or part of lot on which payment is made, and must be separate and distinct from the general tax receipt; they must always state, where a partial payment is made, the amount still due upon the assessment. When final payment is made, the receipt must be in full satisfaction of the assessment lien; and the Tax Collector must forthwith certify such final payment to the Assessor, who shall immediately enter satisfaction of the lien in his record of assessments for street improvements.

SEC. 18. The Tax Collector must render to the Auditor on the first Monday in each month a statement of all moneys collected by him during the preceding month on account of street improvement assessments in each Street Improvement District.

SEC. 19. All moneys received for principal and interest on account of assessments for street improvements under this chapter shall be paid by the Tax Collector into the City Treasury, and shall be apportioned as hereinafter provided.

SEC. 20. Any assessment for street improvements made under the provisions of this chapter, which shall remain unpaid at the end of fifteen years from the date hereinbefore prescribed, shall be delinquent; and the Tax Collector must publish a notice in the city official newspaper, once a week for three successive weeks, which must state the Street Improvement District in which the assessment is delinquent, and must describe the property assessed, and give the name or names of the owner or owners thereof, where known, and if unknown, must so state, and the amount of principal and interest due, following each name and description, and that unless payment is made thereof he will sell the same at public auction, designating the time and place of sale. Within thirty days from the first publication of said notice the Tax Collector shall sell the land upon which said assessment is delinquent, and he shall add to the amount of the assessment and accrued interest the costs of advertising and

sale. After making such sale the Tax Collector shall report the same to the Auditor and Assessor, and shall make due entry of such sale, together with the date and the name of the purchaser. The general revenue laws of the State in force at the time of said sale, in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws in relation to the redemption of property so sold, except as in this charter otherwise provided, shall be applicable to all proceedings under this section. If at said sale no person shall bid the amount of said assessment and accrued interest, with the aforesaid costs, the Tax Collector shall bid in the said land for the amount so due thereon in the name of the City of San Diego, and upon his filing a certificate of said sale with the Treasurer, the Treasurer shall transfer the amount so bid from the General Fund to the Street Fund, and credit the same to the Street Improvement District in which the assessment was made, and the Treasurer shall immediately notify the Auditor of such transfer.

Street improvement districts.

SEC. 21. The City Treasurer shall charge against each Street Improvement District all moneys disbursed from the Street Fund for improvements therein, except such as are a charge against the city, or against any person, company, or corporation owning the track or tracks of any street car or other line of railway within such district; and shall credit the district with all moneys received for principal and interest of assessments for street improvements therein. All moneys so received shall be apportioned to the interest and sinking funds for the payment of the street improvement bonds issued in behalf of such district; and if, after such bonds have been fully paid, there shall remain any balance to the credit of the district, it shall be paid into the Street Fund.

CHAPTER IV.—OF THE OPENING OF NEW STREETS.

SECTION 1. When an application shall be made to the Common Council to straighten, widen, extend, or change the grade of any established street, or for laying out, opening, or establishing new streets or boulevards, signed by one fourth of the owners of frontage of the lands upon the line of said street, or proposed street, and such improvement requires the condemnation of private property, the Common Council shall refer the same to the Board of Public Works, which shall determine whether in its judgment the said improvement, or any modification thereof, would be a public benefit, and shall report its decision to the Common Council. If the Common Council shall determine that the improvement described in the petition, or some modification thereof, would be of public benefit, it shall, by resolution, so instruct the Board of Public Works, giving in its resolution a general description of any modification it may deem expedient. The Board of Public Works shall then proceed to determine and define the lands to be taken, and the lands, if any, to be damaged by the pro-

Streets, opening new.

Streets,
opening
new.

posed improvement, and the lands to be benefited and assessed for the expenses thereof. It shall, by resolution, define the lands necessary to be taken, and the lands, if any, to be damaged, and shall specify the exterior boundaries of the district to be benefited and assessed therefor. The Board shall, thereupon, publish for twenty days notice of the passage of its resolution, and requiring all persons interested in the lands to be taken or damaged, or in the district to be benefited, to present to the Board, within the said twenty days, accurate descriptions of the lots or parcels of land owned by them respectively, and to specify objections, if any they have, against the proposed improvement. Within ten days after said publication, or such further time as the Common Council may, by resolution, allow, the Board of Public Works shall, with the assistance of the City Engineer, cause to be prepared and presented to the Common Council a report of its action, embracing an accurate description of each lot, piece, or parcel of land necessary to be taken or damaged, with the names of the persons to whom the several lots, pieces, or parcels of land are respectively assessed upon the assessment roll of said city, and also a description of the exterior boundaries of the district to be benefited, and make a map clearly exhibiting the same as described. The City Engineer shall have the right, if necessary, to enter upon any of the said lands for the purpose of examination or survey. Upon receiving the said report from the Board of Public Works, the Common Council shall, by resolution, adopt or modify the proposed improvement, and the district to be benefited thereby, or wholly reject the same. In case of modifying the same, the matter shall be referred back to the Board of Public Works until the proposed improvement, and the district to be benefited thereby, shall conform to the views of the Common Council; and the Common Council shall then pass a resolution declaring its intention to make the improvement and assessment for benefits. The resolution shall embody the descriptions as finally reported by the Board of Public Works, and the names of the owners of the several parcels of land, as reported by the Board. The resolution shall also specify a time within which objections to the proposed improvement may be made to the Common Council by owners of the land to be taken, or damaged, or of the lands to be assessed for benefits, and a day for the hearing of such objections. The said resolution must be published for fifteen consecutive issues of the city official paper, during which time the owners must file their objections. On the day set for the hearing, or upon any day to which the same may be adjourned, the Common Council shall hear and pass upon the objections, and may dismiss the proceedings, or by ordinance resolve to proceed and order the improvement to be made. The ordinance by which the Common Council resolve to proceed with the improvement, may refer to the resolution declaring its intention to make the improvement by its number without embodying the description, and shall order the improvement to be made by the Board of Public Works. The Common Council shall forth

with transmit to the Board of Public Works a copy of the said ordinance, and of the resolution to make the improvement. Streets, opening new.

SEC. 2. Upon receiving the said copy of ordinance and resolution, the Board of Public Works shall, with the aid of the City Attorney, ascertain as accurately as possible the names of the owners to be made parties, and shall cause proceedings to be taken in the name of the city to condemn as provided by law, under the right of eminent domain, the lands, or any interest therein to be taken or damaged for the said improvement. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings hereinbefore provided for; and the resolution and ordinance adopting and ordering the work to be done, shall be conclusive evidence of such necessity. As soon as the amounts to be paid for the lands to be taken and the lands to be damaged shall, by the said proceedings, be finally ascertained and determined, the Board of Public Works and the Common Council shall proceed, as hereinafter provided, to apportion and collect the same by assessment upon the district to be benefited by the improvement.

SEC. 3. The Board of Public Works shall ascertain and determine as nearly as may be the entire cost of the improvement, including value of the lands, cost of condemnation, and expenses of all kinds attending the proceeding, and shall apportion and assess the whole amount of such value, costs, and expenses upon the property within the district declared by the resolution of the Common Council to be benefited by the improvement, and shall assess each lot or parcel of land within the said district with its proportionate share of said amount, according to the benefits derived by it, in the judgment of the Board, from the said improvement.

SEC. 4. Within thirty days after the final determination of the amount to be paid, as aforesaid, or such further time as may be allowed by resolution of the Common Council, the Board shall make and hold, subject to inspection in their office, a report of assessments, exhibiting the sum of money to be paid to the owner or owners of each parcel of land to be taken or damaged, stating the names of the owners, as far as they can be ascertained, and describing accurately the several parcels of land within the district to be benefited, and the names of the owners thereof, as far as can be ascertained, and where the owners are unknown, stating the fact, but a mistake in the name or ownership shall not invalidate the assessment, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof.

SEC. 5. Upon the completion of the said report the Board shall fix a day for hearing objections thereto, and shall give notice of such hearing by publication for not less than fifteen days.

SEC. 6. Upon the day fixed for the hearing, or upon any day or days to which the hearing shall be regularly adjourned by entry in its minutes, the Board shall hear any party inter-

Streets,
opening
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ested upon any question touching the justice or equality of the assessment, or the regularity of its proceedings, and may confirm, or revise and modify the said assessment until it shall be adjudged to be fair and equal; and it shall then adopt such a report of assessments as it adjudges to be fair and equal, and transmit the same to the Common Council.

SEC. 7. The Common Council shall by ordinance confirm the report of the Board of Public Works, and order the completion of the improvement in accordance therewith, or it may, by resolution, refer the same back to the Board of Public Works, with instructions to modify the assessments, until it shall, by ordinance, finally adopt and establish such assessment as it shall adjudge to be fair and equal, and order the completion of the improvement in accordance therewith.

SEC. 8. This ordinance shall accurately describe the several parcels of land assessed, giving the names of the respective owners, as far as the same have been ascertained, and where the owners are unknown, stating the fact, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof; but it may refer to the report of the Board of Public Works for description of the lands to be taken or damaged by the improvement. The ordinance shall direct the sale of each parcel of land so assessed, or so much thereof as may be necessary to pay the amount of its assessment and expenses of sale, and the application of the proceeds of such assessment and sale to the payment of the expenses of sale, and the amount awarded to the owners of the lands to be taken or damaged by the said improvement.

SEC. 9. A copy of the ordinance shall be forthwith transmitted to the Board of Public Works for collection of the assessments. The said Board shall cause the ordinance to be published for thirty days, during which time the several owners may make payment to the Board of Public Works of the several amounts assessed against their lands, and the Board of Public Works shall, by notice, invite such payment.

SEC. 10. After the expiration of said thirty days the Board of Public Works shall prepare a delinquent list, exhibiting, by accurate description, the several parcels of land so assessed, upon which the assessments have not been paid, and the names of the owners of said parcels, as far as ascertained (and where the owners are unknown, stating the fact), and the amounts for which they are respectively assessed, and shall forthwith transmit the said delinquent lists, certified by the Secretary of the Board, to the Tax Collector, who shall proceed to collect the amounts appearing due thereon by sale, as in case of the collection of delinquent taxes, and pay over immediately to the Board of Public Works the amounts so collected. The deed of the Tax Collector made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor.

SEC. 11. The moneys coming into the Board of Public Works from the said assessment shall be applied by the said Board to the payment of the expenses of the assessment and of the several amounts determined to be due as compensation and costs for the lands taken or damaged, by payment into Court on behalf of the owners. Upon such payment being made the title to the lands, or the interests therein, or the easement therein condemned, shall vest in the City of San Diego for the uses and purposes specified in the said improvement, and the Board of Public Works shall take possession of the same, and cause said improvement to be carried out and completed.

Streets,
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CHAPTER V.—OF THE SEWERAGE SYSTEM.

SECTION 1. The Board of Public Works shall assume the management and control of the present sewerage system of this city, and shall from time to time make such recommendations to the Common Council relating to the extension or improvement of said system as they may deem proper.

Sewerage.

SEC. 2. Said Board shall prescribe the location, form, and material to be used in the construction and repair of all public sewers, manholes, sinks, cesspools, or other appurtenances belonging to the sewer system, and of every private sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 3. Before any public sewer shall be contracted for or built, the City Engineer shall cause to be prepared the necessary plans for the work, and a profile showing the grades of the street and sewer, and the depth of such sewer below the surface of the street, and the height above mean high water mark as established by the United States Coast Survey and used as the city datum; and when such sewer is completed he shall cause a map to be prepared showing the size and location of manholes, basins, and branches for house connections and other appurtenances.

SEC. 4. No person shall connect with or open or penetrate any public sewer or drain without first obtaining a permit in writing from said Board, and complying with the rules and regulations of said Board in reference thereto.

