

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

THIRTIETH SESSION OF THE LEGISLATURE,

1893.

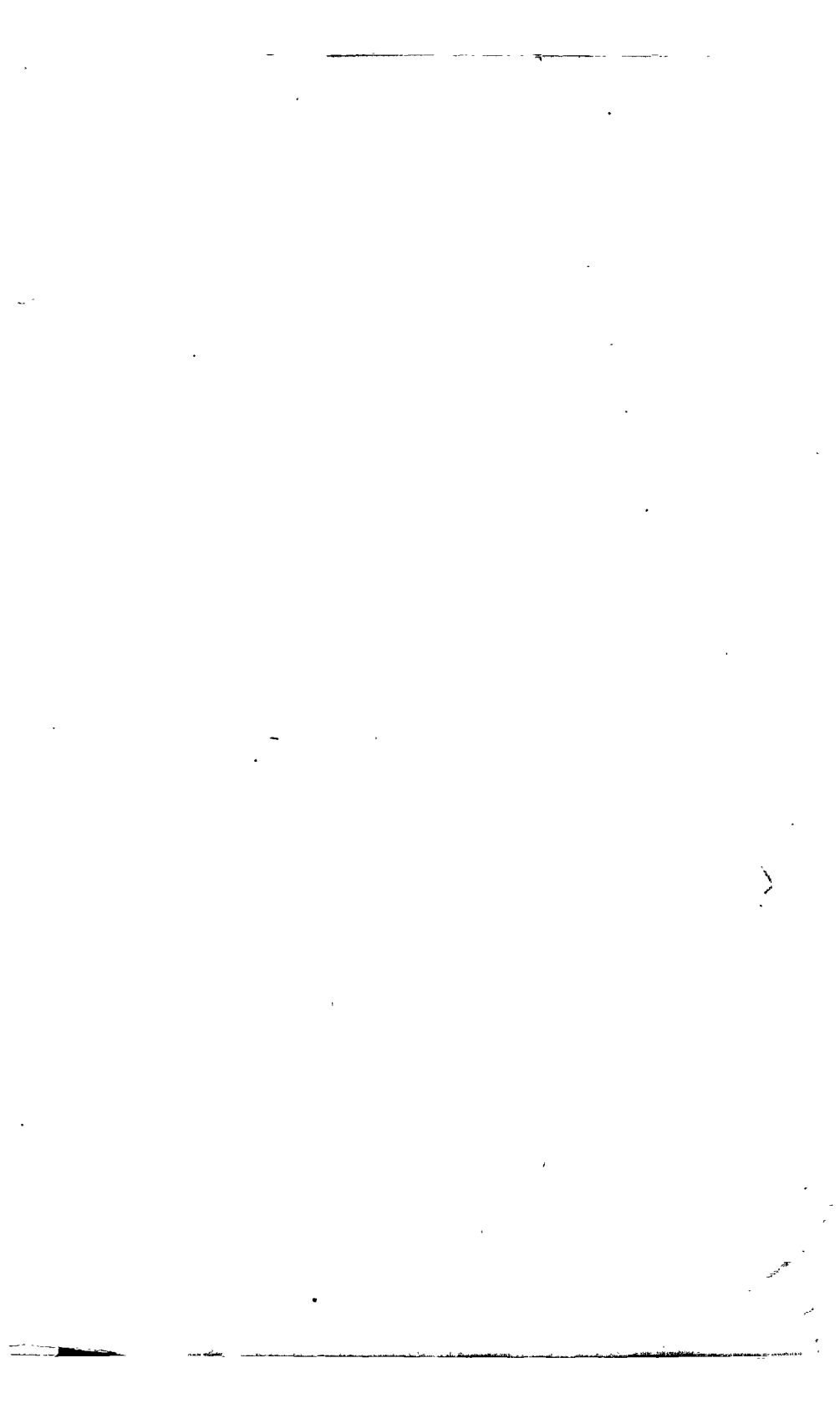
BEGAN ON MONDAY, JANUARY SECOND, AND ENDED ON TUESDAY, MARCH
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1893.



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129	An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State, for the forty-third fiscal year. Approved March 11, 1893.	S. B. 722	146
130	An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain. Approved March 11, 1893.	A. B. 307	146
131	An Act making an appropriation for the payment of the claim of A. L. Rhodes for his services as counsel for the plaintiffs in an action entitled "The County of Santa Clara vs. The Southern Pacific Railroad Company," and other actions, in the Circuit Court of the United States, Ninth Circuit, District of California, and in the Supreme Court of the United States, brought for the collection of delinquent taxes assessed upon the property of railroad companies. Approved Mar. 11, 1893.	A. B. 477	148
132	An Act to repeal an Act entitled "An Act to provide for the erection at San Quentin State Prison a building for the accommodation of the insane prisoners, and making appropriation therefor," approved March 19, 1889. Approved March 11, 1893.	A. B. 847	148
133	An Act to provide for the preparation, printing, and distribution of a volume expository of the resources of California, at the World's Columbian Exposition at Chicago, and appropriating money therefor. Approved March 11, 1893.	A. B. 839	149
134	An Act appropriating money to pay the expense of transporting, insuring, and installing of a California's exhibit in the Woman's building of the World's Columbian Exposition. Approved March 11, 1893.	A. B. 788	149
135	An Act entitled an Act to pay the claim of Sands W. Forman, for services as Secretary of the State Board of Forestry, and appropriating the sum of \$375 to pay such claim. Approved March 11, 1893.	A. B. 245	150
136	An Act authorizing the Superintendent of State Printing to have prepared and printed an index to all the laws of California, 1850-1893. Approved March 11, 1893.	A. B. 416	150
137	An Act entitled an Act to prevent the sale of short-weight rolls of butter. Approved March 11, 1893.	A. B. 277	151
138	An Act quitclaiming to the successors in interest of James Bowman all claim of the State of California in that certain tract of land in the City and County of San Francisco, known as "Water Lot No. 415," and empowering and directing the Governor to execute a deed of quitclaim therefor to said successors in interest of said James Bowman. Approved March 11, 1893.	A. B. 674	151
139	An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane, for the forty-third fiscal year. Approved March 11, 1893.	A. B. 426	152
140	An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also, for the eradication of certain weeds within city limits. Approved March 11, 1893.	A. B. 117	153
141	An Act to change and permanently locate the boundary lines between the counties of Glenn and Colusa. Approved March 11, 1893.	S. B. 349	158
142	An Act to create the county of Riverside, classify it, define its boundaries, provide for its organization, and the appointment, election of officers, the location of county seat by election, and the adjustment and fulfillment of certain rights and obligations arising between such county and certain other counties. Approved March 11, 1893.	S. B. 131	158

Chap.	TITLE OF ACT.	No. of Bill and where in- troduced.	Page.
143	An Act to create the county of Madera, to define the boundaries thereof, to determine the county seat, and to provide for its organization and election of officers, and to classify said county. Approved March 11, 1893.....	S. B. 198....	163
144	An Act to amend Sections 2, 24, 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. Approved March 11, 1893.....	S. B. 641....	172
145	An Act making an appropriation to pay the deficiency in the appropriation for pay of officers and clerks of the Senate, for the forty-fourth fiscal year. Approved March 11, 1893.....	S. B. 784....	173
146	An Act making an appropriation to pay the deficiency in the appropriation for per diem and mileage of Lieutenant-Governor and Senators, for the forty-fourth fiscal year. Approved March 11, 1893.....	S. B. 783....	174
147	An Act providing for appeals from orders of the Board of Supervisors forming or refusing to form reclamation or swamp land districts, setting off lands from such districts, or including lands in such districts, or consolidating swamp land or reclamation districts. Approved March 11, 1893.....	A. B. 402....	174
148	An Act to amend 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, by amending Section 17 thereof. Approved March 11, 1893.....	A. B. 138....	175
149	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 679, relating to the coercion or compulsion of persons seeking employment. Approved March 14, 1893.....	S. B. 384....	176
150	An Act to create the county of Kings, to define the boundaries thereof, to fix the county seat thereof, and to provide for its organization and election of officers, and to classify said county. Approved March 22, 1893.....	A. B. 239....	176
151	An Act providing for the presentation and cancellation of unlocated school land warrants of the State of California, issued under the Act of the State of California, approved May 3, 1852, providing for the disposal of the five hundred thousand acres of land donated to the State of California by the Government of the United States, and authorizing the Controller of this State to draw his warrant on the State Treasurer for the sum of two dollars per acre, in favor of any bona fide owner and holder of any such land warrant, for every acre represented by any such land warrant. Approved March 23, 1893.....	S. B. 200....	181
152	An Act to amend Sections 364 and 654 of the Political Code, relating to the Board of Examiners, and to add a new section thereto, to be known as Section 685 of the Political Code, providing for the appointment of a clerk by said Board, and making an appropriation for his salary. Approved March 23, 1893.....	S. B. 506....	182
153	An Act to establish Board of Parole Commissioners for the parole of and government of paroled prisoners. Approved March 23, 1893.....	S. B. 137....	183
154	An Act to compel savings banks to publish a sworn statement of all unclaimed deposits. Approved March 23, 1893.....	S. B. 229....	183
155	An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners, for the forty-fourth fiscal year. Approved March 23, 1893.....	S. B. 742....	184

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157	An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane, for the forty-fourth fiscal year. Approved March 23, 1893.....	S. B. 743.....	185
158	An Act to amend Section 7 of the Civil Code of the State of California, relating to legal holidays and non-judicial days. Approved March 23, 1893.....	S. B. 215.....	186
159	An Act to amend Sections 10 and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days. Approved March 23, 1893.....	S. B. 184.....	186
160	An Act to amend Section 10 of the Political Code of the State of California, relating to legal holidays and non-judicial days. Approved March 23, 1893.....	S. B. 217.....	187
161	An Act to provide for certain improvements in the State Insane Asylum at Stockton, California, and making an appropriation therefor. Approved March 23, 1893.....	S. B. 201.....	188
162	An Act to make an appropriation to pay the claim of Henry Hogan, for services rendered for the State Board of Fish Commissioners, as special attorney therefor during the year 1890. Approved March 23, 1893.....	S. B. 221.....	188
163	An Act to appropriate money to prevent the introduction of contagious diseases. Approved March 23, 1893.....	S. B. 113.....	189
164	An Act to provide for the purchase of apparatus and appliances for the protection of the buildings and property of the State Insane Asylum at Stockton, California, and making an appropriation therefor. Approved March 23, 1893.....	S. B. 202.....	189
165	An Act to provide for furnishing assistants to the Coroner of each city, or city and county having one hundred thousand or more inhabitants, and providing the mode in which such assistants shall be appointed and designated, and establishing the compensation and prescribing the duties of such assistants. Approved March 23, 1893.....	S. B. 607.....	190
166	An Act to amend Section 359, entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations and the increase and diminution of the capital stock, and the creation, increase, and diminution of the bonded indebtedness thereof. Approved March 23, 1893.....	S. B. 470.....	191
167	An Act making an appropriation to pay the deficiency in the appropriation for the support of the Reform School for Juvenile Offenders at Whittier, for the forty-third and forty-fourth fiscal years. Approved March 23, 1893.....	S. B. 281.....	192
168	An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds. Approved March 23, 1893.....	S. B. 347.....	193
169	An Act amendatory of and supplementary to an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County," passed March 23, 1876, in relation to the election of officers for said district, funding the floating debt, and refunding the funded debt thereof. Approved March 23, 1893.....	S. B. 729.....	199
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172	An Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State. Approved March 23, 1893.	S. B. 219....	203
173	An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a Board of Trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau. Approved March 23, 1893.	S. B. 598....	203
174	An Act to amend Section 410 of the Code of Civil Procedure, relative to the manner of serving summons and complaint. Approved March 23, 1893.	S. B. 191....	207
175	An Act relating to the operation of railroads. Approved March 23, 1893.	S. B. 644....	208
176	An Act to add a new section to the Political Code, to be known and designated as Section 3493½, relating to suits to determine the validity of assessments in reclamation districts. Approved March 23, 1893.	S. B. 351....	208
177	An Act to regulate the sale of imitation olive oil, and to repeal an Act entitled "An Act to regulate the sale of olive oil," approved March 10, 1891. Approved March 23, 1893.	S. B. 358....	210
178	An Act to amend Sections 1536, 1537, 1538, 1542, 1543, and 1545 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1873, all relating to estates of deceased persons. Approved March 23, 1893.	S. B. 680....	212
179	An Act to amend an Act approved February 28, 1887, 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 7, 1883," providing for an increase in the annual appropriation therefor, and changing the time for the payment thereof. Approved March 23, 1893.	S. B. 147....	214
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181	An Act to amend Section 636 of an Act entitled "An Act to establish a Penal Code," approved April 11, 1872, relating to fish and game. Approved March 23, 1893.	S. B. 381....	215
182	An Act to prevent compulsory prostitution of women, and the importation of Chinese or Japanese women for immoral purposes, and to provide penalties therefor. Approved March 23, 1893.	S. B. 736....	217
183	An Act to provide for the publication of the State Blue Book, or Roster. Approved March 23, 1893.	S. B. 211....	218
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185	An Act making it unlawful to refuse admission to places of amusement. Approved March 23, 1893.	S. B. 438	220
186	An Act to provide for laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, or cities, and cities and counties, of forty thousand inhabitants or over, and to condemn and acquire any and all land and property necessary or convenient for that purpose. Approved March 23, 1893.	Sub. S. B. 291, 183, 123	220
187	An Act to repeal an Act entitled "An Act to create a State Board of Forestry, and to provide for the expenses thereof," approved March 3, 1885, and the Act amendatory thereof, approved March 7, 1887, and to make an appropriation for the maintenance and preservation of the property of said Board of Forestry. Approved March 23, 1893.	S. B. 199	229
188	An Act creating a Board of Commissioners of the Building and Loan Associations, and prescribing their duties and powers. Approved March 23, 1893.	S. B. 697	229
189	An Act to amend Section 170 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the disqualifications of Judges. Approved March 23, 1893.	S. B. 286	234
190	An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand. Approved March 23, 1893.	S. B. 757	234
191	An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California. Approved March 23, 1893.	S. B. 210	235
192	An Act to provide for the transfer of certain moneys from one county to another, when a new county has been formed and organized. Approved March 23, 1893.	A. B. 365	235
193	An Act to amend Sections 1520, 1521, 1532, 1533, 1543, 1551, 1553, 1560, 1561, 1564, 1565, 1576, 1577, 1581, 1583, 1593, 1596, 1599, 1602, 1614, 1615, 1617, 1619, 1620, 1621, 1634, 1636, 1637, 1638, 1639, 1650, 1651, 1662, 1663, 1665, 1666, 1687, 1696, 1698, 1699, 1712, 1713, 1714, 1768, 1770, 1771, 1772, 1775, 1776, 1787, 1788, 1790, 1791, 1792, 1793, 1817, 1830, 1833, 1835, 1836, 1857, 1858, 1861, 1874, 1877, 1879, 1880, 1882, 1883, and 1503 of the Political Code; to add thereto three new sections, to be known and numbered as Sections 1669, 1670, and 1671; to repeal Sections 1757 and 1769 of the Political Code, all relating to the public schools; and also to repeal "An Act to authorize the establishment of county high schools, and provide for their support," approved March 10, 1891, and "An Act to provide for the establishment of high schools in the State of California," approved March 20, 1891, and all Acts and parts of Acts in conflict with the provisions of this Act. Approved March 23, 1893.	C. S. A. B. 16, 57, 129, 157, 176, 524, 667, and 730	236
194	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, providing for reducing the bonded indebtedness thereof. Approved March 23, 1893.	A. B. 235	276
195	An Act granting to the Board of Supervisors of Sonoma County, California, right of way through the lands of the California Home for the Care and Training of Feeble-Minded Children, to enable said Board of Supervisors to change the location of the public highway now traversing said lands. Approved March 23, 1893.	A. B. 368	277

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196	An Act to amend Section 626 of the Penal Code, relating to the preservation of game birds and animals, and providing punishment for the unlawful taking, killing, and transportation thereof. Approved March 23, 1893	A. B. 403	278
197	An Act to provide for the compensation of the Chief and Captain of Police and police officers, in cities in the State of California containing not less than ten thousand and not exceeding twenty-five thousand inhabitants. Approved March 23, 1893	A. B. 244	280
198	An Act to amend Section 1210 of the Code of Civil Procedure, relating to reentry upon real property. Approved March 23, 1893	A. B. 305	281
199	An Act relating to Treasurers, their deputies and clerks, in counties, and cities and counties, having a population of 200,000 inhabitants or over. Approved March 23, 1893	A. B. 691	282
200	An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State,'" approved March 20, 1891, by amending Sections 1, 11, and 12. Approved March 23, 1893	A. B. 188	282
201	An Act to prohibit the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Board of Examiners. Approved March 23, 1893	A. B. 550	285
202	An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons on persons residing out of the State, and in other cases. Approved March 23, 1893	A. B. 757	285
203	An Act entitled an Act to regulate the practice of veterinary medicine and surgery in the State of California. Approved March 23, 1893	A. B. 663	286
204	An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises. Approved March 23, 1893	A. B. 264	288
205	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. Approved March 23, 1893	A. B. 191	289
206	An Act to provide for the payment of advertising the funded debt, and making an appropriation therefor. Approved March 23, 1893	A. B. 856	289
207	An Act in relation to reassessment of property, the equalization of the same, and the collection of taxes thereon, in cases where a former assessment made since 1879 is illegal or invalid, or where the proceedings for the collection of such taxes have been ineffectual by reason of error, irregularity, or invalidity, and such taxes have not been paid. Approved March 23, 1893	A. B. 10	290
208	An Act making an appropriation to pay the deficiency in the appropriation for the pay of officers and clerks of the Assembly. Approved March 23, 1893	A. B. 854	291
209	An Act to provide for the completion and equipment of the Deaf and Dumb and Blind Asylum, and to make an appropriation therefor. Approved March 23, 1893	S. B. 22	292

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210	An Act to enable school districts in cities of the fifth class, and school districts which embrace territory, a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase 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, and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase 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." Approved March 23, 1893.....	A. B. 724.....	292
211	An Act to provide for the leasing and disposition of water for generation of power for mechanical purposes, by irrigation districts organized or to be organized under and pursuant 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. Approved March 23, 1893.....	A. B. 139.....	295
212	An Act to provide for additional improvements at the Reform School for Juvenile Offenders, located at Whittier, in the county of Los Angeles, and State of California, and to make an appropriation for the same. Approved March 23, 1893.....	A. B. 506.....	296
213	An Act to amend Sections 204, 205, 206, and 208 of the Code of Civil Procedure. Approved March 23, 1893.....	A. B. 108.....	297
214	An Act to amend Section 1614, Title 2, of the Penal Code, in relation to the government of prisoners sentenced to terms of imprisonment in county jails. Approved March 23, 1893.....	A. B. 850.....	298
215	An Act to amend Section 780 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Approved March 23, 1893.....	A. B. 393.....	299
216	An Act to amend Sections 3713 and 3696 of the Political Code, relating to the levy of taxes. Approved March 23, 1893.....	A. B. 805.....	300
217	An Act to amend Section 1881 of the Code of Civil Procedure, relating to witnesses. Approved March 23, 1893.....	A. B. 272.....	301
218	An Act to amend Section 1502 of the Political Code, respecting Normal Schools. Approved March 23, 1893.....	A. B. 585.....	302
219	An Act to prevent the spread of contagious or infectious diseases among domestic animals. Approved March 23, 1893.....	A. B. 513.....	302
220	An Act to amend Sections 1202, 1188, 1194, 1197, 1203, 1205, 1208, 1257, 1264, and 1265 of the Political Code, in relation to elections within this State. Approved March 23, 1893.....	A. B. 349.....	303
221	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 31, 1891, by amending Sections 57, 168, 172, 173, 186, 194, 197, 200, 203, and 214 thereof, relating to county officers, their appointment, duties, and compensation. Approved March 23, 1893.....	A. B. 774.....	310

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222	An Act to amend an Act entitled "An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act, and by amending Sections 1, 4, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 26, 27, 28, 29, and 30 thereof, and by adding three new sections thereto, to be numbered, respectively, Sections 16a, 16b, and 16c, relating to a change in the name of the institution and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State School located and established under the aforesaid Act, and now maintained by the State of California, at Whittier, in the county of Los Angeles therein. Approved March 23, 1893.....	A. B. 53....	328
223	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two sections, to be known as Sections 1424 and 1425, being Title 9, Part 4, Division 2 of said Code, concerning the manner of conducting the business of hydraulic mining. Approved March 24, 1893.....	S. B. 50....	337
224	An Act making an appropriation for the payment of certain salary due Allen Kelly, as Executive Officer of the State Board of Forestry. Approved March 24, 1893.....	S. B. 507....	337
225	An Act to appropriate moneys to aid in erecting a monument over the grave of ex-Governor William Irwin, and to prescribe the duties of the Controller and Directors of State Burial Grounds in relation thereto. Approved March 24, 1893.....	S. B. 781....	338
226	An Act to pay the claim of Dr. M. Gardner against the State of California, and making an appropriation therefor. Approved March 24, 1893.....	S. B. 655....	338
227	An Act to appropriate the sum of fifty thousand dollars for the erection, completion, and furnishing of buildings, laundry and bath house, and for improvements of the grounds, heating and cooking apparatus, and water supply at the Veterans' Home, situate in Napa County, under the auspices of the Veterans' Home Association of the State of California. Approved March 24, 1893.....	S. B. 148....	339
228	An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such Commissioner. Approved March 24, 1893.....	S. B. 389....	339
229	An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made. Approved March 24, 1893.....	A. B. 543....	341
230	An Act to amend Sections 3, 5, 6, and 10 of an Act entitled "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. Approved March 24, 1893.....	A. B. 727....	343
231	An Act making an appropriation for the relief of N. Southmayd, and others, in caring for and preserving the perishable property of the State of California. Approved March 24, 1893.....	A. B. 747....	344
232	An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making an appropriation. Approved March 24, 1893.....	C. S. A. B. 596..	345

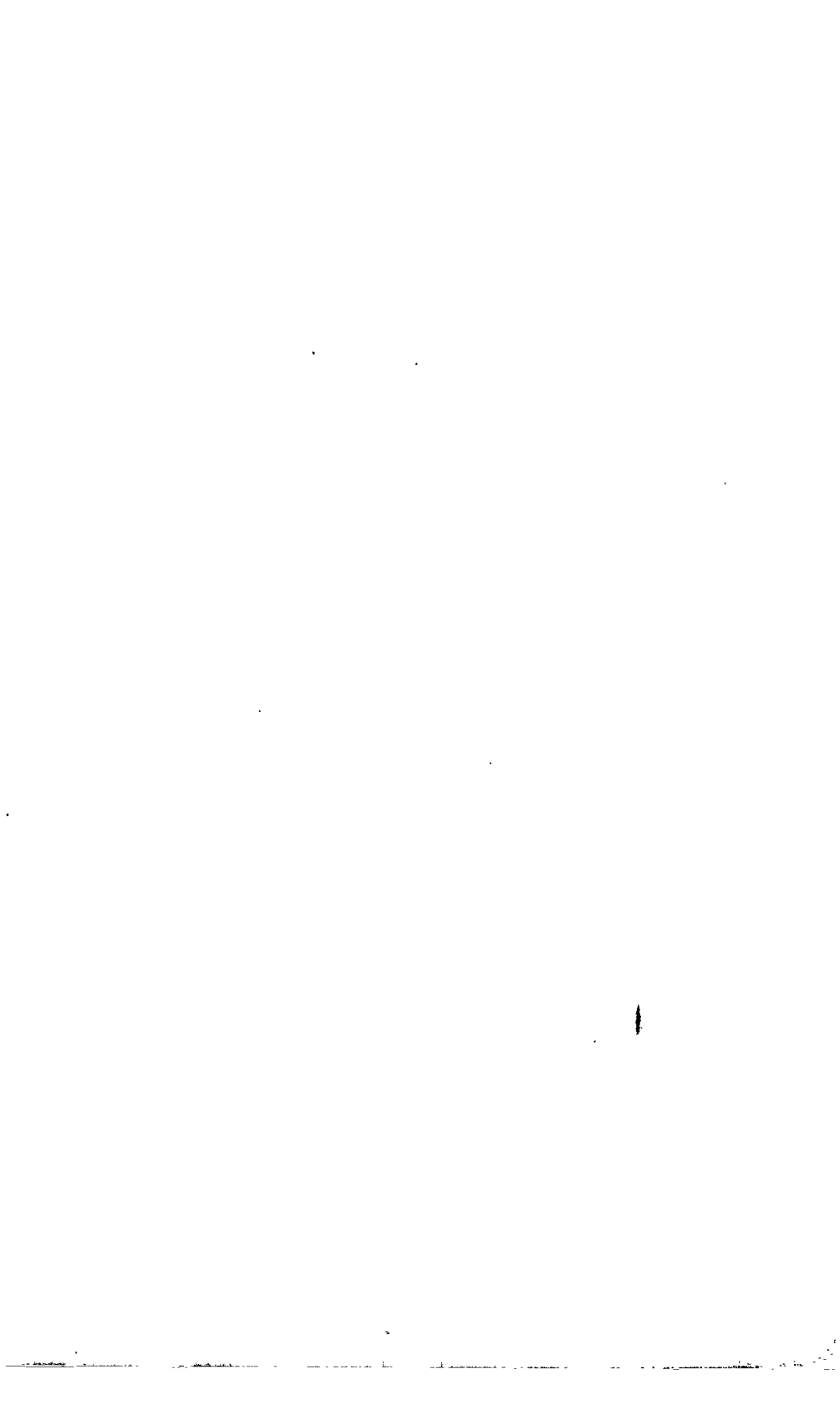
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234	An Act to establish a uniform system of county and township governments. Approved March 24, 1893	C. S. A. B. 74	346
235	An Act to pay the claim of John McGrath against the State of California, and making an appropriation therefor. Approved March 25, 1893	S. B. 552	513
236	An Act to pay the claim of John H. Van Saun against the State of California, and making an appropriation therefor. Approved March 25, 1893	S. B. 551	514
237	An Act to pay the claim of Maurice Sheehan against the State of California, and making an appropriation therefor. Approved March 25, 1893	S. B. 563	514
238	An Act to pay the claim of Abraham Winans against the State of California, and making an appropriation therefor. Approved March 25, 1893	S. B. 614	515
239	An Act to pay the claim of I. N. Brock against the State of California, and making an appropriation therefor. Approved March 25, 1893	S. B. 615	515
240	An Act to amend "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. Approved March 25, 1893	A. B. 512	516
241	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, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes, for the purposes of this Act. Approved March 25, 1893	A. B. 666	520
242	An Act making appropriations for the support of the government of the State of California for the forty-fifth and forty-sixth fiscal years. Approved March 25, 1893	A. B. 796	524
243	An Act making an appropriation to pay Cyrus Lyon the sum of \$1,000 for the capture of Anastacio Garcia, in 1855. Approved March 25, 1893	A. B. 313	535
244	An Act providing for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof. Approved March 25, 1893	A. B. 762	536

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

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3	Relative to the investigation of the Home for the Care and Training of Feeble-Minded Children, at Glen Ellen, Sonoma County. Adopted January 25, 1893	S. C. R. 3..	542
4	A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 1 of Article 2 thereof, relative to the right of suffrage. Adopted January 28, 1893	A. C. A. 8..	543
5	Relative to the construction of the Nicaragua Canal. Adopted January 30, 1893	Sub. S. J. R. 1 and 2..	543
6	Relative to the increase and equalization of the pay of letter carriers. Adopted January 30, 1893	S. J. R. 11..	544
7	Approving the charter of the City of Sacramento, in Sacramento County, California, which was voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on May 17, 1892. Adopted February 7, 1893	S. C. R. 2..	545
8	Relative to the construction by the United States Government of a deep-water harbor at San Pedro, on the coast of Los Angeles County. Adopted February 8, 1893	S. J. R. 15..	614
9	Relative to break in Feather River. Adopted February 8, 1893	S. J. R. 18..	615
10	Relative to the classification of clerks in first and second class Post Offices, and fixing the salaries of the same. Adopted February 9, 1893	S. J. R. 20..	616
11	Relative to annexation of Hawaiian Islands. Adopted February 10, 1893	S. J. R. 16..	616
12	Relative to Golden Gate Park Commissioners. Adopted February 23, 1893	S. C. R. 5..	617
13	A resolution proposing to the people of the State of California an amendment to Section 3 of Article 11 of the Constitution of the State of California, relating to the formation of new counties. Adopted February 24, 1893	S. C. A. 14..	617
14	Relative to petitioning and requesting the Supreme Court of the United States to hear and determine the action, now before said Court, in which the State of California is plaintiff in error and the San Pablo and Tulare Railroad Company is defendant in error, being cause No. 1467 upon the docket of said Court, which action involves the validity of the provisions of the Constitution of this State, relative to the taxation of railroads operated in more than one county. Adopted March 1, 1893	A. C. R. 14..	618

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
15	Relative to the election of United States Senators. Adopted March 2, 1893.....	A. J. R. 7..	620
16	Relative to foreign immigration to the United States. Adopted March 2, 1893.....	A. J. R. 9..	620
17	Relative to a public building at Eureka. Adopted March 2, 1893.....	A. J. R. 11..	621
18	Relative to the examination or survey of the waters of the river system tributary to the bay of San Francisco. Adopted March 2, 1893.....	A. J. R. 17..	621
19	Relative to a public building at Visalia. Adopted March 2, 1893.....	A. J. R. 19..	622
20	Relating to the refunding of moneys to certain settlers on Government lands in Fresno, Monterey, and San Benito Counties. Adopted March 3, 1893.....	A. J. R. 10..	622
21	A resolution proposing an amendment to the Constitution of the State of California, by adding a new section to Article 13 of the said Constitution, to be numbered Section 123, relating to revenue and taxation. Adopted March 3, 1893.....	A. C. A. 7..	623
22	A resolution proposing to the people of the State of California an amendment to Section 17, Article 1, of the Constitution of the State of California. Adopted March 4, 1893.....	A. C. A. 12..	624
23	Relative to leave of absence to Frank P. Boynton. Adopted March 6, 1893.....	A. C. R. 18..	624
24	Extending congratulations to Hon. A. Caminetti. Adopted March 8, 1893.....	A. C. R. 19..	625
25	A resolution proposing to the people of the State of California an amendment to Section 7, Article 11, of the Constitution of the State of California. Adopted March 11, 1893.....	S. C. A. 17..	625
26	Relative to adjournment <i>sine die</i> . Adopted March 11, 1893.....	S. C. R. 10..	626
27	Relative to the free and unlimited coinage of silver. Adopted March 11, 1893.....	A. J. R. 4..	626
28	A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 9 of Article 13 thereof, relative to the election of a State Board of Equalization. Adopted March 13, 1893.....	S. C. A. 7..	627
29	Relative to proceedings of Blaine Memorial. Adopted March 13, 1893.....	S. C. R. 9..	628
30	Approving the charter of the Town of Grass Valley, in Nevada County, California, which was voted for and ratified by the qualified electors of said town, at a special election held therein for that purpose, on February 28, 1893. Adopted March 13, 1893.....	S. C. R. 11..	628
31	Approving the charter of the City of Napa, in Napa County, California, which was voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on March 9, 1893. Adopted March 13, 1893.....	S. C. R. 12..	641
32	Relative to indebtedness of the United States Government to the State of California. Adopted March 13, 1893.....	S. J. R. 5..	654
33	Memorializing the Attorney-General and the Secretary of the Interior of the United States of America to locate one of the United States prisons, provided for by an Act of Congress, March 3, 1891, within the State of California. Adopted March 13, 1893.....	S. J. R. 25..	655

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
34	Submitting to the people of the State of California an amendment to the Constitution, amending Section 1 of Article 20 of the Constitution of the State of California, relative to changing the seat of government from the city of Sacramento to the city of San José. Adopted March 14, 1893	S. C. A. 23..	657
35	Relative to appointment of Congressman Caminetti on Committee on Rivers and Harbors in the United States Congress. Adopted March 14, 1893.....	S. J. R. 27..	658
36	A resolution to propose to the people of the State of California an amendment to Article 13 of the Constitution, Section 1, in relation to revenue and taxation. Adopted March 14, 1893..	S. C. A. 16..	658
37	A resolution to propose to the people of the State of California an amendment to section seven (7) of article nine (9) of the Constitution of the State of California, by increasing the number of members constituting the State Board of Education, by adding thereto the President and Professor of Pedagogics of the University of California. Adopted March 14, 1893	A. C. A. 31..	659
38	Asking of Congress to cede to the State of California the island in the bay of San Francisco, known as Yerba Buena, or "Goat Island," to be used by said State solely for general railroad terminal purposes. Adopted March 14, 1893.....	S. J. R. 26..	659
39	An Act to submit to the people of the State of California an amendment to Section 23, of Article 4, of the Constitution of the State of California. Adopted March 14, 1893	S. C. A. 20..	660



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.
H. H. Markham	Governor	Pasadena.
J. B. Reddick	Lieutenant-Governor	San Andreas.
E. G. Waite	Secretary of State	Alameda.
E. P. Colgan	Comptroller	Santa Rosa.
J. R. McDonald	Treasurer	Grayson.
W. H. H. Hart	Attorney-General	San Francisco.
Theodore Reichert	Surveyor-General	San Francisco.
A. J. Johnston	Superintendent of State Printing	Sacramento.
J. W. Anderson	Superintendent of Public Instruction	San Francisco.
C. C. Allen	Adjutant-General	Los Angeles.
Dana Perkins	State Librarian	Rocklin.
M. R. Higgins	Private Secretary to the Governor	Los Angeles.

STATE BOARD OF EQUALIZATION.

NAME.	District.	Residence.
J. S. Swan	First	San Francisco.
L. C. Morehouse	Second	Alameda County.
R. H. Beamer	Third	Yolo County.
J. R. Hebron	Fourth	Monterey County.
E. P. Colgan (ex officio)		Santa Rosa.

JUSTICES AND CLERK OF THE SUPREME COURT.

NAME.	Official Position.	Residence.
W. H. Beatty	Chief Justice	San Francisco.
C. H. Garoutte	Associate Justice	Woodland.
R. C. Harrison	Associate Justice	San Francisco.
J. J. De Haven	Associate Justice	Humboldt County.
T. B. McFarland	Associate Justice	San Francisco.
A. Van R. Paterson	Associate Justice	San Joaquin County.
W. F. Fitzgerald	Associate Justice	San Francisco.
L. H. Brown	Clerk	Yolo County.

SENATORS.

J. B. REDDICK		President.	
Dis.	NAME.	County.	Post Office.
23	Arms, Chas. S. (D.)	San Francisco	120 Seventh St.
30	Bailey, W. C. (R.)	Santa Clara	San José.
32	Berry, G. S. (D.)	Inyo, Tulare, Kern	Visalia.
34	Biggy, W. J. (D.)	San Francisco	1713 Turk St.
21	Broderick, John T. (R.)	San Francisco	1759 Howard St.
20	Burke, Bart (D.)	San Mateo, Santa Cruz	Santa Cruz.
29	Campbell, R. H. (R.)	Modoc, Lassen, Siskiyou, Trinity, Shasta	Etna.
2	Carpenter, R. B. (R.)	Los Angeles	139½ North Spring St.
36	Denison, Eli S. (R.)	Alameda	958 8th St., Oakland.
26	Dunn, W. J. (D.)	San Francisco	16 Stanley Place.
17	Earl, Guy C. (R.)	Alameda	Oakland.
27	Everett, D. H. (R.)	San Francisco	1616 Larkin St.
22	Fay, John (D.)	San Francisco	2014 Powell St.
25	Flint, Thos., Jr. (R.)	San Benito, Monterey	South San Juan.
33	Ford, Tiley L. (R.)	Plumas, Sierra, Nevada	Downieville.
3	Gesford, H. C. (D.)	Lake, Napa	Napa.
7	Goucher, G. G. (D.)	Fresno	Fresno.
16	Harp, T. D. (D.)	Merced, Mariposa, Stanislaus, Tuol- umne	Modesto.
12	Hart, E. C. (R.)	Sacramento	Sacramento.
13	Hoyt, J. B. (R.)	Solano	Suisun.
9	Langford, B. F. (D.)	San Joaquin	Lodi.
15	McAllister, Elliott (D.)	Contra Costa, Marin	Ross Valley.
11	McGowan, Frank (R.)	Del Norte, Humboldt	Eureka.
19	Maher, T. C. (R.)	San Francisco	637 Twenty-third St.
18	Mahoney, J. H. (R.)	San Francisco	331 Montgomery St.
5	Martin, Noble (D.)	El Dorado, Placer	Dutch Flat.
37	Mathews, John R. (D.)	Los Angeles	823 South Spring St.
19	Mitchell, T. F. (D.)	San Francisco	1324 Utah St.
35	Orr, Orestes (R.)	Santa Barbara, Ventura	Ventura.
6	Ostrom, D. A. (D.)	Yuba, Sutter, Yolo	Wheatland.
10	Ragsdale, J. W. (R.)	Sonoma	Santa Rosa.
8	Seawell, J. H. (D.)	Glenn, Colusa, Mendocino	Ukiah.
39	Seymour, E. C. (R.)	San Bernardino, Orange	San Bernardino.
4	Shippee, W. A. (R.)	Tehama, Butte	Avon.
28	Simpson, Wm. (R.)	Alameda	Alameda.
40	Streeter, H. M. (R.)	San Diego	Riverside.
14	Voorheis, E. C. (R.)	Calaveras, Mono, Amador, Alpine	Sutter Creek.
31	Whitehurst, L. A. (D.)	Santa Clara	Gilroy.
24	Williams, Geo. H. (R.)	San Francisco	908 Clay St.
4	Wilson, H. C. (D.)	Tehama, Butte	Corning.

OFFICERS AND CLERKS OF THE SENATE.

NAME.	OFFICIAL POSITION.
J. B. Reddick	President of Senate.
R. B. Carpenter	President pro tem. of Senate.
F. J. Brandon	Secretary of Senate.
R. Shaw	Assistant Secretary.
A. D. Bowen	Assistant Secretary.
C. P. Everets	Assistant Secretary.
Thomas Rodgers	Sergeant-at-Arms.
Wm. H. Rice	Assistant Sergeant-at-Arms.
R. G. Falk	Minute Clerk.
C. S. McMullen	Assistant Minute Clerk.
R. Q. Wickham	Assistant Minute Clerk.
L. J. Fontenrose	Journal Clerk.
G. A. Leon	Assistant Journal Clerk.
Geo. G. Davis	Assistant Journal Clerk.
C. N. Ragsdale	Engrossing Clerk.
Harry Campbell	Enrolling Clerk.
Andy Branch	History Clerk.
Mrs. A. M. Atkinson	Postmistress.
Miss Rosa Lee	Assistant Postmistress.

ASSEMBLYMEN.

F. H. GOULD.....Speaker.

District.	NAME.	County.	Post Office.
53	Adams, P. R. (D. and Peo.)	Santa Cruz	Bonny Doon.
65	Alford, W. H. (D.)	Tulare	Visalia.
20	Anderson, W. A. (R.)	Sacramento	Sacramento.
71	Androus, S. N. (R.)	Los Angeles	Pomona.
77	Barker, C. O. (R.)	San Bernardino	Banning.
67	Barlow, Charles A. (Peo.)	San Luis Obispo	Shandon.
55	Bennett, A. G. (R.)	Santa Clara	San José.
76	Bennett, C. F. (D. and Peo.)	Orange	Tustin.
64	Blakeley, F. A. (R.)	Tulare	Hanford.
2	Bledsoe, A. J. (R.)	Humboldt	Eureka.
29	Boyce, W. T. (D.)	San Francisco	526 Bryant St.
47	Bretz, A. (D. and Peo.)	Alameda	Alameda.
36	Brownlie, John (D.)	San Francisco	207 Diamond St.
32	Buckley, John E. (D.)	San Francisco	24 South Park.
75	Bulla, R. N. (R.)	Los Angeles	1343 Temple St.
37	Burke, T. W. (N. P. and Cit.)	San Francisco	1527½ Howard St.
79	Carlson, W. H. (I.)	San Diego	San Diego.
80	Casterline, W. M. (R.)	San Diego	San Jacinto.
21	Chipman, H. C. (R.)	Sacramento	Sacramento.
30	Conway, B. (D.)	San Francisco	987 Harrison St.
41	Curtis, John M. (D.)	San Francisco	126 Kearny St.
28	Cusick, T. P. (D.)	San Francisco	11 Laurel Place.
51	Dodge, C. G. (R.)	Alameda	906 Broadway, Oakland.
16	Drees, E. E. (D.)	Sonoma	Petaluma.
61	Duckworth, S. J. (R.)	Monterey	Monterey.
1	Duffy, Thomas (D.)	Del Norte, Siskiyou	Smith River.
8	Durst, D. P. (R.)	Yuba, Sutter	Wheatland.
24	Emeric, H. F. (D.)	Contra Costa	San Pablo.
73	Finlayson, F. G. (D.)	Los Angeles	224 North Main St.
35	Gallagher, J. G. (D.)	San Francisco	1221 Valencia St.
45	Gately, William H. (D.)	San Francisco	703½ Davis St.
40	Godchaux, Edmond (D.)	San Francisco	1429 Webster St.
57	Gould, F. H. (D.)	Stanislaus, Merced	Merced.
13	Hamilton, G. W. (D.)	Placer	Auburn.
42	Hendrickson, W. (D.)	San Francisco	700 Jones St.
33	Hurley, M. J. (D.)	San Francisco	812 Humboldt St.
26	Hutson, J. L. (D.)	San Joaquin	Woodbridge.
11	Jacobs, I. W. (D.)	Yolo	Grafton.
63	Jacobsen, H. J. T. (R. and Peo.)	Fresno	Fresno.
3	Johnson, D. J. (R.)	Humboldt	Petrolia.
54	Johnson, H. H. (D.)	Santa Clara	San José.
31	Kennedy, John J. (D.)	San Francisco	116 Crocker Building.
39	Kahn, Julius (R.)	San Francisco	1108 Market St.
72	Kerns, T. J. (D. and Peo.)	Los Angeles	Downey.
25	LaRue, J. M. (D.)	San Joaquin	Stockton.
34	Luttringer, R. J. (D.)	San Francisco	432 Eighteenth St.
78	Lynch, John C. (R.)	San Bernardino	Cucamonga.
19	McCauley, C. D. (D.)	Solano	Vallejo.
48	McElroy, J. J. (D.)	Alameda	607 Sixth St., Oakland.
44	McGowan, James (R.)	San Francisco	2017 Dupont St.
60	Mack, P. H. (D.)	Alpine, Inyo, Mono	Independence.
43	Marks, J. M. (D.)	San Francisco	322 Washington St.
58	Marston, B. O. (D.)	Tuolumne, Mariposa	Mariposa.
4	Mathews, W. P. (D.)	Tehama, Trinity	Tehama.
59	Matthews, J. H. (D.)	San Benito	Emmet.
49	Miller, H. B. M. (R.)	Alameda	Golden Gate, Oakland.
62	Mordcaai, G. W. (D.)	Fresno	Madera.
52	O'Keefe, James T. (R.)	San Mateo	Menlo Park.
46	O'Neill, H. J. (D.)	Alameda	Haywards.
22	Owen, Eben B. (R.)	Sacramento	Eik Grove.
74	Pendleton, C. W. (R.)	Los Angeles	223 Temple St.
69	Perkins, D. T. (R.)	Ventura	Hueneme.
7	*Price, E. B. (D.)	Butte	Oroville.
66	Pueschel, E. A. (D.)	Kern	Bakersfield.
14	Raw, R. S. (R.)	El Dorado	Placerville.

* Deceased January 31, 1893.

ASSEMBLYMEN—Continued.

District	NAME.	County.	Post Office.
15	Sargent, J. L. (D.)	Amador	Jackson.
38	Schlesinger, Bert (D.)	San Francisco	1210 Pierce St.
27	Schroebel, D. J. B. (D.)	Calaveras	Milton.
5	Shanahan, T. W. H. (D.)	Shasta, Modoc	Anderson.
70	Simpson, C. M. (R.)	Los Angeles	Pasadena.
17	Sims, J. C. (D.)	Sonoma	Pasadena.
6	Standart, George (R.)	Lassen, Plumas, Sierra	Santa Rosa.
50	Taggart, Grant I. (R.)	Alameda	Greenville.
68	Talbott, W. L. (R.)	Santa Barbara	1169 Washington St.
23	Taylor, James I. (R.)	Marin	Lompoc.
56	Thomas, Massey (D. and Pec.)	Santa Clara	Olema.
12	Thomas, R. I. (R.)	Nevada	Gilroy.
9	Tindall, C. W. (D.)	Mendocino	Nevada City.
10	Vann, W. A. (Pec. and R.)	Colusa, Lake	Point Arena.
18	Wade, Owen (R.)	Napa	Sycamore.
			St. Helena.

OFFICERS AND CLERKS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.
F. H. Gould	Speaker.
W. P. Mathews	Speaker pro tem.
George W. Peckham	Chief Clerk.
Myron Yager	Assistant Clerk.
E. J. Pringle, Jr.	Assistant Clerk.
John T. Ryan	Assistant Clerk.
Thomas E. Healy	Sergeant-at-Arms.
John Wise	First Assistant Sergeant-at-Arms.
M. J. O'Donnell	Second Assistant Sergeant-at-Arms.
M. H. Mead	Clerk to Sergeant-at-Arms.
C. H. McGreevy	Bookkeeper to Sergeant-at-Arms.
Isidor Alexander	Minute Clerk.
Frank Anaya	Journal Clerk.
James Neil	Engrossing Clerk.
Felix B. Mulgrew	Enrolling Clerk.
Mrs. R. Elliott	Postmistress.
Miss Lottie Rothschild	Assistant Postmistress.

COMMISSIONERS OF DEEDS,

WITH NAME, RESIDENCE, AND EXPIRATION OF TERM.

CONNECTICUT.

NAME.	Residence.	Term Expires.
Livingston W. Cleaveland	New Haven.....	July 23, 1895.
William A. Wright	New Haven.....	December 6, 1896.
William J. McConville.....	New Haven.....	January 10, 1897.

COLORADO.

David Mitchell	Denver	February 12, 1894.
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DISTRICT OF COLUMBIA.

Charles S. Bundy	Washington	July 14, 1894.
A. S. Taylor	Washington	December 15, 1894.
John E. Mitchell.....	Washington	April 18, 1896.

GEORGIA.

William B. Adams.....	Savannah.....	December 9, 1894.
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ILLINOIS.

P. A. Hoyne	Chicago.....	August 2, 1893.
S. S. Willard	Chicago.....	December 26, 1893.
Edwin O. Falkner.....	Chicago.....	March 17, 1894.

KENTUCKY.

Newton G. Rogers	Louisville.....	September 26, 1894.
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LOUISIANA.

M. C. Soniat.....	New Orleans.....	April 16, 1894.
John G. Eustice.....	New Orleans.....	July 7, 1894.

MARYLAND.

J. K. Bartlett, Jr.	Baltimore	August 29, 1893.
Philip H. Hoffman.....	Baltimore	March 28, 1894.
G. E. Reardon.....	Baltimore	July 17, 1894.
Thomas M. Dobbin.....	Baltimore	February 17, 1895.
George McCaffray.....	Baltimore	October 27, 1895.

MASSACHUSETTS.

NAME.	Residence.	Term Expires.
Frank D. Butrick	Boston	November 20, 1893.
Freeman M. Josselyn	Boston	December 26, 1893.
Samuel Jennison	Boston	March 3, 1894.
Daniel B. Whittier	Boston	April 5, 1894.
Charles H. Adams	Boston	January 21, 1895.
Edward J. Jones	Boston	January 13, 1896.

MICHIGAN.

John B. Corliss	Detroit	May 21, 1894.
Allen L. Bours	Detroit	August 29, 1896.

MISSOURI.

Arthur D. Greene	St. Louis	January 21, 1895.
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MINNESOTA.

R. R. Odell	Minneapolis	November 20, 1893.
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NEW YORK.

Rufus K. McHarg	New York City	June 21, 1893.
Vincent Rosemon	New York City	July 9, 1893.
Edwin F. Corey	New York City	October 14, 1893.
Charles Taylor	New York City	January 3, 1894.
George H. Taylor	New York City	April 5, 1894.
Monroe Crannell	Albany	April 8, 1894.
John A. Hillery	New York City	April 28, 1894.
W. E. Osborne	Brooklyn	May 2, 1894.
S. A. Emanuel	New York City	May 13, 1894.
Samuel D. Folsom	New York City	May 13, 1894.
Emil Frenkle	New York City	August 13, 1894.
Thomas B. Clifford	New York City	October 21, 1894.
G. P. H. McVay	New York City	February 25, 1895.
Charles Nettleton	New York City	April 8, 1895.
Simon Steinheimer	New York City	July 22, 1895.
W. H. Clarkson	New York City	August 10, 1895.
Alfred Mackay	New York City	August 12, 1895.
Edwin H. Carey	New York City	September 15, 1895.
George H. Corey	New York City	November 3, 1895.
Charles Edgar Mills	New York City	December 7, 1895.
Eleazer Jackson	New York City	December 7, 1895.
Leo. Schwab	New York City	January 13, 1896.
George E. Miles	New York City	February 8, 1896.
C. T. Lunt	New York City	March 9, 1896.
Edward F. Wellington	Rochester	April 21, 1896.
Ella F. Braman	New York City	August 24, 1896.
William Johnson	Buffalo	November 5, 1896.
William Shillaber	New York City	November 29, 1896.
Thomas Kilvert	New York City	January 18, 1897.

NEW JERSEY.

John W. Bruiss	Jersey City	July 16, 1894.
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NEVADA.

Charles E. Mack	Virginia City	September 27, 1896.
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OHIO.

NAME.	Residence.	Term Expires.
Joseph S. Harrison	Cincinnati	August 29, 1893.
Frank M. Raymond	Columbus	January 27, 1895.

OREGON.

F. D. Knettner	Portland	June 28, 1894.
E. J. Curtis	Astoria	April 30, 1895.
Solomon Goldsmith	Portland	August 3, 1895.
Eugene D. White	Portland	August 17, 1895.
B. F. Clayton	Portland	April 5, 1896.

PENNSYLVANIA.

George W. Hunt	Philadelphia	February 14, 1894.
Samuel L. Taylor	Philadelphia	March 10, 1894.
J. H. Wheeler	Philadelphia	June 9, 1894.
Joseph S. Hagan	Philadelphia	July 14, 1894.
Kinley J. Tener	Philadelphia	April 30, 1895.
Thomas J. Hunt	Philadelphia	December 7, 1895.
Edward Shippen	Philadelphia	April 2, 1896.
Walter Morris	Pittsburg	August 16, 1896.
William F. Robb	Pittsburg	October 8, 1896.
Edward H. Cloud	Philadelphia	October 27, 1896.

WASHINGTON.

D. A. Clement	Spokane	June 3, 1893.
Edgar D. Gilson	Ritzoille	June 21, 1893.
R. D. Pitt	Tacoma	July 29, 1893.
Charles F. Bailey	Port Townsend	December 16, 1893.
Conrad Fauntleroy	Seattle	February 14, 1894.
N. M. Singleton	Seattle	December 22, 1894.
Samuel S. Carlisle	Seattle	January 26, 1896.

AUSTRALIA.

Hugh Penden Steel	Sydney	November 6, 1894.
Septimus W. Dowling	Sydney	January 24, 1895.
George M. Lawrence	Sydney	November 19, 1895.

GREAT BRITAIN.

John Noble	Dublin	October 14, 1893.
Alfred Heales	London	December 14, 1893.
Edward Robinson	London	February 14, 1894.
William Grain	London	June 10, 1894.
A. T. Davis	Liverpool	June 21, 1894.
J. T. Thompson	Birkenhead	June 21, 1894.
D. Carolan Rushe	Monaghan, Ireland	August 13, 1894.
J. H. Grain	London	December 9, 1894.

MEXICO.

W. J. De Gress	City of Mexico	January 6, 1897.
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7

CONSTITUTION OF THE STATE OF CALIFORNIA.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

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

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

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

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

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

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

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

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

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

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

SEC. 13. In criminal prosecutions, in any Court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the Court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The Legislature shall have power to provide for

the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

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

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

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligations 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 person 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 in 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 contains 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 passes 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, prevent such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriations so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated, a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

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

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

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

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

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

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have at any time the right to inquire into the management of such institution; *provided further*, that whenever any county, or city and county, or city, or town shall provide for the support of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 23. The members of the Legislature shall receive for their services a per diem and mileage, to be fixed by law, and paid out of the public treasury; such per diem shall not

exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either house shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

Sec. 24. Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reenacted 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 plots, 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, cities and counties, township, 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 subject 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 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 time and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the Court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a Justice, the Governor shall appoint a person to hold the office until the election and qualification of a Justice to fill the vacancy, which election shall take place at the next succeeding general election, and the Justice so elected shall hold the office for the remainder of the unexpired term. The first election of the Justices shall be at the first general election after the adoption and ratification of this Constitution.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity,

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

SEC. 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage, and of all such special cases and proceedings as are not otherwise provided for. And said Court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior Courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; provided, that all 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 the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the 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 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 Courts 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, who 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 for 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 a 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 percent 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 per-

form 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, 1881.]

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

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

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

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

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

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

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

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

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

ARTICLE XI.

COUNTIES, CITIES, 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 three thousand five hundred 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 the county. Such proposed charter shall then 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; *provided*, that in cities containing a population of not more than ten thousand inhabitants such proposed charter shall be published in one such daily newspaper; 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, 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, 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 forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, 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. [Amendment adopted November 8, 1892.]

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

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

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

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

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

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

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

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depositary, 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 provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void. [Amendment adopted November 8, 1892.]

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 officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [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 corporators and other means as may be prescribed by law.

SEC. 3. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares

owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association during the term of office of such director or trustee.

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

SEC. 5. The Legislature shall have no power to pass any Act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 18. No president, director, officer, agent, or employé of any railroad or canal

company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

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

SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers 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 the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

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

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

SEC. 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt 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 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 waters 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 of this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes 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 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 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 mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

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

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

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

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XXI.

BOUNDARY.

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

ARTICLE XXII.

SCHEDULE.

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

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

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

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

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

SEC. 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For

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

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the Inspectors of 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 Board shall be the same as those prescribed for like Boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said Board shall immediately certify the same, in the usual form, to the Governor of the State of California.

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

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

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

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

J. P. HOGE, President.

Attest: EDWIN F. SMITH, Secretary.

A. R. ANDREWS,
JAMES J. AYRES,
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,

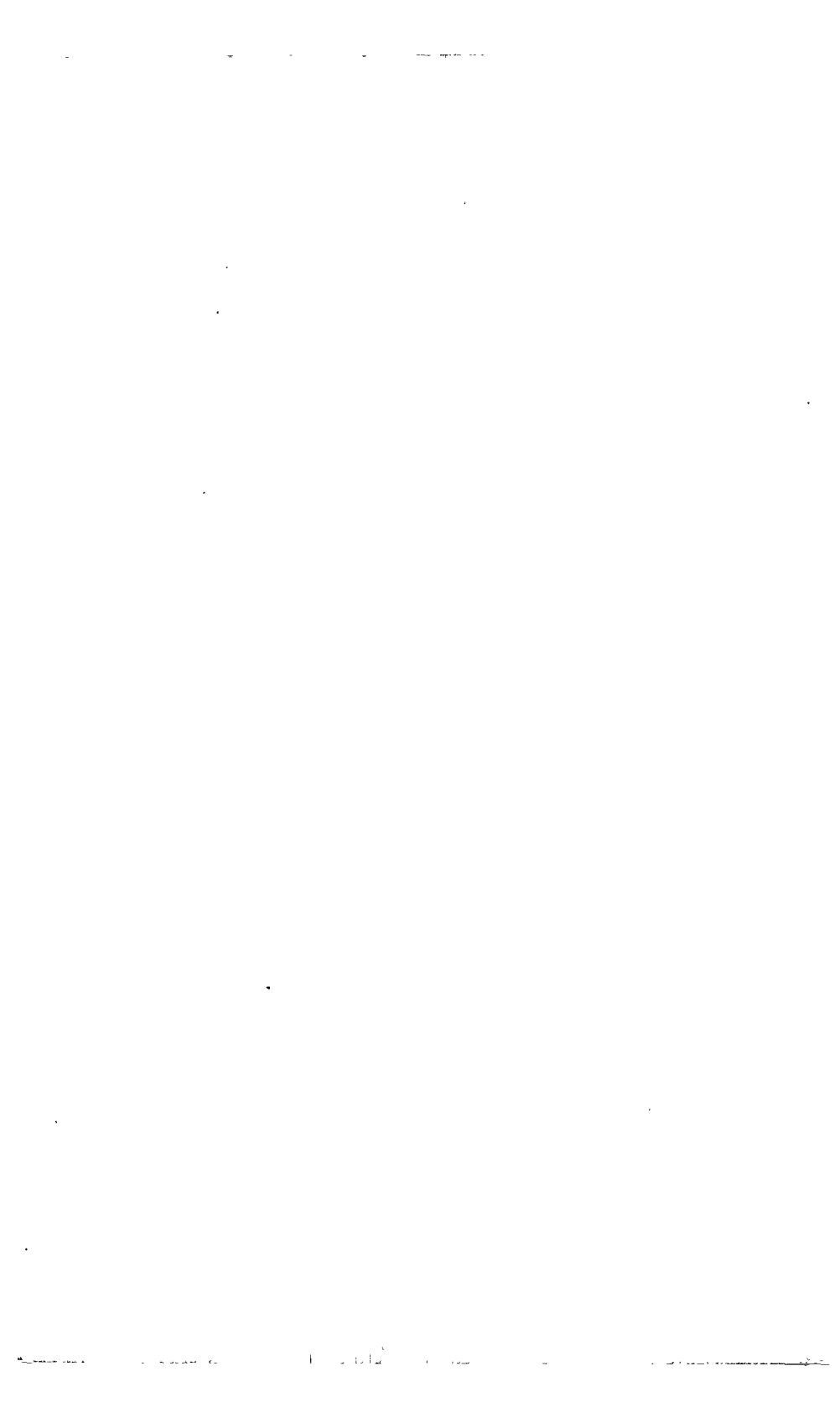
J. M. CHARLES,
JOHN D. CONDON,
C. W. CROSS,
HAMLET DAVIS,
JAS. E. DEAN,
P. T. DOWLING,
LUKE D. DOYLE,
W. L. DUDLEY,
JONATHAN M. DUDLEY,
PRESLEY DUNLAP,
JOHN EAGON,
THOMAS H. ESTEY,
HENRY EDGERTON,
M. M. ESTEE,
EDWARD EVEY,

J. A. FILCHER,
SIMON J. FARRELL,
ABRAHAM C. FREEMAN,
JACOB R. 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. P. 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. KENNEY,
 C. R. KLEINE,
 T. H. LAINE,
 HENRY LARKIN,
 R. M. LAMPSON,
 R. LAVIGNE,
 H. M. LA RUE,
 DAVID LEWIS,
 J. F. LINDOW,
 JNO. MANSFIELD,
 EDWARD MARTIN,
 J. WEST MARTIN,
 RUSH McCOMAS,
 JOHN G. McCALLUM,

THOMAS McCONNELL,
 JOHN McCOY,
 THOS. B. McFARLAND,
 HIRAM MILLS,
 WM. S. MOFFATT,
 JOHN F. McNUTT,
 W. W. MORELAND,
 L. D. MORSE,
 JAMES E. MURPHY,
 EDMUND NASON,
 THORWALD K. NELSON,
 HENRY NEUNABER,
 CHS. C. O'DONNELL,
 GEORGE OHLEYER,
 JAMES O'SULLIVAN,
 JAMES M. PORTER,
 WILLIAM H. PROUTY,
 M. R. C. PULLIAM,
 CHAS. F. REED,
 PATRICK REDDY,
 JOHN M. RHODES,
 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

THIRTIETH SESSION OF THE LEGISLATURE.

CHAPTER I.

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 assist said Court in the performance of its duties and in the disposition of numerous causes pending in said Court, and to provide for the compensation of said Commissioners and Secretary, and to appropriate money therefor.

[Approved January 31, 1893.]

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 pending in said Court. 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 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.

Oath.

Power to remove.

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 Com-

Secretary.

Salary of Secretary. mission, 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, which sum shall be in full compensation for all services rendered by him in the discharge of his duties.

Appropriation for support. SEC. 3. The sum of sixty-seven thousand 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 forty-fourth fiscal year, and for the forty-fifth and forty-sixth fiscal years; and the Controller is hereby authorized to draw monthly warrants upon the State Treasury in favor of said Commission and Secretary, in the sum of five hundred dollars for each of said Commissioners, and the sum of two hundred dollars for said Secretary.

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

CHAPTER II.

An Act making an appropriation for the contingent expenses of the Senate, for the thirtieth session of the Legislature.

[Approved January 31, 1893.]

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 thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for contingent expenses of the Senate, thirtieth session of the Legislature, and the Controller of State is hereby authorized to draw his warrants for the same, and the Treasurer of State is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER III.

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

[Approved February 6, 1893.]

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 fifteen thousand dollars (\$15,000) 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 thirtieth session of the Legislature.

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

CHAPTER IV.

An Act making an appropriation for the support of the State Printing Office for the remainder of the forty-fourth fiscal year.

[Approved February 7, 1893.]

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

SECTION 1. The sum of fifty thousand dollars (\$50,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the support of the State Printing Office for the remainder of the forty-fourth fiscal year. Support of State Printing Office.

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

CHAPTER V.

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

[Approved February 13, 1893.]

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

SECTION 1. Within ten days after the passage of this Act the Governor shall appoint one additional Judge of the Superior Court of the county of Alameda, who shall hold office until the first Monday after the first day of January, A. D. eighteen hundred and ninety-five; and at the next general election one Judge of said Court, in addition to the present number provided by law for said county, shall be elected, to hold office for the term prescribed by the Constitution and by law. Governor to appoint. Term.

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

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

CHAPTER VI.

An Act to amend the Civil Code by adding to Part IV, Division First, a new title, providing for the consolidation of colleges and institutions of higher education.

[Approved February 23, 1893.]

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

Preamble. SECTION 1. An Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, is hereby amended by adding to part four, division first, a new title, which shall read as follows:

TITLE XVIII—CONSOLIDATION OF COLLEGES AND INSTITUTIONS OF HIGHER EDUCATION.

Societies and organizations authorized to consolidate. 652. Whenever any benevolent, religious, or fraternal organization or society, having a grand lodge, assembly, conference, or other legislative or representative head in the State of California, having two or more colleges or institutions of higher education under its patronage, shall, for the purpose of greater efficiency and simplicity in the administration of its educational interests, desire to consolidate such institutions under one management, such organization or society shall be and is authorized to consolidate such institutions under one management by complying with the following provisions:

New corporation. *First*—Such grand lodge, assembly, conference, or other legislative or representative head having authorized a consolidation of its institutions, a new corporation shall be formed. The Trustees. Board of Trustees of the new corporation shall at first consist of the persons constituting the Boards of Trustees of the several institutions, respectively, thus consolidated, and others; *provided*, the number of Trustees shall not exceed forty-five. The Term of office. Board of Trustees shall be so classified that the term of office of one third of its number shall expire each year; the successors of such Trustees, as their terms expire, shall be elected by such grand lodge, assembly, conference, or other legislative or representative head, at its annual meeting.

Annual reports. *Second*—The said Board of Trustees shall report annually to the grand lodge, assembly, conference, or other legislative or representative head controlling it, the condition of affairs of such corporation, and the amount and manner of its receipts and expenditures.

Transfer of property. 653. The several Boards of Trustees of the institutions thus consolidated shall be and are hereby authorized to transfer all property, real and personal, held by them, to the new corporation, as herein constituted, together with all powers, privileges, and authority conferred upon or enjoyed by them under their respective charters or acts of incorporation. The new corporation receiving such property shall assume all indebtedness and

liabilities of such institutions as are thus consolidated, but shall not transfer such property from one location to another, nor divert specific grants, donations, or bequests from the purposes for which such grants, donations, or bequests were made. That after the Boards of Trustees have conveyed the property, real and personal, of the various institutions to the new corporation, as hereinabove provided, and the same has been accepted by the said new corporation, then the franchises held by the corporations thus consolidating shall cease, and the said corporations shall be thereby dissolved.

Indebtedness to be assumed.

When corporation is dissolved.

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

CHAPTER VII.

An Act to repeal an Act entitled "An Act in relation to the House of Correction of the City and County of San Francisco," approved April 1, 1878.

[Approved February 23, 1893.]

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

SECTION 1. The Act entitled "An Act in relation to the House of Correction of the City and County of San Francisco," approved April first, eighteen hundred and seventy-eight, is hereby repealed.

Act repealed.

SEC. 2. Every person who shall, at the time of the taking effect of this Act, be confined in the House of Correction, under or by virtue of a sentence of imprisonment therein, shall remain in the County Jail till his term of imprisonment shall expire. And so far as relates to him, the County Jail shall be deemed the House of Correction, and he shall be in the charge and keeping of the Sheriff of the City and County of San Francisco, who shall have the same power over him that the Superintendent of the House of Correction might exercise if he was in fact in the House of Correction.

County Jail deemed House of Correction.

CHAPTER VIII.

An Act to abolish commissions or fees paid by the State for the assessment, equalization, auditing, and collection of ad valorem taxes.

[Approved February 23, 1893.]

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

SECTION 1. All commissions or fees paid by the State to the officers of any county, or city and county, for services rendered

Commissions and fees abolished.

Assessor's
commissions on
personal
property
not
affected.

Also mileage
of
Treasurer.

in the assessment, equalization, auditing, and collection of ad valorem taxes, are hereby abolished; *provided*, that this shall not affect the commissions paid to the Assessor of the several counties for services rendered in the collection of personal property taxes, as provided by chapter eight of the Political Code, or the mileage allowed to the Treasurer of the several counties, or cities and counties, in making settlements with the State, as provided by section three thousand eight hundred and seventy-six of the Political Code.

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

SEC. 3. This Act shall take effect from and after the first Monday in May, eighteen hundred and ninety-three.

CHAPTER IX.

An Act authorizing the Controller and Treasurer to transfer to the General Fund all moneys now in the Election Reward Fund, the Leprosy Fund, and Interest and Sinking Fund, Levee District Number Five, and abolishing the Leprosy Fund and Interest and Sinking Fund, Levee District Number Five.

[Approved February 23, 1893.]

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

Transfer of
moneys by
Controller.

SECTION 1. The Controller is hereby authorized to transfer to the General Fund all moneys standing to the credit of the Election Reward Fund, the Leprosy Fund, and Interest and Sinking Fund, Levee District Number Five.

To notify
Treasurer.

SEC. 2. The Controller, immediately after making the transfers provided for in this Act, shall notify the State Treasurer of the same, and the Treasurer shall thereupon make corresponding transfers upon the books of his office.

Funds
abolished.

SEC. 3. The funds known as the Leprosy Fund and Interest and Sinking Fund, Levee District Number Five, are hereby abolished.

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

CHAPTER X.

An Act making an appropriation to pay the deficiency in the appropriation for support of State Insane Asylum at Stockton, California, for the forty-second and forty-third fiscal years.

[Approved February 23, 1893.]

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

SECTION 1. The sum of eighteen thousand nine hundred and eighty-seven 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 Insane Asylum at Stockton, California, for the forty-second and forty-third fiscal years, to wit: eight thousand two hundred and twenty dollars and thirty-eight cents for forty-second fiscal year, and ten thousand seven hundred and sixty-seven dollars and fifty cents for forty-third fiscal year.

Deficiency appropriation for Stockton Asylum.

SEC. 2. The State Controller is hereby authorized to draw his warrants for the amounts of money herein appropriated, and the State Treasurer is directed to pay the same.

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

CHAPTER XI.

An Act to amend section fifty-three of the Penal Code of California, relating to intimidating, corrupting, deceiving, or defrauding electors.

[Approved February 23, 1893.]