SEC. 5. No person shall connect with any public sewer any private sewer or drain laid for surface, roof, or yard drainage.

SEC. 6. Exhaust from steam engines, blow-off from steam boilers, or water above one hundred and forty degrees Fahrenheit in temperature, shall not be discharged in any public sewer, or private sewers or drains connecting with the same.

SEC. 7. Said Board shall recommend to the Common Council such other rules and regulations concerning the public and private sewers and drains in said city, and upon recommendation of said Board, the Common Council are authorized to pass an ordinance establishing the same, and prescribing the penalties for any violation thereof.

SEC. 8. The Board of Public Works may appoint a Superintendent of Sewers, whose duty it shall be to see that all

Sewerage. ordinances passed by the Common Council, and all rules and regulations established by the Board of Public Works, relating to sewers, are rigidly enforced.

SEC. 9. The Common Council may, upon the recommendation of said Board, by ordinance passed by the affirmative vote of two thirds of each Board, authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer, or the making of any improvement provided for in this chapter. The title to all real estate purchased shall be taken in the name of said city.

SEC. 10. Said Board may, with the like approval of the Common Council, agree with the owners of any real estate, upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owner for the purpose of such improvement, and for the perpetual use of said real estate for such purpose.

SEC. 11. Said Board may, when authorized by ordinance of the Common Council, construct such sewers, reservoirs, and pumping works on lands and made lands fronting on the Bay of San Diego, as may be necessary to carry out the general system of sewerage for said city.

SEC. 12. When, upon the recommendation of said Board of Public Works, the Common Council shall determine upon any improvement for the purpose of sewerage or drainage which necessitates the acquisition or condemnation of private property, and said Board is unable to agree with the owner thereof upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which said Board shall deem it most expedient, it shall, when authorized by the Common Council expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same is applicable, which is provided in this article for the condemnation of real estate when necessary for the opening of any new street.

CHAPTER VI.—OF WATER COMMISSIONERS.

Water Com-
missioners.

SECTION 1. If at any time the city shall become the owner of any water supply, or shall decide to construct a system of water supply, the Mayor shall appoint three citizens of the city to be Water Commissioners, no more than two of whom shall belong to the same political party, subject to confirmation by the Board of Delegates. And they shall hold their office for the term of three years; *provided*, that when first appointed they shall be appointed for one, two, and three years, to be designated in the notice of appointment by the Mayor. Their compensation or salary shall be fixed by ordinance by the Common Council. One of said Commissioners shall be a duly qualified engineer, whose compensation shall be made accordingly.

SEC. 2. The Water Commissioners shall have full control and management of the water system of the city and the collection of the revenue therefor, under such regulations, by ordinance, as the Common Council may from time to time enact. But the fixing of water rates shall remain in the Common Council. All contracts for work and materials shall be made by said Commissioners in the manner provided in this charter for the Department of Public Works. And all payrolls and all accounts for the same shall first be passed upon by the Commissioners, who shall certify them to the Auditing Committee.

CHAPTER VII.—OF THE CITY PARKS AND PLAZAS.

SECTION 1. All parks, boulevards, plazas, squares, or other public grounds now open and dedicated to the public use, or which may hereafter be opened or dedicated to public use, shall be under the control and management of the Board of Public Works, with power to lay out, regulate, and improve the same, subject to ordinance passed by the Common Council.

SEC. 2. Said Board may appoint a Superintendent of Parks, whose duty it shall be to see that the ordinances of the Common Council and the rules of the Board of Public Works are enforced, and to perform such other duties relating to parks, etc., as may be required of him by the said Board.

CHAPTER VIII.—OF THE HARBOR AND WHARVES.

SECTION 1. The Common Council shall, unless otherwise prescribed by the laws of the State, exercise control and management of the harbor and waterfront of the City of San Diego, and shall by ordinance establish such rules and regulations as shall prevent any encroachment upon the tidal area of the same.

SEC. 2. The construction of all wharves which may be built by the city, and all repairs on the same, or other work done on the waterfront by the said city, shall be performed by the Board of Public Works, after proceedings had in the manner and form prescribed for the construction, improvement, or repair of public buildings.

SEC. 3. The Common Council shall, by ordinance, regulate the tolls for wharfage, dockage, and other charges, and provide for the regulation of berths and landing of all steamers, sail vessels, barges, or other water craft, and shall exercise such other control not herein specified as may not be inconsistent with the laws of the United States and of the State of California.

CHAPTER IX.—OF CEMETERIES.

SECTION 1. There shall be a Cemetery Commission, consisting of three members, to be appointed by the Mayor, with the approval of the Board of Delegates, from among the

Cemeteries. qualified electors of the city, and they shall hold office for four years.

SEC. 2. Immediately upon their appointment they shall elect a President and Secretary from among their number, and so classify themselves that one of their number shall go out of office in two years, one in three years, and one in four years.

SEC. 3. Said Commission shall exercise a general supervision of the cemeteries of the city, but their duties shall especially consist in the entire control and management of Mount Hope Cemetery. All moneys derived from the sale of lots, and all fees coming into their hands as such Commission, shall be held in trust to be expended as may be deemed advisable by them for maintaining, beautifying, and improving said grounds.

SEC. 4. The said Commission may appoint a Superintendent and such other employes as may be necessary to carry into effect the provisions of this chapter, and may remove or suspend from office said Superintendent and other employes when they may deem proper.

SEC. 5. The members of said Board shall serve without compensation, and shall make a semi-annual report to the Mayor.

ARTICLE VI.

DEPARTMENT OF FINANCE.

CHAPTER I.—OF REVENUE AND TAXATION.

Revenue. SECTION 1. On or before the first Monday of April in each year the Auditor shall prepare and transmit to the Common Council, accompanied with the estimates and reports of each department, which he shall require to be delivered to him from the heads of each department on or before the twentieth of March in each year, an estimate of the probable necessities of the city for the current fiscal year, giving the amount required to meet the Interest and Sinking Funds for any and all outstanding bonded debts, together with the amount needed for salaries and probable wants of all the departments of the municipal government in detail, and showing the necessities of each of the several funds to be provided for in the treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue is likely to accrue to the treasury, and be collected from fines, licenses, and all other sources of revenue, exclusive of tax upon property, and shall give an estimate of what amount will be required to be levied and raised by tax upon all property in the city in order to meet the necessities of such fiscal year, said estimates to be based upon, where practical, the resources and expenditures of the preceding fiscal year; and, at the same time, the Auditor shall also report to the Common Council the balance on hand in each fund.

SEC. 2. The Common Council shall, on or before the second Monday of May in each year, by ordinance, fix the rate

of taxes to be levied, and levy the taxes upon all taxable ^{Revenue.} property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the different departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year ninety cents for each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city.

SEC. 3. Except as in this charter otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes, and the redemption of property sold for taxes, shall be made in the same manner and with like effect as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes, and sale of property for unpaid taxes for State and county purposes and redemption thereof; and all provisions of law applicable to such assessments, equalization, levy, collection, and sale for State and county purposes, are hereby applied to and shall be the law governing such assessments, equalization, levy, collection, and sale for municipal purposes; and the respective officers of the city shall have, possess, and perform the same powers and duties, in all matters concerning revenue and taxation for municipal purposes, as are or may be by law conferred or imposed upon county officers in matters concerning revenue and taxation for State and county purposes; and to that end—

First—All powers and duties so by law conferred or imposed upon the County Assessor, are hereby imposed and conferred upon the City Assessor.

Second—All powers and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred and imposed upon the Common Council and its constituted committees.

Third—All powers and duties so by law conferred or imposed upon the District Attorney are hereby conferred and imposed upon the City Attorney.

Fourth—All powers and duties so by law conferred or imposed upon the County Tax Collector are hereby imposed and conferred upon the City Tax Collector.

Fifth—All powers and duties so by law conferred or imposed upon the County Treasurer are hereby conferred and imposed upon the City Treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the County Clerk and County Auditor, respectively, are hereby conferred and imposed upon the City Clerk and City Auditor, respectively.

SEC. 4. It shall be the duty of the City Assessor to prepare between the first day of January and the first day of April, in each year, and present to the City Clerk, with his certificate of its correctness, a roll of the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment roll shall conform, as near as practicable, when not incon-

Revenue.

sistent with the provisions of this charter, to the assessment roll required by law to be made by the County Assessor for State and county purposes; *provided*, that 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 day of January in each year; such statement shall be in writing and conform, as near as practicable, to the provisions of section three thousand six hundred and twenty-nine of the Political Code of the State of California. The Assessor must be present at the sessions of all Boards of Equalization mentioned in this chapter, and furnish to said Board such information as may be required, and perform such other services in reference to the assessments of property in the city or otherwise appertaining to his office, as the Common Council, by ordinance or resolution, may require. During the session of the Board of Equalization the Assessor shall enter upon the assessment roll any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and receive therefor the same fees; *provided*, that all railway property situated within the city, the value and assessment of which is fixed by the State Board of Equalization, as required by section thirty-six hundred and sixty-five of the Political Code of this State, shall be assessed for taxation purposes within the city, at the amount of assessment as fixed by said Board; and whenever in October of each year, as by law required, the Board of Supervisors of San Diego County shall transmit to the Common Council a copy of its order stating and declaring the assessed value of such railway lying within the city, the Common Council shall direct the City Clerk to record said order in its journals of proceedings, and said Clerk shall, on the first Monday of January in each year, furnish the City Assessor with a certified copy of such order so recorded, and said Assessor must enter said certified copy in and upon the assessment roll of the then fiscal year, and extend the value in accordance therewith, which value shall be the assessment of such railway property for taxation purposes for the said fiscal year.

SEC. 5. For taxation, assessment, and all other purposes, the fiscal year shall begin on the first day of January.

SEC. 6. The terms "real" and "personal property," as used in this charter, shall have the same meaning as the same terms used in the revenue laws of this State; and all property subject to taxation aforesaid shall be assessed at its full cash value, which, in the judgment of the Assessor, it has at twelve o'clock m. on the first day of January, and the lien of the annual city tax levy shall attach at said hour.

SEC. 7. The Assessor must make the abstract of mortgages, etc., which stand of record unsatisfied at twelve o'clock m. on the first day of January, in manner as provided in section three thousand six hundred and seventy-eight of the Political Code. Should any such abstract or list be found to contain any

instrument relating to lands situated partly within and partly without the city, it shall be the duty of the Assessor to determine the proportion of valuation of such instrument to be assessed in the city and assess the same accordingly. Revenue.

SEC. 8. A committee of the Common Council selected as in this charter provided, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment roll to the City Clerk, and after five days' notice published in the official newspaper of this city, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in such roll; *provided, however,* that before raising any assessment, the Board shall notify the person interested by letter deposited in the Post Office or express, postpaid, and addressed to such person at least three days before action taken, of the day fixed when the matter will be investigated. Any member of said Board shall have power to administer oaths and affirmations in the matters before said Board, and the sessions of said Board shall be held from time to time, as in its notice specified, for the period of two weeks, and no longer.

SEC. 9. Within three days after the Board of Equalization shall have completed their duties, the City Clerk must deliver to the Auditor the assessment roll so equalized, with all changes and corrections made by the Board of Equalization entered therein, and accompany the same with his affidavit, as provided in section three thousand six hundred and eighty-two of the Political Code of California, and said Auditor shall add up the columns of valuation, and enter the total valuation of each description of property in the roll, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Auditor shall, on the first Monday of May thereafter, deliver it to the Common Council. As soon as the Common Council have declared and levied the taxes, in any year, as in section three provided, the City Auditor shall carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out, the Auditor shall certify to its correctness, and on or before the first Monday of June thereafter deliver it to the City Tax Collector, and shall charge him with the amount of taxes so footed up, and take his receipt therefor.