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

SECTION 1. Section fifty-three of the Penal Code of California is hereby amended so as to read as follows:

53. Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, attempts to influence any elector in giving his vote, or to deter him from giving the same; or attempts by any means whatever to awe, restrain, hinder, or disturb any elector in the exercise of the right of suffrage, or furnishes any elector wishing to vote, who cannot read, with a ticket, informing or giving such elector to understand that it contains a name, written or printed thereon, different from the name which is written or printed thereon, or defrauds any elector at any such election by deceiving and causing such elector to vote for a different person for any office than he intended or desired to vote for; or who, being Inspector,

Undue influence of an elector prohibited.

Inspector, Judge, or Clerk of any election, while acting as such, induces or attempts to induce any elector, either by menace or reward, or promise thereof, to vote differently from what such elector intended or desired to vote, is guilty of felony.

CHAPTER XII.

An Act appropriating four thousand dollars to pay for the system of heating and ventilating established in the training department of the State Normal School at San José, California.

[Approved February 23, 1893.]

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

Appropriation for heating and ventilating San José Normal School.

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for the system of heating and ventilating established in the training department buildings of the State Normal School at San José, California.

SEC. 2. The State Controller is hereby authorized to draw his warrants for the money in this Act appropriated, in favor of the Board of Trustees of said Normal School, and the State Treasurer to pay the said warrants.

SEC. 3. This Act shall take effect immediately on its passage.

CHAPTER XIII.

An Act appropriating money to pay for the removal, refurnishing of rooms, and repair of furniture for Supreme Court in City of Los Angeles.

[Approved February 23, 1893.]

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

Appropriation to furnish Supreme Court rooms at Los Angeles.

SECTION 1. The sum of two thousand five hundred dollars (\$2,500) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended for the removal, refurnishing rooms, and repairs of furniture for Supreme Court of California, in city of Los Angeles.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants in favor of said Supreme Court for the money herein appropriated, and the State 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 armory rents and other expenses of the Naval Battalion of the National Guard, for the remainder of the forty-fourth fiscal year.

[Approved February 23, 1893.]

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 moneys in the State Treasury not otherwise appropriated, the sum of two thousand six hundred dollars, to pay for armory rents and other expenses of the Naval Battalion of the National Guard of the State of California from January first to July first, eighteen hundred and ninety-three. Appropriation for armory rents, etc., for Naval Battalion.

SEC. 2. The Controller of State is hereby directed to draw his warrant for the amount herein made payable, upon proper claims audited and approved by the Board of Military Auditors, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XV.

An Act amendatory of and supplemental to an Act entitled "An Act to create a Police Court in and for the City and County of San Francisco, State of California," approved March 5, 1889, and providing for an additional department, to be known as Department Number Four, and the appointment of a suitable person to act as Judge of said Court.

[Approved February 23, 1893.]

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

SECTION 1. There is hereby created and established in and for the City and County of San Francisco, 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 four 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, and Department Number Four. 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 An extra Police Judge for San Francisco. Departments. Presiding Judge.

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.

Judgment
of said
Court
equally
effectual.

Juris-
dic-
tion of said
Courts.

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 are hereafter conferred by law upon Justices of the Peace.

How pro-
ceedings
are con-
ducted.

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.

Licensed
attorneys.

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

Police
Court
Attorney.

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.

Salary of
Clerk to
Attorney.

Business
hours.

Salary of
Clerk of
Court.

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.

Bailiff.

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.

Sten-
ographer.

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.

Police
officers.

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.

SEC. 10. 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. The City and County Auditor shall prepare and deliver to the Clerk of the Police Court, from time to time, as many official receipts as may be required. The Auditor shall sign such receipts and deliver them to the Clerk receiving them, specifying in the charge the amounts thereof named in such official receipts, and the class of receipts, respectively, taking receipts therefor, and said Clerk shall countersign the same; and upon the payment of any fine imposed by the Judge of the Police Court, he must deliver to the person paying the same an official receipt for the amount of such fine, and shall daily pay to the City and County Treasurer all moneys so collected or received by him; and shall, under oath, on the first day of each month, and oftener when required so to do by the Auditor, make to the Auditor a report of all such official receipts issued and used by him during the preceding month, and on hand at the close of official business on the last day after the preceding month, and of all moneys so paid by him to the Treasurer during the preceding month, and shall at such time exhibit to the Auditor all unused official receipts, or official receipts not issued remaining in his hands, and the Treasurer's receipts for all moneys paid into the treasury. Whenever any money is deposited with the Clerk as bail money, the Clerk must deliver to the person depositing such money an official receipt therefor, signed by himself, written upon an official receipt countersigned and furnished for that purpose by the Auditor, and shall daily pay to City and County Treasurer all moneys so collected or received by him, taking the Treasurer's receipt therefor. The said money shall be received and kept by the Treasurer as a special deposit, and shall be paid out by him on the order of the Judge of the Police Court, if the bail is exonerated, in the same manner as deposits of money in the custody of the Treasurer belonging to estates of deceased persons are paid out. At least one day shall intervene between the deposit of the money with the Treasurer and the payment on the order made by the Judge of the Police Court. The Treasurer shall be liable on his official bond for the safe-keeping and disbursement of all moneys so deposited with him; but nothing contained in this Act shall be construed or held to relieve the Clerk of the Police Court from any liability for his acts in relation to moneys collected or received by him. All official receipts must be kept and bound in books containing not more than one hundred such receipts, each receipt and stub thereof bearing a number, beginning with number one in each class for each fiscal year, and numbered in consecutive order. When a receipt is issued or used by the Clerk of the Police Court, the Clerk must enter on the stub corresponding with the receipt, the name of the person making the payment of the fine

Official receipts.

Daily payments to the Treasurer.

Monthly report.

Deposits to be paid to the Treasurer.

Liability of Clerk.

Stubs to be kept.

or depositing the money as bail, the offense of which the person was convicted, and the name of the person convicted, or the offense of which the person bailed is charged, and the name of the person bailed, and the date and amount of the payment or deposit. Any person making, issuing, or giving a receipt for money received in payment of a fine, or for money deposited as bail, other than the official receipt countersigned and furnished by the Auditor, is guilty of a felony.

Issuing false receipts a felony.

This Act not to affect the three Judges.

Jurisdiction.

Governor to appoint.

Salary.

How paid.

SEC. 11. Nothing in this Act shall be construed as affecting the three Judges at present acting as Police Judges in the City and County of San Francisco, but they shall continue to be Judges of the Police Court of the City and County of San Francisco, and hold office for the length of time for which they were elected; and the said Court, when organized, shall have jurisdiction of all cases then pending in the Police Court of San Francisco, as constituted prior to the passage of this Act. Within ten 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-five, and he, together with three Judges aforesaid, shall constitute the Police Court of the City and County of San Francisco, 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 Judges of "the Police Court in and for 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 XVI.

An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof.

[Approved February 23, 1893.]

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

Nominations to be filed.

SECTION 1. All nominations of candidates for public office to be filled by election within this State, and Presidential electors, must be filed with the proper officer within the time and in the manner prescribed by law. Every certificate of nominations made by the members of a political party or by a con-

vention or organized assemblage of delegates, or other body of citizens representing a political party or principle, must be signed as provided by the provisions of sections eleven hundred and eighty-seven (1187) or eleven hundred and eighty-eight (1188) of the Political Code of this State; and at the time of filing the certificate of nomination, the persons signing such certificates of nomination shall also file with the officer authorized by law to receive and file such certificate, the names of five persons, who have accepted in writing and consented to act, selected to receive, expend, audit, and disburse all moneys contributed, donated, subscribed, or in anywise furnished or raised for the purpose of aiding or promoting the election of the candidates for office or electors named in the said certificate of nomination, or in any manner to be used in respect of the conduct and management of the election at which such candidates are to be voted for. The certificate of nomination must not be received or filed unless accompanied by the names of five persons citizens and electors of this State to compose such committee, together with their written acceptance and consent to act as such committee, as required by this Act. The said committee shall have the exclusive custody of all moneys contributed, donated, subscribed, or in anywise furnished or raised for or on behalf of the political party, organized assemblage or body, or candidates represented by said committee, and shall disburse the same on proper vouchers, under the directions of the body or superior authority to which it is subject, if there be any. If, for any cause, a vacancy shall occur in the membership of said committee prior to the fifteenth day before the day of holding an election, the vacancy must be filled by the same authority as vacancies in the list of nominees are filled. No vacancy by resignation therefrom or refusal to act upon said committee shall occur after the fifteenth day before the day of holding an election, or until the said committee shall have completed and discharged all of the duties required of them by this Act. If any vacancy be created by death or legal disability subsequent to the fifteenth day before the day of holding an election, such vacancy shall not be filled, and the remaining members shall discharge and complete the duties required of said committee as if such vacancy had not been created.

SEC. 2. Within twenty-one days after the completion of the official canvass of the result of the election, said committee shall file, as hereinafter provided, an itemized statement showing in detail all the moneys contributed, donated, subscribed, or in anywise furnished or received, to the use of the political party, organized assemblage or body, or any or all of the candidates for public office or electors, coming under the control of such committee, or into their custody, directly or indirectly, together with the name of each contributor, donor, subscriber, or source from which such moneys were derived, and an itemized statement of all money expended; such statement shall give the names of the various persons to whom such moneys were paid, the specific nature of each item, by whom the service was per-

How certificate to be signed.

Auditing committee.

Duties of committee.

Vacancy.

Itemized statement of moneys received and expended.

formed, and the purpose for which it was expended. There shall be attached to such statement an affidavit, subscribed and sworn to by each member of said committee, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys, securities, or equivalents for moneys coming under their control or into their custody, and by them expended, directly or indirectly. Such statement shall be filed in the same office in which is filed the certificate of their selection as such committee, and shall become a public document and open to inspection by any citizen.

Itemized statement to be filed by candidates.

SEC. 3. Every candidate who is voted for at any public election held within the State shall, within fifteen days after the day of holding such election, file, as hereinafter provided, an itemized statement showing in detail all moneys paid, loaned, contributed, or otherwise furnished to him, or for his use, directly or indirectly, in aid of his election, and all moneys contributed, loaned, or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who paid, loaned, contributed, or otherwise furnished such moneys in aid of his election, and the names of the various persons to whom such moneys were contributed, loaned, or paid, the specific nature of each item, the service performed, and by whom performed, and the purpose for which the money was expended, contributed, or loaned. There shall be attached to such statement an affidavit, subscribed and sworn to by such candidate, which must be substantially in the following form:

What statement must contain.

Form of affidavit.

State of California, County of —, ss.

I, (name), having been a candidate for the office of —, at the election held in the county, city and county, city, or other division, State of California, on the — day of —, 18—, do solemnly swear that I have paid the sum of \$— for my expenses at the said election, and no more, and that, except as aforesaid, I have not, nor to the best of my knowledge and belief has any person, club, society, or association on my behalf, directly or indirectly, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election, and except such moneys as may have been paid to or expended by the committee selected as prescribed by the Act of the Legislature of this State, approved (date of this Act). And I further solemnly swear that, except as aforesaid, no money, security, or equivalent for money, has to my knowledge or belief been paid, advanced, given, or deposited by any one, to or in the hands of myself, or any other person, for the purpose of defraying any expenses incurred on my behalf, or in aid of my election, or on account of or in respect of the conduct or management of the said election. And I further solemnly swear that I will not at any future time make, or be a party to the making or giving of any payment, reward, office, employment, or valuable

consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security, or equivalent for money, for the purpose of defraying any such expenses.

If the candidate seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out such illegal payment and disclaim responsibility therefor. Candidates for office to be filled by the electors of the State, or of any political division thereof greater than a county, and for members of the Senate and Assembly, representative in Congress, or for members of the State Board of Equalization, State Board of Railroad Commissioners, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the Clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised. The statement and affidavit of a committee or candidate shall be recorded in the office of the County Recorder, and shall, after being filed, become a public record, and open at all times to public inspection. Vouchers must be filed for all expenditures, except in the case of sums under five dollars.

Avoiding
illegal pay-
ments by
third
parties.

Where
statements
filed.

Vouchers.

SEC. 4. Any candidate for a public office who shall refuse or neglect to file, or who makes a false statement of moneys received or expended, as prescribed by section three of this Act, shall, in addition to the punishment for such offense prescribed by the laws of this State, forfeit any office to which he may have been elected at the election with reference to which the statement is required to be made. If a candidate elected to a public office refuses or neglects to file the statement prescribed by section three of this Act, no certificate of election shall be issued to him, neither shall any official bond presented or offered by him be approved, and the incumbent of the office, unless he is himself a defaulting candidate, must not surrender or deliver up said office, but shall continue to discharge the duties and shall receive the emoluments thereof. If the candidate refusing or neglecting to file the statement, or making a false statement of moneys received or expended, is the incumbent of an office of profit or trust under the laws of this State, in addition to the punishment prescribed by the laws of this State for such refusal or neglect, or for making such false statement, he shall be deprived of his office, and shall also forfeit any office to which he may have been elected at the election in reference to which the statement is required to be made.

Refusal
to file
statement
forfeits
office.

SEC. 5. No sum of money shall be paid and no expense shall be incurred by or on behalf of a candidate at an election held within this State at which he is a candidate, or by or on behalf of a committee selected under the provisions of section one of this Act, or by or on behalf of the body or superior authority to which such committee is subject, if any, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, except for the expenses of holding and conducting public meetings for the discussion of

What are
legitimate
expenses.

public questions, and of printing and circulating specimen ballots, handbills, cards, and other papers previous to such election, and of advertising, and of postage, expressage, telegraphing, and telephoning, and of supervising the registration of voters and watching of the polling or counting of votes cast at such election, and of salaries of persons employed in transacting business at office or headquarters, and necessary expenses of maintaining same, and for rent of rooms necessary for the transaction of the business of the candidate or committee, or superior authority to which such committee is subject, if any, and for necessary incidental expenses, which shall not exceed the sum of one hundred dollars if expended by a candidate, or one thousand dollars if expended by a committee; and no sum shall be paid and no expense shall be incurred, directly or indirectly, by or on behalf of a candidate, whether before, during, or after an election, on account of or in respect of the conduct and management of an election at which he is a candidate, in excess of the maximum amount following, that is to say: If the term of the office for which the person is a candidate be for one year or less, five per cent of the amount of one year's salary of the office. If the term be for more than one year and not more than two years, ten per cent of the amount of one year's salary of the office. If the term be for more than two years and not more than three years, fifteen per cent of the amount of one year's salary of the office. If the term be for more than three years and not more than four years, twenty per cent of the amount of one year's salary of the office. If the term be for more than four years, ten per cent of the amount of one year's salary of the office. If the office be one for which in lieu of salary there is allowed per diem for a statutory period or for the number of days actually engaged in the performance of public duties, twenty-five per cent of the amount to accrue for the statutory period. If the office be one for which in lieu of salary a yearly sum is allowed the officer for all the expenses of his office, the expenditures of the candidate for such office shall not exceed the amount of ten per cent of the allowance for such office for one year. If the office be one for which no salary or compensation is allowed except fees, or a salary not exceeding nine hundred dollars per annum and fees, the expenditures of the candidate for such office shall not exceed the amount of one hundred and fifty dollars. If the office be one for which no salary or compensation is allowed, or for which a per diem is allowed for the days actually employed in the performance of a public duty, the expenditures of the candidate for such office shall not exceed one hundred dollars. If the candidate is also at the same time a candidate for an unexpired term, he shall not pay or expend any sum on account of such unexpired term, but the maximum amount to be expended by such candidate shall be as hereinabove provided.

SEC. 6. Every claim payable by the committee selected under the provisions of section one of this Act on account of or in respect of any expense incurred in the conduct and management of an election held within this State, or on behalf of the

Amount that can be expended by candidates, or in his behalf.

When claims must be presented.

candidates of the political party, organized assemblage, or body, which such committee represents, must be presented to the committee within ten days after the return day of the election, and if not so presented, the same shall not be paid, and no action shall be commenced or maintained thereon, and all expenses incurred as aforesaid shall be paid within fifteen days after the completion of such official canvass, and not otherwise. Every claim in respect of any expenses incurred by or on behalf of a candidate at an election held within this State, on account of or in respect of the conduct or management of such election, shall be presented to such candidate within ten days after the day of election, and if not so presented, the same shall not be paid, and no action shall be instituted or maintained thereon; and all such expenses incurred as aforesaid must be paid within twelve days after the day of election, and not otherwise. Any person who makes a payment in contravention of this section, except where such payment is allowed as provided by this Act, is guilty of a misdemeanor.

Effect of non-presentation within prescribed time.

SEC. 7. The Superior Court of the county wherein such statement is filed or is required to be filed, may, on the application of either the committee or candidate, or a creditor of either, allow any claim, not in excess of the maximum amount allowed by this Act, to be presented and paid after the time limited by this Act; and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee or candidate in the same office as the original statement of the committee or candidate. If the candidate or committee, upon such application, shall show to the satisfaction of said Court that any error or false recital in such statement or affidavit, or that the failure to make such statement or affidavit, or to present, within the designated time, a claim otherwise just and proper, has been occasioned by the absence or illness of such candidate, or by the absence, illness, or death of one or more members of such committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or of any reasonable cause of a like manner, and not by reason of any want of good faith on the part of the applicant, the Court may, after such notice of the application as the Court shall require, and on the production of such evidence of the facts stated in the application as shall be satisfactory to such Court, by order, allow such statement and affidavit to be filed, or such error or false recital therein to be corrected, or such claim to be paid, as to the Court seems just; and such order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order. If the application is made by a creditor, the Court may, under like conditions and upon a like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors may be united in such application, but the amount and specific nature of each claim must be fully stated.

How un-presented claims may be paid.

Creditor may make like application.

SEC. 8. No payment of money shall be made and no expense

No one except candidate or committee permitted to expend money.

shall be incurred by any person in aid of or for or on behalf of any candidate, or on account of or in respect of the conduct or management of an election held within this State, except by a candidate or the committee selected under the provisions of section one of this Act, or the committee, body, or superior authority to which such committee is subject; and all expenses incurred by the committee, body, or superior authority to which the said committee is subject, shall be paid only from the fund in the custody of the said committee so selected, as required by this Act. Any contract for the payment of money, or any expense incurred, contrary to the provisions of this section, shall be absolutely void.

Regulations in regard to rent of rooms where intoxicating liquors are sold.

SEC. 9. No payment of any money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, or for holding a meeting, or for the purpose of promoting the election of a candidate, or on account of or in respect to the conduct or management of an election, where intoxicating liquors are sold for consumption on the premises, or where intoxicating liquor is supplied to members of any club, society, or association; *provided*, that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of offices, or for holding public meetings, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Name and address of printer.

SEC. 10. Every bill, placard, poster, pamphlet, or other printed matter having reference to an election, or to any candidate, shall bear upon the face thereof the name and address of the printer and publisher thereof, and no payment therefor shall be made or allowed unless such address is so printed.

Certain expenditures prohibited.

SEC. 11. Whenever any candidate for a public office pays, lends, or contributes, or offers or agrees to pay, lend, or contribute, any money or other valuable consideration to or for any person, either for—

Offenses against elective franchise.

1. The doing or procuring to be done of any act forbidden to be done by the laws of this State relating to public elections; or

2. The commission of any crime or offense against the elective franchise, or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise, or aiding or assisting any person charged with the commission of a crime against the elective franchise to evade arrest or to escape conviction and punishment for such crime or offense; or

Boarding and lodging voters.

3. Providing wholly or in part the expense of boarding, lodging, or maintaining a person at any place or domicile in any election precinct or ward or district, with the purpose of securing the vote of such person for himself or any other person at an election held within the State; or,

Obstructing line of voters.

4. The hiring or employment of a person to take or maintain a place in, or to otherwise obstruct or hinder, or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling place or election booth of an election precinct; or,

5. For services rendered in securing his nomination for the office of which he is a candidate, or for placing his name upon any list of nominees filed with a public officer authorized to receive certificates of nomination, except the cost or expense authorized by the Political Code to be contributed by a candidate for nomination to defray the legal and authorized expenses of a primary election; and except, also, the cost or expense of circulating a nomination petition for signatures of voters, or in consideration of any member of a convention, organized assemblage of delegates, or other body representing or claiming to represent a political party or principle, having voted to secure for him his selection or indorsement as the nominee of such convention, organized assemblage, or body, for the office for which he is a candidate, or in consideration of any person aiding him in securing his election or indorsement as aforesaid; or,

In securing nomination.

6. In consideration of any person withdrawing as a candidate for public office or Presidential elector, at any election held within this State; or,

Withdrawal of candidate.

7. For any purpose in contravention of the provisions of this Act; or,

8. For any purpose whatever in excess of the maximum amount which such candidate may lawfully expend under the provisions of this Act; or,

Excess of maximum amount.

9. Makes any payment after the time limited by this Act, unless the same is authorized as provided in this Act; or unless it be in satisfaction of a judgment obtained against him, whether before, during, or after an election, in respect of or on account of such election, or who refuses or neglects to file the statement prescribed by section three of this Act, or who makes or files a false statement thereof, or is guilty of any crime against the elective franchise, or of any offense which is punishable by fine or imprisonment, or both, under the provisions of this Act, such candidate shall, in addition to the punishment prescribed by the laws of this State, or by this Act, forfeit any office to which he may have been elected at the election in reference to which such crime or offense was committed; and if the candidate so offending is the incumbent of an office of profit or trust under the laws of this State, he shall thereby forfeit this office. Any candidate who procures, aids, assists, counsels, or advises the payment of any money or other valuable thing by or on behalf of a committee selected under the provisions of section one of this Act, and such payment is made for any purpose which, if the money were expended by the candidate, would work a forfeiture of the office to which he has been elected, such payment shall be deemed to have been made by such candidate, and he shall forfeit any office to which he may have been elected at the election in reference to which such payment was made by or on behalf of such committee.

Payments after time limited.

Forfeits office.

SEC. 12. Any elector of the State, or of any county, city and county, city, or of any political subdivision of either, may contest the right of any person declared elected to an office to be exercised therein for any of the causes or offenses named in

Who may contest.

Method of procedure.

this Act, or to annul and set aside the election of any person declared elected to an office to be exercised therein who has forfeited his office for any offense committed in contravention of this Act. In such a proceeding the provisions of title two of part three of the Code of Civil Procedure of the State of California, relating to the proceedings of contesting certain elections, so far as they are not inconsistent with the provisions of this Act, are applicable to proceedings authorized by this section. If the contest or proceedings be as to the right of any person declared elected to the office of Senator or member of the Assembly, the provisions of sections two hundred and seventy-three to two hundred and eighty-three, both inclusive, of the Political Code of this State, shall govern and control the conduct and disposition of such contest or proceeding. If the contest be as to the right of any person declared elected to the office of Governor or Lieutenant-Governor, such proceedings shall be had as are provided by sections two hundred and eighty-eight to two hundred and ninety-five, both inclusive, of the Political Code of this State, and shall govern and control the conduct and disposition of such proceeding. Any offense mentioned in this Act, which, if committed by the incumbent of an office, other than member of the Senate or Assembly, or Governor or Lieutenant-Governor, or any other office named in section eighteen of article four of the Constitution of this State, is cause of removal of such officer from his office, and is hereby declared to be a misdemeanor in office, within the meaning of the Constitution of this State; and for any such misdemeanor in office, the Governor, Lieutenant-Governor, or other officer mentioned in said section eighteen of article four of the Constitution, is liable to impeachment. For any such misdemeanor in office committed by a member of the Senate or Assembly of this State, with the concurrence of two thirds of the members elected, such member may be expelled. If the proceeding is against the incumbent of an office of profit or trust under the laws of this State, other than member of the Senate or Assembly, or Governor or Lieutenant-Governor, or other officer liable to impeachment, to remove him from or deprive him of his office for any offense in contravention of the provisions of this Act, the provisions of sections seven hundred and fifty-eight to seven hundred and seventy-two, both inclusive, of the Penal Code of the State of California, shall be applicable to such proceedings.

What officers are liable to impeachment.

When candidate not liable for acts of third parties.

SEC. 13. Where, upon the trial of any action or proceeding under the provisions of this Act for the contesting of the right of any person declared elected to an office, or to annul and set aside such election, or to remove a person from his office, it appears from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means for preventing the commission of such offenses at such election were taken by and on behalf of the candidate, or that the offenses complained of were trivial, unimportant, and limited in character, and that in all other

respects his participation in the election was free from such offenses or illegal acts, or that any act or omission of the candidate arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the Court to be just that the said candidate should not forfeit his office, or be deprived of any office of which he is the incumbent, then the election of such candidate shall not, by reason of such offense or omission complained of, be void, nor shall the candidate be removed from or deprived of his office.

SEC. 14. An action to contest the right of any person declared elected to an office, or to annul and set aside such election, or to remove from or deprive any person of an office of which he is the incumbent, for any offense mentioned in this Act, must, unless a different time be stated, be commenced within forty days after the return day of the election at which such offense was committed; or unless the ground of the action or proceeding is the illegal payment of money or other valuable thing subsequent to the filing of the statement prescribed by section three of this Act, in which case the action or proceeding may be commenced at any time after such illegal payment. A contest of the office of Governor or Lieutenant-Governor, or member of the Senate or Assembly, must be commenced within twenty days after the certificate of election is issued or the declaration of the result of the election.

When
action
must be
com-
menced.

SEC. 15. An application for filing a statement, payment of a claim, or correction of an error or false recital in a statement filed, or an action or proceeding to annul and set aside the election of any person declared elected to an office, or to remove or deprive any person of his office for an offense mentioned in this Act, must be made to or commenced in the Superior Court of the county in which the certificate of his nomination as a candidate for the office to which he is declared elected, or is the incumbent, is filed, or would be filed under any law enacted subsequent to the first day of January, eighteen hundred and ninety-one, had such law been in force at the time he was a candidate.

Where
action
must be
had.

SEC. 16. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this Act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense mentioned in this Act shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void.

Candidate
found
guilty is
ineligible
to appoint-
ment.

SEC. 17. Every offense mentioned in this Act, which is punishable by imprisonment in the State Prison, is hereby declared to be an infamous crime, and when any person is convicted of

Infamous
crime.

Certified
copies to be
sent to each
county.

an offense herein declared to be an infamous crime, he shall, in addition to the punishment prescribed by the laws of this State for such offense, be excluded from the right of suffrage after such conviction; and it shall be the duty of the County Clerk of the county in which any such conviction shall be had, to transmit a certified copy of the record of conviction to the Clerk of each county of the State within ten days thereafter, which said certified copy shall be duly filed by the said County Clerks in their respective offices, and a record of such must be made, and such record shall be a public record, and open to the inspection of any citizen.

Duty of
District
Attorney.

SEC. 18. If the District Attorney of the county shall be notified by any officer or other person of any violation of any of the provisions of this Act, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such District Attorney to file a complaint or accusation, in writing, before a Court of competent jurisdiction, charging the accused person of such offense, and shall verify such complaint by affidavit; but it shall be sufficient to state in such affidavit that he believes the facts stated in such complaint to be true. If any District Attorney shall fail or refuse to faithfully perform any duty imposed upon him by this Act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall forfeit his office. It shall be the duty of the District Attorney, under penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this Act, the penalty of which is fine or imprisonment, or both, or removal from office. Any citizen may employ an attorney to assist the District Attorney to perform his duties under this Act, and such attorney shall be recognized by the District Attorney and the Court as associate counsel in the proceeding; and no prosecution, action, or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the District Attorney for such dismissal, together with the objections thereto of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the Court, with such limitation as to the time of filing such reasons and objections as the Court may impose.

Assistant
attorneys.

Unlawful
acts
generally.

SEC. 19. It shall be unlawful for any person, directly or indirectly, by himself or through any other person—

1. To pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting, or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls at such election.

2. To give, offer, or promise any office, place, or employment, or to promise to procure, or endeavor to procure, any office, place, or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

Promise of office.

3. To make any gift, loan, promise, offer, procurement, or agreement, as aforesaid, to, for, or with any person, in order to induce such person to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election.

Gifts, etc.

4. To procure, or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person, or the vote of any voter at such election.

Election of person or vote of any voter.

5. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election; or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

Advance or pay money.

6. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, or ward, or district, with intent to secure the vote of such person, or to induce such person to vote for any particular person or persons at any election.

Money for boarding, etc.

7. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used to aid or assist any person to evade arrest who is charged with the commission of a crime against the elective franchise, for which, if the person were convicted, the punishment would be imprisonment in the State Prison.

Evading arrest.

8. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of being selected or indorsed as the candidate of any convention, organized assemblage of delegates, or other body, representing, or claiming to represent, a political party or principle, or any club, society, or association, for a public office, or in consideration of the selection or indorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society, or association having voted to select or indorse any person as a candidate for a public office, except that a candidate for nomination to a public office may contribute such proportion of the cost and expense of holding a primary election as is authorized by the Political Code of this State, and no more.

Payments or promises to organized assemblages.

9. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in

Withdrawal of candidates.

consideration of a person withdrawing as a candidate for a public office.

**Punish-
ment.** Every person who commits any of the offenses mentioned in this section is punishable, upon conviction thereof, by imprisonment in the State Prison for not less than one year nor more than seven years.

SEC. 20. It shall be unlawful for any person, directly or indirectly, by himself or through any other person—

**Receiving
money,
gifts, etc.,
unlawful.**

1. To receive, agree, or contract for, before or during an election, any money, gift, loan, or other valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or persons at any election.

**To remain
away from
polls.**

2. To receive any money, or other valuable thing, during or after an election, on account of himself or any other person having voted, or refrained from voting, for any particular person or persons at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person or persons, or to come to or remain away from the polls at such election.

**To obtain
nominations.**

3. To receive any money, or other valuable thing, before, during, or after election, on account of himself or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body representing, or claiming to represent, a political party or principle, or any club, society, or association, or on account of himself or any other person having aided in securing the selection or indorsement of any other person as a nominee or candidate as aforesaid.

**Punish-
ment.**

Every person who commits any of the offenses mentioned in this section is punishable, upon conviction, by imprisonment in the State Prison for not less than one nor more than seven years.

**Illegal
registra-
tion.**

SEC. 21. Every person who willfully causes, procures, or allows himself to be registered in the Precinct Register or Great Register of any county, or city and county, knowing himself not to be entitled to such registration, is punishable by imprisonment in the State Prison for not less than one nor more than three years.

Same.

SEC. 22. Every person who willfully causes, procures, or allows any other person to be registered in the Precinct Register or Great Register of any county, or city and county, knowing such person not to be entitled to such registration, is punishable by imprisonment in the State Prison for not less than one year nor more than three years.

**Fraudulent
voting.**

SEC. 23. Every person not entitled to vote, who fraudulently votes, and every person who votes more than once at any one election; or knowingly hands in two or more tickets folded

together; or changes any ballot after the same has been deposited in the ballot-box; or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot-box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot-box, for the purpose of breaking up or invalidating such election; or willfully detains, mutilates, or destroys any election returns; or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly had and lawfully conducted, is punishable by imprisonment in the State Prison for not less than two nor more than seven years.

Adding ballots.

Destroying ballot-box.

Interference with officers.

Punishment.

SEC. 24. Every person not entitled to vote, who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who personates or attempts to personate a person legally entitled to vote, is punishable by imprisonment in the State Prison for not less than one nor more than two years.

Attempting to vote illegally; punishment.

SEC. 25. Every person who gives or offers a bribe to any officer or member of any legislative caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than to another, and every person, member of either of the bodies in this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the State Prison not less than one nor more than seven years.

Offering bribes.

Punishment.

SEC. 26. Every officer or clerk of election who aids in changing or destroying any poll list or official ballot, or in placing any ballots in the ballot-box, or in taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so, when in his power to prevent it, or carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballots, ballot-box, or ballots lawfully polled, is punishable by imprisonment in the State Prison for not less than two nor more than seven years.

Illegal acts of election officers.

Punishment.

SEC. 27. Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town, or ward where no election was in fact held, or willfully sub-

Forging returns.

stitutes forged or counterfeit returns of election in the place of true returns, for a precinct, town, or ward where an election was actually held, is punishable by imprisonment in the State Prison for a term not less than two nor more than seven years. Every person who willfully adds to or subtracts from the votes actually cast at an election, in any official or unofficial returns, or who alters such returns, is punishable by imprisonment in the State Prison for not less than one nor more than five years.

Punish-
ment.

Unlawful
advice.

Punish-
ment.

Neglect of
duty.

Dereliction
or miscon-
duct of
commit-
tees.

False
certificate.

Who is a
competent
witness.

Sec. 28. Every person who aids, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, or who aids or abets in the commission of any of the offenses mentioned in the preceding sections, is punishable by imprisonment in the State Prison not exceeding two years.

Sec. 29. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who willfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by the Code of this State, punishable by fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both.

Sec. 30. Every person who, being a member of the committee selected as prescribed in section one of this Act, or a candidate for a public office at an election, makes and files any false statement of moneys received and expended on account of or in respect of the conduct and management of the election in reference to which such statement is filed, is guilty of perjury, and is punishable by imprisonment in the State Prison for not less than one year nor more than seven years.

Sec. 31. Every person who signs or presents for filing a certificate as prescribed by section one of this Act, which contains the name of a fictitious person, or the name of any person other than those actually selected to perform the duties required of the committee to be selected under the provisions of section one of this Act, or who practices any fraud, device, or artifice to conceal the true names of the persons actually charged with the duties belonging to the said committee, is punishable, upon conviction, by imprisonment in the State Prison for not less than one year nor more than seven years.

Sec. 32. A person offending against any provision of sections nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty, and thirty-one of this Act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or lawful investigation or judicial proceeding, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment or presentment by information, nor to prosecution or punishment for the offense with reference to which his testi-

mony was given, and may plead or prove the giving of testimony accordingly in bar of such indictment, information, or prosecution.

SEC. 33. It shall be unlawful for any candidate for public office, before or during an election, to make any bet or wager with a voter, or take a share or interest in or in any manner become a party to such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager, upon any event or contingency whatever. Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter, depending upon the result of any election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such election. Every person who commits any of the offenses mentioned in this section is guilty of a misdemeanor. Bets and wagers.

SEC. 34. Every candidate for a public office who refuses or neglects to file a statement, as prescribed in section three of this Act, is guilty of a misdemeanor. Refusal to file statement.

SEC. 35. Every member of a committee selected under the provisions of section one of this Act, who refuses or neglects to file a statement, as prescribed by section two of this Act, is guilty of a misdemeanor. Same.

SEC. 36. Every person who advances or pays, or causes to be paid, any money or other valuable thing, in contravention of sections eight or nine of this Act, unless a different penalty is provided for such illegal payment, is guilty of a misdemeanor. Illegal payments by any person.

SEC. 37. Every candidate who makes any payment in aid of his election, or in the conduct and management of an election, in excess of the sum authorized or permitted to be expended by this Act, or contrary to or in violation of sections five or six of this Act, is guilty of a misdemeanor, unless a different penalty is provided for such illegal payment; each payment so made contrary to or in violation of said sections five or six of this Act shall constitute a separate and distinct offense. How payments in excess of limit punished.

SEC. 38. Every member of a committee selected under the provisions of section one of this Act, who makes any payment contrary to or in violation of the provisions of sections five or six of this Act, unless a different penalty is provided for such illegal payment, is guilty of a misdemeanor. Illegal payments by committee.

SEC. 39. Every person who, either before or during an election, directly or indirectly, gives or provides, or pays, wholly or in part, the expense of giving or providing any meat, drink, refreshment, entertainment, or provision to or for any person, for the purpose of corruptly influencing that person, or any other person, to give or refrain from giving his vote at an election, or to come to the polls or remain away from the polls, or on account of such person or any other person having voted or refrained from voting, or having come to the polls or remained away from the polls, or being about to vote or refrain from voting at such election, is guilty of a misdemeanor. Entertainment or refreshment for corrupt purposes prohibited.

SEC. 40. Every person who sets up, or causes to be set up,

Boxes for deposit of money prohibited.

or otherwise exhibits, in any place set apart for the registration of voters or the receiving of votes at an election, or for the counting of votes cast at an election, any box or other receptacle for the deposit of money, or who solicits the giving or depositing of any money, for the purpose of providing any drink, refreshment, or entertainment to or for any person employed in or about the registration of voters, or the polling of votes, or the counting of votes cast at an election, or who gives or provides any moneys as aforesaid, is guilty of a misdemeanor.

Force, violence, or threats.

SEC. 41. It shall be unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence, or restraint, or to inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm, or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it shall be unlawful for any person, by

Abduction or duress.

abduction, duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter; or to compel, induce, or prevail upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person or persons at any election. It shall not be lawful for any employer, in paying his employes the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes. Nor shall it be lawful for any employer, within

"Pay envelopes."

Handbills and placards in factories, etc.

ninety days of an election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employes may be working, any handbill or placard containing any threat, notice, or information, that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. This section shall apply to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter.

Corporations.

How misconduct of election officers punished.

SEC. 42. Every Inspector, Judge, or Clerk of an election who, previous to putting the ballot of an elector in the ballot-box, attempts to find out any name on such ballot, or who opens

or suffers the folded ballot of any elector which has been handed in to be opened or examined previous to putting the same into the ballot-box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such Inspector, Judge, or Clerk has fraudulently or illegally discovered to have been voted for by such elector, is punishable by fine not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days or more than six months, or by both such fine and imprisonment.

SEC. 43. Other crimes against the elective franchise are defined, and the punishment thereof prescribed, by the Penal Code relating to the subject and by special statutes. Other crimes defined.

SEC. 44. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 45. This Act shall take effect and be in force from and after its passage.

CHAPTER XVII.

An Act to limit the time within which franchises or privileges for the construction, extension, or operation of street railroads may be granted by Boards of Supervisors of the several counties, and cities and counties, of this State.

[Approved February 24, 1893.]

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

SECTION 1. It shall be unlawful for the Board of Supervisors of any county, or city and county, within the ninety days next preceding the date of holding a general election, and within the seventy days next immediately following, including the day of holding such general election, to authorize or pass any ordinance, order, or resolution granting to any person or persons, or association of persons, or corporation whatsoever, any privilege or franchise for the construction, extension, or operation of any street railroad, or extension of time for the construction or operation of any street railroad, over or upon any or part of any street, road, highway, squares, or park within the county, or city and county. When street railroad franchises may not be granted.

SEC. 2. Any franchise or privilege granted, or attempted to be granted, in violation of, or contrary to, the provisions of this Act shall be absolutely void and of no effect.

SEC. 3. All Acts or parts of Acts in conflict with this Act are hereby repealed.

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

CHAPTER XVIII.

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

[Approved February 24, 1893.]

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 fifteen thousand dollars (\$15,000) 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 thirtieth session of the Legislature.

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

CHAPTER XIX.

An Act to prevent combinations to obstruct the sale of live stock in the State of California.

[Approved February 27, 1893.]

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

Combinations to prevent buying live stock prohibited.

SECTION 1. It shall be unlawful for any two or more persons, or corporations, to combine or agree together to do any act which will, in any respect, prevent any person from buying live stock at any place in this State from any person having the same for sale, either for himself or as the representative or agent of the owner of the same.

Corporation prohibited.

SEC. 2. It shall be unlawful for any corporation organized under the laws of this State, or any Board of Directors or Trustees, or stockholders, or agents, or officers of any corporation, to have, pass, or enforce any rule, by-law, or regulation, whereby any officer, stockholder, member, shareholder, agent, servant thereof, or any other person in any way interested in or connected with such corporation, shall in any respect be prohibited, prevented, or enjoined from buying live stock from any other person having such live stock for sale, either as owner thereof, or as the agent, representative, or assistant of such owner, in any market in this State where live stock is brought to be sold.

By-laws of corporations.

SEC. 3. Every rule, regulation, or by-law of any corporation doing business in this State, which has for its purpose, or which, directly or indirectly, tends to prevent its members or stockholders from freely purchasing live stock from any person lawfully having the same for sale, upon any live stock market of this State, are hereby declared to be contrary to the public

policy of this State, and unlawful and void; and any person or persons who shall attempt, directly or indirectly, to enforce any such rule, regulation, or by-law, shall be deemed guilty of a misdemeanor, and, in addition to the penalties prescribed by this Act, shall be personally liable for all damages which may arise from the enforcement of such rule, regulation, or by-law, to any person damaged thereby.

Persons enforcing such by-laws liable to damages.

SEC. 4. No trusts, combinations, or conspiracies shall be organized or exist in this State, to prevent any person or persons, or corporation, from selling live stock on commission, for such an amount of commission as any person engaged in the business may see fit to charge; and all rules, regulations, by-laws, or agreements of any corporation, association, society, or combination of persons, whereby any such corporation, society, association, or combination of individuals are required to charge not less than a given sum for commissions, or whereby any person or commission merchant is, in any respect, restrained from charging less than a certain fixed sum for his services as such commission merchant in the sale of live stock, are hereby declared to be contrary to the public policy of this State, and unlawful. And any person who shall enter into any such trust, combination, or conspiracy, or who shall enforce or aid, abet, assist, or encourage the enforcement of any such rule, regulation, by-law, or agreement, shall be liable to the penalties prescribed by this Act, and also shall be personally liable to any person, individual, society, or corporation who may be injured in his property or business thereby, to the full extent of the injury resulting therefrom.

Trusts, combinations, or conspiracies.

In regard to commissions.

Damages.

SEC. 5. Whoever shall, directly or indirectly, be a party to any combination, conspiracy, or association, which attempts, directly or indirectly, to prevent any other person from freely selling live stock at any market in this State for such persons as see fit to engage his services, or shall endeavor to compel, directly or indirectly, any person to charge not less than a fixed minimum sum for services in the sale of live stock, or shall, in any way, hinder or prevent another from lawfully selling live stock for another, for such rate of commission as may be agreed upon by the owner of the live stock and the commission merchant, shall be deemed guilty of a misdemeanor, and suffer the penalties prescribed by this Act, and shall be personally liable to any one aggrieved thereby, for the full amount of any damage sustained by such person.

Selling live stock at any market.

Misdemeanor.

SEC. 6. Any one who shall violate the provisions of this Act shall be punished by a fine in any sum not less than five hundred dollars, and not more than five thousand dollars, or by imprisonment in the county jail not exceeding one year, or by either or both, in the discretion of the Court, and shall be liable, in civil action, to any person aggrieved, in such damages as he or she may have sustained by the violation of this Act.

Punishment.

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

CHAPTER XX.

An Act to add a new section to the Political Code, to be numbered three thousand eight hundred and nineteen, relating to the payment of taxes under protest, and the right of action to recover taxes so paid.

[Approved February 27, 1893.]

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

Payment
of taxes
under pro-
test.

SECTION 1. A new section is hereby added to the Political Code, to be designated as section three thousand eight hundred and nineteen, relating to the payment of taxes under protest, and right of action to recover taxes so paid.

Protest to
be in writ-
ing.

3819. At any time after the duplicate assessment book

What to
contain.

has been received by the Tax Collector, and the taxes have become payable, the owner of any property assessed therein, who may claim that the assessment is void in whole or in part, may pay the same to the Tax Collector under protest, which protest shall be in writing, and shall specify whether the whole assessment is claimed to be void, or if a part only, what portion, and in either case the grounds upon which such claim is founded. And when so paid under protest, the payment shall in no case be regarded as a voluntary payment, and such owner

May bring
action to
recover
same.

may at any time within six months after such payment bring an action against the county, in the Superior Court, to recover back the tax so paid under protest; and if it shall be adjudged that the assessment, or the part thereof referred to in the protest, was void on the ground specified in the protest, judgment shall be entered against such county therefor; and on the payment of any such judgment such part of the tax recovered thereby as may have been paid by the County Treasurer into the State Treasury shall be regarded as an amount due the county from the State, and shall be deducted in the next settlement had by the county with the Controller, such deduction to be made in the manner that other deductions are made, as provided in section three thousand eight hundred and seventy-one of the Political Code of this State.

Effect of
judgment;
how de-
ducted.

CHAPTER XXI.

An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds.

[Approved February 27, 1893.]

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

SECTION 1. Wherever in this Act the phrase "Street Work Act" is used, it means and shall be taken to mean the Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, and all Acts amendatory thereof or supplementary thereto; and wherever in this Act the name of any municipal body or officer is used, or any word or phrase is used which is not herein expressly defined, it means and shall be taken to mean such municipal body or officer, or word or phrase as the same is expressly defined in said Street Work Act, and in all Acts amendatory thereof or supplementary thereto.

What
"Street
Work Act"
means.

Name of
municipal
body or
officer.

SEC. 2. Whenever the City Council of any municipality in this State shall find, upon estimates of the City Engineer, that the cost of any proposed work or improvement authorized by said Street Work Act will be greater than one dollar per front foot along each line of the street so proposed to be improved, including the cost of intersection work assessable upon said frontage, it shall have the power, in its discretion, to determine that serial bonds shall be issued to represent the cost of said work or improvement in the manner and form hereinafter provided. Said serial bonds shall extend over a period not to exceed ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date, until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid. Said bonds and interest thereon shall be paid at the office of the City Treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said City Treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee, and indorsees of each bond, and the number and amount of each

When cost
of improve-
ments will
exceed one
dollar per
front foot,
serial
bonds may
be issued.

Ten-year
limit.

When pay-
able.

Semi-an-
nual inter-
est; rate.

Where pay-
able.

City Treas-
urer to
keep a
register.

coupon of principal or interest paid by him, and shall cancel and file each coupon so paid.

Resolution of intention.

SEC. 3. When said City Council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under said Street Work Act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in the resolution of award, and in all notices of said proceedings required by said Street Work Act to be either posted or published; and also a notice that a bond will issue to represent each assessment of fifty dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of said Council upon an appeal, and describing the bonds, shall be included in the warrant provided for in section nine of said Street Work Act.

Where description of bonds must be inserted.

Notice.

Street Superintendent to certify unpaid assessments.

SEC. 4. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the City Council, as provided in section eleven of said Street Work Act, then five days after the final decision of said Council, and after the Street Superintendent shall have recorded the return, as provided in section ten of the same Act, the Street Superintendent shall make and certify to the City Treasurer a complete list of all assessments unpaid, which amount to fifty dollars or over, upon any assessment or diagram number; and said Treasurer shall thereupon make out, sign, and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond, representing upon each lot or parcel of land upon said list the total amount of the assessments against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the County Recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Said bond shall be substantially in the following form:

What is sufficient description of land or lots.

STREET IMPROVEMENT BOND.

Form of bond.

Series (designating it), in the city (or other form of the municipality) of (naming it).

\$ _____ 100.

No. _____.

Under and by virtue of an Act of the Legislature of the State of California (title of this Act), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____, or order, the sum of _____ (\$ _____), with interest at the rate of _____ per cent per annum, all as is hereinafter specified, and at the office of the _____ Treasurer of the _____ of _____, State of California. This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same is more fully described in assessment num-

ber _____, issued by the Street Superintendent of said _____, after his acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: the lot or parcel of land in said _____ of _____, county of _____, State of California, _____.

Form of
bond

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum. The interest is payable semi-annually, to wit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of _____, and thereafter the interest coupons are for semi-annual interest, except the last, which is for interest from the semi-annual payment next preceding and to the date of the final maturity of this bond. Should default be made in the annual payment upon the principal, or in any payment of interest, from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law for sale of land assessed for State and county taxes delinquent in the payment thereof.

At said _____ of _____, this _____ day of _____, in the year one thousand _____ hundred and _____.

City Treasurer of the _____ of _____.

Provided, that in case the amount of unpaid assessments upon any lot or parcel of land shall be less than fifty dollars, then the same shall be collected as is hereinbefore provided in part one of said Street Work Act.

When
amount is
less than
fifty dol-
lars.

Provided, also, that if any person, or his authorized agent, shall at any time before the issuance of the bond for said assessments upon his lot or parcel of land, present to the City Treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records, that he is such owner of record, and with such affidavit and certificate, such person notifies said Treasurer, in writing, that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collection,

Proceed-
ings to be
taken by
owner to
avoid list-
ing by
Street Su-
perintend-
ent.

as if said lot or parcel of land had not been so listed by the Street Superintendent. The bonds so issued by said Treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day of January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The City Treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the Street Superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid, and said assessment shall be a first lien upon the property affected thereby, until the bond issued for the payment thereof, and the accrued interest thereon, shall be fully paid. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under said Street Work Act and this Act, previous to the making of the certified list of all assessments unpaid to the amount of fifty dollars or over by the Street Superintendent, to the City Treasurer, and of the validity of said lien, up to the date of said list.

Annual coupons.

Semi-annual interest coupons.

Report of City Treasurer to Street Superintendent.

Issuance of bonds conclusive evidence of regularity of proceedings.

Default of owner to represent assessment.

City Treasurer clothed with powers and duties of Tax Collector.

Provisions in regard to railroad tracks.

SEC. 5. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been issued, any payment, either upon the principal or of the interest, shall not be made when the same is due, and the holder of the bond thereupon demands, in writing, that the said City Treasurer proceed to advertise and sell said lot or parcel of land, as herein provided, then the whole bond, or its unpaid remainder, with its accrued interest, shall become due and payable immediately, and on the day following shall become delinquent; and the City Treasurer shall have, and shall act thereafter with, all the powers and duties of the Tax Collector in the collection of unpaid State and county taxes, and shall forthwith proceed to advertise and sell said lot or parcel of land by proceedings in all respects the same as are provided by law for the collection of delinquent State and county taxes. All such provisions and proceedings, after taxes have become delinquent, including the certificate of sale, the right of redemption, and the deed, with the respective costs thereof, are hereby made applicable to this case.

SEC. 6. Whenever any railroad track or tracks of any description exists upon any street or streets on which the City Council has ordered work to be done or improvements made, excepting therefrom such portions as is required by law to be

kept in order or repair by any person or company having railroad tracks thereon, the said Council may, at any time thereafter, order such person or company to perform upon said excepted portion the work or improvements, similar in all respects to that already ordered to be performed under the same specifications and superintendence, with the same materials, within the same time, and to the like satisfaction and acceptance. Thereupon it shall be the duty of the Clerk of said Council to deliver immediately a copy of such order, certified by him, to such person or company, and to make and preserve in his office a certificate of such delivery, its date, and upon whom made. Should such person or company, for thirty days, or within such extension of time as the City Council may grant, thereafter refuse or neglect to make or have made such work or improvement in the manner or time ordered, it shall be the duty of the City Council to have such work or improvement performed, and such refusal or neglect punished in the manner provided by law. Within fifteen days after receiving the certified copy of said order, such person or company may file with the Clerk of said Council a written assumption of the performance of said work or improvement, according to the order, or a request to the Council to have such work or improvement performed, for and at the expense of such person or company, in the manner herein provided. The failure to file such instrument within said time shall be taken and deemed to be a refusal to comply with the order. Upon reception of said assumption of the direct performance of said work or improvement, the City Council shall take no further proceedings in the matter, unless such person or company neglects or fails for thirty days, or such further time as the Council may grant, to comply with the provisions of the order. But if such person or company files the said request that the said Council have such work or improvement performed, or fails to perform said work within thirty days, or within such further time as the Council may grant, then said City Council may pass an ordinance of intention to perform said work, which ordinance shall specify the work to be performed, and a statement that unless within thirty days after the recording of the return of the warrant, or within five days after the final decision of the Council on an appeal, the said person or company shall pay the cost of said work, or the Street Superintendent of said city shall issue bonds to represent the cost of said work, stating also that the cost of said work, in case bonds shall issue, shall be paid in ten yearly installments, and also the rate of interest (not to exceed ten per cent per annum) that the same shall bear. The subsequent procedure shall be as provided by the "Street Work Act." A similar statement shall also be incorporated in all notices required to be posted or published by the provisions of the "Street Work Act;" also in the ordinance or resolution ordering the work, advertisement for proposals, and in the contract. Whenever the person or company owning any such railroad shall not have, within thirty days after the recording of the return of the warrant, or within five days after the final

Clerk to deliver copy of order.

Result of refusal or neglect.

Written assumption may be filed.

Duty of Council on failure of railroad to perform work, and when request for Council to perform same.

What notice must contain.

Bonds shall issue, describing franchise, tracks, and roadbeds.

Other recitals in bond.

Bonds a first lien on all tracks, etc., including franchise.

Provisions in regard to sections four and five.

What City Treasurer means.

Repeal of Act of 1891.

decision of the Council on an appeal, paid the cost of such work, the Street Superintendent shall issue to the contractor, or his assigns, bonds for the amount of such cost, which shall describe the franchise, tracks, and roadbed along or between which said work has been performed, and describing the same as upon the assessment and diagram, giving its assessment number. Such bonds shall also describe the work performed, giving the total amount of the cost of such work, the name of the owner of said railroad, the number of installments in which the cost of the work is to be paid, and the rate of interest which the deferred payments shall bear. Said bonds shall be in sums of not less than one hundred dollars or more than one thousand dollars, and shall recite that the total amount of the cost of such work, together with the interest thereon, as represented in said bonds, is, except State, county, and municipal taxes, a first lien upon all the track, roadbed, switches, and franchises of said railroad lying within the corporate limits of the city or town, on any part of which said work has been performed. Said Street Superintendent shall also keep a record of such bonds, as required by section eighteen of the "Street Work Act." Whenever bonds have been issued, as herein provided, the same, together with the cost of such work and the interest thereon, shall be, except State, county, or municipal taxes, a first lien upon all the tracks, roadbed, switches, and franchises of said railroad within the corporate limits of the city or town, on any part of which said work has been performed. Sections four and five of this Act, regarding the form, issuance, and foreclosure of street bonds and the sale of property described therein, shall apply hereto, except that the work required to be performed by the Treasurer by said sections shall be performed by the Street Superintendent, in so far as the bonds for the paving of railroads are concerned. None of the provisions of the "Street Work Act" in regard to a protest against the work shall apply to any work contemplated by this section. All provisions of the "Street Work Act," not inconsistent with the provisions hereof, shall apply hereto.

SEC. 7. The term "City Treasurer," as used in this Act, shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality.

SEC. 8. The Act entitled "An Act to amend an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for construction of sewers within municipalities,' approved March eighteenth, eighteen hundred and eighty-five, by adding thereto an additional part, numbered four, consisting of sections thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four, relative to a system of street improvement bonds," approved March seventeenth, eighteen hundred and ninety-one, is hereby repealed, except as to any and all proceedings hitherto commenced thereunder, which proceedings may be completed and have full force as is therein provided.

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

CHAPTER XXII.

An Act to amend an Act entitled "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.

[Approved February 27, 1893.]

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

SECTION 1. Section three of an Act entitled "An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine, is hereby amended so as to read as follows: Act of 1889 amended.

Section 3. The general government and supervision of said school shall be vested in a Board of Trustees, consisting of three citizens of the State of California, who shall be appointed by the Governor. The members of said Board shall hold their offices for the respective terms of two, three, and four years, from the first day of July, eighteen hundred and ninety-three, and until their successors shall be appointed and qualified, said respective terms to be designated in their appointments; and thereafter, upon the expiration of such terms, there shall be one of said Board appointed, whose term of office shall be continued four years, and until his successor is appointed and qualified. Said Trustees, before entering on the discharge of the duties of their office, shall each take an oath faithfully to discharge the same. Government vested in three Trustees. Term of office.

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

Section 6. No member of the Board or employé of the institution shall be interested in any contract or enterprise in connection with said school. No member to be interested in contracts.

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

Section 9. The said school 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. Military discipline. Uniform.

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

Section 10. The members of the Board shall receive no compensation for their services, but shall be allowed their reasonable expenses incurred while in the discharge of their official duties. The Superintendent shall receive a salary, to be fixed by the Board, not to exceed three thousand dollars per annum. The Expenses of Trustees to be paid. Superintendent's salary.

Other salaries.

Military Instructor shall receive a salary, to be fixed by the Board, not to exceed twelve hundred dollars per annum: The Secretary and Commissary shall each receive a salary, to be fixed by the Board, not to exceed fifteen hundred dollars per annum. The salary of no other officer or employé of the school shall exceed twelve hundred dollars per annum. The power of the Board to fix the compensation of the officers and employés, as provided in section twelve of this Act, shall be subject to these limitations.

SEC. 5. Section fourteen of said Act is hereby repealed.

SEC. 6. Section twenty-two of said Act is hereby amended so as to read as follows:

Duties of Trustees.

Section 22. The Board of Trustees are hereby authorized and required to contract for provisions, clothing, medicines, forage, fuel, and other staple supplies of the school 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, and if the price bid is a fair and reasonable one, and not greater than the usual market value and prices. Each bid shall be accompanied by such security as the Board may require, conditioned upon the bidder entering into a contract upon the terms of his bid, on notice of the acceptance thereof, and furnishing a 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 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 school 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 the letting of contracts shall be given for at least two consecutive weeks in one newspaper printed and published in the City and County of San Francisco, in one newspaper printed and published in the city of Sacramento, and in one newspaper printed and published in the county of Amador. If all 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 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

Contracts.

Security and bond of bidder.

Purchase price of rejected article to be deducted from amount found due.

All bids may be declared off.

Renewing advertisement.

Lowest bid.

Equal bids.

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 option of the Board faithfully complied therewith. May reject certain bids.

SEC. 7. For the purpose of preventing any inconvenience arising from the transfer of the power of superintendence and government of said school from the State Board of Prison Directors to said Board of Trustees, this Act shall, after the first day of July, eighteen hundred and ninety-three, confer and devolve upon said Board of Trustees all the powers, duties, and responsibilities conferred or devolved upon the State Board of Prison Directors, by virtue of any Act heretofore passed or that may be passed in relation to said school at the present session of the Legislature, and said Board of Trustees shall, so far as the government and control of said school or any appropriation relating thereto is concerned, become and remain the successors of said State Board of Prison Directors. Transfer of power of superintendence and government.

SEC. 8. This Act shall take effect and be in force from and after the first day of July, eighteen hundred and ninety-three.

CHAPTER XXIII.

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for Police Courts in cities of thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof,' approved March 18, 1885, and to provide for Clerks of Police Courts in cities of twenty-six thousand and under fifty thousand inhabitants," approved March 31, 1891, by inserting a new section, to be numbered six and one half, providing for Prosecuting Attorneys of Police Courts in cities having more than thirty thousand and under fifty thousand inhabitants, and prescribing the duties and regulating the compensation of such Prosecuting Attorneys.

[Approved February 27, 1893.]

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 an Act entitled "An Act to amend an Act entitled 'An Act to provide for Police Courts in cities having thirty thousand and under one hundred thousand inhabitants, and to provide for officers thereof,' approved March eighteenth, eighteen hundred and eighty-five, and to provide for Clerks of Police Courts in cities of twenty-six thousand and under fifty thousand inhabitants," approved March thirty-first, eighteen hundred and ninety-one, to be known as section six and one half, to read as follows: Act of 1891 amended.

Provision for a Prosecuting Attorney.	Section 6½. The Police Court in all cities having more than thirty thousand and less than fifty thousand inhabitants shall have a Prosecuting Attorney, to be appointed by the District Attorney of the county in which said city is situated, who shall hold office for the period of two years from the date of his appointment. He shall receive an annual salary of two thousand (2,000) dollars, payable in equal monthly installments, out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. It shall be the duty of said Prosecuting Attorney to attend the sessions of said Court, and conduct on behalf of the people all prosecutions for public offenses of which said Court has jurisdiction. He shall give a bond in the sum of three thousand dollars, with at least two sureties, to be approved by the Mayor, conditioned for the faithful discharge of the duties of his office.
Salary.	
Duties.	
Bond.	
	SEC. 2. This Act shall be in force and effect from and after its passage.

CHAPTER XXIV.

An Act to declare certain tide lands public grounds, and granting the same to the County of San Mateo in trust for the use of the public.

[Approved February 27, 1893.]

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

Certain lands in San Mateo County dedicated as public ground.	SECTION 1. That all the tide lands between the line of high and low tide, described below, are hereby dedicated as public grounds, and the title thereto is granted to the county of San Mateo in trust for the use of the public, and without the power to sell or in any manner dispose of the same, or any part thereof; said lands shall be made and kept accessible to the public for the purposes aforesaid. The lands above mentioned are described as follows: Being all the lands between high and low tide along the shore of the Pacific Ocean commencing at the mouth of Pescadero Creek, and running southerly with the shore line of said ocean to a point known as the mouth of "Bean Hollow Lagoon," about three miles distant, and including all those tide lands usually known and called "Pebble Beach," situate, lying, and being in the county of San Mateo, State of California.
Description.	

CHAPTER XXV.

An Act making an appropriation to pay the deficiency in the appropriation for expenses of Supreme Court, under section forty-seven, Code of Civil Procedure, for forty-first fiscal year.

[Approved February 27, 1893.]

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

SECTION 1. The sum of fifty dollars and eighteen 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 Supreme Court, under section forty-seven, Code of Civil Procedure, for forty-first fiscal year. Deficiency appropriation for Supreme Court support.

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 XXVI.

An Act making an appropriation for the payment of an indebtedness created or to be incurred by the Surveyor-General, in transcribing records and plat books in his office.

[Approved February 27, 1893.]

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

SECTION 1. The sum of fifteen hundred dollars (\$1,500) is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to provide for the payment of the indebtedness created and incurred, or to be incurred, by the Surveyor-General of California, in transcribing the records and plat books in his office, as authorized by the State Board of Examiners on November nineteenth, eighteen hundred and ninety-one. Appropriation for Surveyor-General, for transcribing records, etc.

SEC. 2. The State Controller is hereby authorized to draw his warrants from time to time against this appropriation, upon claims 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 immediately.

CHAPTER XXVII.

An Act requiring city, city and county, or town authorities to exact and require from persons or corporations seeking permission and authority to lay railroad tracks through streets or public highways of any incorporated city, city and county, or town, a satisfactory promise and undertaking to permit and allow mail carriers in the employ of the United States Government at all times, while engaged in the actual discharge of duty, to ride on the cars of such railroad without paying fare; and to make such promise and undertaking a condition precedent to the granting of such permission and authority by such governing Board.

[Approved February 27, 1893.]

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

SECTION 1. In all cases hereafter, where application is made to the city, city and county, or town authorities, or to the Trustees, Council, or other body to whom is intrusted the government of the city, city and county, or town, for permission and authority to lay railroad tracks through streets or public highways of any incorporated city, city and county, or town, such authorities, before granting such permission and authority, in addition to the terms and restrictions which they are now, by law, authorized to impose, must exact and require from the persons or corporation asking or seeking such permission and authority, a satisfactory promise and undertaking to permit and allow mail carriers in the employ of the United States Government, at all times, while engaged in the actual discharge of duty, to ride on the cars of such railroad without paying any sum of money whatever for fare or otherwise. And such governing body of city, city and county, or town authorities must make such promise and undertaking on the part of such persons or corporations a condition precedent to the granting of such permission and authority to lay railroad tracks through streets or public highways of such city, city and county, or town; *provided*, that all such permissions and franchises shall be subject to all other provisions of the laws of this State applicable to street railroads in general, and subject to regulations from city, city and county, and town authorities.

Author-
ties of city,
city and
county, or
town, to
exact and
require
promise
from street
railroads to
carry letter
carriers
free.

Condition
precedent.

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

CHAPTER XXVIII.

An Act to amend section sixty of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880, relating to setting apart exempt property for the use and benefit of the insolvent, and also a homestead, and providing for giving notice of the hearing of the application therefor.

[Approved February 27, 1893.]

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

SECTION 1. Section sixty of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April sixteenth, eighteen hundred and eighty, is hereby amended to read as follows:

Act of 1880 amended.

Section 60. It shall be the duty of the Court having jurisdiction of the proceedings, to exempt and set apart, for the use and benefit of said insolvent, such real and personal property as is by law exempt from execution; and also a homestead, in the manner as provided in section one thousand four hundred and sixty-five of the Code of Civil Procedure. But no property or homestead shall be set apart, as aforesaid, until it is first proved that notice of the hearing of the application therefor has been duly given by the Clerk, by causing notices to be posted in at least three public places in the county at least ten days prior to the time of such hearing, setting forth the name of said insolvent debtor, and the time and place appointed for the hearing of such application, which said notice shall briefly indicate the homestead sought to be exempted or the property sought to be set aside; and the decree must show that such proof was made to the satisfaction of the Court, and shall be conclusive evidence of that fact.

Duty of Court to set apart property.

Homestead.

Notice must be proven.

How made: what to contain.

Decree.

CHAPTER XXIX.

An Act making an appropriation to pay the deficiency in the appropriation for the restoration and preservation of fish in the waters of the State, for the forty-second and the forty-third fiscal years.

[Approved February 27, 1893.]

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

SECTION 1. The sum of seventy-one and sixty-two one hundredths (\$71 62) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay

Deficiency appropriation for restoration and preservation of fish.

the deficiency in the appropriation for restoration and preservation of fish in the waters of the State, for the forty-second and forty-third fiscal years.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XXX.

An Act fixing the salary of the Janitor of the State Capitol building, defining his duties, and making an appropriation therefor.

[Approved February 27, 1893.]

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

Duties of Janitor of State Capitol building.

SECTION 1. It shall be the duty of the Janitor to take general charge of the State Capitol building, and to secure and preserve the furniture, carpets, curtains, and all other property therein. He shall superintend the lighting of the building, note the gas meter and the electric meter, and the correctness of the bills for gas and electric lighting for each month, before the same is presented for payment. He shall check the delivery of supplies of wood and coal, and become satisfied that the quantity delivered corresponds with the amount ordered by the Superintendent, and certify to the correctness thereof to the Superintendent. He shall check the delivery of supplies of stationery and blank books received from contractors, by schedules furnished him by the State Board of Examiners. He shall have the charge and custody of all stationery and blank books purchased by the State for the use of State officers and members of the Legislature, and shall keep a strict and accurate account of all supplies drawn by each, and also an account of all supplies on hand. He shall exercise general supervision of the porters and watchmen, have full power to make arrests for disorderly conduct about the building or grounds, and do and perform such other duties as may be required of him by the Superintendent.

Salary.

SEC. 2. The salary of the Janitor of the State Capitol building shall be two thousand dollars per annum, payable in the same manner as the salaries of other State officers.

Appropriation.

SEC. 3. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of two hundred eight and forty one hundredths dollars, for the payment of the increase in the salary of the Janitor of the Capitol building for the remainder of the forty-fourth fiscal year.

SEC. 4. This Act shall take effect immediately.

CHAPTER XXXI.

An Act making an appropriation to pay the deficiency in the appropriation for support and maintenance of State hatcheries, for the forty-second and forty-third fiscal years.

[Approved February 27, 1893.]

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

SECTION 1. The sum of one hundred and eighty-eight and forty one hundredths (\$188 40) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for support and maintenance of State hatcheries, for the forty-second and forty-third fiscal years. Deficiency appropriation for State hatcheries.

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 XXXII.

An Act appropriating the sum of ten thousand dollars for supplying a system of heating and ventilating the State Normal School building at San José, California.

[Approved February 27, 1893.]

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

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for supplying a system of heating and ventilating the State Normal School building at San José, California. Appropriation for system of heating and ventilating.

SEC. 2. Said system of heating and ventilating shall be supplied by contract, in writing, approved by the State Board of Examiners, and warrants drawn for the payment of the consideration of said contract, by the State Controller, in favor of the Board of Trustees of said Normal School, and said warrants paid by the State Treasurer. To be supplied by contract.

SEC. 3. This Act shall take effect immediately on its passage.

CHAPTER XXXIII.

An Act appropriating the sum of three thousand five hundred dollars for completing and furnishing the training department building of the State Normal School at San José, California.

[Approved February 27, 1893.]

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

Appropriation for Training Department of Normal School.

SECTION 1. The sum of three thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended by the Board of Trustees of the State Normal School at San José, California, in completing and furnishing the Training Department building of said Normal School, for the use and convenience of the students occupying the same.

SEC. 2. The State Controller is hereby authorized to draw his warrants for the money in this Act appropriated, in favor of the Board of Trustees of said Normal School, and the State Treasurer to pay the said warrants.

SEC. 3. This Act shall take effect immediately on its passage.

CHAPTER XXXIV.

An Act to amend section one hundred and fifty-nine and one half of the Penal Code, making it a misdemeanor to advertise to obtain or procure a divorce or nullity of marriage.

[Approved February 27, 1893.]

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

SECTION 1. Section one hundred and fifty-nine and a half of the Penal Code is hereby amended so as to read as follows:

Advertising in divorce matters prohibited.