SEC. 10. The annual tax levied as hereinbefore provided shall become due and payable on the first Monday of June in each year, and all persons paying such tax between said first Monday and the first day of July following shall be entitled to a deduction of five per cent upon the total tax paid by them; and all persons so paying said tax between the first days of July and August of each year, shall be entitled to a deduction of three per cent upon total tax paid; and all persons so paying said tax between the first days of August and September of each year, shall be entitled to a deduction of two per cent upon total tax paid; and all persons paying such tax between the first days of September and October

Revenue.

of each year, shall be entitled to a deduction of one per cent upon the total tax paid; all persons paying such tax between the first day of October and the fourth Monday in November shall pay the full tax as levied, and upon the fourth Monday in each November, at six o'clock P. M., all unpaid taxes are delinquent, and the Tax Collector must then collect for the use of the city an addition of five per cent.

SEC. 11. The Tax Collector, on receiving the assessment roll, certified by the Auditor, shall give notice by publication in the city official newspaper that city taxes are payable, when and where the same can be paid, and set forth in said notice the full wording of the preceding section relative to deductions, and also state when such taxes will become delinquent; said notice shall be published within three days after the receipt of said roll, and be published in each issue of said paper for the period of thirty days; and said Collector shall proceed at once to collect the taxes specified in said roll, allowing the deduction mentioned in the preceding section, and pay the same over to the City Treasurer monthly, taking his receipt therefor.

SEC. 12. On the second Monday in December of each year the City Tax Collector must deliver to the City Auditor a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons or property; and shall at the same time make a statement to said Auditor, under oath, showing:

First—All moneys collected by him on account of property tax between the first Monday in June and first day of July.

Second—All moneys so collected between July first and August first.

Third—All moneys so collected between August first and September first.

Fourth—All moneys so collected between September first and October first, and shall file with the Auditor the Treasurer's receipts for such moneys and take the Auditor's receipt therefor.

SEC. 13. The Auditor must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and also credit the Collector with the reductions allowed taxpayers in section ten, as ascertained by and from the sworn statement of the Collector and Treasurer's receipts filed as provided in the preceding section, and make a final settlement with him of all taxes charged against him on the assessment roll.

SEC. 14. After settlement with the Tax Collector, as prescribed in the preceding section, the Auditor must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the five per cent added thereto, and within three days thereafter deliver the list, duly certified, to such Tax Collector.

SEC. 15. On or before the first Monday in January of each year the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property, added to taxes on real estate where the real estate is liable therefor, or the several taxes are due from the same person. The said list must be appended, and with it published a notice that unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the City Collector's office, and not less than twenty-three nor more than twenty-eight days from the first publication.

SEC. 16. Said list must be published once a week for three consecutive weeks in the city official newspaper or supplement thereto, and when such publication is completed, and before commencing the sale, the Tax Collector must file with the City Clerk a copy of the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in said newspaper, or a supplement thereto, stating its name and place of such publication, and the date of each appearance; such affidavit shall be prima facie evidence of all the facts therein stated.

SEC. 17. The Tax Collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece, or tract of land, separately assessed, and on each assessment of personal property, which must go to the city.

SEC. 18. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, the Tax Collector, between the hours of ten o'clock A. M. and three o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically, or in the numerical order of lots and blocks, until completed.

SEC. 19. He may postpone the day of commencing the sale, or the sale from day to day, but the sale must be completed within three weeks from the day first fixed.

SEC. 20. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate in writing to the Tax Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or the possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including fifty cents for the duplicate certificate of sale, is the purchaser. But in case there is no purchaser in good faith for the same, as provided, on the first day that the property is offered for sale, then when the property is offered thereafter for sale and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the City of San Diego as the

Revenue.

purchaser, and a duplicate certificate delivered to the City Auditor, and filed by him in his office, and a like certificate filed in the office of the City Clerk. No charge shall be made for the duplicate certificate when the city is a purchaser; and in such case the Tax Collector shall make an entry, "Sold to the city," on the delinquent list, opposite the tax, giving number of certificate of sale, and he shall be credited with the amount of such tax in his final settlement with the Auditor; a redemption from the sale to the city above provided may be made by any person in interest in the same manner as provided by law for redemption of land sold to the State for State and county taxes; *provided*, that the estimate for such redemption must be made by the City Auditor, instead of County Auditor, and the receipt for money paid for such redemption must be given by the City Treasurer, instead of County Treasurer; and upon the production of such receipt and estimate the City Clerk shall write upon the proper certificate, as filed in his office, the word "Redeemed," giving date, and by whom redeemed. The Auditor's fee for such estimate shall be two dollars; the Clerk shall receive no fee for marking certificate redeemed. The Auditor's fee, as herein provided, as well as the amount required to redeem, shall be paid to the Treasurer by the person redeeming; and said fee shall be apportioned to the Salary Fund of the city.

SEC. 21. After receiving the amount of the taxes and costs, the Tax Collector must make out in duplicate a certificate dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, the name of the purchaser, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

SEC. 22. The certificates must be signed by the Collector, and one copy delivered to the purchaser, and the other filed in the office of the County Recorder of San Diego County.

SEC. 23. The Tax Collector, before delivering any certificate, must in a book enter the description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use.

SEC. 24. On filing the certificate with the County Recorder, the lien of the city vests in the purchaser, and is only divested by the payment to him or to the City Treasurer, for his use, of the purchase money and fifty per cent thereon.

SEC. 25. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of the purchase; and until a tax deed is applied for in the manner prescribed by section three thousand seven hundred and eighty-five of the Political Code of California.

SEC. 26. On receiving the certificate of sale, the Recorder must file it, and make an entry in a book similar to that re-

quired of the Collector. On the presentation of the receipt of the person named in the certificate, or of the City Treasurer for his use, of the total amount of redemption money, the Recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made. Revenue.

SEC. 27. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make to the purchaser, or assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The Collector shall collect from the purchaser three dollars for making such deed; *provided, however*, that no such deed shall be made until the notice is given that a tax deed will be applied for, and such notice duly served as prescribed in section three thousand seven hundred and eighty-five of the Political Code of California, relating to property sold for State and county taxes. Whenever any property is sold to the city it shall not be necessary to post or serve any notice as required under the provisions of this section, but the city shall be entitled to a deed at any time after the term for redemption has expired, whenever called for by resolution of the Common Council; *provided*, that in all cases where the city has received a deed the right to redeem shall be continued as provided in section three thousand eight hundred and seventeen of the Political Code.

SEC. 28. The matters required by section twenty-one to be recited in the certificate of sale must be substantially recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that:

First—The property was assessed as required by law.

Second—The property was equalized as required by law.

Third—The taxes were levied in accordance with law.

Fourth—The taxes were not paid.

Fifth—At a proper time and place the property was sold, as prescribed by law, and by the proper officer.

Sixth—The property was not redeemed.

Seventh—The person who executed the deed was the proper officer.

Eighth—Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

SEC. 29. Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, free from all incumbrances.

SEC. 30. The assessment roll, or delinquent list, or a copy thereof certified by the City Auditor, showing unpaid taxes against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to

Revenue. the assessment and levy of such taxes have been complied with.

SEC. 31. On the third Monday of March, in each year, the Tax Collector must attend the office of the Auditor with the delinquent list, and the Auditor must then carefully compare the list with the assessments of persons and property not marked "Paid" on the assessment roll, and when taxes have been paid, must note the fact in the appropriate column in the assessment roll. The Auditor must then administer to the Tax Collector an oath, to be written and subscribed in the delinquent list, that every person and all property assessed in the delinquent list on which taxes have been paid, either by sale for taxes, or otherwise, has been credited in the list with such payment. The Auditor must then foot up the amount of taxes remaining unpaid, and credit the Tax Collector with the amount, together with the five per cent thereon, and have a final settlement with him; and the delinquent list must remain on file in the Auditor's office.

CHAPTER II.—OF FINANCIAL ADMINISTRATION.

Auditing
Committee,
duties of.

SECTION 1. There is hereby created an Auditing Committee, which shall consist of the Mayor, President of the Board of Aldermen, President of the Board of Delegates, City Attorney, and Auditor. The Mayor shall be Chairman of this committee, the Auditor shall be Secretary of the same, but in the absence of either at meetings of the committee, a temporary Chairman and Secretary can be chosen by the committee to act. The Auditing Committee shall hold stated meetings once in each month, and can adjourn from time to time. It shall be the duty of this committee to examine, allow, and order paid, or reject and disallow all claims, demands, and bills of whatever nature (except monthly salaries of city officers, as fixed by this charter), which may be presented against the city, and the Auditor shall not draw a warrant for any bill unless the same has been approved by a majority of the whole Auditing Committee. Three members of this committee shall constitute a quorum for the transaction of business, but a less number can meet and adjourn from time to time.

SEC. 2. All demands, bills, and claims which may arise against the city, including the payroll of all employes of the city, whether under regular monthly salary or not (except salaries of city officers as fixed by this charter), shall be duly verified as hereinafter provided, and be filed with the Secretary of the Auditing Committee, who shall file and number the same in the order of presentation, and refer the same to the Auditing Committee for action, whose duty it shall be to allow or reject the same, in whole or in part, and if allowed designate the particular funds from which they are to be paid, and indorse upon the back of each bill the date of its allowance or rejection, the amount allowed for, and also the section of the charter, number of ordinance, number of contract, resolution, or order under which the said bill or

Auditing
Committee,
duties of.

month, which shall show the numbers and dates of warrants drawn upon said funds, the amounts thereof, the names of the parties receiving the same, and whether for labor or material furnished, the balances of cash in each fund, and shall show the amount of moneys received into and paid out of the Treasury during said month, which abstract and statement must be subscribed and sworn to by said Auditor. The Auditor shall also keep a registry of all bills, claims, and demands which are filed with him as Secretary of the Auditing Committee, which shall be in the following form:

REGISTER OF BILLS PRESENTED.

Date Presented.	No. of Bill.	Name.	Assigned to.	Amount.	Date Allowed.	No. of Warrant.	Fund Drawn Upon.	Date Rejected.	Remarks.
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The Auditor shall also keep a warrant book, from which all warrants must be issued, said book to contain stubs to all warrants issued, giving the number, date, amount, to whom, upon what fund, and for what said warrants are drawn, and said warrants shall be numbered, commencing with each fiscal year, from "one" up.

SEC. 6. The Auditor shall issue all licenses to the Tax Collector, and for that purpose shall keep license books from which to issue such licenses, said books to contain stubs to all licenses issued, which shall show the number of each license issued and the amount, and he shall charge such Collector with the licenses so issued; and shall, monthly, have a settlement with the Tax Collector on account of same, giving said Collector credit for all licenses unsold and returned, and for moneys paid into the Treasury on account of licenses sold.

SEC. 7. The Auditor and his bondsmen shall be jointly, severally, and personally responsible and liable for any damage resulting to the city on account of any illegal or fraudulent claim for which a warrant may be issued.

SEC. 8. The City Treasurer shall, in addition to all other duties imposed upon him, keep like cash and book accounts, and ledger accounts, as required to be kept by the Auditor, and shall make reports to the Common Council on the tenth days of March and September, in each year, of all moneys

received into and paid out of the various funds of the city. The Treasurer shall, on the first Monday of August, December, and April, of each year, transmit to the Auditor a full statement under oath showing the full amount of taxes, percentage, interest, and costs received by him on account of redemption of property sold to the city on account of taxes, and also show the amount of Auditor's fees on account of same which he has received. The Auditor, upon receiving such statement, shall forthwith apportion said amounts to the various funds in accordance with the tax levy of the then fiscal year, except the Auditor's fees, which shall be apportioned to the Salary Fund, and also excepting the percentage and costs, which shall be apportioned to the General Fund, and a statement of this apportionment shall be filed with the Treasurer, and the Treasurer shall forthwith cover said moneys into the Treasury, and receipt to the Auditor for the same. The Treasurer shall keep a book in which he shall enter all warrants paid by him, showing the numbers and amounts; this book shall be known as the "Paid Warrants Book." On the first day of each month the Treasurer shall turn over to the Auditor all warrants paid by him during the preceding month; the Auditor and Treasurer shall carefully compare the warrants so turned over with the entries upon the "Paid Warrants Book," and if satisfied that the same are correct as entered in said book, the Auditor shall receipt to the Treasurer for said paid warrants by writing his receipt therefor in said book immediately following the month's entry of such warrants. Upon payment of any warrant the Treasurer shall cancel the same by stamping upon its face the word "Paid" in bold capital letters, followed by date of payment. The Treasurer shall issue receipts in duplicate to all persons paying money into the Treasury, one of which receipts must forthwith be filed with the Auditor.

Auditing
Committee,
duties of.

SEC. 9. The following funds are hereby established:

1. "Fire Department Fund," upon which all warrants must be drawn for Fire Department supplies and expenses whatsoever.

2. "Salary Fund," from which all salaries of city officers and their deputies, including regular policemen, must be paid.

3. "Police Department Fund," from which must be paid all expenses of the Police Department, except salaries of regular policemen.

4. "Street Fund," from which must be paid all expenses for street repairs, street sprinkling and cleaning, highway and bridge repairs, and all other street improvements not otherwise provided for in this charter.

5. "Harbor and Wharf Fund," from which must be paid all expenses for wharf building and repairs, and for all harbor improvements.

6. "Sewer and Drainage Fund," from which all expenses for sewer and drainage construction and repairs must be paid.

7. "School Fund," from which must be paid all salaries of teachers in the city public schools, and all expenses of such

Auditing
Committee,
duties of.

schools, together with all expenses of repairs to school buildings, school furniture, and other necessary expenditures by the Board of Education, including the erection of school buildings and purchase of sites therefor.

8. "Street Light Fund," from which must be paid all sums for lighting the city by electric light, gas, etc.

9. "Park Improvement Fund," from which must be paid all expenses for park and boulevard improvements, such as construction and building of drives, boulevards, and planting of trees and other improvements.

10. "Public Health Fund," from which must be paid all expenses of the Health Department, including scavengers, and all expenses in disposing of garbage, etc.

11. "Library Fund," from which must be paid all expenditures made and ordered by the Board of Library Trustees of the San Diego Public Library.

12. "Public Building Fund," from which all expenditures for public buildings of the city (other than school buildings) must be paid.

13. "Office Fund," from which all expenditures for furniture, fuel, stationery, books, etc., furnished to the city officers and departments must be paid.

14. "General Fund," from which must be paid appropriations, and general expenses not payable from other funds.

The Common Council may from time to time establish such other Funds as they may deem necessary, and shall establish and continue in force all Interest Funds, Bond Funds, Bond Redemption Funds, and other funds now or hereafter established for the payment of all interest upon, and the payment of all bonded indebtedness of said city; and the percentage of each annual tax levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned to said several funds accordingly; and no transfer shall be made from one fund to another except as otherwise provided in this charter, unless by a vote of the Common Council, by ayes and noes, recorded in the journals of proceedings; and in no case shall any moneys be transferred from the School Fund or Library Fund to any other fund. The Common Council shall by ordinance determine and designate to what funds shall be apportioned all moneys arising from the levy of all license taxes in the city; *provided*, that none of such moneys shall be apportioned to either the School Fund, Library Fund, or to any of the Bond Funds, Interest Funds, or Bond Redemption Funds of the city.

SEC. 10. All moneys arising from fines imposed and collected under the city ordinances, shall be apportioned and paid into the following funds of the city: one half thereof to the Police Department Fund and the other half into the Street Fund.

SEC. 11. All officers of the city who collect moneys on account of taxes, licenses, fines, and from other sources which belong to the city, except moneys collected by the Treasurer on account of redemption of property sold to the city for taxes, must make monthly settlements therefor on or before the first Monday in each month and to that end, shall make

a statement to the Auditor, subscribed and sworn to before him, showing from what sources the same are collected and the total amount collected, and forthwith pay said amount to the Treasurer and take his receipt therefor, in duplicate, one of which receipts must be filed with the Auditor. The Auditor, upon filing the Treasurer's receipt, must forthwith apportion the money so paid in to the several funds to which it belongs, and file with the Treasurer his statement of such apportionment.

SEC. 12. The Common Council must not for any purpose contract debts or liabilities, except in pursuance of law, nor shall such indebtedness or liabilities exceed, in any fiscal year, the income and revenue provided for such year, without the assent of two thirds of the qualified electors of the city, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness, as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same, and proceed in accordance with the section following, providing how bonded debts may be created. Any indebtedness or liability incurred contrary to this provision shall be void; and all contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of this provision shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of said city; and all officers of said city are charged with notice of the condition of the City Treasury, and extent of the claims against the same.

SEC. 13. The Common Council may contract bonded indebtedness (other than bonds and indebtedness contracted and created for street paving and street improvements as in this charter provided), as follows: Said Common Council shall, by order duly passed, by ayes and noes, recorded in its journals of proceedings, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which is proposed to be issued. The Common Council shall then provide for submitting the question of the issue of said bonds to the qualified electors of the city, at a special city election to be called by the Common Council for that purpose, and none but qualified electors of the city shall be permitted to vote thereat, and it shall be held as nearly as possible in conformity with the general election laws of this State. Notice shall be given of such election by publication in the city official newspaper for three weeks prior thereto. The ballots shall be printed, "For the issue of bonds," or "Against the issue of bonds." If two thirds of the electors of the city so voting at such election shall vote in favor of issuing bonds, and not otherwise, the Council may proceed to issue the amount of bonds specified, in manner as follows: Said bonds to be in sums of not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing interest at a rate per annum not exceeding seven per cent, payable semi-annually;

Auditing
Committee,
duties of.

Auditing
Committee,
duties of.

the said bonds to be payable and redeemable at any time at pleasure of the city, which said bonds shall be substantially in the following form:

No. ———

The City of San Diego, in the State of California, for value received, promises to pay ——— or bearer, at the office of the Treasurer of said city, on the first day of ——— in the year ———, or at any time before that date, 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 said Treasurer semi-annually, on the first days of ——— and ——— in each year on presentation and surrender of the interest coupons hereto attached.

In testimony whereof, the said city by its Common Council has caused this bond to be signed by the Mayor of the city, and attested by the Auditor with the corporate seal of said city hereto attached, this ——— day of ———, in the year ———.

[Corporate seal.]

————, Mayor.

Attest: ———, Auditor.

And the interest coupons shall be in the form following, and signed by the Auditor:

No. ———

The Treasurer of the City of San Diego, California, will pay to the holder hereof, on the ——— day of ——— in the year ———, at his office in said city, the sum of ——— dollars, gold coin, for interest on City Bond No. ———.

————, Auditor.

Whenever bonds issued under this charter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the City Treasurer and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him, and the proceeds thereof. The Treasurer shall then proceed to sell said bonds, for not less than par, under the direction of the Common Council, and for the best available price; and whenever said bonds, or any portion thereof are sold, he shall report the fact to the Auditor, stating under oath to whom sold, and for what price, and the Auditor shall at once apportion the moneys arising from such sale to the proper fund in the Treasury, filing a statement of such apportionment with the Treasurer. The Common Council shall have the power, and must create and name the fund or funds of the city into which the moneys arising from sale of bonds shall be paid. And before or at the time of issuing said bonds, the Common Council shall, by ordinance, provide for the levy and collection of a tax, to be levied and collected at the same time and in the same manner as other city taxes, sufficient to pay the annual interest upon the bonds, issued and outstanding, and such proportion of the principal thereof, that at the end of five years the sum raised from such levies shall equal at least twenty per cent of the bonds issued; at the end of nine years at least forty per cent of the amount, and at or before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest. And the Com-

mon Council must annually thereafter levy such tax in sufficient amount to comply with the provisions of this section and the ordinance of the Council aforesaid; and the moneys arising from such levies shall be known as the "Special Charter Bond Fund No. —," and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever. Whenever the amount in the hands of the Treasurer belonging to said fund, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall publish a notice in the city official newspaper for the period of ten days, specifying that he is prepared to pay said bond or bonds, giving the number of bond or bonds to be paid, and date of issue of said bond or bonds; and if not presented for payment within forty days after date of said notice, that the interest will cease, and the amount due thereon for principal and interest will be set aside for payment of same whenever presented. If said bonds are not so presented interest shall cease, and the amount due thereon be set aside as specified in said published notice. The bonds selected for redemption shall be determined by lot.

Auditing
Committee,
duties of.

SEC. 14. The Auditing Committee, or a special committee appointed by the Common Council for that purpose, shall have the right and power, separately or collectively, and with the aid of an accountant selected by the Mayor, to examine the books of the Treasurer at any and all times, and shall have the right to inspect and count all public moneys under the Treasurer's control or on deposit elsewhere.

SEC. 15. It shall be the duty of the City Clerk, upon the first Tuesday of January in each year, or within five days thereafter, to cause notice to be given by public advertisement for five successive days, in the city official newspaper, that sealed proposals will be received from any bank of deposit in the City of San Diego, as to the terms and conditions upon which they will receive and disburse the public moneys of said city; such proposals shall be received up to the time to be specified in the notice. The proposals to be made shall specify the rate of interest per month estimated upon the daily balances that will be allowed upon such deposits of public moneys. Such sealed proposals shall be publicly opened by the Clerk, in the presence of the Board of Aldermen, at its first meeting after the expiration of the time for receiving proposals. The bank offering the highest rate of interest shall be appointed the depository of public moneys. The Board of Aldermen shall thereupon cause a contract in writing to be drawn providing for the proper payment of all warrants drawn upon the City Treasurer, so long as there is sufficient money in the fund upon which such warrant is drawn, and sufficient money to the credit of said city on deposit in said bank to pay the same; and providing also for the full accounting of all moneys so deposited, and the repayment of the balance on deposit at the end of the term for which said contract shall be made to the City Treasurer, or other person authorized by the Common Council to demand and receive the same. The Board of Aldermen shall have the power to require such other provisions to be inserted in

Auditing
Committee,
duties of.

such contract as it shall deem best for the interest of said city. The contract, when approved by the Board of Aldermen, shall be signed in behalf of the city by the Mayor. Such depository thus selected shall give a bond with two or more sureties, who shall not be stockholders in such bank, in a sum to be fixed by the Board of Aldermen, not less than one hundred thousand dollars, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor and Board of Aldermen. Upon approval of such bond, and the signing of such contract, the Common Council, by resolution, shall direct the City Treasurer to deposit each day when said bank is open for transaction of business, with the bank thus selected, all public moneys of said city by him collected or received. For each such deposit the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank the Treasurer and his bondsmen shall no longer be liable therefor. Should the City Treasurer refuse or neglect at any time to comply with the orders of the Common Council as to the deposit of such moneys, he shall be liable upon his official bond, in an action brought thereon, by and in the name of the City of San Diego, for the full amount of the interest which the corporation should have received upon such moneys during such time as he shall retain the possession or control of such moneys; and in addition thereto he may be proceeded against by said city, in its own name, by mandate brought against him under the laws of this State applicable thereto, to compel such deposits to be made.

ARTICLE VII.

EDUCATIONAL DEPARTMENT.

OF THE BOARD OF EDUCATION.

Educational
department.