159½. Whoever advertises, prints, publishes, distributes, or circulates, or causes to be advertised, printed, published, distributed, or circulated, any circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper, or notice of any kind, offering to procure or obtain, or to aid in procuring or obtaining, any divorce, or the severance, dissolution, or nullity of any marriage, or offering to engage or appear or act as attorney, counsel, or referee in any suit for alimony or divorce, or the severance, dissolution, or nullity of any marriage, either in this State or elsewhere, shall be guilty of a misdemeanor. This Act shall not apply to the printing or publishing of any notice or advertisement required or authorized by any law of this State.

Misdemeanor.

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

CHAPTER XXXV.

An Act to provide for paying for improving that portion of Tenth Street lying between L and N Streets, in the city of Sacramento, adjoining the State Capitol grounds, and for sundry work to the Capitol sidewalk and grounds, and making an appropriation therefor.

[Approved February 27, 1893.]

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 General Fund of the State Treasury not otherwise appropriated, for the purpose of paying for the improving of Tenth Street, from the north line of L Street to the south line of N Street, in the city of Sacramento, chargeable under the assessment for the improvement of the street to the State of California, and also for paying for repairs and improvements, and repairs of property under the charge and control of the State Capitol Commissioners.

Appropriation for improving Tenth Street, Sacramento.

SEC. 2. The State Controller is hereby directed to issue a warrant, payable out of the General Fund of the State Treasury, for said sum of four thousand dollars, in favor of the State Capitol Commissioners, who shall pay out so much of said sum as may be necessary for paying for said work, and if any balance is left it shall be by them paid into the General Fund aforesaid. The State Treasurer is authorized and directed to pay the warrant aforesaid.

How money to be paid.

SEC. 3. This Act shall take effect immediately.

CHAPTER XXXVI.

An Act to provide for the redemption and payment of certain funded debt bonds of this State, together with interest thereon, making an appropriation therefor, and authorizing the State Controller and State Treasurer to transfer the sum of one hundred and twenty thousand dollars from the General Fund to the Interest and Sinking Fund to carry out the provisions of this Act.

[Approved February 27, 1893.]

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

SECTION 1. Immediately upon the passage and taking effect of this Act, the Treasurer of State shall advertise for one month in one daily newspaper published in English in the city of San Francisco, and for one month in one daily newspaper published in English at the State Capital, stating that he is prepared to

Treasurer to advertise.

pay, and will pay, upon presentation thereof, at his office at the State Capitol, the following bonds of the State of California, issued under an Act of the Legislature entitled "An Act to provide for the payment of the funded indebtedness of the State of California, and to contract a funded debt for that purpose," approved April second, eighteen hundred and seventy, to wit:

Numbers of
bonds to be
redeemed.

Bonds numbered two thousand one hundred and sixty; two thousand one hundred and sixty-two to two thousand one hundred and seventy-six, both inclusive; two thousand one hundred and eighty-four to two thousand one hundred and ninety-two, both inclusive; two thousand two hundred and two to two thousand two hundred and ten, both inclusive; two thousand two hundred and thirteen to two thousand two hundred and sixteen, both inclusive; two thousand two hundred and eighteen to two thousand two hundred and twenty-two, both inclusive; two thousand two hundred and twenty-three to two thousand two hundred and thirty-two, both inclusive; two thousand two hundred and thirty-eight to two thousand two hundred and thirty-nine, both inclusive; two thousand two hundred and forty-one; two thousand two hundred and forty-four to two thousand two hundred and fifty, both inclusive; two thousand two hundred and fifty-one to two thousand two hundred and sixty-one, both inclusive; two thousand two hundred and sixty-three to two thousand two hundred and sixty-five, both inclusive; two thousand two hundred and seventy-one to two thousand two hundred and ninety, both inclusive; two thousand two hundred and ninety-one to two thousand two hundred and ninety three, both inclusive; two thousand three hundred and nineteen; two thousand three hundred and twenty-one to two thousand three hundred and twenty-six, both inclusive; two thousand three hundred and twenty-eight to two thousand three hundred and thirty, both inclusive; two thousand three hundred and thirty-two; two thousand three hundred and sixty-six to two thousand three hundred and seventy-four, both inclusive; two thousand three hundred and eighty-one to two thousand three hundred and eighty-three, both inclusive; two thousand three hundred and eighty-six; two thousand three hundred and eighty-eight; two thousand three hundred and ninety to two thousand three hundred and ninety-two, both inclusive; two thousand three hundred and ninety-four to two thousand three hundred and ninety-eight, both inclusive; two thousand four hundred and sixteen to two thousand four hundred and twenty, both inclusive; two thousand four hundred and fifty-four to two thousand four hundred and fifty-seven, both inclusive; two thousand four hundred and fifty-nine to two thousand four hundred and seventy-four, both inclusive; two thousand four hundred and seventy-six to two thousand four hundred and seventy-eight, both inclusive; two thousand four hundred and eighty-one to two thousand four hundred and eighty-three, both inclusive; two thousand four hundred and eighty-five to two thousand four hundred and eighty-eight, both inclusive; two thousand four hundred and ninety; two thousand four hundred and ninety-four to two thousand four hundred and ninety-eight, both inclu-

sive; two thousand five hundred to two thousand five hundred and six, both inclusive; two thousand five hundred and eight to two thousand five hundred and twenty-two, both inclusive; two thousand five hundred and twenty-five; two thousand five hundred and twenty-eight to two thousand five hundred and thirty, both inclusive; two thousand five hundred and thirty-seven to two thousand five hundred and forty, both inclusive; two thousand five hundred and forty-two to two thousand five hundred and forty-six, both inclusive; two thousand five hundred and forty-nine to two thousand five hundred and fifty-seven, both inclusive; two thousand five hundred and sixty; two thousand five hundred and sixty-six; two thousand five hundred and seventy; two thousand five hundred and seventy-two; two thousand five hundred and seventy-six to two thousand six hundred, both inclusive; two thousand six hundred and three to two thousand six hundred and four, both inclusive; two thousand six hundred and five to two thousand six hundred and eight, both inclusive; two thousand six hundred and ten; two thousand six hundred and eleven; two thousand eight hundred and forty-seven to two thousand eight hundred and fifty, both inclusive. If such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publications, then the moneys hereinafter in this Act appropriated shall remain in the State Treasury to discharge said bonds whenever presented; but they shall draw no interest after the expiration of such publication. Before any of said bonds shall be paid, they shall be presented to the State Controller, who shall indorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender, and the name of the person surrendering.

Numbers of bonds to be redeemed.

Provision in case bonds are not presented.

Indorsement by State Controller.

SEC. 2. The Controller of State and Treasurer of State are hereby authorized and directed to transfer from the General Fund to the Interest and Sinking Fund the sum of one hundred and twenty thousand dollars, which sum, together with the moneys now remaining to the credit of said Interest and Sinking Fund, is hereby appropriated and made available to carry out the provisions of this Act.

Transfer of funds.

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

CHAPTER XXXVII.

An Act making an appropriation to pay the deficiency in the appropriation provided by an Act entitled "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.

[Approved February 27, 1893.]

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

Deficiency appropriation for Preston School of Industry.

SECTION 1. The sum of twenty-one thousand three hundred and thirty-six dollars and sixteen cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation provided by an Act entitled "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 eleventh, eighteen hundred and eighty-nine, and interest at the rate of seven per cent per annum thereon.

SEC. 2. The Controller is hereby authorized and directed to draw his warrant therefor, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XXXVIII.

An Act to amend section one thousand three hundred and sixty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1873, relating to estates of deceased persons.

[Approved February 27, 1893.]

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

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

To whom letters of administration may be granted.

1368. If any person entitled to administration is a minor or an incompetent person, letters must be granted to his or her guardian, or any other person entitled to letters of administration, in the discretion of the Court.

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

CHAPTER XXXIX.

An Act to provide for the erection of an additional wing to the main building of the California Home for the Care and Training of Feeble-Minded Children, at Glen Ellen, Sonoma County, California, for the female department of said institution, to furnish the same, and to improve the grounds, and to appropriate money therefor.

[Approved February 27, 1893.]

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

SECTION 1. The sum of ninety-eight thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended for the erection of an additional wing to the main building of the California Home for the Care and Training of Feeble-Minded Children, at Glen Ellen, Sonoma County, California, for the female department of said institution, and to furnish the same, and to improve the grounds; one half of the said appropriation to be expended in the forty-fifth fiscal year and one half to be expended during the forty-sixth fiscal year. Amount of appropriation.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants in favor of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children for the money herein appropriated, and the State Treasurer is directed to pay said warrants. How paid.

SEC. 3. This Act shall take effect immediately.

CHAPTER XL.

An Act to amend section two thousand six hundred and ninety-one of the Political Code of the State of California, relating to roads and highways.

[Approved February 27, 1893.]

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

SECTION 1. Section two thousand six hundred and ninety-one of the Political Code is hereby amended to read as follows:

2691. All awards by agreement, ascertainment by the Board or the proper Court, and all expenses of viewing, laying out, or altering any road, must be paid out of the Road Fund of the district, except that which may be paid by interested parties on the order of the Board of Supervisors, and except also that whenever it appears to the Board of Supervisors that any road district would be unreasonably burdened by the payment of such awards and expenses, the Board of Supervisors, How expenses of viewing, etc., paid.

Limit of expenses to be paid out of General Road Fund.

by a two-thirds vote, may cause a portion of such awards and expenses to be paid from the General Road Fund; *provided, however,* that not to exceed ten per cent of the General Road Fund shall be devoted to such purposes in any one fiscal year. If the road lies in more than one district, the Supervisors must proportionately divide the awards and other costs between said districts; *provided, however,* that when money is paid out by any interested person the same may be given to the credit of either fund, at the discretion of the Board.

SEC. 2. This Act shall take effect immediately.

CHAPTER XLI.

An Act to provide for a day of rest from labor.

[Approved February 27, 1893.]

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

Day of rest.

SECTION 1. Every person employed in any occupation of labor shall be entitled to one day's rest therefrom in seven; and it shall be unlawful for any employer of labor to cause his employés, or any of them, to work more than six days in seven; *provided, however,* that the provisions of this section shall not apply to any case of emergency.

Meaning of term used.

SEC. 2. For the purposes of this Act, the term day's rest shall mean and apply to all cases, whether the employé is engaged by the day, week, month, or year, and whether the work performed is done in the day or night time.

SEC. 3. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor.

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

CHAPTER XLII.

An Act fixing the price and conditions of sale at which jute goods shall be sold by the State.

[Approved February 27, 1893.]

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

State Board of Prison Directors to fix price of jute goods.

SECTION 1. It shall be the duty of the State Board of Prison Directors, from time to time, to fix the price, and to give public notice of the same, at which jute goods shall be sold by the State, but at no time shall the price fixed be more than one cent per bag in excess of the net cost of producing the same,

exclusive of prison labor; and it is made the duty of State Prison authorities to confine the sale of jute goods to consumers direct, but no order shall be filled for any one individual or firm, during any one year, for more than five thousand grain bags, except on request of the Warden, and the unanimous approval of the State Board of Prison Directors.

Number of grain bags that one consumer can purchase.

SEC. 2. Demands for jute goods by consumers shall be promptly filled in the order in which they are made; but when the supply is short, demands shall be registered at the prison in the order of their arrival, and filled from the output of the jute mill in the order of registration; *provided*, that on and after the fifteenth day of June of each year, by and with the consent of a majority of the Board of Prison Directors, the Warden may fill orders for larger quantities to actual consumers, as they may, in their judgment, deem expedient; *provided*, that orders of farmers shall take precedence over all others; *provided further*, that ten per cent of the purchase price shall accompany each order, and the remaining portion must be paid upon delivery of the goods.

Demands to be promptly filled.

Discretion of Board as to orders.

SEC. 3. All orders for jute goods must be accompanied by an affidavit setting forth that the amount of goods contained in the order are for individual and personal use of the applicant, said affidavit to be subscribed and sworn to before some Notary Public, or by a Justice of the Peace, residing in the township in which the applicant resides; *provided*, that any applicant, as heretofore provided for, who falsely and fraudulently procures jute goods under the provisions of this Act, shall be guilty of a misdemeanor.

What affidavit must contain.

SEC. 4. This Act shall take effect immediately.

CHAPTER XLIII.

An Act to amend section three thousand eight hundred and sixty-eight of the Political Code, relating to the report of County Auditors.

[Approved February 28, 1893.]

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

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

3868. The Auditor of each county, between the first and tenth day of each month in which the Treasurer of his county is required to settle with the Controller, must make, in duplicate, and verify by his affidavit, a report to the Controller of State, in such form as the Controller may desire, showing specifically the amount due the State from each particular source of revenue at the close of business on and including the first Monday of the month in which settlement is required, except principal and interest received on account of State

Semi-annual reports of County Auditors.

school lands, which shall be reported up to the end of the previous month.

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

CHAPTER XLIV.

An Act to amend section three thousand eight hundred and sixty-six of the Political Code, relating to settlements with the Controller, and payments into the State Treasury.

[Approved February 28, 1893.]

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

Section three thousand eight hundred and sixty-six of the Political Code is hereby amended so as to read as follows:

Semi-annual settlements of County Treasurers.

Controller to notify County Treasurers of State school money.

County Treasurer to retain same.

To file certificate.

Counted as cash.

How balances to be paid.

Controller may defer settlement.

3866. The Treasurers of all the counties, or cities and counties, of this State, must, between the fifteenth and thirtieth days of December and May of each year, proceed to the State Capitol and settle in full with the Controller of State, and pay over in cash, to the Treasurer of State, all funds belonging to the State which have come into their hands, as County Treasurers, before the close of business on and including the first Monday of said months, except principal and interest received on account of State school lands, which shall only be settled for up to and including the last day of the month prior to the month of settlement; *provided*, that the Controller of State shall, on or before the fifteenth day of the month in which settlement is to be made, notify the Treasurer of each county the amount of State school money which will be due the State from his county in the then pending settlement; the County Treasurer shall thereupon and thereby be authorized to retain in the treasury of his county the said amount of State school money, and shall at the time of paying over, in cash, to the Treasurer of State, all other funds belonging to the State which have come into his hands as County Treasurer, as aforesaid, file with the Treasurer of State his certificate, stating the amount so retained; and the said certificate shall, for all purposes, be deemed and counted as cash in the State Treasury to the amount therein stated, and shall be so accepted by each County Treasurer on the payment of the apportionment of school moneys due his county. On the making of the apportionment of school moneys due to the respective counties, and cities and counties, if there shall be a balance due the county, the Treasurer of State shall immediately pay the same, and if there shall be a balance due the State, the County Treasurer shall immediately pay the same into the State Treasury. If, in the opinion of the Controller of State, it appears from the report of the County Auditor that sufficient property tax has not been collected to make it for the interest of the State that a settle-

ment should be made, the Controller shall defer the settlement until the next regular settlement. No mileage, fees, or commissions shall be allowed any officer for any deferred settlement; *provided*, that in case any settlement is so deferred, the County Auditor, in his next report to the Controller of State, shall include therein all moneys required to be reported since the date of his last report upon which a settlement was made.

No fees, etc., on deferred settlements.

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

CHAPTER XLV.

An Act to authorize suits against the State, and regulating the procedure therein.

[Approved February 28, 1893.]

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

SECTION 1. All persons who have, or shall hereafter have, claims on contract or for negligence against the State not allowed by the State Board of Examiners, are hereby authorized, on the terms and conditions herein contained, to bring suit thereon against the State in any of the Courts of this State of competent jurisdiction, and prosecute the same to final judgment. The rules of practice in civil cases shall apply to such suits, except as herein otherwise provided.

Who may sue the State.

SEC. 2. No such suit shall be maintained on any claim now existing, unless the same be brought within two years after this Act takes effect; nor shall any such suit be maintained on any cause of action hereafter arising, unless the same shall be commenced within two years after such cause of action shall have accrued; *provided*, that the period of limitation provided for in section two of this Act shall not apply to or affect the rights, interest, or claims of any minor or insane person, or a person imprisoned on a criminal charge, or in execution under a sentence of a criminal Court for a period of not less than for life, or a married woman and her husband be a necessary party with her in commencing such action, or an incompetent person; but such action may be commenced within the period above provided for after such disability shall cease.

Limitation of time.

Exceptions.

SEC. 3. At the time of filing the complaint in any such suit, the plaintiff shall file therewith an undertaking, in such sum, not less than five hundred dollars, as a Judge of the Court shall fix, with two sufficient sureties, to be approved by a Judge of the Court, and conditioned that, in case the plaintiff fails to recover judgment, he will pay all costs incurred by the State in such suit, including a reasonable counsel fee, to be fixed by the Court.

Security for costs to be given.

SEC. 4. Service of summons in such suits shall be made on the Governor and Attorney-General. It shall be the duty of

Service of summons.

Change of place of trial. the Attorney-General to defend all such suits; and upon his written demand, made at or before the time of answering, the place of trial of any such suit must be changed to the county of Sacramento.

Amount of Judgment. SEC. 5. In case judgment be rendered for the plaintiff in any such suit, it shall be for the amount actually due from the State to the plaintiff, with legal interest thereon from the time the obligation accrued, and without costs.

Duty of Governor. SEC. 6. It shall be the duty of the Governor to report to the Legislature, at each session, all judgments rendered against the State and not theretofore reported.

Duty of Controller. SEC. 7. It shall be the duty of the Controller to draw his warrant for the payment of any such judgment, without any presentation to or approval of such claim by the State Board of Examiners, whenever a sufficient appropriation for such payment shall have been made by the Legislature; and all claims upon such judgments are hereby expressly exempted from the operation of section six hundred and seventy-two of the Political Code.

SEC. 8. This Act shall take effect immediately.

CHAPTER XLVI.

An Act making an appropriation to pay the deficiency in the appropriation for the State Board of Forestry for the thirty-eighth, forty-second, and forty-third fiscal years.

[Approved March 1, 1893.]

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

Deficiency appropriation for State Board of Forestry. SECTION 1. The sum of two thousand four hundred and ninety dollars and seventy-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 State Board of Forestry for the thirty-eighth, forty-second, and forty-third fiscal years, as approved by the State Board of Examiners.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XLVII.

An Act to amend an Act entitled "An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, issue bonds therefor, and provide for the payment of the same," approved March 15, 1883.

[Approved March 1, 1893.]

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

SECTION 1. That section one of the above entitled Act is hereby amended to read as follows:

Section 1. That whenever any incorporated city or town, other than cities of the first class, in this State, has an outstanding indebtedness, evidenced by bonds and warrants thereof, the Common Council, Board of Trustees, or other governing body thereof, shall have power to submit to the qualified electors of such city or town, at an election to be held for that purpose, the question of refunding such indebtedness. Said election shall be called and held in the same manner in which other elections are held in such city or town. The notice of such election shall recite the indebtedness to be refunded, together with the denomination, character, time of payment, rate of interest, as well as all other details of the bonds proposed to be issued. Such bonds shall be of the character known as "serials," one fortieth of the principal being payable each year, together with interest due on all sums unpaid. Said bonds may be issued in denominations not to exceed one thousand dollars, nor less than one hundred dollars; principal and interest being payable in gold coin or lawful money of the United States, and either at the office of Treasurer of such city or town, or at a designated bank situated in the cities of San Francisco, New York, Boston, or Chicago. Interest upon the same shall not exceed six per cent per annum, and may be payable semi-annually. Said bonds shall be sold in the manner provided by such City Council, or other governing body, to the highest bidder, for not less than their face value, in the same character of money in which they were payable. The proceeds of such sale shall be placed in the treasury to the credit of the funding fund, and shall be applied only for the purpose of refunding the indebtedness for which they have been issued. Said Common Council, or other governing body, shall, at the time of fixing the general tax levy for each year, and in the same manner for such tax levy provided, levy and collect annually, each year, sufficient money to pay one fortieth part of the principal of such bonds, and also the annual interest upon the portion remaining unpaid.

Common Council to submit refunding proposition to the people.

Notice of election.

"Serials."

Denominations.

Where payable.

Interest.

How sold.

Proceeds.

Tax levy.

SEC. 2. That section two of said Act be amended so as to read as follows:

Duty of
Treasurer
in giving
notice of
payment.

When
interest
ceases.
Notice
by mail.

Redemp-
tion.

Cancell-
ation.

Record
of redemp-
tions.
Report.

Money
remaining
to be paid
into Gen-
eral Fund.

Section 2. Whenever sufficient money is in the funding fund, in the hands of the Treasurer, to redeem one or more of the outstanding bonds proposed to be refunded, he shall publish once a week for two weeks in some newspaper of general circulation published in such city or town, if there be any, a notice to the effect that he is prepared to pay such bond or bonds (giving the number thereof), and if the same are not presented for redemption within thirty days after the first publication of such notice, the interest on such bonds will cease. He shall, at the same time, deposit in the Post Office a copy of such notice, inclosed in a sealed envelope, with the postage paid thereon, addressed to the owner or owners of such bond or bonds, at the Post Office address of such owner or owners, as shown by the record thereof kept in the Treasurer's office. If such bond or bonds are not presented within the time specified in such notice, the interest thereon shall then cease, and the amount due be set aside for the payment of the same, whenever presented. All redemption of bonds shall be made according to the priority in the order of their issuance, beginning at the first number. Whenever such outstanding bonds are surrendered and paid, the Treasurer shall proceed to cancel the same by indorsing on the face thereof the amount for which they are received, the word "canceled," and the date of cancellation. He shall also keep a record of such bonds so redeemed, and shall make a report of the same to the Common Council, or other governing body of such city or town, at least once a month, accompanying the same therewith by the bonds which have been taken up and canceled.

SEC. 3. That section three of said Act be amended so as to read as follows:

Section 3. All moneys which shall remain in said funding fund after all outstanding bonds as were proposed to be refunded have been taken up and canceled, shall be paid into the General Fund of such city or town, and become a part thereof.

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

CHAPTER XLVIII.

An Act to amend section six and section eight of an Act approved March 19, 1889, entitled "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 1, 1893.]

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 aforesaid in the title of this Act, is hereby amended to read as follows:

Section 6. All municipal bonds for public improvements issued under the provisions of this Act shall be of the character of bonds known as serials, and shall be payable in gold coin or lawful money of the United States, in the manner following: One fortieth 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, and may be payable annually or semi-annually. 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 and payment of the bonds.

One fortieth to be paid each year.

Denominations.

Rate of interest.

How issued and sold.

Surplus.

SEC. 2. Section eight of the Act, the title of which is recited aforesaid in the title of this Act, is hereby amended to read as follows:

Section 8. The legislative branch of said city, town, or municipal corporation shall, at the time of fixing the general Tax levy.

How tax levied and collected.

tax levy, and in the manner for such general tax levy provided, levy and collect annually, each year, for the term of forty years, a tax sufficient to pay the annual interest on such bonds, and also one fortieth 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.

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

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

CHAPTER XLIX.

An Act to establish a Naval Battalion, to be attached to the National Guard of California.

[Approved March 1, 1893.]

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

Naval battalion to be allowed.

SECTION 1. There shall be allowed, in addition to the companies of the organized uniformed militia, known as the National Guard of California, provided for in section nineteen hundred and twelve of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the National Guard of California, not more than four companies of naval militia, which shall constitute a battalion, to be known as the Naval Battalion of the National Guard.

Officers.

SEC. 2. The battalion shall be commanded by a Lieutenant-Commander. Each company shall be commanded by a Lieutenant, and shall contain one Lieutenant, junior grade, two Ensigns, and eighty petty officers and men.

Staff officers.

SEC. 3. The staff officers of the battalion shall consist of one Adjutant, one Ordnance Officer, one Paymaster, and one Surgeon, each with the rank of Lieutenant, junior grade; also, one Assistant Surgeon and one Assistant Ordnance Officer, each with the rank of Ensign. All such officers shall be appointed and commissioned as staff officers upon the staff of a Colonel commanding a regiment in the National Guard are appointed and commissioned.

How appointed and commissioned.

Organization.

SEC. 4. The organization of the naval militia shall conform generally to the provisions of the laws of the United States; and the system of discipline and exercise shall conform, as nearly as may be, to that of the Navy of the United States as it now is or may hereafter be prescribed by Congress. When not otherwise provided for, the government of the naval militia shall be controlled by the provisions of the Political Code relating to the National Guard of California, and the Governor

How governed.

shall have power to alter, divide, annex, consolidate, or disband the same, whenever, in his judgment, the efficiency of the State forces will thereby be increased, and he shall have power to make such rules and regulations as may be deemed proper for the use, government, and instruction of the naval militia; but such rules and regulations shall conform to the provisions of this Act, and as nearly as practicable to those governing the United States Navy.

Power of Governor.

Rules and regulations.

SEC. 5. When the government of the United States is ready to supply arms and equipments, as well as material and opportunities for naval instruction and drill, the Governor is hereby authorized to make the necessary arrangements for carrying the provisions of this Act into effect. The duty of the naval militia required by law, or any part of it, may be performed afloat in United States vessels. Officers and men of the naval militia mustered temporarily into the service of the United States for instruction and drill, and receiving compensation therefor from the United States, shall not, during the same term, be entitled to compensation from the State.

Governor to make necessary provision to carry Act into effect.

Who are entitled to compensation.

SEC. 6. The Governor is authorized to apply to the President of the United States for the detail of commissioned and petty officers of the Navy to act as inspectors and instructors in the art of naval warfare.

Inspectors and instructors.

SEC. 7. The rank of officers given in the preceding sections is naval rank, and corresponds to rank in the National Guard of the State, as follows: Lieutenant-Commander with Major, Lieutenant with Captain, Lieutenant, junior grade, with Lieutenant, Ensign with Second Lieutenant.

Rank of officers.

SEC. 8. The naval militia shall receive the same allowance from the State as is allowed the infantry battalions and companies.

Allowance.

SEC. 9. Any and all parts of chapter one hundred and seventy-six, entitled "An Act to establish a Naval Battalion, to be attached to the National Guard of California," that may conflict with this Act, are hereby repealed.

Repeal of other statutes.

SEC. 10. This Act shall take effect immediately.

CHAPTER L.

An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, telegraphing, and contingent expenses, State Board of Examiners, for the forty-fourth fiscal year.

[Approved March 1, 1893.]

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

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appro-

Deficiency for State Board of Examiners.

priation for postage, expressage, telegraphing, and contingent expenses, State Board of Examiners, for the forty-fourth 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 LI.

An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers, for the forty-second fiscal year.

[Approved March 1, 1893.]

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

Deficiency
in appro-
priation for
Legisla-
ture.

SECTION 1. The sum of three thousand four hundred and twenty-eight and thirty-three 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 stationery, supplies, fuel, and lights for the Legislature and State officers, for the forty-second 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 LII.

An Act to abolish the State Drainage Construction Fund, and directing the transfer of any balance remaining therein to the General Fund.

[Approved March 1, 1893.]

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

State
Drainage
Construc-
tion Fund
abolished.

SECTION 1. The fund known as the State Drainage Construction Fund is hereby abolished.

SEC. 2. Upon the passage of this Act the State Controller is hereby authorized and directed to transfer to the General Fund any balance remaining to the credit of the State Drainage Construction Fund, and the State Treasurer shall thereupon make a corresponding transfer upon the books of his office.

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

CHAPTER LIII.

An Act to appropriate money for the completion of the building of the Preston School of Industry at Ione, and for furnishing and equipping the same.

[Approved March 3, 1893.]

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

SECTION 1. The sum of one hundred and forty-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the State Board of Prison Directors for the purpose of constructing and completing the building of the Preston School of Industry at Ione, and for purchasing furniture, machinery, supplies, and appurtenances therefor, and for such other objects, material, or purposes as may be necessary or convenient for the use and occupancy of the said Preston School of Industry at Ione.

Appropriation for completion of buildings at Preston School of Industry.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants, in favor of the State Board of Prison Directors, for the amount appropriated in section one of this Act, and the State Treasurer is hereby directed to pay the said warrants.

Duty of State officers.

SEC. 3. This Act shall be construed as the sole and exclusive Act on the subject-matter contained herein, unless and except specially or otherwise provided for in an Act entitled "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 eleventh, eighteen hundred and eighty-nine; and no other Act, unless herein specially referred to, shall apply or govern or limit this Act, or any of the powers or duties in this Act conferred upon the said State Board of Prison Directors.

Limiting interpretation to be put upon the Act.

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

CHAPTER LIV.

An Act to amend section three hundred and seventy-four of the Penal Code, relating to crimes against the public health.

[Approved March 3, 1893.]

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

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

Crimes
against
public
health
enumer-
ated.

374. Every person who puts the carcass of any dead animal, or the offal from any slaughter-pen, corral, or butcher shop, into any river, creek, pond, reservoir, stream, street, alley, public highway, or road in common use, or who attempts to destroy the same by fire within one fourth of a mile of any city, town, or village, except it be in a cemetery, the construction and operation of which is satisfactory to the Board of Health in such city, town, or village; and every person who puts any water-closet or privy, or the carcass of any dead animal, or any offal of any kind, in or upon the borders of any stream, pond, lake, or reservoir from which water is drawn for the supply of the inhabitants of any city, city and county, or any town in this State, so that the drainage from such water-closet, privy, carcass, or offal may be taken up by or in such stream, pond, lake, or reservoir; or who allows any water-closet or privy, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any such stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him, so that the drainage from such water-closet, privy, carcass, or offal may be taken up by or in such stream, pond, lake, or reservoir; or who keeps any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corralled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, so that the waters thereof shall become polluted by reason thereof; or who bathes in any such stream, pond, lake, or reservoir; or who by any other means fouls or pollutes the waters of any such stream, pond, lake, or reservoir, is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in section three hundred and seventy-seven of this Code.

Guilty of
misdemeanor.
Punish-
ment.

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

CHAPTER LV.

An Act making an appropriation for the construction of a sewer for the State Insane Asylum at Agnews, and to provide for the expenditure of the same.

[Approved March 3, 1893.]

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

Appropriation for a sewer at Agnews Asylum.

How expended.

SECTION 1. There is hereby appropriated out of the General Fund of the State of California not otherwise appropriated, the sum of twenty thousand dollars, for the erection and construction of a sewer for the State Insane Asylum at Agnews, to extend from the grounds of said asylum to the tidewater on the bay of San Francisco, near Alviso. Said sum herein appropriated shall be expended pursuant to the provisions of "An Act to provide for an additional asylum for the insane of the State of California," approved March ninth, eighteen hundred and eighty-five, and of "An Act to regulate contracts on behalf

of the State, in relation to erections and buildings," approved March twenty-third, eighteen hundred and seventy-six, and the amendments thereto, approved March thirty-first, eighteen hundred and ninety-one. The State Board of Examiners shall examine, audit, and allow all demands arising under the Act and the said Acts herein mentioned; and the State Controller shall thereupon draw his warrants therefor, payable out of the General Fund, and the State Treasurer is hereby ordered to pay such warrants. Warrants.

SEC. 2. This Act shall take effect immediately.

CHAPTER LVI.

An Act to appropriate \$100,000 for the Mendocino State Asylum, to complete the female ward; to purchase furniture, and furnish the buildings erected and to be erected by the Directors of said asylum; to construct a plant for lighting said buildings; to improve the grounds thereof; to purchase live stock and agricultural implements to be used for asylum purposes; to construct a carpenter shop and morgue thereon; to furnish the bakery; to construct a dam to furnish a water supply to said asylum; for fencing the ground, and constructing a sewer system; for purchasing laundry machinery and kitchen furniture; to appropriate money therefor, and provide for the expenditure of the same.

[Approved March 3, 1893.]

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 one hundred thousand dollars, to be paid to the order of the Directors of the Mendocino State Asylum for the Insane, for the completion of the female ward building now being erected by the Directors of said insane asylum; for the purpose of purchasing furniture, and furnishing buildings which have been heretofore erected by the Directors of said asylum, and which may be hereafter erected under the provisions of this Act; to construct a plant for lighting said buildings, and purchase the necessary machinery therefor; to improve the grounds of said asylum; to purchase live stock and agricultural implements to be used for asylum purposes; to construct a carpenter shop and morgue thereon; to furnish the bakery; to construct a dam to furnish a water supply to said asylum; for fencing the ground, and constructing yard fencing; for constructing a sewer system; for purchasing laundry machinery and kitchen furniture. Appropriation for Mendocino Asylum.

Purposes for which same can be expended.

SEC. 2. Such sums as are used for building purposes shall be expended pursuant to the provisions of 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 How expended.

State Insane Asylum, and appropriating money therefor," approved February twentieth, eighteen hundred and eighty-nine, and "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March twenty-third, eighteen hundred and seventy-six.

Audited
by State
Board of
Exam-
iners.

SEC. 3. 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 warrants therefor, payable out of the General Fund, and the State Treasurer is hereby ordered to pay such warrants.

SEC. 4. The amount herein appropriated may be drawn in one sum, or in such sums as the Board of Directors of said insane asylum may desire.

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

CHAPTER LVII.

An Act to amend an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

[Approved March 3, 1893.]

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

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

SECTION 6. Within thirty days after the passage of this Act, and every fourth year thereafter, the Governor shall appoint seven competent pharmacists, residing in different parts of the State, to serve as a Board of Pharmacy. The members of this Board shall, within thirty days after their appointment, individually take and subscribe, before the County Clerk in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this Act. They shall hold office for the term of four years, and until their successors are appointed and qualified. In case of vacancy in the Board of Pharmacy, the Governor shall fill the same by appointing a member to serve for the remainder of the term only. The office of said Board shall be located in San Francisco. The Board shall organize by electing a President and a Secretary, the latter to be ex officio Treasurer of the Board. Four members of the Board shall constitute a quorum. They shall meet at least quarterly, and have power to make by-laws for the proper fulfillment of their duties. The duties of the Board shall be to transact all business pertaining to the legal regulations of the practice of pharmacy; to investigate all complaints respecting non-compliance with or violations of the provisions of this Act, and to bring the same to the notice of the proper prosecuting officer, whenever there appears to the

Board of
Pharmacy.
Oath.
Term.
Vacancy.
Office.
Officers.
Meetings.
Duties.