SECTION 1. The government of the School Department of the City of San Diego shall be vested in a Board of Education composed of eighteen persons, two of whom shall be elected from each ward, and each of whom shall have been for two years a resident of this city, who shall be styled Members of the Board of Education. They shall serve without salary. They shall hold office for four years, or until their successors shall be elected; *provided*, that one member from each ward of the first Board only, to be determined by lot, shall serve but two years.

SEC. 2. The Board of Education shall choose by ballot one of their number President; they shall hold stated meetings at least monthly, and special meetings as they may decide. The Superintendent of Schools shall be ex officio Clerk of the Board, and shall keep a faithful record of all their proceedings. Nine members shall be a quorum for the transaction of business, but a less number may adjourn from time to time. No action can be taken without the concurrence of at least nine members. All sessions shall be public,

and all records of their official acts open to public inspection at all proper times. Any vacancy in the body shall be filled by the Board, from the electors of the ward in which the vacancy has occurred, until the next general city election.

Educational
department.

The Board shall have sole power:

First—To establish, maintain, change, and consolidate public schools in this city, and determine the limits of the districts thereof.

Second—To appoint and employ a Superintendent of Schools who has for two years been a teacher in some public school in the United States. To employ and dismiss teachers, janitors, census school marshals, mechanics, laborers, and other persons as may be necessary to carry into effect the powers and duties of the Board.

Third—To fix a schedule of annual or monthly salaries for teachers and janitors, and compensation for other employes; *provided*, that persons employed by them shall be subject to dismissal for good and sufficient cause, such dismissal to be in effect the termination of any contract with the person so employed.

Fourth—To make, establish, and enforce all necessary and proper rules and regulations for the government of the public schools, and teachers thereof, and pupils therein, and for carrying into effect the laws relating to education. To make rules defining the duties of the Superintendent and teachers. Also, to establish and regulate the graded schools, and determine what text-books, course of study, and mode of instruction shall be used in all of said schools; *provided, however*, that no text-books shall be set aside, and discarded, and be replaced by text-books, other than those that are authorized by law, and published under the authority of this State, until after three years from the date of their adoption and use in the public schools of this city.

Fifth—To provide for the school department water, fuel, lights, blanks, blank books, printing, stationery, and other necessary aids and conveniences as are demanded to meet the educational requirements of the city.

Sixth—To rent and provide school houses, and to furnish the same with suitable desks, seats, apparatus, and school appliances, and to insure the same.

Seventh—To control and manage all the school property of the City of San Diego, necessary for conducting the public schools therein; but no lease or exchange of the same shall be made without authority of the Common Council.

Eighth—To prohibit any child under six years of age from attending the public schools; but may establish kindergarten schools for the tuition of children between the ages of four and six years; and may also provide for kindergarten instruction in the primary schools.

Ninth—To admit non-resident children to any of the schools upon the payment of a fee to be fixed by the Board.

Tenth—To suspend or expel pupils for misconduct.

SEC. 3. No teacher shall be employed in any of the public schools without having a certificate issued under the provisions of this charter. For the purpose of granting the cer-

Educational
department.

tificates required, the Board shall appoint a City Board of Examination. The City Board of Examination shall consist of the School Superintendent, who shall be President, and four other persons, resident of this city, at least two of whom shall be experienced teachers. The members of the City Board of Examination, other than the Superintendent, shall receive for their services such compensation as may be fixed by the Board of Education.

SEC. 4. The City Board of Examination shall have power:

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

2. To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate.

3. To grant city certificates of three grades:

First—High school certificates, valid for six years, and authorizing the holder to teach any primary, grammar, or high school in this city.

Second—City certificates, first grade, valid for four years, and authorizing the holder to teach any primary or grammar school in this city.

Third—City certificates, second grade, valid for two years, and authorizing the holder to teach any primary school in this city.

Fourth—Without examination to grant certificates, and fix the grade thereof to the holders of State life diplomas, State educational diplomas, State Normal School diplomas, State University diplomas (when recommended by the faculty of the University), State certificates, city certificates granted in other cities of this State, county certificates granted in the County of San Diego, and life diplomas, and State Normal School diplomas of other States.

Fifth—To revoke or suspend, for immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching on the part of the holder, any certificate granted by the Board.

Examination of teachers must be held semi-annually, at such times as the Board may determine.

SEC. 5. Any member of the Board of Education, or any person officially connected with the School Department, or drawing a salary from the Board, who while thus drawing such salary, upon investigation by the Board, or by any special committee that may be appointed by the Common Council, shall be found to be interested directly or indirectly in, or to have gained any advantage or benefit from any contract payments, or any purchases of any kind which have been or are to be made in any part from moneys derived from the school fund, or raised by taxation or otherwise for the support of the public schools, shall forfeit his office, and the Board shall thereupon declare such office vacant.

SEC. 6. The Public School Fund of this city shall consist of all moneys received from the City, County, and State School Funds; of all moneys arising from taxes which shall be levied by the Common Council for school purposes; of all

moneys arising from the sale, rent, or exchange of school property, and of such other moneys as may from any source whatever be paid into said School Fund, which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this chapter. No fees or commissions shall be allowed or paid for assessing, collecting, or disbursing of school moneys, and if at the end of the fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and no part of the School Fund shall for any purpose or in any manner whatever be diverted or withdrawn from said fund, except as in this chapter provided. All moneys of this fund shall be deposited with the City Treasurer, and the same shall be drawn only by warrant signed by the President and Clerk of the Board and duly audited by the Auditor.

Educational
Department.

SEC. 7. It shall be the duty of the Board of Education, or a committee thereof, to visit and examine each school at least once each month, and cause to be observed such general rules for the regulation, government, and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board.

SEC. 8. All claims payable out of the School Fund shall first be filed with the Clerk of the Board, and shall be approved by a majority of the whole Board, and certificate of such approval shall be indorsed thereon by the President of the Board. All demands of salaries of teachers and compensation of janitors shall be payable monthly, without presentation of claims therefor.

SEC. 9. It shall be the duty of any and all officers of the County of San Diego, having any official disposition of the School Fund of this city, to cause to be deposited with the City Treasurer of the city all State and county moneys coming under their control that have been appropriated to the city, or the school districts thereof, as soon as the same have been received by them.

SEC. 10. All contracts, supplies, or purchases to be made by the authority of the Board exceeding in amount two hundred dollars (\$200) shall be given to the lowest bidder for the same, after three days' publication in the city official newspaper has been made, soliciting from the public bids therefor, the Board reserving the right to reject any bid. The Board shall not have authority to contract any debts or obligations of any kind that may exceed in amount in any one year the income or revenue provided for the School Fund of such year.

SEC. 11. The President and any President pro tem. of the Board shall have power to administer oaths and affirmations concerning any demand upon the School Fund, or any other matter affecting the School Department that may be presented for the official action of the Board.

SEC. 12. The Board shall cause to be published in January and July of each year, in the city official newspaper, a tabulated statement showing the income and resources of the School Department, and the general expenditures for such

Educational
department.

school purposes, together with information as to the condition of the schools, number of teachers employed, attendance of pupils, and other statistics that may show to the public the labors of the department for the previous six months.

SEC. 13. The Board shall direct the Superintendent of Schools to make to them monthly reports concerning the work of his department and the general efficiency of the schools.

SEC. 14. The Board shall have full authority to sell such personal property used in the School Department as may no longer be required for use, and deposit all moneys so acquired with the City Treasurer to the credit of the School Fund.

SEC. 15. The Board shall have the power, if they shall so determine, to designate a member of the Board of Examiners, who is not a teacher in their employ, who must visit the public schools in the city at least once in each year and examine each and every class and report as to the efficiency of the teachers thereof.

SEC. 16. The Board of Education shall report to the Common Council before the annual tax levy be made the amount necessary to carry on the public schools for the next school year, and thereupon the Common Council shall levy a rate of tax for school purposes sufficient to raise the amount reported as necessary by the Board of Education, not to exceed thirty cents on the one hundred dollars' valuation of the taxable property of the city as assessed, and such tax shall be in addition to all other amounts levied for city purposes.

SEC. 17. The Board of Education may, by resolution, make a requisition upon the Board of Public Works for plans, specifications, and estimates for any new school house, stating the location of the proposed house, the date on which it should be completed, the amount of money in the School Fund available for the purpose, and other information that may enable the Board of Public Works to prepare the necessary plans, specifications, and estimates of cost for such school house. If such plans, specifications, and estimates are approved by the Board of Education, they shall be indorsed "Approved," with the date of such approval, by the President and Secretary thereof, and returned to the Board of Public Works, who shall proceed without delay to have said school house constructed in accordance therewith. On completion of such school house, the Board of Public Works shall notify the Board of Education, who shall thereupon examine the same, and if built in accordance with the plans and specifications approved by them, and within the estimated cost thereof, shall accept, pay for, and take possession of the same.

SEC. 18. The Board of Education may also, by resolution, make a requisition upon the Board of Public Works for the purchase by them for the city of lands sufficient for a school house site, specifying the general location desired, and the character of the school house proposed to be erected thereon; and thereupon the Board of Public Works shall advertise for proposals in the usual manner, and shall contract for the pur-

chase of such site as they shall deem the best for the least cost; which contract shall be valid only when approved by the Board of Education, and the purchase and payment therefor shall thereupon be consummated by said Board of Education.

ARTICLE VIII.

SAN DIEGO PUBLIC LIBRARY.

SECTION 1. The public library and reading room, known as the "San Diego Public Library" is hereby continued in existence, and shall be free of access to all citizens and residents of said city, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the Board of Directors of said library, hereinafter provided. Public
Library.

SEC. 2. The Board shall determine annually the amount of money required for the support of the public library, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the Board shall, on or before the twentieth day of March in each year, submit in writing to the Auditor a careful estimate of the whole amount of money required from the city for the above purposes, and the Common Council shall in each year fix a sufficient percentage of taxes to be levied and collected on the taxable property in the city, not to exceed five cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of municipal bonds issued by the City of San Diego in accordance with the general laws of the State for the purpose of defraying the cost of such improvements.

SEC. 3. The Mayor shall, immediately after his qualification under this charter, appoint a Board of five Directors, subject to confirmation by the Board of Delegates, for said library, who shall serve without compensation, and be known as the "Board of Directors of the San Diego Public Library," and who shall be chosen from the citizens at large, male or female, without regard to their political opinions, but with reference to their fitness for said office, and not more than one member of the Common Council shall be at any one time a member of said Board. Said Directors shall hold office for two years, and thereafter the Mayor shall appoint, as before, Directors to take the place of the retiring Directors, who shall hold office for two years, or until their successors are appointed and qualified. Any vacancy occurring shall be filled by the

Public
library.

Mayor, subject to confirmation by the Board of Delegates, for the balance of the unexpired term.

SEC. 4. Said Directors shall, immediately after appointment, meet and organize by the election of a President from one of their number. The Librarian shall be Clerk of the Board, and shall keep a record of their proceedings.

SEC. 5. The Board of Directors shall have power to make and enforce all such by-laws, rules, and regulations as may be necessary for the administration, government, and protection of such library, reading room, and property; to determine the number of officers and assistants to be appointed for such library and reading room, and to determine and define their duties; to fix the salaries and wages of such employes; to appoint a Librarian and necessary assistants, and such other employes as may be necessary, and, for good cause, to remove them; to control and order the expenditure of all moneys at any time in the Library Fund, and order the drawing and payment of all moneys, out of said fund, for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the City Treasurer, contained in this charter; (except in the purchase of books, and the Board is hereby authorized to expend for books the sum of not to exceed five hundred dollars at any one time without advertising for bids); to purchase or lease all necessary real property whereon to construct and thereon to construct a library building or buildings, or to lease appropriate rooms, or a building, or buildings, for such library, and to have the general supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose, and generally to do all that may be necessary to carry out the spirit and intent of this charter in establishing a public library and reading room; *provided*, that all moneys received for such library shall be deposited in the Treasury of the city, to the credit of the Library Fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said funds upon demands authenticated by the signatures of the President and Clerk of the Board. All libraries and reading rooms heretofore established by said city, and all property, real and personal, thereto belonging, shall be turned over to the charge, custody, and administration of the Board of Directors, with like powers and liabilities as if such library had been established under this charter.

SEC. 6. The library and reading room shall be forever free to the use of the inhabitants of the city and persons sojourning therein, always subject to such reasonable rules and regulations as the Board of Directors may adopt, and said Board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules, and said Board may extend the privileges and use of such library and reading room to persons residing outside the city, upon such terms and conditions as said Board may from time to time by its regulations prescribe.

SEC. 7. Any person desiring to make donations of money, securities, or other personal property or real estate, shall have the right to vest the title to such money, personal property, or real estate so donated in "The Board of Directors of the San Diego Public Library," hereby created, to be owned, held, and controlled by such Board when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and, as to such property, the Board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said Board in its name as such special trustee; and the City of San Diego may, in its discretion, by ordinance, set apart and order to be held by the city for library purposes any part of the real property of the city not otherwise appropriated.

SEC. 8. The Common Council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds, or the property thereof, and for injury to or failure to return any book belonging to such library.

ARTICLE IX.

POLICE, FIRE, AND HEALTH.

CHAPTER I.—OF THE POLICE DEPARTMENT.

SECTION 1. The Police Department shall be under the management of a Board of Five Commissioners, four of whom shall be appointed by the Mayor and confirmed by the Board of Delegates, from among the qualified electors of the city, who shall serve without compensation, and no more than two of whom shall be members of the same political party. The Mayor shall be ex officio President and a member of said Board.

SEC. 2. The term of office of said Commissioners shall be four years. The Commissioners first appointed shall so classify themselves that one of them shall go out of office in one year, one in two years, one in three years, and one in four years.

SEC. 3. Immediately upon their appointment and qualification the Commissioners shall organize as a Board of Commissioners of the Police Department. The Board may appoint as Secretary a member from the police force. The Board shall establish rules and regulations to govern its proceedings and keep a record of the same.

SEC. 4. The Board shall meet at least once each month, and at such other times as it may appoint or of which the President gives notice. The meetings of the Board shall be public; three members shall constitute a quorum; *provided, however,* that executive sessions may be held in special cases by unanimous vote.

SEC. 5. The appointment of officers and members of the Police Department shall be made by the Board.

Police
department.

SEC. 6. The Police Department shall consist of the Chief of Police and as many subordinate officers and regular policemen as the Common Council, by ordinance, may from time to time determine. The Chief of Police shall hold office for the term of two years.

SEC. 7. The Police Commissioners shall have power:

1. To suspend or remove (for cause) any person from the police force, and shall reduce said force whenever so directed by the Common Council; prescribe rules and regulations for the government of the force and fix and enforce penalties for their violation.

2. To prescribe the qualifications, duties, badges of office, and uniforms of the officers, members, and employes of said department.

3. To appoint special policemen, who shall be under the supervision and control of the Chief of Police, and to remove the same at pleasure; *provided, however*, that the compensation of said policemen shall not be a charge against the city unless appointed by authority of the Common Council.

SEC. 8. The Board shall have the custody and control of all the property and equipments belonging to or hereafter acquired by the Police Department.

SEC. 9. The Board shall annually on or before the twentieth day of March, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department.

SEC. 10. Every claim against the Police Department shall be approved by the Board, and authenticated by the signatures of the President and Secretary, before the same shall be allowed and ordered paid by the Auditing Committee.

SEC. 11. The Board shall prescribe the necessary rules and regulations to carry into execution all powers vested in said Board by this charter, or by any ordinance of the Common Council passed pursuant thereto, or by the Constitution and laws of this State.

SEC. 12. The Chief of Police shall designate one or more policemen to attend the sessions of the Police Court, when required, and policemen may serve and execute all notices, processes, and warrants issued out of said Police Court, and the return of said officer serving the same shall be evidence of the facts in such return stated.

CHAPTER II.—OF THE FIRE DEPARTMENT.

Fire
department.

SECTION 1. The Fire Department shall be under the management of a Board of three Commissioners, to be appointed by the Mayor, subject to confirmation by the Board of Delegates, from among the qualified electors of the city, who shall serve without compensation, not more than two of whom shall be members of the same political party.

SEC. 2. The term of office of said Commissioners shall be four years. The Commissioners first appointed shall so classify themselves that one of them shall go out of office in two years, one in three years, and one in four years.

SEC. 3. Immediately upon their appointment and qualification, the Commissioners shall organize as a Board of Commissioners of the Fire Department, and elect one of their number President, who shall hold his office for the term of one year. The Board may appoint as Secretary an employé of the Fire Department, to receive such additional compensation as the Board may recommend and the Common Council approve.

SEC. 4. The Board shall meet at least once each month, and at such other times as it may appoint, or of which the President gives notice. The meetings of the Board shall be public; two members shall constitute a quorum; *provided, however,* that executive sessions may be held in special cases by unanimous vote.

SEC. 5. The officers, members, and employés of the Fire Department shall be appointed by said Board.

SEC. 6. The Fire Department shall consist of a Chief Engineer, two Assistant Engineers, and as many drivers, hose-men, and other employés as the Board may determine to be necessary.

SEC. 7. The Fire Commissioners shall have power:

1. To appoint, suspend, or remove (for cause) any officer, person, or employé from the Fire Department, prescribe rules and regulations for the government of the department, and fix and enforce penalties for their violation.

2. To prescribe the qualifications, duties, badges of office, and uniforms of the officers, members, and employés of said department.

3. To make necessary rules and regulations to carry into execution all powers vested in said Board by this charter, or by any ordinance of the Common Council passed pursuant thereto, or by the Constitution and laws of this State.

SEC. 8. The Board shall have the custody and control of the houses, engines, hose carts, trucks, ladders, horses, stables, and all other property and equipments now or hereafter used by or belonging to the Fire Department.

SEC. 9. The Board shall, annually, on or before the twentieth day of March, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Fire Department for the ensuing year.

SEC. 10. Every claim against the Fire Department shall be approved by the Board, and authenticated by the signatures of the President and Secretary before the same shall be presented to the Auditing Committee.

SEC. 11. The Board shall report to the Common Council the necessity for additional apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required, but the action of the Board, with respect to the necessity of these matters, shall be advisory only to the Common Council, and no increase in the apparatus, material, supplies, and other matters in this section enumerated, shall be made, until the same shall have been authorized by the Common Council by ordinance.

FIRE DEPARTMENT. SEC. 12. All contracts let, and work ordered for the Fire Department, shall be let and ordered by the Board of Public Works; *provided, however,* that the Board of Fire Commissioners shall have power to make repairs upon engines and other property under their control when the cost thereof does not exceed the sum of two hundred dollars.

SEC. 13. Whenever the Council may deem it necessary to establish a fire alarm telegraph, the Board of Fire Commissioners shall manage and control the same.

SEC. 14. All telegraph, telephone, electric light or other overhead wires wherever run into or over buildings shall come under the control of the Board of Fire Commissioners.

CHAPTER III.—OF THE BOARD OF HEALTH.

HEALTH, BOARD OF. SECTION 1. There shall be a Board of Health, which shall consist of five physicians, graduates of some accredited medical college, three of whom must be physicians in active practice, to be appointed by the Mayor, and confirmed by the Board of Delegates, who shall have supervision of all matters appertaining to the sanitary condition of the city, and its public institutions.

SEC. 2. The members of said Board shall hold office for four years, without compensation. The members first appointed shall so classify themselves that one shall go out of office at the end of the first year, one at the end of two years, one in three years, and one in four years.

SEC. 3. The Board shall elect one of their number President, who shall hold office for one year. The Health Officer's clerk or assistant shall act as Secretary of said Board.

SEC. 4. The Common Council shall provide a suitable office for said Board of Health, to be known as the "Health Office," in which the meetings of the Board shall be held at least once a month, or whenever requested by the President, or three of its members.

SEC. 5. Said Board shall appoint and remove at pleasure a Health Officer, and such other subordinate officers as from time to time may be deemed necessary by the Common Council. The Health Officer shall act as City Physician when required by the Board. He shall be the executive officer of the Board, and see that all ordinances relating to the sanitary affairs of the city, and the rules and regulations of the Board, are enforced.

SEC. 6. The Board shall fix the salary of the Health Officer and other employes, subject to the approval of the Common Council.

SEC. 7. The Health Officer shall visit the public institutions of the city and the public schools once in each quarter, investigate the sanitary conditions of the same, and make quarterly reports of such examinations to the Board of Health. He shall also make to the Board for publication, an annual report of the affairs of his office, including mortuary and other sanitary statistics. He shall also furnish for publication a monthly report of the mortuary and other sanitary statistics of the city.

SEC. 8. Whenever the Health Officer shall certify to the Board of Health that any building, or part thereof, is from any cause unfit for human habitation, said Board may issue an order, to be affixed conspicuously on the building, and where practicable to be served on the owner, agent, or lessee, requiring all persons to vacate such building or apartment at and until such time as the Board may determine.

SEC. 9. Whenever a case of smallpox, yellow fever, Asiatic cholera, or other infectious disease is reported to the Health Officer, he shall immediately visit the premises where the person is, and forthwith cause to be displayed a quarantine flag in a conspicuous place on said premises, and post upon the doorway a placard, setting forth the fact that infectious disease exists therein.

SEC. 10. The Health Officer shall immediately report to the City School Superintendent and Superintendent of Public Library, the names and residences of every person sick of the diseases in section nine enumerated, or any other contagious or infectious disease he may deem dangerous to the public health.

SEC. 11. It shall be the duty of the City School Superintendent, and Superintendent of the Public Library, when so notified, to refuse admittance to the public schools or library to any member of a household in which any of the aforesaid diseases are found, until advised by the Health Officer that there is no longer any danger from contagion.

SEC. 12. Every physician in the city shall immediately report to the Health Officer, in writing, every patient he shall have sick of typhus, ship or yellow fever, Asiatic cholera, smallpox, diphtheria, or scarlatina, and shall report every death occurring from such diseases immediately; also, every householder in said city shall forthwith report to the Health Office the name of every inmate of his or her house whom he or she shall have reason to believe to be sick of typhus, ship or yellow fever, cholera, smallpox, diphtheria, or scarlatina, and any death from such diseases occurring at his or her house.

SEC. 13. The Health Officer shall keep a record of all births, deaths, interments, and cremations occurring in said city.

SEC. 14. All physicians and midwives in said city shall report to the Health Officer on or before the fourth day of each month, all births and deaths occurring in his or her practice, during the previous month; a failure to make such report shall be deemed a misdemeanor.

SEC. 15. The Board of Health, through and with the cooperation of the Board of Public Works, may locate, establish, and maintain pesthouses, and discontinue and remove the same whenever and wherever necessary for the preservation of the public health. They may appoint and remove at pleasure such physicians and nurses (whose compensation shall be approved by the Common Council by ordinance or resolution) for said pesthouses as may be necessary to maintain the efficiency of the same; and may cause to be removed

Health,
Board of.

thereto and kept any person affected with any contagious or infectious disease.

SEC. 16. No person shall remove a patient affected with any contagious or infectious disease from any house or place, within the city limits, to any other house or place, without the written permission of the Health Officer.

SEC. 17. The Board may, whenever they deem it necessary, appoint and remove at pleasure a Market Inspector, and such other inspectors as may be necessary for the preservation of the public health, whose compensation shall be fixed by the Common Council.

CHAPTER IV.—OF QUARANTINE.

Quarantine.