Board to be reasonable grounds for such action; and to examine and register as pharmacists, or assistant pharmacists, all applicants whom it shall deem qualified to be such, respectively. All persons, on applying for examination or registration, shall pay to the Secretary a fee of five dollars for licentiate, and two dollars for assistants; and on passing the examination they shall be furnished with a certificate signed by the Secretary and examiners. In case of failure to pass, the Board shall grant a second examination within one year without any additional fee being charged. Every registered pharmacist who desires to continue the practice of his profession in this State shall, annually, on such date as the Board of Pharmacy may determine, pay to the Secretary of the said Board a registration fee, to be fixed by the Board, but which shall in no case exceed the sum of two dollars per annum, for which he shall receive a renewal of said registration. Every registered assistant pharmacist who desires to continue the practice of his profession in this State shall, annually, on such date as the Board of Pharmacy may determine, pay to the Secretary of said Board a registration fee, to be fixed by the Board, but which shall in no case exceed the sum of one dollar per annum, for which he shall receive a renewal of said registration. The Board shall render an annual report of its proceedings to the Governor of the State.

Registration fee.

Second examination.

Annual fee.

Annual Report.

CHAPTER LVIII.

An Act making an appropriation to pay the deficiency in the appropriation for additional improvements for the Southern California State Asylum for the Insane and Inebriates.

[Approved March 3, 1893.]

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

SECTION 1. The sum of fifteen thousand seven hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for additional improvements for the Southern California State Asylum for the Insane and Inebriates (as approved by the State Board of Examiners), to provide one fifty horse-power engine for dynamos, two dynamos, one water heater, one pump, laundry machinery, cold storage plant, ice machine, with the necessary connections and fittings for each of the above, engine house addition and brick smokestack, and eight hundred feet of fire hose.

Deficiency appropriation for San Bernardino Asylum.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER LIX.

An Act making an appropriation for the erection of additional buildings and improvements for the Southern California State Asylum for the Insane and Inebriates.

[Approved March 3, 1893.]

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

Appropriation for San Bernardino Asylum.

SECTION 1. The sum of one hundred and seventeen thousand and five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the Trustees of the Southern California State Asylum for the Insane and Inebriates, as follows: For the erection of a ward building; for the construction of drainage ditches; for the erection of a pumping station for the disposal of sewage; for grading grounds, preparing and planting to orchard and ornamental shrubbery, and for making roads and walks; for the building of a stable, for the purchase of live stock, vehicles, and agricultural implements; for the building of a wall inclosing yard for patients, and for the construction of a building over reservoir.

Purposes.

Warrants.

SEC. 2. The Controller of the State is hereby authorized and directed to draw his warrant for said amount as the work shall progress, in favor of the Board of Trustees of said Southern California State Asylum for the Insane and Inebriates, upon their requisition for the same, and the Treasurer is hereby directed to pay said warrants.

SEC. 3. This Act shall take effect immediately.

CHAPTER LX.

An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

[Approved March 3, 1893.]

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

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

Fine.

Section 6. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than two hundred dollars, or confined in the county jail six months for each and every offense. All fines recovered and collected under this Act shall be distributed, one half to the

Distribution of fines.

informer, and the other half be paid into the Common School Fund of the county in which the conviction takes place.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXI.

An Act to amend section one thousand six hundred and sixty-eight of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," relating to proceedings for the distribution of the estates of deceased persons.

[Approved March 3, 1893.]

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

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

1668. The order or decree may be made on the petition of the executor or administrator, or of any person interested in the estate. When such petition is filed the Clerk of the Court must set the petition for hearing by the Court, and give notice thereof by causing notices to be posted in at least three public places in the county, setting forth the name of the estate, the executor or administrator, and the time appointed for the hearing of the petition. If, upon the hearing of the petition, the Court, or a Judge thereof, should deem the notice insufficient from any cause, he may order such further notice to be given as may seem to him proper. If partition be applied for, as provided in this chapter, the decree of distribution shall not divest the Court of jurisdiction to order partition, unless the estate is finally closed.

Proceedings for distribution of estates of deceased persons.

CHAPTER LXII.

An Act to amend section one hundred and sixty-four of the Civil Code of the State of California, relating to conveyances of real property by married women, and limiting the time in which to commence actions for recovery of community property by husbands.

[Approved March 3, 1893.]

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:

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 instru-

What is community property.

Presumption as to an instrument in writing.

Tenant in common.

Statute of limitations.

ment 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. And in cases where married women have conveyed real property, which they acquired prior to May nineteenth, eighteen hundred and eighty-nine, the husbands, or their heirs or assigns, of said married women shall be barred from commencing any action to show that said real property was community property, or to recover said real property from and after July first, eighteen hundred and ninety-four.

CHAPTER LXIII.

An Act amending sections one thousand five hundred and seventy-seven and one thousand five hundred and seventy-eight of the Code of Civil Procedure, relating to mortgages and leases in certain cases.

[Approved March 3, 1893.]

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

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

Proceedings to raise money for an estate being administered.

1577. Whenever, in any estate now being administered, or that may hereafter be administered, it shall appear to the Superior Court, or a Judge thereof, to be for the advantage of the estate to raise money, upon a note or notes, to be secured by a mortgage of the real property of any decedent, or of a minor, or an incompetent person, or any part thereof, or to make a lease of said realty, or any part thereof, the Court or Judge, as often as occasion therefor shall arise in the administration of any estate, may, on a petition, notice, and hearing, as provided in this article, authorize, empower, and direct the executor or administrator, or guardian of such minor or incompetent person, to mortgage such real estate, or any part thereof, and to execute a note or notes to be secured by such mortgage, or to lease such real estate, or any part thereof.

SEC. 2. Section one thousand five hundred and seventy-eight of the Code of Civil Procedure is hereby amended so as to read as follows:

Proceedings and effect. Petition must show.

1578. To obtain an order to mortgage such realty, the proceedings to be taken and the effect thereof shall be as follows:

First—The executor or administrator of any estate, or guardian of any minor or incompetent person, or any person

interested in the estates of such decedents, minors, or incompetent persons, may file a verified petition showing:

1. The particular purpose or purposes for which it is proposed to make the note or notes and mortgage, which shall be either to pay the debts, legacies, or charges of administration, or to pay, reduce, extend, or renew some lien or mortgage already subsisting in said realty, or some part thereof. Purposes.

2. A statement of the debts, legacies, charges of administration, liens, or mortgages to be paid, reduced, extended, or renewed, as the case may be. Statement of debts, etc.

3. The advantage that may accrue to the estate from raising the required money by note or notes and mortgage, or providing for the payment, reduction, extension, or renewal of the subsisting liens or mortgages, as the case may be. Advantages.

4. The amount to be raised, with a general description of the property proposed to be mortgaged; and, Amount.

5. The names of the legatees and devisees, if any, and of the heirs of the deceased, or of the minor, or of the incompetent person, as the case may be, so far as known to the petitioner. Names of legatees, etc.

Second—Upon filing such petition, an order shall be made by the Court or Judge, requiring all persons interested in the estate to appear before the Court or Judge, at a time and place specified, not less than four nor more than ten weeks thereafter, then and there to show cause why the realty (briefly indicating it), or some part thereof, should not be mortgaged for the amount mentioned in the petition (stating such amount), or such lesser amount as to the Court or Judge shall seem meet, and referring to the petition on file for further particulars. Order of Court for hearing.

Third—The order to show cause may be personally served on the persons interested in the estate, at least ten days before the time appointed for hearing the petition, or may be published for four successive weeks in a newspaper of general circulation, published in the county. Service.

Fourth—At the time and at the place appointed in the order to show cause, or at such other time and place to which the hearing may be postponed (the power to make all needful postponements being hereby vested in the Court or Judge), Hearing.

having first received satisfactory proof of personal service or publication of the order to show cause, the Court or Judge must proceed to hear the petition, and any objections that may be filed or presented thereto. Upon such hearing, witnesses may be compelled to attend and testify, in the same manner, and with like effect, as in other cases; and if, after a full hearing, the Court or Judge is satisfied that it will be for the advantage of the estate to mortgage the whole or any portion of the real estate, an order must be made, authorizing, empowering, and directing the executor or administrator, or the guardian of such minor or incompetent person, to make such mortgage, and a promissory note or notes to the lender, for the amount of the loan, to be secured by said mortgage; the order may direct that a lesser amount than that named in the petition be borrowed, and may prescribe the maximum rate of interest, and period of the loan, and may direct in what coin or currency it shall be Testimony of witnesses.

Order of Court authorizing loan.

paid, and require that the interest and the whole or any part of the principal be paid, from time to time, out of the whole estate or any part thereof, and that any buildings on the premises be mortgaged shall be insured for further security of the lender, and the premiums paid from such income.

Duties of executor, administrator, etc.

Fifth—After the making of the order to mortgage, the executor, administrator, or guardian of a minor or of an incompetent person, shall execute and deliver a promissory note or notes for the amount and period specified in the order, and shall execute, acknowledge, and deliver a mortgage of the premises, setting forth in the mortgage that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the County Recorder of every county in which the incumbered land, or any portion thereof, lies. The note or notes and mortgage shall be signed by the executor, administrator, or guardian as such, and shall create no personal liability against the person so signing.

Effect of said notes and mortgage.

Sixth—Every note or notes and mortgage so made shall be effectual to mortgage and hypothecate all the right, title, interest, and estate which the decedent, minor, or incompetent person had in the premises described therein at the time of the death of such decedent, or at the time of the appointment of the guardian of such minor or of such incompetent person, or prior thereto, and any right, title, or interest in said premises acquired by the estate of such decedent, minor, or incompetent person, by operation of law or otherwise, since the time of the death of such decedent, or the appointment of the guardian of such minor or incompetent person. Jurisdiction of the Court to administer the estate of such decedent, minor, or incompetent person shall be effectual to vest such Court and Judge with jurisdiction to make the order for the note or notes and mortgage, and such jurisdiction shall conclusively inure to the benefit of the mortgagee named in the mortgage, his heirs and assigns. No irregularity in the proceedings shall impair or invalidate the same, or the note or notes and mortgage given in the pursuance thereof, and the mortgagee, his heirs and assigns, shall have and possess the same rights and remedies on the note or notes and mortgage as if it had been made by the decedent prior to his death, the minor after reaching the age of maturity, or the incompetent person when legally competent; *provided, however*, that upon any foreclosure, if the proceeds of the incumbered property are insufficient to pay the note or notes and mortgage, no judgment or claim for any deficiency of such proceeds to satisfy the note or notes and mortgage, or the costs or expenses of sale, shall be had or allowed, except in cases where the note or notes and mortgage were given to pay, reduce, extend, or renew a lien or mortgage subsisting on the realty, or some part thereof, at the time of the death of the decedent, and the indebtedness secured by such lien or mortgage was an allowed and approved claim against his estate, or a lien upon the interest of the minor in said real estate at the time it vested in him, or upon the estate of the incompetent at the time the incom-

Jurisdiction of the Court.

Irregularities.

When proceeds are insufficient to satisfy mortgage.

petency of the incompetent person was so declared by the Court; *and provided also*, that in cases affecting the estate of the deceased persons, the part of the indebtedness remaining unsatisfied must be classed and paid with other demands against the estate, as provided in article three, chapter ten, of title eleven, part three, of this Code, with respect to mortgages subsisting at the time of death.

How
unsatisfied
indebted-
ness paid.

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

CHAPTER LXIV.

An Act to change the name of the Mendocino State Asylum for the Insane to Mendocino Asylum.

[Approved March 3, 1893.]

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

SECTION 1. The name of "The Mendocino State Asylum for the Insane" is hereby changed to "Mendocino Asylum," and the said asylum shall be known and designated as "Mendocino Asylum."

Name of
Mendocino
Asylum.

CHAPTER LXV.

An Act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an Act of the Legislature of the State of California, approved March 4, 1881, entitled "An Act to appropriate money to reimburse the University of California, for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes," and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893.

[Approved March 3, 1893.]

WHEREAS, There was on the first day of January, eighteen hundred and ninety-three, outstanding and unpaid two million five hundred and twenty-eight thousand five hundred dollars of Funded Debt Bonds of eighteen hundred and seventy-three, issued by the State of California, bearing interest at the rate of six per cent per annum; and whereas, the people of the State of California, at the election held on the eighth day of November, eighteen hundred and ninety-two, refused to refund said bonds; and whereas, the whole of said bonds, excepting the sum of two hundred and fifty-one thousand dollars, are held by the State of California in trust as follows: For the support of the State School Fund, one million

Preamble.

Preamble. five hundred and twenty-six thousand five hundred dollars, and for the University Fund, in support of the State University, seven hundred and fifty-one thousand dollars; and whereas, the period for which said bonds were to run having expired, and the coupons originally attached thereto having been paid; and whereas, at the present session of the Legislature a law has been passed providing for the payment and cancellation of the bonds held by private individuals in the sum of two hundred and fifty-one thousand dollars, together with interest thereon; and whereas, it has become necessary for the State to pay interest on the bonds so held in trust, or to pay said bonds in full, and there being no money in the State Treasury to pay the same, or any part thereof; therefore,

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

- SECTION 1. The State of California hereby agrees to pay, and will pay, interest on said outstanding bonds so held in trust for the benefit of the State School Fund and the University Fund at the rate of six per cent per annum, payable semi-annually, from January first, eighteen hundred and ninety-three, on the second of January and July of each year, and the faith of the State of California is hereby pledged for the payment of the interest as herein provided.
- State agrees to pay interest on bonds.
- Rate of interest, and how payable.
- Duties of State Treasurer.
- SEC. 2. The State Treasurer shall hereafter pay, semi-annually, on the second of January and July of each year, to the University of California, the sum of twenty-four thousand nine hundred and twenty-two dollars and fifty cents, the same being the interest at the rate of six per cent per annum, on the outstanding bonds held by said University against the State, of the face value of seven hundred and fifty-one thousand dollars, and belonging to the Endowment Fund provided by Congress, to which is added the sum of seventy-nine thousand seven hundred and fifty dollars, also belonging to said Endowment Fund of said University, the interest on which has heretofore been provided for by the Act of March fourth, eighteen hundred and eighty-one.
- Same.
- SEC. 3. The State Treasurer shall also, as in the preceding section, pay over, semi-annually, as now required by law, for the support of the common schools of the State, the sum of forty-five thousand seven hundred and ninety-five dollars, the same being the semi-annual interest, computed at the rate of six per cent per annum, due from the State on the bonds belonging to the Common School Fund, now held by the State Treasurer, of the face value of one million five hundred and twenty-six thousand five hundred dollars.
- Annual tax levy.
- SEC. 4. For the payment of the interest on said outstanding bonds so held in trust, as herein provided, there shall be levied annually, by the State Board of Equalization, such rate of tax on each one hundred dollars of the assessed value of real and personal property in the State, to be computed by the

Controller of State on the basis of the assessed value of such property for the preceding year, as shall produce annually the interest on such bonds provided to be paid in sections one, two, and three of this Act. The State Board of Equalization shall certify the rate of tax thus computed to the several County Auditors, and the said Auditors are hereby directed and required to enter such rate on the assessment rolls of their respective counties, in the same manner and with the same effect as is provided by law in relation to other State taxes. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March of each year, and shall not be satisfied or removed until such tax has been paid or the property sold in satisfaction thereof. All moneys derived from taxes authorized by the provisions of this section shall be paid into the State Treasury to the credit of the Interest and Sinking Fund, and shall be applied to the payment of the interest as herein provided; *provided*, that all the moneys remaining in the State Treasury to the credit of said Interest and Sinking Fund on the third day of January of each year, after the interest on such bonds so held in trust has been paid, shall be transferred by the Treasurer of State, on the order of the Controller of State, to the General Fund.

Duty of State Board of Equalization.

Liens.

Interest and Sinking Fund.

Transfer of Interest and Sinking Fund.

SEC. 5. It shall be the duty of the State Treasurer to pay the interest on said bonds so held in trust when the same falls due, out of said Interest and Sinking Fund; *provided*, that the Controller of State shall first draw his warrant on the treasury, payable to the order of said State Treasurer, for the amount of interest money about to become due, which said warrant shall be drawn at least one month previous to the maturing of the interest.

State Treasurer to pay interest.

SEC. 6. The Act of the Legislature of the State of California, approved March fourth, one thousand eight hundred and eighty-one, entitled "An Act to appropriate money to reimburse the University of California for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes," is hereby repealed.

Repeal of Act of 1881.

SEC. 7. There is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, the sum of sixty-eight thousand three hundred and twenty-five dollars, to pay the interest on said outstanding bonds so held in trust, from January first to July first, one thousand eight hundred and ninety-three. It shall be the duty of the State Treasurer to pay the interest on said bonds when the same falls due, out of the moneys hereby appropriated; *provided*, that the Controller of State shall first draw his warrant on the State Treasury, payable to the order of said State Treasurer, for the amount of interest money about to become due, which said warrant shall be drawn at least one month previous to the maturing of the interest.

Appropriation to pay interest to July 1, 1893.

Controller to draw warrant.

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

CHAPTER LXVI.

An Act making an appropriation from the State School Book Fund, to supply the deficiency in the present appropriation from the General Fund, for compiling State school text-books, for the forty-fourth fiscal year.

[Approved March 3, 1893.]

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

Deficiency
for compli-
ation of
State
School
text-books.

SECTION 1. The sum of sixteen hundred dollars (\$1,600) is hereby appropriated out of the "State School Book Fund" in the State Treasury, to supply the deficiency in the appropriation from the General Fund, for the compilation of State school text-books, for the forty-fourth fiscal year.

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

CHAPTER LXVII.

An Act authorizing the State Controller and State Treasurer to transfer from the State School Fund to the State School Land Fund the sum of \$189,426 58.

[Approved March 3, 1893.]

Preamble. WHEREAS, According to the statement of the State Controller there now exists a deficiency in the State School Land Fund amounting to one hundred and eighty-nine thousand four hundred and twenty-six dollars and fifty-eight cents, caused during the years eighteen hundred and eighty-three to eighteen hundred and ninety, inclusive, by the State Board of Examiners purchasing bonds with the money from this fund, as authorized by section six hundred and eighty of the Political Code, and paying therefor premiums and accrued interest, the amount of which was not returned to this fund, but was covered into the State School Fund; and whereas, section four, article nine, of the Constitution provides that the State School Land Fund shall be and remain a perpetual fund, the proceeds from which shall go to the support of the common schools; now, therefore,

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

State
officers
to transfer
\$189,426 58
from State
School
Fund to
State
School
Land
Fund.

SECTION 1. The State Controller and State Treasurer are hereby authorized and directed to transfer from the State School Fund to the State School Land Fund the sum of one hundred and eighty-nine thousand four hundred and twenty-six dollars and fifty-eight cents.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVIII.

An Act making an appropriation for the contingent expenses of the Senate for the thirtieth session of the Legislature.

[Approved March 4, 1893.]

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

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

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIX.

An Act to amend sections two and five of "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 amend the existing Acts in relation thereto," approved March 14, 1889.

[Approved March 4, 1893.]

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

SECTION 1. That section two of the above mentioned Act be amended so as to read as follows:

Section 2. Every such Board of Park Commissioners (except in cities which, at the last Federal census, had a population of more than fifty thousand and less than one hundred thousand inhabitants, and which cities have adopted a charter according to the Constitution and laws of this State, as hereinafter provided) 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 the 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 caused 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 mem- Appointment of Park Commissioners, and exceptions. Term of office. Vacancy. Qualifications.

- ber 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 the receipt thereof, take and subscribe the oath of office prescribed by law.
- Commission and oath of office.**
- Quorum.** 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 and 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; *provided, however,* that in all cities which, at the last Federal census, had a population of more than fifty thousand and less than one hundred thousand inhabitants, and which cities have adopted a charter according to the Constitution and laws of this State, that such Board of Park Commissioners shall consist of the same number and shall be appointed in the manner provided by such charters. They shall also have such powers as are therein provided, and shall be governed in all matters by the provisions of such charters. All provisions herein, and also in the Act to which this is amendatory, which are not in conflict with such charters, shall apply to such Board of Park Commissioners when so appointed.
- Power of Board.**
- Provisions for cities between 50,000 and 100,000.**
- Sec. 2.** That section five of said Act be amended so as to read as follows:
- Reports.** Section 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 said Board shall be acting, a full report of the proceedings and a detailed statement of its receipts and expenditures, except that in cities in which Boards of Park Commissioners have been appointed under the provision of of such charters as hereinbefore provided for, the Board of Park Commissioners of such cities shall report to the City Council of the same.
- When Act takes effect.** **Sec. 3.** This Act shall take effect and be in force immediately after its passage, and after which time the Boards of Park Commissioners in cities which, at the last Federal census, had a population of more than fifty thousand and less than one hundred thousand inhabitants, and which have adopted charters under the Constitution and laws of this State, and which Boards have heretofore been appointed under the provisions of the Act to which this is amendatory, shall serve only as such Board of Park Commissioners until a Board of Park Commissioners is appointed under the provisions of such charters.

CHAPTER LXX.

An Act making an appropriation to pay the deficiency in the appropriation for the pay of officers and clerks of the Assembly.

[Approved March 4, 1893.]

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

SECTION 1. The sum of thirteen hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the pay of officers and clerks of the Assembly for the thirtieth session; and the Controller is hereby authorized to draw his warrant for the same, and the Treasurer is hereby directed to pay the same. Pay of officers and clerks of Assembly.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXI.

An Act making an appropriation to pay the deficiency in the appropriation for the per diem and mileage of the Assembly for the thirtieth session.

[Approved March 4, 1893.]

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

SECTION 1. The sum of three hundred and thirty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the per diem and mileage of Assemblymen for the thirtieth session; and the Controller is hereby authorized to draw his warrant for the same, and the Treasurer is hereby directed to pay the same. Per diem and mileage of Assembly, thirtieth session.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXII.

An Act making an appropriation to pay the deficiency in the appropriation for per diem and mileage of the Lieutenant-Governor and Senators for the forty-fourth fiscal year.

[Approved March 7, 1893.]

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

Appropriation for deficiency in per diem of Lieut.-Governor and Senators.

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of seven hundred and ten dollars, to pay the deficiency in the appropriation for per diem and mileage of the Lieutenant-Governor and Senators for the forty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIII.

An Act making an appropriation to pay the deficiency in the appropriation for pay of officers and clerks of the Senate for the forty-fourth fiscal year.

[Approved March 7, 1893.]

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

Appropriation for deficiency in pay of officers and clerks of Senate.

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of eight hundred and eighty-five dollars, to pay the deficiency in the appropriation for pay of officers and clerks of the Senate for the forty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXIV.

An Act to establish a uniform system of mine bell signals, to be used in all the mines operated in the State of California, and for the protection of miners.

[Approved March 8, 1893.]

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

System or code of mine bell signals provided.

SECTION 1. Every person, company, corporation, or individual, operating any mine within the State of California—gold, silver, copper, lead, coal, or any other metal or substance

where it is necessary to use signals by means of bell or otherwise, for shafts, inclines, drifts, crosscuts, tunnels, and underground workings—shall, after the passage of this bill, adopt, use, and put in force the following system or code of mine bell signals, as follows:

- 1 bell, to hoist. (See Rule 2.) Signals.
 1 bell, to stop if in motion.
 2 bells, to lower. (See Rule 2.)
 3 bells, man to be hoisted; run slow. (See Rule 2.)
 4 bells, start pump if not running, or stop pump if running.
 1—3 bells, start or stop air compressor.
 5 bells, send down tools. (See Rule 4.)
 6 bells, send down timbers. (See Rule 4.)
 7 bells, accident; move bucket or cage by verbal orders only.
 1—4 bells, foreman wanted.
 2—1—1 bells, done hoisting until called.
 2—1—2 bells, done hoisting for the day.
 2—2—2 bells, change buckets from ore to water, or vice versa.
 3—2—1 bells, ready to shoot in the shaft. (See Rule 3.)

Engineer's signal, that he is ready to hoist, is to raise the bucket or cage two feet and lower it again. (See Rule 3.)

Levels shall be designated and inserted in notice hereinafter mentioned. (See Rule 5.)

Sec. 2. For the purpose of enforcing and properly understanding the above code of signals, the following rules are hereby established:

Rule 1. In giving signals make strokes on bell at regular intervals. The bar (—) must take the same time as for one stroke of the bell, and no more. If timber, tools, the foreman, bucket, or cage, are wanted to stop at any level in the mine, signal, by number of strokes on the bell, the number of the level first before giving the signal for timber, tools, etc. Time between signals to be double bars (— —). Examples: Rules.

6 — — 5, would mean stop at sixth level with tools.

4 — — 1 — 1 — 1 — — 1, would mean stop at fourth level, man on, hoist.

2 — — 1 — 4, would mean stop at second level with foreman.

Rule 2. No person must get off or on the bucket or cage while the same is in motion. When men are to be hoisted, give the signal for men. Men *must* then get on bucket or cage, *then* give the signal to hoist. Bell cord must be in reach of man on the bucket or cage at stations.

Rule 3. After signal "Ready to shoot in shaft," engineer must give his signal when he is ready to hoist. Miners must then give the signal of "Men to be hoisted," then "spit fuse," get into the bucket, and give the signal to hoist.

Rule 4. All timbers, tools, etc., "longer than the depth of the bucket," to be hoisted or lowered, must be securely lashed at the upper end to the cable. Miners must know they will ride up or down the shaft without catching on rocks or timbers and be thrown out.

Rule 5. The foreman will see that one printed sheet of these signals and rules for each level and one for the engine-

Rules.

room are attached to a board not less than twelve inches wide by thirty-six inches long, and securely fasten the board up where signals can be easily read at the places above stated.

Rule 6. The above signals and rules must be obeyed. Any violation will be sufficient grounds for discharging the party or parties so doing. No person, company, corporation, or individuals operating any mine within the State of California, shall be responsible for accidents that may happen to men disobeying the above rules and signals. Said notice and rules shall be signed by the person or superintendent having charge of the mine, who shall designate the name of the corporation or the owner of the mine.

SEC. 3. Any person or company failing to carry out any of the provisions of this Act shall be responsible for all damages arising to or incurred by any person working in said mine during the time of such failure.

SEC. 4. This Act shall take effect immediately.

CHAPTER LXXV.

An Act entitled an Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

[Approved March 9, 1893.]

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

SECTION 1. Section two thousand nine hundred and fifty-five of the Civil Code is hereby amended so as to read as follows:

Mortgages may be made upon:

First—Locomotives, engines, and other stock of a railroad.

Second—Steamboat machinery, the machinery used by machinists, foundrymen, and mechanics.

Third—Steam engines and boilers.

Fourth—Mining machinery.

Fifth—Printing presses and material.

Sixth—Professional libraries.

Seventh—Instruments of surveyors, physicians, or dentists.

Eighth—Upholstery and furniture used in hotels and lodging houses.

Ninth—Oil paintings, pictures, and works of art.

Tenth—All growing crops, including grapes and fruit.

Eleventh—Vessels of more than five tons burden.

Twelfth—Instruments, negatives, furniture, and fixtures of a photograph gallery.

Thirteenth—The machinery, casks, pipes, tubes, and utensils used in the manufacture or storage of wine, fruit brandy, fruit syrups, or sugar; also wines, fruit brandy, fruit syrup, or sugar, with the cooperage in which the same is contained.

Upon what
chattel
mortgages
may be
made.

Fourteenth—Pianos and organs.

Same.

Fifteenth—Iron and steel safes.

Sixteenth—Neat cattle, horses, mules, swine, and sheep, and the increase thereof.

This Act take effect and be in force immediately upon its passage.

CHAPTER LXXVI.

An Act to provide for the revision of certain books of the State series of school text-books, for the compilation of an additional book of said series, and for the continued publication of the same; and to authorize and direct the use for these purposes of the money accumulated in the State School Book Fund.

[Approved March 9, 1893.]

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

SECTION 1. The State Board of Education is hereby authorized and directed to revise the following books of the State series of school text-books, viz.: The First, Second, and Third Readers, the English Grammar, the United States History, and the Advanced Arithmetic, and to compile a Primary History of the United States; and in such revision and compilation may employ well-qualified persons to assist them; *provided*, that in revising said Readers the Board may cause them to be issued in a series of five books or less, in their discretion; and the Board shall furnish to the Superintendent of State Printing designs for all cuts and engravings to be used in the books revised and compiled under the provisions of this section.

State Board of Education authorized to revise text-books.

SEC. 2. All indebtedness incurred by said Board in carrying out the provisions of section one of this Act shall be paid out of the money accumulated in the State School Book Fund from the sale of the State series of school text-books; *provided*, that all demands on account of such indebtedness shall first be approved by said State Board of Education, and presented to the State Board of Examiners, in itemized form, for their approval, and upon the approval thereof by the State Board of Examiners, the Controller is hereby authorized to draw his warrant upon the State Treasurer for the payment of said demands, and the State Treasurer is authorized to pay the same; *provided further*, that the indebtedness incurred by said Board in carrying out the provisions of section one of this Act shall not exceed the sum of twenty-five thousand dollars (\$25,000), which sum is hereby appropriated from the State School Book Fund for the use of the said Board in the premises.

Expense paid out of State School Book Fund.

How demands are paid.

Limit of expenditure.

SEC. 3. The State Board of Education shall secure copyrights to all the books that shall be revised or compiled, as the case may be, under the provisions of this Act, and shall protect said copyrights from all infringement.

Copyrights.

Uniform use to be required.

SEC. 4. Whenever any one or more of the State series of school text-books shall have been revised or compiled, the State Board of Education shall issue an order requiring the uniform use of said book or books in the common schools of the State; but said order for the uniform use of said book or books shall not take effect till the expiration of at least one year from the time of the completion of the electrotype plates of said book or books. Nothing in this Act shall be construed to prevent any county, city, city and county, or school district from using any one or more of the State series of school text-books provided for in this Act, whenever said book or books shall have been published.

Work to be performed in State Printing Office.

SEC. 5. The printing and binding of all text-books specified in section one of this Act, and all the mechanical work connected therewith, shall be done by and under the supervision of the Superintendent of State Printing, at the State Printing Office; *provided*, that the purchase of paper for the school books, and the binder's boards, cloths, and leather for covers, shall be procured by advertising for proposals to furnish the same, in the manner now provided for by section five hundred and thirty-two of the Political Code, relating to paper supplies for the State Printing Office.

How supplies to be purchased.

Further manufacture to be paid for from State School Book Fund.

SEC. 6. Whenever the appropriations heretofore made from the General Fund to the use of the Superintendent of State Printing, for the manufacture of books of the State series of school text-books, is exhausted, all indebtedness incurred for the further manufacture of said books shall be paid from the State School Book Fund, together with all indebtedness incurred for the purchase and proper maintenance of such necessary machinery as may be required in the manufacture of said books, and to purchase such type and other materials as may be required for the same; *provided*, that all demands on the State School Book Fund, for the purposes enumerated in this section, shall be presented to the State Board of Examiners, in itemized form, for their approval; and upon the approval of the State Board of Examiners, the Controller is hereby authorized to draw his warrant upon the State Treasurer for the payment of said demands, and the State Treasurer is authorized to pay the same.

How claims to be paid.

SEC. 7. This Act shall take effect immediately.

CHAPTER LXXVII.

An Act to amend section twelve hundred and six of the Code of Civil Procedure, relating to certain liens for salaries and wages, and to persons preferred in cases of executions and attachments.

[Approved March 9, 1893.]

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

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

1206. In cases of executions, attachments, and writs of a similar nature, issued against any person, except for claims for labor done, any miners, mechanics, salesmen, servants, clerks, and laborers, or any other person who renders services or performs work, who have claims against the defendant for labor done or work performed, may give notice of their claims, and the amount thereof, sworn to by the person making the claim, to the creditor and the officer executing either of such writs, at any time before the actual sale of property levied on, or in the event of a levy upon money, at any time before the transfer of such money under execution; and, unless such claim is disputed by the debtor or a creditor, such officer must pay to such person, out of the proceeds of the sale, or in the event of a levy on money, out of such money, the amount each is entitled to receive for services rendered within the sixty days next preceding the levy of the writ, not exceeding one hundred dollars. If any or all of the claims so presented and claiming preference under this section are disputed by either the debtor or a creditor, the person presenting the same must commence an action within ten days for the recovery thereof, and must prosecute his action with due diligence, or be forever barred from any claim or priority of payment thereof; and the officer shall retain possession of so much of the proceeds of the sale or money as may be necessary to satisfy such claim until the determination of such action; and in case judgment be had for the claim, or any part thereof, carrying costs, the costs taxable therein shall likewise be a preferred claim with the same rank as the original claim.

Notice of claims for certain service or work performed to be given.

Undisputed claim to be paid.

If disputed, action to be commenced.

Judgment a preferred claim.

CHAPTER LXXVIII.

An Act entitled an Act to amend section fifteen of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."

[Approved March 9, 1893.]

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

Section
fifteen
amended.

Section fifteen (15) of "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," is amended to read as follows:

Provision
for an
election.

Section 15. At any time prior to the day fixed for the election, the Board shall select one, and may select two, polling places within the district, appoint officers of election, and make all necessary and proper arrangements for holding the election. The tickets shall contain the words, "For the issuance of bonds as proposed by the Sanitary Board," or "Against the issuance of bonds as proposed by the Sanitary Board." The election shall be conducted in accordance with the general election laws of the State, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector, resident within the district for the length of time necessary to enable him to vote at a general election, shall be entitled to vote at the election above provided for. After the votes shall have been announced, the ballots shall be sealed up and delivered to the Secretary or President of the Sanitary Board, which shall, as soon as practicable, proceed to canvass the same, and shall enter the result upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this Act or by law, and of the facts stated in such entry. If, at such election, two thirds of the votes cast be in favor of the issuance of bonds as proposed by the Sanitary Board, the said Board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election.

Disposi-
tion of
ballots.

Two thirds
of those
voting
necessary.

Sec. 2. This Act shall take effect immediately.

CHAPTER LXXIX.

An Act to amend sections thirty-eight to fifty-three, inclusive, of an Act approved March 31, 1891, adding those sections to "An Act to provide for work upon streets, alleys, lanes, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

[Approved March 9, 1893.]