SECTION 1. The Board of Health may proclaim such quarantines and establish and declare such quarantine districts and stations as may in their judgment be necessary for the preservation of the public health, and may appoint and remove at pleasure a Quarantine Officer.

SEC. 2. All vessels arriving off the Port of San Diego from ports which have been legally declared infected ports, and all vessels arriving from where there is prevailing, at the time of departure, any contagious, infectious, or pestilential disease, are subject to quarantine, and must be by the master, owner, pilot, or consignee reported to the Quarantine Officer without delay. No such vessel must cross a line drawn as prescribed by the Board of Health until the Quarantine Officer has boarded the same and given the order required by law.

SEC. 3. The Board of Health shall make rules and regulations relating to the disposition of the sick and deceased arriving on any ship or vessel, and also for the recovery of all expenses and charges incurred in their treatment or burial.

SEC. 4. The Board may, when deemed necessary, require all railroad cars or other public conveyances, before the same shall stop at any depot or station in the city, to stop at any locality selected and established for quarantine purposes, and to leave all such persons with their stores and baggage as in the opinion of the Health Officer shall be deemed proper, on account of the existence, or general report of contagious and infectious diseases.

SEC. 5. The Board of Health shall make such rules and regulations for the government of the quarantine or the health of the city as from time to time the public health may require, and the physicians or health officers in charge of any quarantine station or place shall have power to enforce such regulations as may be necessary for the proper management thereof, and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city in and about said quarantine station or places to carry out and obey the same.

SEC. 6. It shall be unlawful to disinter or exhume from a grave, vault, cemetery, or other burial place within the city limits, or to deposit therein the body of any deceased person, without having first caused to be filed at the Health Office a

certificate signed by a legally qualified physician or Coroner, ^{Quarantine.} setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of such decedent, and obtained from the Health Officer a written permit for burial or other purposes.

SEC. 7. The Health Officer shall prepare a book of blank permits in proper form, containing stubs, on which, as well as in the permit, shall be entered a record giving the name, age, sex, nativity, social condition, cause of death, place of burial, and destination of remains to be transported or removed.

SEC. 8. The Common Council must, by ordinance or otherwise, provide for the enforcement of such orders and regulations as the Board of Health may adopt and the Council approve, providing, also, for all expenses incurred in carrying out the suggestions of the Board. In addition to the powers in this article enumerated, the Health Officer and members of the Board of Health may administer oaths on business connected with the department, and shall have such other powers and authority as may be prescribed by ordinance of the Common Council, or by general laws.

ARTICLE X.

MISCELLANEOUS PROVISIONS.

SECTION 1. Every officer shall hold his office, unless suspended or removed, until the expiration of the term for which he was elected or appointed, and until his successor is elected or appointed and qualified; and where no other period is prescribed, the term of such officer shall not exceed two years. An officer shall be deemed to have "qualified" when he has taken the oath of office and filed the same, together with his official bond, if a bond is required, as herein provided. ^{Miscellaneous provisions.}

SEC. 2. Every officer, deputy, and clerk, except where otherwise provided in this charter, must have been, at the time of his election or appointment, both an elector of the city and an actual resident therein for one year next preceding his election or appointment.

SEC. 3. No member of either Board of the Common Council, and no officer or employé of the city shall be or become, directly or indirectly, interested in, or in the performance of any contract, work, or business with or for the city; or in the purchase or lease of any real estate, or other property, belonging to or taken by said city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said city. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for said city, or any department or office thereof, or in any franchise, right, or privilege granted by said city, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred and disqualified from being elected, appointed, or

Miscellaneous provisions.

employed in the service of said city; and all such contracts shall be void, and shall not be enforceable against said city.

SEC. 4. No officer or employé of said city shall give, or promise to give, to any other person, any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment; and if any such promise of gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed, or employed in the service of the said city.

SEC. 5. Any officer of said city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé, or from any candidate or applicant for any position as employé or subordinate under him, shall forfeit his office.

SEC. 6. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of said city, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or shall have been absent from the State without leave for more than thirty consecutive days. The Common Council must not grant leave of absence to any officer (except for the purpose of attending to official business), for a longer time than thirty days.

SEC. 7. When a vacancy occurs in any office, and provision is not otherwise made in this charter or by law for filling the same, the Mayor shall appoint a suitable person to fill said vacancy, who shall hold office for the remainder of the unexpired term; *provided*, that in case of a vacancy in either Board of the Common Council, it shall be filled by such Board until the next general city election.

SEC. 8. Every officer authorized by law or ordinance to allow, audit, or certify demands upon the treasury, or to make an official investigation, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing relating thereto.

SEC. 9. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city individually, and on his official bond, for the amount of the demand so illegally approved, allowed, or paid.

SEC. 10. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from said books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents per folio of one hundred words for such copies or extracts.

SEC. 11. The Treasurer shall keep his office open for business every day, except legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon. Except

where otherwise provided for by law or this charter, all other public offices shall be kept open for business every day, except legal holidays, from half-past eight o'clock in the forenoon until five o'clock in the afternoon. Miscellaneous provisions.

SEC. 12. In the month of January of each year the several Boards, officers, and other heads of departments shall report to the Mayor the condition of their respective offices and departments during the preceding fiscal year, embracing all their operations, receipts, and expenditures; and the Mayor shall embody such reports, or the substance of them, in an annual communication to the Common Council.

SEC. 13. Except as otherwise provided in this charter, all moneys, assessments, and taxes belonging to or collected for the use of the city, coming into the hands of any officer of the city, shall immediately be deposited with the Treasurer for the benefit of the funds to which they respectively belong. If such officer, for twenty-four hours after receiving the same, shall delay or neglect to make such deposit, he shall be deemed guilty of misconduct in office, and may be suspended or removed.

SEC. 14. When any officer, Board, or department provided for in this charter shall require additional deputies, clerks, or employés, application shall be made to the Mayor therefor, and upon such application it shall be the duty of the Mayor to make investigation as to the necessity for such additional assistance, and if he find the same necessary, he may recommend to the Common Council to authorize the appointment of such additional assistance; and thereupon the Common Council, by an affirmative vote of two thirds of all the members of each Board, may authorize such appointment and provide for the compensation of such appointee, subject to the limitations of this charter.

SEC. 15. No privilege shall be granted that suspends or violates any ordinance, except by the affirmative vote of two thirds of all the members of each Board.

SEC. 16. Unless otherwise provided by law or this charter, any officer, Board, or department authorized to appoint any deputy, clerk, assistant, or employé, shall have the right to remove any person so appointed.

SEC. 17. All appointments of officers, deputies, and clerks to be made under any provision of this charter must be made in writing and in duplicate, authenticated by the person or persons, Board, or officer making the same. One of said duplicates must be filed with the City Clerk, the other with the Auditor.

SEC. 18. Wherever it is provided in this charter that the members of any Board, Department, or Commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the Secretary thereof and signed by all of said members, shall be filed with the City Clerk.

SEC. 19. All franchises and privileges heretofore granted by said city, which are not in actual use or enjoyment, or

Miscellaneous provisions.

which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall within three months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege and franchise.

SEC. 20. All ordinances or resolutions for the improvement of any street, for which no contract shall have been entered into at the time this charter goes into effect, are hereby repealed.

SEC. 21. All maps of tracts of lands subdivided into blocks and lots with streets, by any owner of said lands, shall be submitted to the Board of Public Works, and in case such subdivision shall be found by said Board to conform to the surrounding surveys the said map shall be adopted by the Common Council, and said subdivision allowed; but no subdivision of any such tract shall be permitted that does not conform to the surrounding and general survey of the city.

SEC. 22. All officers of the City of San Diego in office when this charter is approved by the Legislature, shall continue to hold and exercise their respective offices under and in accordance with the terms and provisions and obligations of the present charter until the officers provided for in this charter have been elected and qualified.

SEC. 23. All officers of the City of San Diego having custody of papers, books, documents, maps, records, archives, or other property of the city, of whatsoever kind, shall turn over to their successors designated in this charter, or by ordinance of the Common Council, all such papers, books, maps, documents, records, archives, or other property in their custody or under their control respectively, or belonging to their respective offices or departments; and the respective officers or Boards, to whom the same shall be delivered, must give therefor two duplicate certificates, one of which shall be immediately filed in the office of the Auditor.

SEC. 24. All ordinances, orders, and resolutions of the City of San Diego in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 25. The Common Council shall, at least once in two years, cause to be printed and published in book form all ordinances of the city of a general nature in force at the time of such publication. The title page of such book shall contain the words, "Published by authority of the Common Council of the City of San Diego;" and when so published all ordinances therein contained shall be received in all Courts as prima facie evidence of the due passage and publication of such ordinances, without further proof.

SCHEDULE.

Schedule.

SECTION 1. For the sole purpose of the election of the officers directed by this charter to be elected by the people, the said charter shall take effect immediately after its approval by the Legislature; and the election of such officers shall be managed, conducted, and controlled in all respects

in accordance with the then existing laws in relation to elec-
tions in said city. For all other purposes the said charter shall take effect on the first Monday in May, eighteen hundred and eighty-nine. Schedule.

SEC. 2. The City Council of the present city shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

Be it known:

That the City of San Diego, containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the fifth day of December, eighteen hundred and eighty-eight, at a special election held under and in accordance with the provisions of section eight of article eleven of the Constitution of this State, did elect the undersigned, a Board of Fifteen Freeholders, to prepare and propose a charter for said city, and we, the members of said Board, in pursuance of said provision of the Constitution and within a period of ninety days after such election, have prepared and do propose the foregoing, signed by us in duplicate, as and for the charter of the said City of San Diego.

In witness whereof, we have hereunto set our hands this tenth day of January, A. D. eighteen hundred and eighty-nine.

Done in duplicate.

DOUGLAS GUNN, President.
E. PARKER.
WM. A. BEGOLE.
GEO. B. HENSLEY.
R. M. POWERS.
CHAS. HUBBELL.
E. W. MORSE.
G. W. JORRES.
H. T. CHRISTIAN.
GEO. M. DANNALS.
M. A. LUCE.
N. H. CONKLIN.
PHILIP MORSE.
D. CAVE.
C. M. FENN.

Attest: OTIS BRENDEN, Secretary.

Now therefore, be it

Resolved by the Senate of the State of California, the Assembly Approval.
thereof concurring (a majority of all the members elected to each house voting for and concurring herein), That said charter be and the same is hereby approved as a whole for and as the charter of said City of San Diego.

CHAPTER XXI.

Senate Concurrent Resolution No. 11, requesting our representatives in Congress to ask an appropriation of two million dollars for the improvement of the navigation of the San Joaquin, Sacramento, and Feather Rivers, in California, from the head of navigation on said San Joaquin River, and from the head of navigation on the Sacramento, at St. Johns, and from the head of navigation on Feather River, at Oroville (said Feather River being a tributary of the Sacramento), to San Francisco Bay.

[Adopted March 16, 1889]

Preamble. WHEREAS, The navigation of the San Joaquin, Sacramento, and Feather Rivers is of great commercial importance to the people of the State of California, as affording the means of cheap transportation for the immense crops of wheat and other agricultural products raised upon the rich alluvial land through which they flow; also, important as channels for the drainage of the San Joaquin and Sacramento Valleys, for which purposes these rivers, once so available, are now almost valueless by reason of the deposits of gravel and sand in their channels. The accumulation of this debris in these rivers is the result of work done in the gold mines during the thirty-seven years immediately preceding eighteen hundred and eighty-six; and whereas, upon the discovery of the gold fields in California, the Government of the United States adopted and has ever since pursued a new and most liberal policy thereto, to wit: to encourage and promote mining for gold, it permitted any and all persons from any part of the habitable world to come to California, take up, occupy, own, and work out "mining claims," free of charge, affording protection to person and property alike to alien and citizen, only requiring of the foreigner a declaration of intention to become a citizen. Within two years after the "discovery of gold," this generous policy brought to our mines over forty thousand enterprising, industrious, hardy, and brave men, armed with pick and shovel, at least half of whom, in their search for gold, were contributing their proportion of the debris now obstructing the navigation of these rivers. Those men have passed away, to be replaced by others. But be it remembered that during these years the miners of California had given to the world one billion two hundred million dollars, thereby saving the people of the United States from the calamities of more than one financial disaster, and perhaps afforded the Federal Union the means to preserve its integrity; and whereas, by straightening, widening, and embanking the rivers aforesaid, many hundreds of thousands of acres of land, composed of a deep rich alluvial soil, situated in a climate of unsurpassed salubriousness, can be reclaimed and brought into a state of the greatest productiveness; and whereas, the debris, now the cause of great inconvenience,

and almost destroying the navigability of these streams, can be profitably employed in the construction of embankments and the reclamation of the land lying adjacent to the rivers and now submerged with water. Believing the Federal Government largely responsible for the deposit of the debris in the beds of those rivers, and that this improvement will be followed by an increase of commerce that will add to the wealth of the cities and towns situated upon their banks, and enable the miners working quartz, placer, and drift diggings to pursue their avocation without injury to their neighbors of the valley; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators and Representatives in Congress be and they are hereby requested to use all honorable means to procure an appropriation from Congress, in the sum of two millions of dollars, to be expended in the restoration of the navigation of the San Joaquin, Sacramento, and Feather Rivers, from the heads of navigation, respectively, to the Bay of San Francisco; and be it further

Restoring
navigation
of rivers.

Resolved, That his Excellency the Governor of the State of California be and he is hereby requested to forward a copy of this preamble and resolutions to each of the Senators and Representatives in Congress from this State, duly attested by him.

CHAPTER XXII.

Senate Concurrent Resolution No. 20, memorializing Congress to hasten the completion of Oakland Harbor, and to appropriate five hundred thousand dollars therefor.

[Adopted March 16, 1889.]

WHEREAS, The growth and development of the City of Oakland required the improvement of the navigable waters of the estuary of San Antonio for the benefit of commerce; and whereas, the United States, in eighteen hundred and seventy-four, assumed jurisdiction of said navigable waters of said estuary, and began to improve the same for the benefit of commerce; and whereas, since that time the sum of nine hundred and twenty-eight thousand eight hundred and fifty-six dollars and five cents, as shown by the annual report of the Chief of Engineers, U. S. A., for the year eighteen hundred and eighty-eight, has been expended by the Government in the improvement of Oakland Harbor; and whereas, an unexpended balance and an additional appropriation, aggregating the sum of three hundred and fifty-six thousand fifty-three dollars and ninety-five cents is being at present expended in the said work of harbor improvement, under existing contracts; and whereas, it is estimated by Colonel Mendell, the said Chief of Engineers, U. S. A., that the further sum of one million two hundred and forty-one thousand dollars will

Preamble.

be required to complete the plans of the Government for the improvement of Oakland Harbor, so as to provide a ship channel of eighteen or twenty feet in depth at ordinary low tide; and whereas, the progress of the improvement of said harbor will, at the past rate of expenditure, be a slow and tardy undertaking, covering a period of fifteen or twenty years; and whereas, the commercial necessities of the City of Oakland and the State of California imperatively require the completion of the said harbor as early as possible; therefore, be it

Improvement of
Oakland
Harbor.

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Congress of the United States be, and it is hereby requested to appropriate, during the present session, the sum of five hundred thousand dollars for the improvement of Oakland Harbor, and to expedite the completion of the work; the same to be expended under the direction of the United States Engineers.

And be it further resolved, That a copy of this memorial be immediately transmitted by the Governor of the State to each of our Representatives in Congress, and that they be requested to use every honorable endeavor to obtain such an appropriation.

CHAPTER XXIII.

Assembly Concurrent Resolution No. 11, authorizing and directing the distribution of five hundred copies of the State Engineer's Report on Irrigation, to those who have contributed information for it, and otherwise facilitated its preparation.

[Adopted March 16, 1889.]

Distribution of
Irrigation
Reports of
State
Engineer.

Resolved by the Assembly, the Senate concurring, That the Secretary of State be and he is hereby authorized and directed to deliver to the State Engineer five hundred copies of the reports of the said Engineer, for gratuitous distribution to those irrigators, ditch company and irrigation officers, county officers, and ex-officers, and others, who have during the course of the work of said Engineer, materially assisted in the collection and furnishing of data and information for said reports.

Resolved, That the State Engineer be and he is hereby directed to distribute the reports thus received to those persons of the above classes who have materially aided him in the manner designated.

Resolved, That postage for this distribution be paid out of the fund for the publication of the State Engineer's reports and maps.

CHAPTER XXIV.

Assembly Joint Resolution No. 5, memorializing Congress in regard to the disposition of public lands suitable only for grazing purposes.

[Adopted March 16, 1889.]

To the Congress of the United States:

Your memorialist, the Legislature of the State of California in Senate and Assembly assembled, respectfully represent that the interests of the people will be subserved by a reclassification of the public lands, so as to make a distinct class of those large tracts which are wholly pastoral and not adapted to any use except grazing, and profitable for that only in larger tracts than the law at present permits to be acquired. These pastoral lands are either at such an altitude, or are arid and impossible of irrigation, as to be useless for tillage. Their only value is in the natural grasses which they produce and which are being rapidly destroyed by overstocking. This overstocking is due to the desire of the owners of herds to get all they can off of land belonging to the Government; whereas, if it were opened in grazing tracts of suitable area, to private ownership, the preservation of its natural herbage and pasture plants would become a matter of private self interest, and this valuable means of maintaining the meat supply of the country would be perpetuated; we respectfully ask that Congress will give to this great pastoral interest the same opportunity to acquire lands fit only for its use, that has been given to the mineral, agricultural, and timber interests. In a few years if these pastoral lands are not conserved by private ownership they will be useless for grazing, because, whether their peculiar character is due to altitude or aridity, the renewal of plant growth after root and seed are destroyed is so slow that generations will go by before the lands will again support animal life. Your memorialist begs to represent the necessity of prompt consideration of this subject in order to preserve the sole value of vast areas of the public domain.

Disposition
of public
lands for
grazing
purposes.

Resolved, That his Excellency the Governor of the State of California be requested to send a certified copy of this resolution to each of our Senators and Representatives in Congress and Congressmen and Senators elect.

CHAPTER XXV.

Assembly Concurrent Resolution No. 16.

[Adopted March 16, 1889.]

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators at Washington be instructed and our Representatives in Congress be requested to endeavor to secure the passage of an Act granting to the State of Cali-

Granting
lands to
protect
Yosemite
Valley.

fornia the public lands comprised in the watershed that supplies water for the Yosemite Valley, in order that the falls may be preserved.

Appoint-
ment of
managing
Board.

Resolved, That our Senators and Representatives also be requested to endeavor to secure such amendment of the Act of Congress granting the valley to the State as may be necessary to provide for the election by the Legislature of a Board consisting of three Commissioners to Manage the Yosemite Valley and Mariposa Grove of Big Trees, who shall be paid for their services and required to reside in the valley during the season when the valley is accessible to visitors, and to devote their time and services to the duties of their office.

Resolved, That the Governor be requested to furnish a copy of these resolutions to our Senators and Representatives in Congress.

CHAPTER XXVI.

Assembly Concurrent Resolution No. 3, relative to the storage of waters in the Sierra Nevada.

[Adopted March 12, 1889.]

Preamble.

Be it resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress are hereby instructed and our Representatives are requested to secure the passage of an Act, at an early day, by Congress, to create a Commission whose duty it shall be, by means of surveys and otherwise, to ascertain the cost in detail, of all dams, reservoirs, and all other works for the storage of the waters of the Sierra Nevada, and they are hereby requested to ask for the necessary appropriation to carry out fully the object of said Commission.

To the honorable the Senators and Representatives representing the State of California in the Congress of the United States:

The undersigned freeholders and residents of the State of California, respectfully call your attention to the following preamble and resolutions adopted at a meeting of the people of the West Side Irrigation District, held at Tracy, in the State of California, on January fourth, eighteen hundred and eighty-nine, and respectfully solicit your aid and best endeavors to secure, by proper legislation, an appropriation from Congress for the purposes in said resolution referred to.

The following is a copy of said preamble and resolution:
WHEREAS, The great central valleys of California are to a great extent dependent on irrigation to bring out their full productiveness, and to a great extent are comparatively valueless without irrigation; and whereas, there is an abundance of water for all if properly handled, but which now runs unappropriated to the sea, and which by the proper expenditure of a few millions of dollars could be stored in the mountains for use when wanted; and whereas,

California has furnished hundreds of millions of gold to the United States Government at a time when it was much in need of gold; and whereas, it is stated that there is a large surplus in the United States Treasury unappropriated which should be distributed among the people by making improvements for their benefit; now, therefore, be it

Resolved by the people of the West Side Irrigation District, in convention assembled, That our Representatives in Congress be requested to use all honorable means to secure an appropriation sufficient to thoroughly examine the Sierra Nevada Mountains and the streams thereof, with a view to ascertaining the feasibility of storing the water and the probable cost of the work.

Storing of
waters in the
Sierra
Nevada.

Dated _____.

Respectfully submitted.

C. P. Crow, John Parnell, W. A. Funck, N. E. Bunker, A. W. South, S. A. Smith, Z. G. Jameson, John McCarthy, W. F. Draper, J. B. Crow, Walter Meyer, J. J. Hall, A. H. Bither, J. R. Stevenson, M. Weisser, B. H. Crow, J. F. Crow, C. C. Eastin, Robert Menzel, Henry L. Kuns, J. C. Fink, Henry Hamilton, J. M. Ritchie, F. M. Cowell, T. K. Draper, August Winnons, W. H. Johnson, H. Hoffman, A. N. Judd, J. R. McDonald, T. C. Brown, L. Funck, L. A. Rickards, William B. Hay, D. Byrnes, C. G. Lathrop, J. P. McCaffrey, R. B. Purvis, M. Byrnes, Simon Newman, M. Lammer, H. Seegel, William Steinkamp, Dr. Lamsner, William Pruser, L. Godchaux, J. Grummett, R. P. Lathrop, John H. Dreyer, George Thorning, H. M. Peck, John Mohr, C. F. Lathrop, A. W. Drummond, J. S. Netherton, W. P. Netherton, Jacob Gun, George Langhod, M. Haynes, F. Von Sorten, William Carroll, J. F. Dankin, R. Saddlemin, A. P. Stocking, Henry Finck, W. N. Wetmore.

CHAPTER XXVII.

Assembly Joint Resolution No. 7.

[Adopted March 16, 1889.]

WHEREAS, A special joint committee was appointed under Assembly Concurrent Resolution No. 5, adopted January 25, 1889, to examine into and report upon all matters relative to the unpaid claims of this State against the United States, etc.; and whereas, said committee has submitted a report in writing thereon; therefore, be it

Resolved by the Assembly of California, the Senate thereof concurring, That said report be approved, and the same be and is now hereby adopted.

STATE PRINTING OFFICE, SACRAMENTO, Cal., 1889.

[This resolution was never received at this office for enrollment, and the Assembly Journal does not show that it was ever ordered to enrollment or reported correctly enrolled. It was filed in the office of the Secretary of State March 21, 1889, but, through some oversight, it did not reach this office until April ninth, after the book of statutes had been printed and was being bound. Consequently it does not appear in the table of contents nor in the index.

This note is appended at the suggestion of the Attorney-General.—SUPR. STATE PRINTING.]