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

SECTION 1. That section thirty-eight of the above entitled Act is hereby amended so as to read as follows:

Section 38. The City Council is hereby empowered to change or modify the grade of any public street, lane, alley, place, or court, and to regrade or repave the same, so as to conform to such modified grade, in the manner as hereinafter provided. Before any change of grade is ordered the City Council shall pass an ordinance or resolution of intention to make such change or modification of grade, and it shall have power at the same time and in the same ordinance or resolution to provide for the actual cost of performing the work of regrading, repaving, sewerage, sidewalking, or curbing of said street or portion of street, with the same or other material with which it was formerly graded, paved, sewerage, sidewalked, or curbed; and that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such changed or modified grade. One or more streets or blocks of streets may be embraced in the same ordinance or resolution. Such ordinance or resolution shall be published in the newspaper in which the official notices of the City Council are usually printed and published; and such newspaper is to be designated in such ordinance or resolution. Such publication shall be made in every regular issue of such paper for not less than ten days, and shall describe the proposed change or modification of grade or regrading, and shall designate and establish the district to be benefited by such change or modification of grade or regrading, and to be assessed for the cost of the same. Within five days after the first publication of the ordinance or resolution of intention, the Superintendent of Streets shall cause to be conspicuously posted within the district designated in the ordinance or resolution, notice of the passage of said resolution. Said notices shall be the same in all requirements of contents and posting as the "Notices of street work" provided for in section three of the original Act to which this is amendatory. If no objection to said proposed change or changes, or modifications of grade, shall be filed with the Clerk of the Council within thirty days from the first publication of the ordinance or resolution of intention hereinbefore mentioned, the City Council shall have power to declare such grades to be changed and established in conformity to said ordinance or resolution; *provided,*

How changes or modifications of grade of streets are made.

Ordinance or resolution of intention

Notice to be published.

What to contain.

Notice to be posted.

Objection to be filed in thirty days.

Majority of that no change of an established grade shall be ordered except on petition of the owners of a majority of the property affected by the proposed change of grade.

property affected must petition.

SEC. 2. That section thirty-nine of the above entitled Act is hereby amended so as to read as follows:

What petition for damages must show.

Section 39. Within thirty days after the first publication of said notice, any person owning property fronting upon said portions of the street or streets where such change of grade is made, may file a petition with the Clerk of the City Council showing the fact of such ownership, the description and situation of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change if completed. Such petition shall be verified by the oath of the petitioners or their agents.

SEC. 3. That section forty of the above entitled Act is hereby amended so as to read as follows:

Mayor, Surveyor, and Superintendent of Streets compose commission.

Section 40. Whenever such petition or petitions have been filed, the Mayor, Surveyor, and Superintendent of Streets of the city, or city and county, acting as a Board of Commissioners, shall assess the benefits, damages, and costs of the proposed change of grade upon each separate lot of land situated within such assessment district, as said lot appears of record upon the last city, or city and county assessment roll.

SEC. 4. That section forty-one of the above entitled Act is hereby amended so as to read as follows:

Oath to be taken.

Section 41. The Commissioners shall be sworn to make the assessments of benefits and damages to the best of their judgment and ability, without fear or favor.

SEC. 5. That section forty-two of the above entitled Act is hereby amended so as to read as follows:

Witnesses may be subpoenaed.

Section 42. The Commissioners shall have power to subpoena witnesses to appear before them to be examined under oath, which any one of said Commissioners is authorized to administer.

SEC. 6. That section forty-three of the above entitled Act is hereby amended so as to read as follows:

Damages to be assessed upon the several lots benefited.

Section 43. The Commissioners having determined the damage which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges, and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work or improvement; and during the progress of their work shall make a report to such City Council as often as it may be required.

Report to City Council.

SEC. 7. That section forty-four of the above entitled Act is hereby amended so as to read as follows:

What report must contain.

Section 44. The Commissioners shall make their report, in writing, and shall subscribe to the same and file with the City Council. In their said report they shall describe separately each piece of property which will sustain damage, stating the amount of damages each will sustain over and above all bene-

fits. They shall also give a brief description of each lot benefited within said assessment district, the name of the owner, if known, and the amount of benefits in excess of damages assessed against the same. In case the three Commissioners do not agree, the award agreed upon by any two of them shall be sufficient. In designating the lots to be assessed, reference may be had to a diagram of the property in the district affected; such diagram to be attached to and made a part of the report of the Commissioners.

Majority report.

Diagram to be attached.

Sec. 8. That section forty-five of the above entitled Act is hereby amended so as to read as follows:

Section 45. If in any case the Commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt of the ownership of any lot or land, or any improvement thereon, or 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 particulars of their interest, shall not affect the validity of the assessment. On the filing of said report, the Clerk of said City Council shall give notice of such filing by the publication of at least ten days in one or more daily newspapers published and circulated in said city; or if there be no daily newspaper, by three successive issues in a weekly or semi-weekly newspaper so published and circulated; and said notice shall require all persons interested to show cause, if any, why such report should not be confirmed, before the City Council, on a day to be fixed by the City Council and stated in said notice, which day shall not be less than twenty days from the first publication thereof.

Unknown owners.

Errors.

Filing of report to be published.

When report confirmed.

Sec. 9. That section forty-six of the above entitled Act is hereby amended so as to read as follows:

Section 46. All objections shall be in writing and filed with the Clerk of the City Council, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the Council, which shall fix a time for hearing the same; of which time the Clerk shall notify the objectors in the same manner as are notified objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned, the City Council shall hear such objections and pass upon the same, and at such time 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 had, as in the case of an original report. In case the ordinance or resolution of intention also provides for the assessing upon the district the cost of regrading or repaving such street or streets to such changed or modified grade, after the report of the Commissioners as to the damages caused by such change of grade has been passed upon by the City Council, it shall then advertise for bids to perform the work of regrading, repaving, sewerage, sidewalk, or curbing such street or streets with the same or other material with which the same had been formerly graded, paved, sewerage, sidewalked, or curbed; first causing a notice, with specifications,

Objections to be filed in writing.

Time for hearing

May order new assessment.

Advertising for bids.

to be posted conspicuously for five days on or near the Council chamber door, inviting sealed proposals for bids for doing such work, and shall also cause notices of said work, inviting said proposals and referring to the specifications posted or on file, to be published two days in a daily, semi-weekly, or weekly newspaper published and circulated in said city, and designated by the City Council for that purpose, and in case there is no newspaper published in the city, then it shall be posted as provided in section three of the original Act to which this is amendatory. All proposals or bids offered shall be accompanied by a check, payable to the order of the Mayor of the city, and certified by a responsible bank for that amount, which shall not be less than ten per cent of the aggregate of the proposals; or by a bond for said amount, signed by the bidder and two sureties, who shall justify under oath in double said amount 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 a check or a bond satisfactory to the Council. The City Council may reject any and all bids, and may award the contract to the lowest responsible bidder, which award shall be approved by the Mayor or the three-fourths vote of the City Council. If not approved by the Mayor or the three-fourths vote of the City Council, the City Council may readvertise for proposals or bids for the performance of the work, as in the first instance, and thereafter proceed in the manner in this section provided.

All checks accompanying bids shall be held by the Clerk until the bearer has entered into a contract, as herein provided; and in case he refuses so to do, then the amount of his certified check shall be declared forfeited to the city, and shall be collected and paid into its General Fund, and all bonds so forfeited shall be prosecuted, and the amount thereon collected paid into such fund. Notice of the awards of the contracts shall be published and posted in the same manner as hereinbefore provided for the posting of proposals for said work.

Sec. 10. That section forty-seven of the above entitled Act is hereby amended so as to read as follows:

Section 47. After such contract has been awarded and entered into, the Clerk of the City Council shall certify to the City Council that fact, together with the total amount of the cost of the same, whereupon the City Council shall cause to be forwarded to the Commissioners a copy of such certificate; whereupon such Commissioners shall proceed to assess the cost of doing such work upon all the lots and land lying within the district to be assessed, distributing the same so that each lot will be assessed for its proportion of the same, according to the benefits it receives from the work, and in the same manner in which the damages caused by the change of grade were assessed upon the same. Such Commissioners, in making such assessment, shall show the total amount for which each lot or tract is assessed, in excess of all benefits, for the total cost of chang-

How published.

Certified check for ten per cent.

Bond.

Bids to be opened.

Awards.

When check is forfeited.

Award to be posted.

City Clerk to certify contract.

Cost of work to be assessed.

ing and modifying the grade of the street, as well as the regrading, repaving, sewerage, sidewalking, and curbing of the same, and costs or damages connected therewith. The provisions of the Act to which this is amendatory in regard to the mode or manner of the assessment of the cost of such work shall not apply to the work herein contemplated; neither shall the provisions of the same in regard to the issuing of bonds to represent the cost of the same, nor the provisions in regard to the right of protest against the work.

SEC. 11. That section forty-eight of the above entitled Act be amended so as to read as follows:

Section 48. 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, the cost of which shall be provided for by the Commissioners, as a portion of the cost of the proceedings therein. 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.

City Clerk
to certify
copy of
report to
Superin-
tendent of
Streets.

Lien.

SEC. 12. That section forty-nine of the above entitled Act is hereby amended so as to read as follows:

Section 49. The Superintendent of Streets shall thereupon give notice, by publication for ten days in one or more daily newspapers published and circulated in said city, or city and county, or 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 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 such 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 name of the persons by or for whom said assessment is paid, and shall 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 such delinquency, proceed to advertise 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

Superin-
tendent of
Streets to
publish
notice.

When as-
sessment
become de-
linquent.

Payment
of assess-
ment.

Five per
cent added
to delin-
quencies.

Same to be
advertised.

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 to as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith.

How published. Said list of delinquent assessments, with a notice of the time and place of sale of the property affected thereby, shall be published daily for five days, in one or more daily newspapers published and circulated in such city, or by at least two insertions in a weekly newspaper so published and circulated before the day of sale for 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 for one year, and in the same manner as in sales for delinquent State and county taxes; and the Superintendent of Streets shall, if there is no redemption, make and deliver to the purchaser at such sale a deed conveying the property sold, and 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, as 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. 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 each fund by the name of the street, square, lane, alley, court, or place for the change of grade for 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.

Redemption.

Deed.

Sale and redemption law.

Deed prima facie evidence of regularity.

Fund to be created by Treasurer.

Sec. 13. That section fifty of the above entitled Act is hereby amended so as to read as follows:

How notice of payment of damages to be made. Section 50. When sufficient money is in the hands of the City Treasurer, in the fund voted for the proposed work or improvement, to pay the total cost for damages, as well as for the cost of doing the work, and all other expenses connected therewith, it shall be the duty of the Commissioners to notify the owner, possessor, or occupant of the premises damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which can be received at the office of such Commissioners. Such notification may be made by depositing a notice, postage paid, in the Post Office, addressed to his last known place of residence. If, after the expiration of three days after the service or deposit of the

notice in the Post Office, he shall not have applied for such warrant, the same shall be drawn and deposited with the City Treasurer, to be delivered to him upon demand.

SEC. 14. That section fifty-one of the above entitled Act is hereby amended so as to read as follows:

Section 51. If the owner of any premises damaged neglects or refuses, for ten days after the warrant has been placed in the hands of the City Treasurer, subject to his demand, to accept the same, the City Council may cause proceedings to be commenced, in the name of the city, to condemn said premises, as provided by law under the right of eminent domain. The ordinance or resolution of intention shall be conclusive evidence of the necessity of the same. Such proceedings shall have precedence, so far as the business of the Court will permit, and any judgment for damages therein rendered shall be payable out of the special fund in the treasury for that purpose. At any time after the trial and judgment entered, or pending appeal, the Court may order the City Treasurer to set apart in the City Treasury a sufficient sum from said fund to answer the judgment, and thereupon may authorize or order the municipality to proceed with the proposed work or improvements. In case of a deficiency in said fund to pay the whole assessed judgment and damages, the City Council may, in its 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 supplementary assessment; but in the last named case, in order to avoid delay, the City Council may advance such balance out of any available fund in the treasury, and reimburse the same from the collection of assessments. The Treasurer shall pay such warrants in the order of their presentation; *provided*, that warrants for damages and for costs of performing the work shall have priority over warrants for charges and expenses, and the Treasurer shall see that sufficient money remains in the fund to pay all warrants of the first class before paying any of the second. The provisions of section one thousand two hundred and fifty-one of the Code of Civil Procedure, requiring the payment of damages within thirty days after the entry of judgment, shall not apply to damages rendered in proceedings under this Act.

When premises may be condemned.

Such proceedings to have precedence in Court.

How deficiency is paid.

Priority of warrants.

SEC. 15. That section fifty-two of the above entitled Act is hereby amended so as to read as follows:

Section 52. All other provisions contained in the Act to which this is amendatory, and which provisions are not in conflict herewith, shall apply to all matters herein contained. All proceedings in any work or improvement, such as is provided for in this Act, already commenced and now in progress under another Act now in force, or by virtue of an ordinance or resolution of intention heretofore passed, may, from any stage of such proceedings already commenced and now in progress, be continued under this Act by resolution of the City 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 at and from which

Application of other provisions in original Act.

Work in progress to be continued.

Ratification of subsequent proceedings.

such resolution or ordinance shall declare the intention to have such work done or improvement cease under such other acts or ordinances and continued under this Act; and from such election so made all proceedings theretofore had are hereby ratified, confirmed, and made valid, and it shall be unnecessary to renew or conduct over again any proceedings prior to the passage of this Act.

SEC. 16. That section fifty-three of the above entitled Act is hereby amended so as to read as follows:

Section 53. The provisions of this Act shall be liberally construed to permit the objects thereof.

SEC. 17. This Act shall take effect and be in force immediately after its passage.

CHAPTER LXXX.

An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

[Approved March 9, 1893.]

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

Map or plat of lots to be made.

SECTION 1. Whenever any city, town, or subdivision of land into lots, or any addition to any city, town, or such subdivision, shall be laid out into lots for the purposes of sale, the proprietor or proprietors thereof shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing:

Description of that reserved for public purposes.

First—All the parcels of ground within such city, town, addition, or subdivision, reserved for public purposes, by their boundaries, courses, and extent, whether they be intended for avenues, streets, lanes, alleys, courts, commons, or other public uses; and,

For sale.

Second—All lots intended for sale, either by number or letter, and their precise length and width.

Must be acknowledged.

SEC. 2. Such map or plat shall be acknowledged by the proprietor, or if any incorporated company, by the chief officer thereof, before some officer authorized by law to take the acknowledgment of conveyances of real estate.

Recorded.

SEC. 3. The map or plat so made, acknowledged, and certified, shall be filed in the office of the County Recorder of the county in which the city, town, addition, or subdivision is situated.

Penalty for violation.

SEC. 4. Every person who sells, or offers for sale, any lot within any city, town, subdivision, or addition, before the map or plat thereof is made out, acknowledged, filed, as herein provided, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars,

and not more than five hundred dollars, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment.

CHAPTER LXXXI.

An Act to amend section twelve hundred and five of the Code of Civil Procedure, relating to certain liens for salaries and wages, and to persons preferred in estates of deceased persons.

[Approved March 9, 1893.]

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

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

1205. In case of the death of any employer, the wages of each miner, mechanic, salesman, clerk, servant, laborer, or any other person who renders services or performs work, for services rendered within the sixty days next preceding the death of the employer, not exceeding one hundred dollars, rank in priority next after the funeral expenses, expenses of the last sickness, the charges and expenses of administering upon the estate, and the allowance to the widow and infant children, and must be paid before other claims against the estate of the deceased person.

Priority of wages in case of death of employer.

CHAPTER LXXXII.

An Act to amend section twelve hundred and four of the Code of Civil Procedure, relating to certain liens for salaries and wages, and to persons preferred on assignments for benefit of creditors.

[Approved March 9, 1893.]

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

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

1204. In all assignments of property made by any person to trustees or assignees, on account of the inability of the person, at the time of the assignment, to pay his debts, or in proceedings in insolvency, the wages and salaries of the miners, mechanics, salesmen, servants, clerks, laborers employed by such person, or any other person who renders services or performs work to the amount of one hundred dollars each, and for services rendered within sixty days previously, are preferred claims, and must be paid by such trustees or assignees before any other creditor or creditors of the assignor.

Wages and salaries preferred claims in cases of assignment.

CHAPTER LXXXIII.

An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section three hundred and ninety-seven thereof, relating to penalties for selling liquor to habitual or common drunkards, and Indians.

[Approved March 9, 1893.]

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

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

Cases where selling liquor is a crime.

397. Every person who sells or furnishes, or causes to be sold or furnished, any intoxicating liquors to any habitual or common drunkard, is guilty of a misdemeanor; or who sells or furnishes, or causes to be sold or furnished, intoxicating liquors to any Indian, is guilty of a felony.

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

CHAPTER LXXXIV.

An Act making an appropriation to pay the deficiencies in the appropriation for costs and expenses of suits in which the State is a party in interest, for the fortieth, forty-first, forty-second, and forty-third fiscal years.

[Approved March 9, 1893.]

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

Deficiency appropriation for costs in State suits.

SECTION 1. The sum of twelve thousand six hundred and forty and twenty one hundredths dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the deficiencies in the appropriation for costs and expenses of suits in which the State is a party in interest, for the fortieth, forty-first, forty-second, and forty-third fiscal years; said sum to pay the claims of Langhorne & Miller, three thousand dollars; Pierson & Mitchell, two thousand one hundred and forty dollars and twenty cents; Barham & Bolton and W. R. Davis, seven thousand five hundred dollars (as approved and allowed by the State Board of Examiners, as per its report, dated December twenty-fourth, eighteen hundred and ninety-two), for legal services rendered and costs advanced in State suits.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXXV.

An Act to amend section three thousand seven hundred and seventy-three of the Political Code, relating to the sale of property for delinquent taxes.

[Approved March 9, 1893.]

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

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

3773. 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 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 Collector for the duplicate certificate of sale, is the purchaser. But in case there is no purchaser in good faith for the same, as provided in this chapter, 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 of the same, the whole amount of the property assessed shall be struck off to the people of the State as the purchaser, and the duplicate certificate delivered to the County Treasurer, and filed by him in his office. No charge shall be made for the duplicate certificate when the State is a purchaser, and in such case the Tax Collector shall make an entry, "Sold to the State," on the duplicate assessment book opposite the tax, and he shall be credited with the amount thereof in his settlement made pursuant to sections three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-eight, and three thousand seven hundred and ninety-nine of this Code. Immediately upon the conclusion of his tax sale, the Tax Collector shall report to the Controller, in such form as the Controller may desire, each sale in which the State is the purchaser.

Owner to designate in writing what portion of property to be sold for taxes.

Second offer of sale.

State to be purchaser.

"Sold to the State."

Tax Collector to report to Controller immediately.

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

CHAPTER LXXXVI.

An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners for the forty-third fiscal year.

[Approved March 9, 1893.]

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

Deficiency
appropriation
for
transportation
of
prisoners.

SECTION 1. The sum of two thousand four hundred and seventy-one dollars and ninety 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 claims approved and to be approved by the State Board of Examiners, for the forty-third fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrants for the amount herein made payable, in such amounts and at such times as have been or may be approved by the said State Board of Examiners, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXXVII.

An Act entitled an Act to amend section two thousand six hundred and eighty-four of the Political Code.

[Approved March 9, 1893.]

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

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

Three
viewers
to be
appointed.

2684. Upon filing such petition and bond the Board of Supervisors may, if they deem it advisable, appoint three viewers, one of whom must be a surveyor, to view and survey any proposed alteration of an old, or opening of a new road, and submit to the Board an estimate of the change, alteration, or opening, including the purchase of the right of way, and their views of the necessity thereof.

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

SEC. 3. This Act shall take effect immediately upon its passage.

CHAPTER LXXXVIII.

An Act to prohibit prize fighting.

[Approved March 9, 1893.]

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

SECTION 1. It shall be unlawful for any person or persons within this State to engage in what is generally known as prize fighting, with or without gloves, whereby bruising or maiming, or other serious bodily injury, may result to the participants. Prize fighting prohibited.

SEC. 2. Any and all persons engaging in contests designated in section one of this Act, either as principals, aids, seconds, or backers, shall be guilty of felony, and upon conviction shall be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned in the State Prison not less than one year nor more than three years. Punishment.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXXIX.

An Act to provide for payment of the claim of C. C. Rochford.

[Approved March 9, 1893.]

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

SECTION 1. The sum of six hundred three and fifteen one hundredths dollars (\$603 15) is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of C. C. Rochford, ex-Sheriff of Modoc County, for expenses incurred by him in the pursuit, capture, and trial of J. R. Franklin, charged with the murder of Grey Uttey, as approved by the State Board of Examiners, December twenty-eighth, eighteen hundred and eighty-eight. Payment of claim of C. C. Rochford.

SEC. 2. The Controller of the State is hereby authorized to draw his warrant in favor of C. C. Rochford in the sum of six hundred three and fifteen one hundredths dollars (\$603 15), 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 XC.

An Act providing an appropriation for the purpose of completing and preserving Sutter's Fort.

[Approved March 9, 1893.]

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

Sutter's
Fort appro-
priation.

SECTION 1. The sum of fifteen thousand (\$15,000) dollars is hereby appropriated out of the General Fund of the State Treasury, for the purpose of completing the work of restoring Sutter's Fort, and for the further purpose of providing for the care and preservation of the Sutter's Fort property.

SEC. 2. The State Controller is hereby authorized to draw his warrant in favor of the Board of Sutter's Fort Trustees for the amount herein made payable, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCI.

An Act quitclaiming to the successors in interest of Sallie C. Perry all claim of the State of California in that certain tract of land in the City and County of San Francisco, known as "city slip lot number one hundred and sixteen," and empowering and directing the Governor to execute a deed of quitclaim therefor to said successors in interest of said Sallie C. Perry.

[Approved March 9, 1893.]

Preamble
as to slip
lot 116, in
San Fran-
cisco.

WHEREAS, Under an Act entitled "An Act to provide for the sale of the interest of the State of California in the property within the water-line front of the city of San Francisco, as defined in and by the Act entitled 'An Act to provide for the disposition of certain property in the State of California,' passed March twenty-sixth, eighteen hundred and fifty-one," approved May eighteenth, eighteen hundred and fifty-three, and the Act amendatory thereof, of date May first, eighteen hundred and fifty-five, the Governor, Controller, and Secretary of State, constituting the Board of California Land Commissioners, did sell to one Sallie C. Perry that certain tract of land in the City and County of San Francisco known as "city slip lot number one hundred and sixteen," and described as follows: Commencing on the north line of Sacramento Street, one hundred and eighteen (118) feet and four (4) inches west from East Street; thence westerly along said northerly line of Sacramento Street twenty-four (24) feet and four (4) inches; thence at right angles northerly twenty-nine (59) feet and nine (9) inches; thence at right angles

easterly twenty-four (24) feet and four (4) inches; thence at right angles southerly fifty-nine (59) feet and nine (9) inches to the place of beginning; and whereas, the deed executed therefor by the aforesaid officers to said Sallie C. Perry, which deed is recorded in liber fifty-seven of deeds, at page twenty-five, in the office of the County Recorder of the City and County of San Francisco, did incorrectly describe said property; and whereas, said Sallie C. Perry has, since the execution to her of the aforesaid deed, parted with the title to said "city slip lot number one hundred and sixteen;" now, therefore,

Preamble
as to slip
lot 116, in
San Fran-
cisco.

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

SECTION 1. The State of California hereby remises, releases, and quitclaims to the successors in interest of said Sallie C. Perry all right, title, or interest of the State of California in and to the above described city slip lot number one hundred and sixteen, situated in the City and County of San Francisco, and particularly described as follows: Commencing on the north line of Sacramento Street, one hundred and eighteen (118) feet and four (4) inches west from East Street; thence westerly along said northerly line of Sacramento Street twenty-four (24) feet and four (4) inches; thence at right angles northerly fifty-nine (59) feet and nine (9) inches; thence at right angles easterly twenty-four (24) feet and four (4) inches; thence at right angles southerly fifty-nine (59) feet and nine (9) inches to the place of beginning.

Quitclaim
to Sallie C.
Perry.

Description
of lot.

SEC. 2. Upon production to the Governor of satisfactory proof by any person that he is the successor in interest of said Sallie C. Perry to said above described lot of land, or any part thereof, or that he has acquired the title thereto of said Sallie C. Perry, it shall be the duty of the said Governor to execute to the said successor in interest a deed, in the name of the State of California, remising, releasing, and quitclaiming to him all the right, title, and interest of the State of California in and to said lot, or so much thereof as he may have acquired title to from, through, or under said Sallie C. Perry.

Proof of
succession
to be made
to Gov-
ernor.

Deed by
Governor.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCII.

An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and forty-two, one thousand nine hundred and fifty-nine, one thousand nine hundred and seventy-three, one thousand nine hundred and eighty-two, one thousand nine hundred and eighty-four, one thousand nine hundred and ninety, one thousand nine hundred and ninety-two, two thousand and three, two thousand and four, two thousand and twenty-seven, and two thousand and ninety-four, and to add three new sections, to be known as one thousand nine hundred and twenty-three, one thousand nine hundred and forty-five, and one thousand nine hundred and eighty-one, all of the Political Code of the State of California, and relating to the National Guard.

[Approved March 9, 1893.]

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 the Political Code of California is hereby amended so as to read as follows:

National
Guard not
to exceed
twenty
compa-
nies.

1912. The organized uniformed militia of the State of California are known as the National Guard of California. This force shall not exceed seventy companies, of which there may be one light battery and one troop of cavalry in each brigade, and must be located throughout the State with reference to the military wants thereof, means of concentration, and other military requirements.

SEC. 2. Section one thousand nine hundred and forty-two of the Political Code of California is hereby amended so as to read as follows:

Colors.

1942. The colors carried by organizations of the National Guard shall be such as are borne by similar organizations in the United States Army, except that the regimental or battalion color shall have thereon the State coat of arms, instead of the arms of the United States; and no military organization provided for by the Constitution and laws of the State, and receiving State support, shall, while under arms, either for ceremony or duty, carry any device, banner, or flag, of any State or nation, except that of the United States or the State of California.

State coat
of arms.

SEC. 3. Section one thousand nine hundred and fifty-nine of the Political Code of California is hereby amended so as to read as follows:

Oath and
term of
enlist-
ment.

1959. All enlisted men, on entering the National Guard, must take the prescribed oath, and join for not less than three years' service; *provided*, that any man having served one enlistment satisfactorily may reenlist for one, two, or three years, at his option.

SEC. 4. Section one thousand nine hundred and seventy-three of the Political Code of California is hereby amended so as to read as follows:

1973. 1. Any commissioned officer who has become disabled and incapable of longer performing the active duties of his office, may, upon his own application, be placed upon the retired list; *provided*, that such disability may have been incurred while in the performance of duty.

Retired from disability.

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

Examination by Board of Surgeons.

Adjutant-General to issue orders.

3. Any commissioned officer who shall have served as such in the National Guard of this State for a continuous period of eight years, or for a period not continuous of ten years, may, upon his own application, be placed upon the retired list, and withdraw from active service and command with the rank held by him at the time such application is made. Upon application duly made and approved, the Commander-in-Chief shall cause orders to be issued retiring the officer who makes application thereof, in accordance with the provisions of this section.

Retired on account of service.

Commander-in-Chief to issue orders.

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

Detail for duty for retired officers.

Rank when in active service.

Roster of retired list.

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

Rank of retired list.

SEC. 5. Section one thousand nine hundred and eighty-two of the Political Code of California is hereby amended so as to read as follows:

1982. A regiment of the National Guard consists of not less than six nor more than twelve companies. Any less number of companies than six constitute a battalion. Each regiment of not more than ten companies shall be divided into two battalions, and if more than ten companies, into three battalions, as the commanding office of the regiment shall direct.

Regiment.

Battalions.

SEC. 6. Section one thousand nine hundred and eighty-four of the Political Code of California is hereby amended so as to read as follows:

Field
officers.

1984. The field officers of a regiment are one Colonel, one Lieutenant-Colonel, and one Major for each battalion. The field officers of a battalion, when composed of less than six companies and more than three, are one Lieutenant-Colonel and one Major; when composed of two or three companies, then one Major only.

SEC. 7. Section one thousand nine hundred and ninety of the Political Code of California is hereby amended so as to read as follows:

Staff of
Colonel
or officer
command-
ing regi-
ment or
battalion.

1990. The staff of a Colonel and Lieutenant-Colonel, or Major, commanding a regiment or battalion, consists of one Adjutant, with the rank of Captain; and if a regiment, of one Adjutant, with the rank of First Lieutenant, for each battalion; one Quartermaster, one Commissary, one Paymaster, one Inspector of Rifle Practice, and one Ordnance Officer, each with the rank of First Lieutenant; one Surgeon, with the rank of Major; one Assistant Surgeon, with the rank of Captain; one Chaplain, with the rank of Captain; one Sergeant-Major, one Principal Musician, one Quartermaster-Sergeant, one Commissary-Sergeant, one Ordnance Sergeant, one Hospital Steward, two Color Sergeants, and a Battalion Sergeant-Major for each battalion of a regiment, and one Drum Major; 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. 8. Section one thousand nine hundred and ninety-two of the Political Code of California is hereby amended so as to read as follows:

Field
music.

1992. Commanders of regiments, battalions, and unattached companies may concentrate the drummers, fifers, and trumpeters of their respective commands, and organize the same, under the Principal Musician, as the field music of their respective commands.

SEC. 9. Section two thousand and three of the Political Code of California is hereby amended so as to read as follows:

Organiza-
tion into
brigades.

2003. The National Guard of this State is organized into six brigades, each commanded by a Brigadier-General, as follows:

First.

First Brigade: San Diego, Orange, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties.

Second.

Second Brigade: Santa Cruz, Santa Clara, San Mateo, San Francisco, Alameda, Contra Costa, Marin, Sonoma, Napa, San Benito, Monterey, and Lake Counties.

Third.

Third Brigade: San Joaquin, Mariposa, Tuolumne, Fresno, Stanislaus, Calaveras, Merced, Mono, Inyo, Kern, and Tulare Counties.

Fourth.

Fourth Brigade: Sacramento, Solano, Yolo, Sutter, El Dorado, Alpine, Amador, Placer, and Nevada Counties.

Fifth.

Fifth Brigade: Butte, Plumas, Lassen, Colusa, Glenn, Yuba, Tehama, Shasta, Trinity, Siskiyou, Sierra, and Modoc Counties.

Sixth.

Sixth Brigade: Mendocino, Humboldt, and Del Norte Counties.

SEC. 10. Section two thousand and four of the Political Code of California is hereby amended so as to read as follows:

2004. The six brigades of the National Guard compose a Division. division, commanded by a Major-General.

SEC. 11. Section two thousand and twenty-seven of the Political Code of California is hereby amended so as to read as follows:

2027. Companies already organized may wear uniforms and equipments now in use, until supplied by the State with the "service" uniforms and equipments; after which no uniforms and equipments other than those so supplied shall be worn, except that a dress uniform may be worn, as provided in section one thousand nine hundred and twenty-three of this Code. No money of the State must be used or applied to the purchase of the uniforms and equipments other than those in this section mentioned. All non-commissioned officers, musicians, and privates of a company, or of a general, brigade, regimental, or battalion staff, the members of the signal corps, and of the hospital and ambulance corps, and of regularly organized and enlisted bands (which bands shall not exceed in number twenty-five each), shall be furnished with "service" uniforms and equipments at the expense of the State. Such uniforms and equipments shall be issued to the commanders of the general staffs of brigades, regiments, battalions, and companies, upon requisition, in such form as may be prescribed. The "service" uniform and equipments shall be issued to the several organizations of the National Guard, upon requisition of the proper officer. The commanding officer of each organization shall be responsible for the keeping and return of all uniforms and other military property committed to his charge. Each commanding officer who shall receive uniforms or equipments, or portions of uniforms or equipments, for the use of his command, shall distribute the same to his command as he shall deem proper. The "service" uniform and equipments shall be furnished, as aforesaid, by a Board, which is hereby provided, to consist of the Quartermaster-General and of two commissioned officers, to be appointed by the Commander-in-Chief. Said two officers shall at all times be residents of the City and County of San Francisco. This Board is authorized and directed to purchase the cloth, arrange for its cutting, and also for its making, when required by the commander of any organization, and also to purchase equipments; and the bills of said Board shall be audited, allowed, and paid as are other military demands. This Board shall also fix the maximum price or cost of the cloth, and the color and the quality thereof, and the maximum price or cost of the making of each article of uniform, and shall permit, upon proper requisition of brigade, regiment, unattached battalion, or unattached company, to draw the money instead of the cloth, or the cost of its making, or either, and provide itself with a corresponding number of articles of uniform; *provided*, that the bills therefor shall be audited, allowed, and paid as other military demands.

Uniforms and equipments.

"Service" uniforms.

Requisition for same.
Responsibility for keeping and return.

Board to furnish "service" uniforms

Duties of Board.

Fix price.

Bills to be audited.

SEC. 12. Section two thousand and ninety-four of the Political Code of California is hereby amended so as to read as follows:

Monthly allowance for armory rents, etc.

2094. There must be audited and allowed by the Board of Military Auditors, and paid out of the appropriation for military purposes, upon the warrant of the State Controller, to the commanding officer of each infantry or artillery company of the National Guard, the sum of one hundred dollars per month; to the commanding officer of each light battery having not less than four guns, with which they regularly drill and parade, the sum of two hundred dollars per month; and to the commanding officer of each cavalry company, the sum of two hundred dollars per month; the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company.

Clerical expenses.

There must also be audited, allowed, and paid, out of the same appropriations, to the commanding officer of each regiment or battalion, the sum of seven dollars and fifty cents per month for each company in his command, for clerical expenses, stationery, printing, and postage; and if the regiment or battalion has more than four companies, and has attached to it an organized and uniformed band of not less than twenty people, the additional sum of thirty-five dollars per month for such band; to each Brigadier-General, five dollars per month for each company in his command; and to the Major-General, six hundred dollars per annum; and to each company, a sum necessary for uniforms, and to keep the same in repair, not to exceed one hundred and fifty dollars per annum; and to the Adjutant-General, three thousand five hundred dollars per annum, to be expended by him in promoting rifle practice. There shall also be paid from the military appropriations of the State, a sum not exceeding one thousand dollars for the first year of its existence, to the commanding officer of each brigade having a hospital and ambulance corps, which sum shall be expended in the purchasing of proper supplies, equipments, and medicines for such corps, and thereafter to such corps there shall be paid a sum for the same purpose, of not exceeding five hundred dollars per annum.

Repair of uniforms.

Rifle practice.

Hospital and ambulance corps.

Sec. 13. A new section is hereby added to the Political Code of California, and shall be numbered and known as section one thousand nine hundred and twenty-three thereof.

"Service" uniforms only to be purchased.

1923. All moneys hereafter appropriated for the purchase of uniforms or equipments shall be devoted entirely to the purchase of service uniforms and necessary equipments, which shall be the same as worn by similar corps in the United States Army, and nothing further shall be expended upon dress uniforms or equipments. Any regiment, unattached battalion, or unattached company may, however, adopt, subject to the approval of the Commander-in-Chief, a distinctive dress uniform and equipments, which may be worn on all occasions, unless otherwise ordered; but the expense of providing and maintaining such uniforms and equipments shall be borne entirely by the organization so adopting. There shall be a Board, to consist of the Quartermaster-General, Division Quartermaster, Brigade Quartermaster, and Regimental Quartermasters, which

"Dress" uniforms.

Board on uniforms and equipments.

Board shall meet from time to time, but at least once in each year, for the purpose of considering and recommending to the

Commander-in-Chief what, in its judgment, is most urgently required for the uniforming and equipping of the Guard from time to time.

SEC. 14. A new section is hereby added to the Political Code of California, and shall be numbered and known as section one thousand nine hundred and forty-five thereof.

1945. The State shall provide a bronze service medal, with a bronze bar attached thereto, for ten years' active service; for fifteen years' active service, a silver bar shall be attached; and for twenty years' active service, a gold bar shall be attached to the same medal. There shall be no other or different medals for service. Service medals.

SEC. 15. A new section is hereby added to the Political Code of California, and shall be numbered and known as section one thousand nine hundred and eighty-one thereof.

1981. Each Brigadier-General commanding a brigade, with the consent of the Commander-in-Chief, may muster in and attach to it a hospital and ambulance corps, consisting of not to exceed six men for each regiment in his brigade. Such corps shall have such commissioned and non-commissioned officers as the Commander-in-Chief shall prescribe, and shall report directly to the brigade commander, who shall appoint such non-commissioned officers as may be prescribed. When for drill or in the performance of duty, any expense shall be incurred by any such corps, such expense shall be paid by the State; *provided*, that the same shall have been first authorized by the commanding officer of the brigade, afterward approved by such commanding officer and superior officers, as provided by law in the case of other commands. Hospital and ambulance corps for each brigade.

How expense is to be paid.

CHAPTER XCIII.

An Act authorizing the allowance, settlement, and payment of claims of counties against the State.

[Approved March 9, 1893.]

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

SECTION 1. On the presentation of the claim of any county of this State, or Treasurer thereof, to the State Controller for commissions, charges, or fees fixed or directed to be allowed by law for the collection of State taxes, the said commissions, charges, or fees for which claim is made, not having been allowed by the State, and the same having been paid into the State Treasury, thereupon the State Controller shall, in the next settlement thereafter to be made with the Treasurer of the county presenting such claim, allow to be retained out of any moneys then in the hands of such Treasurer belonging to the State, the amount of such claim; *provided, however*, that the moneys thus State Controller to allow claims for commission for collection of taxes to be retained.

retained shall be paid into the County Treasury, and shall be the property of such county.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIV.

An Act entitled an Act to appropriate money to pay the claims of McGowan & Butler for building retaining walls to "The Mendocino State Asylum for the Insane," for grading and terracing the grounds thereof, and for constructing a drainage and sewer system in and about the buildings, which work was performed on and material furnished said asylum under contracts with the Board of Directors of said asylum.

[Approved March 9, 1893.]

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

Claim of
McGowan
& Butler.

SECTION 1. The sum of six thousand seven hundred and twenty-four dollars and thirty-eight cents (\$6,724 38) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of McGowan & Butler, the said sum being due the said McGowan & Butler for work and material under contracts of McGowan & Butler with the Board of Directors of the Mendocino State Asylum for the Insane, on behalf of the State, as follows: Seven hundred and ninety dollars and thirty-eight cents (\$790 38) for building retaining walls to said asylum building; four thousand nine hundred and ninety-seven dollars (\$4,997) for grading and terracing the grounds thereof, and nine hundred and thirty-seven dollars (\$937) for constructing a drainage and sewerage system in and about the buildings of said insane asylum.

Duty of
Controller
and Treas-
urer.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasury in favor of said McGowan & Butler for said sum of six thousand seven hundred and twenty-four dollars and thirty-eight cents (\$6,724 38), and the Treasurer of State is hereby authorized and directed to pay the same.

SEC. 3. The amount hereby appropriated shall be and the same is hereby exempted from the provisions of section six hundred and seventy of the Political Code.

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

CHAPTER XCV.

An Act to amend section four thousand and eighty-five of the Political Code, relating to the improvement of innavigable streams, and the protection of lands adjacent thereto, and to repeal an Act entitled "An Act to provide for the organization of levee districts created for the protection of lands from overflow of innavigable running streams of water, and to confine innavigable running streams to a fixed channel."

[Approved March 9, 1893.]

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

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

4085. The Board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams within the county, for use as public highways for rafting and floating lumber, and also protecting the banks and adjacent lands from overflow of such streams, when the same are not declared by law to be and, in fact, are not navigable for commercial purposes, and provide regulations for the use, repair, and control thereof; but no regulations of the Board, nor improvements directed, must in any manner interfere with the private rights or privileges of riparian owners, miners, or others.

Power of Board in improvement of streams. Protecting banks and adjacent lands. Riparian rights.

SEC. 2. That the Act entitled "An Act to provide for the organization and government of levee districts created for the protection of lands from overflow of innavigable running streams of water, and to confine innavigable running streams to a fixed channel," approved March tenth, eighteen hundred and ninety-one, containing sections one, through to forty-one, be and the same is hereby repealed.

Act of 1891 repealed.

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

CHAPTER XCVI.

An Act to amend section two hundred and twenty-four of the Civil Code, regarding the adoption of children.

[Approved March 9, 1893.]

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

SECTION 1. Section two hundred and twenty-four of the Civil Code is amended so as to read as follows:

What consent necessary to adoption.

Exceptions.

Rule for inmates of orphan asylums.

Where parent is non-resident.

224. A legitimate child cannot be adopted without the consent of its parents, if living; nor an illegitimate child without the consent of its mother, if living; except the consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or of cruelty, and for either cause divorced, or adjudged to be an habitual drunkard, or who has been judicially deprived of the custody of the child on account of cruelty or neglect; *provided, however,* that where any such child, being a half orphan, and kept and maintained within any orphan asylum in this State for more than two years, may be adopted with the consent of the managers of such orphans' home, without the consent of the parent, unless such parent has paid toward the expenses of the maintenance of such half orphan at least a reasonable sum during the said time, if able so to do. And where the parent is a non-resident of this State, such child may be adopted with the consent of the managers of such home, whenever it has been left by its parent in such home for more than one year, whether the parent has contributed anything to its support or not, and the consent of the parent of such half orphan is not necessary to its adoption, whenever the managers of the home are authorized to give such consent, as herein provided.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCVII.

An Act to repeal an Act entitled "An Act concerning corporations and persons engaged in the business of banking," approved April 1, 1876.

[Approved March 9, 1893.]

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

Act of April 1, 1876, relating to banking, repealed.

SECTION 1. Said Act is hereby repealed.

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

CHAPTER XCVIII.

An Act to amend sections two thousand six hundred and thirty-three, two thousand six hundred and forty-one, two thousand six hundred and forty-three, and two thousand six hundred and forty-five, and to repeal section two thousand six hundred and forty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of highway officers.

[Approved March 9, 1893.]

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

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

2633. Any owner or occupant of land adjoining a highway not less than three rods wide, may plant trees in and along said highway on the side contiguous to his land. They must be set in regular rows, at a distance of at least twenty feet from each other, and not more than six feet from the boundary of the highway. If the highway is more than eighty feet wide, the row must not be less than six nor more than twelve feet from the boundary of the highway. Whoever willfully injures any of them is liable to the owner or to the occupant for the damage which is thereby sustained; *provided*, if, in the judgment of the Board of Supervisors, the whole width of such road is needed for use for highway purposes, the whole thereof may be so used.

SEC. 2. Section twenty-six hundred and forty-one of said Act is hereby amended to read as follows:

2641. The Board of Supervisors of the several counties shall divide their respective counties into suitable road districts, and may change the boundaries thereof, and each Supervisor shall be ex officio Road Commissioner in his supervisor district, and shall see that all orders of the Board of Supervisors pertaining to the roads in his district are properly executed; *provided*, when in any county the members of the Board of Supervisors thereof are not elected by districts, it shall be the duty of such Board, by proper order, to be entered in its records, to divide such county into supervisor districts to correspond with the number of members of such Board, and to assign to each member thereof one of such districts, of which he shall be such Road Commissioner; when not otherwise provided by law he shall receive for his services as such Road Commissioner twenty cents per mile, one way, for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not, in any one year, receive more than three hundred dollars.

SEC. 3. Section twenty-six hundred and forty-three of said Act is hereby amended to read as follows:

2643. The Boards of Supervisors of the several counties of the State shall have general supervision over the roads within their respective counties. They must, by proper order—
- Duties of Boards of Supervisors. Surveying, etc. 1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary to public convenience, as in this chapter provided.
- Recording. 2. Cause to be recorded as highways such roads as have become such by usage, dedication, or abandonment to the public. Also all such streets and roads as have been or may be declared such under section seventeen hundred and sixty-four of the Code of Civil Procedure.
- Abolishing. Right of way. 3. Abolish or abandon such as are not necessary.
4. Contract, agree for, purchase, or otherwise acquire the right of way over private property, for the use of public highways, and for that purpose institute, or require the District Attorney to institute, proceedings under title seven, part three, of the Code of Civil Procedure, and to pay therefor from the District Road Fund of the particular district.
- Tax levy. 5. Levy a property tax for road purposes.
- Milestones, etc. 6. In their discretion, cause to be erected and maintained on the highways they may designate, mile-stones, or posts, or guide posts properly inscribed.
- Road tax. 7. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the Treasurer in separate funds.
- Auditing. 8. Audit all claims on the funds of the respective road districts, when required to pay for work or improvements thereon.
- Gates. 9. In their discretion, they may provide for the establishment of gates on the public highways in certain cases to avoid the necessity of building road fences, and prescribe rules and regulations for closing the same, and penalties for violating said rules; *provided*, that the expense for the erection and maintenance of such gates shall, in all cases, be borne by the party or parties for whose immediate benefit the same shall be ordered.
- Watering. 10. For the purpose of watering roads in any part of the county, the Supervisors may erect and maintain waterworks, and for such purpose may purchase or lease real or personal property. The costs for such waterworks and the watering of said roads may be charged to the General County Fund, the General Road Fund, and the District Fund of the district or districts benefited.
- Grading, gravelling, etc. 11. In their discretion, they may advertise for bids to grade, turnpike, gravel, or sprinkle any road or roads in any road district, which contract shall be let to the lowest responsible bidder; *provided*, the Board may reject any or all bids, whenever it shall appear to them that the same are too high. The advertisement for such bids shall specify the road or roads upon which such work is to be done, the kind, character, and extent of the same, so as to plainly indicate to bidders the work to be bid for; and shall, when in their judgment the same is necessary, cause the County Surveyor to survey and furnish a profile of the proposed work, showing cuts, fills, and grade as fully as practicable, which profile shall be open to inspection
- Advertisement for such purposes.

at the office of the Board of Supervisors. When such work is completed, the same shall be inspected by the Board of Supervisors, or by a committee of the Board appointed by the Chairman to inspect and report upon the same. And no payment shall be paid for such work until the same has been inspected and accepted by the Board or such committee; ^{Advances.} *provided*, the Board may, in their discretion, advance not to exceed thirty per cent of the amount of such contract after the work is at least half completed. Such advertisement for bids shall be in such newspaper as the Board may designate, and be published for the period of at least two weeks, and notice of ^{Notices.} such letting shall also be posted by the Road Commissioner in three conspicuous places in the district where such work is to be done, for at least ten days before the day set for opening said bids and awarding contracts. Bids shall be inclosed in a ^{Sealed bids.} sealed envelope, directed to the Clerk of the Board of Supervisors, and shall be indorsed across the face of the envelope, "Bids for road work, —— District," giving the name of proper district.

Section two thousand six hundred and forty-six of said Act is hereby repealed.

SEC. 4. Section twenty-six hundred and forty-five of said Act is hereby amended to read as follows:

2645. Road Commissioners, under the direction and supervision and pursuant to orders of the Board of Supervisors, must: ^{Duties of Road Commissioners.}

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 when the same is not let by contract; *provided*, that no Road Commissioners 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 cockleburrs, 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 when necessary, keep the same in good repair, and renew them when destroyed.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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

CHAPTER XCIX.

An Act to amend section thirty-five hundred and seventy-three of the Political Code, relating to public lands.

[Approved March 9, 1893.]

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

SECTION 1. Section thirty-five hundred and seventy-three of the Political Code is hereby amended to read as follows:

Providing that certain applications for purchase of public lands are valid.

3573. All applications made prior to March twenty-fourth, eighteen hundred and seventy, for the purchase of lands under the provisions of "An Act to provide for the management and sale of lands belonging to the State," approved March twenty-eighth, eighteen hundred and sixty-eight, if there was not, on the twenty-fourth day of March, eighteen hundred and seventy, two or more applicants for the purchase of, or conflicts between claimants of, the same land, where the purchase has been completed and patent issued, are valid, although the affidavits on which such applications were based are neither in form nor substance in compliance with the provisions of such Act.

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

CHAPTER C.

An Act to amend section six hundred and thirty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to conditions precedent to right to act as insurance agent or solicitor.

[Approved March 9, 1893.]

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

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

Power of attorney to act as agent to be filed.

633. No person shall, in this State, act as the agent or solicitor of any life insurance company doing business in this State until he has produced to the Commissioner, and filed with him, a duplicate power of attorney from the company, or its authorized agent, authorizing him to act as such agent or solicitor. Upon filing such power the Commissioner shall issue a license to him to act as such agent or solicitor for such company, if such company has received a certificate of authority from such Commissioner to do business in this State. Such license shall continue in force twelve months from the date thereof, but may be and shall be sooner revoked upon application of the company, or its authorized agent. Such license

License to issue.

may be renewed from time to time, for an additional period of twelve months, on production by the holder to the Commissioner of a certificate from the company that such person's authority as such agent or solicitor continues. For each such license, or renewal thereof, the Commissioner shall receive the sum of one dollar. The Commissioner shall keep an alphabetical list of the names of the persons to whom such licenses shall be issued, with the date of the license and renewal, and the name of the company for whom such person is working. If any person shall, under a false or fictitious name, procure, or attempt to procure, a license to act as agent or solicitor of any life insurance company, he shall be guilty of a misdemeanor. Every person who, in this State procures, or agrees to procure, any insurance for a resident of this State from any insurance company not incorporated under the laws of this State, unless such company or its agent has filed the bond required by the laws of this State relating to insurance, and obtained from the Commissioner a certificate of authority to do business, and every person who solicits or procures any life insurance, without having been duly licensed so to do by the Commissioner, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly. The Insurance Commissioner must require, as a condition precedent to the transaction of life insurance business in this State, that every life insurance corporation or company created by the laws of any other State, or of any foreign country, must file in his office the name of an agent, and his place of residence in this State, on whom summons and other process may be served in all actions or other legal proceedings against such corporation or company; all process so served gives jurisdiction over such corporation or company. The agent so appointed must be the principal agent of such corporation or company in this State. Any such foreign corporation or company shall, as a further condition precedent to the transaction of insurance business in this State, and in consideration of the privilege to transact such insurance business in this State, make and file with the Insurance Commissioner an agreement or stipulation, executed by the proper authorities of such corporation or company, in form and substance as follows: The (giving name of corporation or company) does hereby stipulate and agree that in consideration of the permission granted by the State of California to it to transact insurance business in this State, that if at any time such corporation or company shall, under the existing provisions of law in this State in relation to insurance companies, be without an agent in this State on whom summons or other legal process may be served, service of such summons or other legal process may be made upon the Insurance Commissioner, such service upon the Commissioner to have the same force and effect as if made upon the corporation or company. Whenever such service of summons or other legal process shall be made upon the Insurance Commissioner, he must, within ten days thereafter, transmit by mail, by registered letter, a copy of such summons or other legal process to

Term.

Alphabetical list.

False and fictitious representations and procuring insurance from a company not authorized, a misdemeanor.

Name of an agent upon whom process may be served.

Form of stipulation whereby service may be made upon Insurance Commissioner.

Duty of Commissioner therein.

the corporation, addressed to the President or Secretary thereof, at its home or principal office; such copy must be certified by the Commissioner, under his hand and official seal, and the sending of such copy by the said Commissioner shall be a necessary part of the service of summons or other legal process.

CHAPTER CI.

An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure, and to add a new section thereto, to be known as section seven hundred and twenty-nine, relating to actions for the foreclosure of mortgages.

[Approved March 9, 1893.]

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

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

Only one action for recovery of debt, etc.

Application of proceeds of sale.

Commissioner may be appointed.

Judgment for balance.

Holder of unrecorded lien or conveyance need not be made party.

Judgment conclusive.

Provisions applicable to sale by a Commissioner.

726. There can be but one action for the recovery of any debt, or the enforcement of any right secured by mortgage upon real estate or personal property, which action must be in accordance with the provisions of this chapter. In such action the Court may, by its judgment, direct a sale of the incumbered property (or so much thereof as may be necessary), and the application of the proceeds of the sale to the payment of the costs of the Court, and the expenses of the sale, and the amount due plaintiffs. The Court may, by its judgment, or at any time after judgment, appoint a Commissioner to sell the incumbered property. If it appear from the Sheriff's return, or from the Commissioner's report, that the proceeds are insufficient and a balance still remains due, judgment can then be docketed for such balance against the defendant or defendants personally liable for the debt, and it becomes a lien on the real estate of such judgment debtor, as in other cases on which execution may be issued. No person holding a conveyance from or under the mortgagor of the property mortgaged, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action, need be made a party to such action, and the judgment therein rendered and the proceedings therein had are as conclusive against the party holding such unrecorded conveyance or lien as if he had been a party to the action. If the Court appoint a Commissioner for the sale of the property, he shall sell it in the manner provided by law for the sale of like property by the Sheriff upon execution, and the provisions of chapter one, title nine, part two, of the Code of Civil Procedure, are hereby made applicable to sales made by such Commissioners, and the powers therein given and the duties therein imposed on Sheriffs are extended to such Commissioners.

SEC. 2. A new section is hereby added to the Code of Civil Procedure, to be known as section seven hundred and twenty-nine, to read as follows:

729. The Commissioner, before entering upon his duties, must be sworn to perform them faithfully, and the Court making the appointment shall require of him an undertaking, with sufficient sureties, to be approved by the Court, in an amount to be fixed by the Court, to the effect that he will faithfully perform, the duties of Commissioner, according to law. Within thirty days after such sale, the Commissioner must file with the Clerk of the Court in which the action is pending, a verified report and account of the sale, together with the proper affidavits, showing that the regular and required notice of the time and place of the sale was given, which report and account shall have the same force and effect as the Sheriff's return in sales under execution. In all cases of sales made by a Commissioner, the Court in which the proceedings are pending shall fix a reasonable compensation for the Commissioner's services, but in no case to exceed the sum of ten dollars.

Oath and undertaking of Commissioner.

Report and account of sale.

Compensation of Commissioner.

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

CHAPTER CII.

An Act to amend section five hundred and thirty-seven of the Penal Code and to add a new section thereto, to be known and designated as section five hundred and thirty-eight, relating to the removal, sale, or subsequent incumbrance of mortgaged chattels.

[Approved March 9, 1893.]

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

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

537. Every person who, after mortgaging any of the property mentioned in section two thousand nine hundred and fifty-five of the Civil Code, excepting locomotives, engines, rolling stock of a railroad, steamboat machinery in actual use, and vessels, during the existence of such mortgage, with the intent to defraud the mortgagee, his representatives or assigns, transfers, sells, takes, drives, or carries away, or otherwise disposes of, or permits the transferring, selling, taking, driving, or carrying away, or otherwise disposing of such mortgaged property, or any part thereof, from the county where it was situated at the time it was mortgaged, without the written consent of the mortgagee, is guilty of larceny, and shall be punished accordingly.

Every person mortgaging certain properties with intent to defraud mortgagee, etc., guilty of larceny.

SEC. 2. A new section is hereby added to the Penal Code, to be known and designated as section five hundred and thirty-eight, to read as follows:

Further
incum-
brance or
sales also
larceny.

538. Every person who, after mortgaging any of the property mentioned in section two thousand nine hundred and fifty-five of the Civil Code, excepting locomotives, engines, rolling stock of a railroad, steamboat machinery in actual use, and vessels, during the existence of such mortgage, sells, transfers, or in any manner further incumbers the said mortgaged property, or any part thereof, or causes the same to be sold, transferred, or further incumbered, is guilty of larceny, and shall be punished accordingly; unless at or before the time of making such sale, transfer, or incumbrance, such mortgagor shall inform the person to whom such sale, transfer, or incumbrance may be made, of the existence of the prior mortgage, and shall inform the prior mortgagee of the intended sale, transfer, or incumbrance, in writing, by giving the name and place of residence of the party to whom the sale, transfer, or incumbrance is to be made.

Excep-
tions.

SEC. 3. This Act shall take effect immediately.

CHAPTER CIII.

An Act to provide for the construction and furnishing of an additional school building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.

[Approved March 9, 1893.]

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

School
building
at Los
Angeles.

SECTION 1. The Board of Trustees of the State Normal School at Los Angeles are hereby authorized to construct and furnish a school building on the State Normal School grounds at Los Angeles, to be used in connection with the building there already built and furnished, for the use of the said State Normal School.

Appropri-
ation.

SEC. 2. The sum of seventy-five thousand dollars is hereby appropriated out of any money in the General Fund of the State not otherwise appropriated, for the construction of such school 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.

SEC. 4. The said building shall be erected and said furnishing shall be done under the direction of said Board of Trustees.

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

CHAPTER CIV.

An Act to create a special Commission for the purpose of examining and reporting to the thirty-first session of the Legislature on the Torrens Land Transfer Act of Australia, and making an appropriation therefor.

[Approved March 9, 1893.]

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

SECTION 1. A special Commission of five persons, four of whom shall be members of the legal profession, is hereby created for the purpose of examining the methods of land transfer and registration as existing under the Torrens Land Transfer Act of Australia, and of preparing a system for the State of California in accordance with said Act; and of reporting the same, with an opinion thereon, to the thirty-first session of the Legislature of the State of California.

Commission to examine Torrens Land Transfer Act.

SEC. 2. The members of such Commission shall be appointed by the Governor within twenty days after the passage of this Act; and within ten days from such appointment said Commissioners shall meet and organize themselves into a Board, at the place in which the majority of said Commissioners shall have their residences. The members of said Commission shall receive no salary.

Appointment.

Organization.

SEC. 3. The State Printer shall print such reports as said Commission may make.

SEC. 4. There is hereby appropriated the sum of five hundred dollars (\$500) out of any money in the State Treasury not otherwise appropriated, for the contingent expenses of said Commission, and the State Controller shall draw a warrant on the State Treasurer for such sum.

Appropriation.

SEC. 5. This Act shall take effect immediately.

CHAPTER CV.

An Act granting the right of way and station grounds to the Southern California Railway Company over a portion of the asylum grounds in the county of San Bernardino.

[Approved March 9, 1893.]

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

SECTION 1. There is hereby granted to the Southern California Railway Company, a corporation organized under the laws of the State of California, for railway purposes and station grounds, a strip of land two hundred (200) feet wide, one hundred and twenty-five (125) feet thereof lying to the north of

Right of way to Southern California Railway Company.

Right of way to Southern California Railway Company.

the center line of the railroad track as now constructed, and seventy-five (75) feet thereof to the south of said center line, across the southwest corner of the southwest quarter of section twenty-nine, township one north, range three west, San Bernardino base and meridian. Said strip of land two hundred (200) feet wide commencing at the western boundary of the southwest quarter of section twenty-nine, and continuing along and on each side of the center line of said railroad as now constructed, to the south boundary of said quarter section; the above tract of land being hereby granted to said railway company for its tracks, side-tracks, station grounds, and buildings. There is also hereby granted to said railway company, a right of way fifty (50) feet wide, twenty-five (25) feet thereof on each side of and parallel to the center line of the railroad of said company as now constructed, over the east half of the northwest quarter of section thirty-two, township one north, range three west, San Bernardino meridian. *Provided, always,* and this grant is made upon the express condition, that said railway company shall keep and maintain a station for receiving and discharging passengers and freight on the grounds above described as station grounds; *and provided also,* that the State of California, through the Board of Directors of said asylum, hereby reserves the right to lay and construct across said grounds and right of way herein granted, all necessary and proper flumes and water pipes for the distribution of water, same to be laid and constructed with notice to and under the supervision of the Chief Engineer of the California Southern Railway Company, or its successors.

Condi-
tions.

Right to
construct
flumes.

Switch for
handling
building
material.

When
use shall
terminate.

Sec. 2. There is also hereby granted to the said railway company the right to maintain its switch as now constructed from the main line of road where it crosses said asylum grounds to the northerly side of the asylum building now in process of construction, for the purpose of handling material over said switch, for the use of said asylum; but this last grant shall terminate upon the adoption by the Board of Directors of said asylum of a resolution declaring the use of said switch no longer necessary, and within ninety days after the passage of said resolution, and its service upon said railway company, said switch shall be taken up and removed by said railway company, and at its own expense.

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

CHAPTER CVI.

An Act to authorize the acquisition by donation of a site or sites for camps of instruction for the National Guard of the State of California, and to improve the same.

[Approved March 9, 1893.]

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

SECTION 1. The Adjutant-General, Major-General, and the senior Brigadier-General of the National Guard of the State of California are hereby appointed Commissioners for the purpose of selecting a suitable site or sites for camps of instruction for the National Guard of the State of California. Commissioners to select site.

SEC. 2. After the selection of such site by the Commissioners named in the preceding section, and their action meeting the approval of the Governor, the said Commissioners shall have the power to procure by donation any site or sites so selected for camps of instruction. The deeds therefor shall be duly executed to the people of the State of California, and delivered to the Controller, after examination and approval by the Attorney-General. Approval of Governor. Deeds.

SEC. 3. Said Commissioners shall also have power to make such improvements on the grounds and the approaches thereto, and erect such buildings thereon, as will put the property so selected in a condition suitable for the reception of organizations of the National Guard ordered to camps of instruction. The said Commissioners are also charged with making such repairs to buildings and alterations as may from time to time be necessary. Improvements and buildings. Repairs.

SEC. 4. This Act shall take effect immediately.

CHAPTER CVII.

An Act to amend section one thousand two hundred and sixty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to heads of families.

[Approved March 9, 1893.]

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

SECTION 1. Section twelve hundred and sixty-one of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

1261. The phrase "head of a family," as used in this title, includes within its meaning: Head of a family.

Head of a family.

1. The husband, when the claimant is a married person.
2. Every person who has residing on the premises with him or her, and under his or her care and maintenance, either: (1) His or her minor child, or minor grandchild, or the minor child of his or her deceased wife or husband; (2) A minor brother or sister, or the minor child of a deceased brother or sister.
3. A father, mother, grandfather, or grandmother.
4. The father, mother, grandfather, or grandmother of a deceased husband or wife.
5. An unmarried sister, or any other of the relatives mentioned in this section, who have attained the age of majority, and are unable to take care of or support themselves.

SEC. 2. This Act shall take effect immediately.

CHAPTER CVIII.

An Act to amend section ten hundred and eighty-three of the Political Code of the State of California, defining the qualifications and disabilities of electors.

[Approved March 9, 1893.]

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

SECTION 1. That section ten hundred and eighty-three of the Political Code of the State of California shall be amended to read as follows:

Qualifications and disabilities of electors.

1083. Every male citizen of the United States, every male person who shall have acquired the right 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, and whose name shall be enrolled on the Great Register of such county fifteen days prior to an election, shall be a qualified elector at any and all elections held within the county, city and county, city, town, or district within which such elector resides.

SEC. 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CIX.

An Act to facilitate the disposition of business in the Superior Court of Fresno County, by the appointment and election of a third Judge of said Court.

[Approved March 10, 1893.]

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 Fresno is hereby increased from two to three, subject to the right of the Legislature to repeal this Act, as hereinafter provided. Number of Judges in Fresno County.

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 Fresno, State of California, who shall hold office until the first Monday after the first day of January, A. D. eighteen hundred and ninety-five. At the next general election a Judge of the Superior Court of said county of Fresno shall be elected in said county to succeed the Judge so appointed, and the Judge so elected shall hold such office for the term prescribed by the Constitution and by law, subject to the right of the Legislature of said State, hereby reserved, to abolish the office of said third Judge whenever, in the judgment of said Legislature, the public interest no longer requires it. Governor to appoint. Successor to be elected.

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

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

CHAPTER CX.

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

[Approved March 10, 1893.]

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

SECTION 1. The sum of twelve thousand dollars 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 thirtieth 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 CXI.

An Act to amend an Act entitled "An Act to provide for the completion of all unfinished county, city, city and county, towns, and township buildings, in the several counties, cities and counties, cities, and towns throughout the State of California," approved March 11, 1891.

[Approved March 11, 1893.]

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

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

<p>Construction of unfinished buildings of county, or city and county.</p>	Section 1. In the event that the Board of Supervisors of the several counties, cities, and cities and counties, of the State of California, shall deem it expedient to continue the construction of any unfinished county, or city and county, or town, or township building or buildings, now in process of construction, they are hereby authorized and empowered to express such judgment, by resolution or order, in such form as they may deem proper; and for the purpose of raising the money necessary to complete said building or buildings, the Board of Supervisors of the several counties, cities, and cities and counties, of the State of California, are hereby authorized and empowered
<p>Annual levy.</p>	to levy and collect annually, for the fiscal year commencing July first, eighteen hundred and eighty-seven, and ending June thirtieth, eighteen hundred and eighty-eight, and each and every fiscal year thereafter, during the seven fiscal years next ensuing, in the same manner and at the same times as other taxes in said counties, cities, and towns, and townships, and cities and counties, are levied and collected, an ad valorem
<p>Advalorem tax.</p>	property tax on real and personal property within the said counties, or cities and counties, cities, towns, and townships, of not to exceed ten cents on each one hundred dollars of value, as shown by the assessment rolls of said counties, cities, towns, and townships, for the current fiscal year; <i>provided</i> , the moneys raised under the provisions of this Act shall be expended only
<p>Limit of taxation.</p>	in the manner and for the purposes authorized by law, or by the Act or Acts authorizing the construction of the building or buildings; <i>and provided further</i> , that no part of said moneys shall be used for the purchase of carpets, furniture, fixtures, or
<p>Limitation of expenditures.</p>	other office furnishings of the rooms or offices completed and in use at the time of the passage of this Act, nor for any furniture or other office fixtures or furnishings for the rooms or offices yet to be completed, save and except such office fixtures as are usually affixed to and constitute a part of the permanent structure or arrangement of such offices or rooms; <i>and it is further provided</i> , that not more than ten thousand dollars shall be expended in any one year for general repairs or alterations, except for roofs; and such repairs are hereby limited to such
<p>Exceptions.</p>	
<p>Limit of amount to be expended.</p>	

as may be necessary for the preservation of the building, or the protection of life, or the improvement or maintenance of sanitary conditions, and such alterations only as are actually necessary for the completion of the building or buildings according to the accepted plans.

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

CHAPTER CXII.

An Act to provide and regulate the manner of receiving and paying fees, commissions, percentages, and other compensation for official services, in cities, and cities and counties, having a population of over one hundred thousand inhabitants, and prescribing the duties of officers with reference thereto.

[Approved March 11, 1893.]

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

SECTION 1. The salary of every officer of every city, or city and county, of this State, having a population of over one hundred thousand inhabitants, as such salary now is or hereafter shall be fixed by law, shall be in full payment and compensation for all services performed by such officer in any official capacity whatever; *provided*, that in case any official is now or shall hereafter be allowed by law, as compensation for his official services, a salary of less than one thousand dollars per annum and the fees of his office, such compensation, viz.: the salary of less than one thousand dollars per annum and the fees of his office, shall be in full payment and compensation for all services performed by such officer.

Salary to be in full payment for all services.

Exceptions.

SEC. 2. Such salaried officers shall not receive or accept any fee, payment, or compensation whatever, directly or indirectly, for any services performed by them in their official capacity, nor any fee, payment, or compensation for any official service performed by any of their deputies, clerks, or employes, whether performed during or after official business hours, nor shall any deputy, clerk, or employe of such officers receive or accept any fee, compensation, or payment, other than their salaries as now or hereafter fixed by law, for any work or service performed by them of any official nature, or under color of office, whether performed during or after official business hours.

Not permitted to accept any fee or payment.

SEC. 3. In all such cities, or cities and counties, of this State, every fee, commission, percentage, allowance, or other compensation whatever, authorized by law to be charged, received, or collected by any officer thereof for any official service, except the salary allowed by law, payable from the treasury of such city, or city and county, must be paid by the person for whom such service is performed to the Treasurer of such city, or city and county, in the manner herein provided.

All fees, commissions, etc., to be paid to the Treasurer.

- Duty of officers authorized to collect fees.** SEC. 4. It shall be the duty of every officer of such cities, or cities and counties, authorized by law to charge, receive, or collect any fee, commission, percentage, allowance, or compensation whatever, for the performance of any official service or duty of any kind or nature, or rendered in any official capacity, or by reason of any official duty or employment whatsoever, to deliver to the person requiring such service or duty a certificate, in writing, signed by such officer, which shall certify the nature of the official service to be performed and the amount of the fee, commission, percentage, allowance, or compensation allowed by law therefor. The person receiving such certificate shall deliver the same to the Treasurer of such city, or city and county, and shall pay to such Treasurer the amount named in such certificate, and thereupon such Treasurer shall deliver to such person a receipt for the money so paid, which shall show the amount of money received, the day and hour when paid, the name of the person paying the same, the nature of the service to be performed, and the name and official designation of the person by whom the service is to be performed; and like entries shall be made upon the stub of such receipt, which shall be kept by such Treasurer. Upon the delivery of such Treasurer's receipt to the officer therein designated, such officer shall deliver to such person a certificate containing the same items as appear in such receipt, and acknowledging the delivery to him of such receipt, and the day and hour the same was delivered to him, and such officer shall thereupon perform the service or duty in such receipt described, as required by law. The Treasurer shall place all such moneys so received by him to a fund to be designated the "Unapportioned Fee Fund," which is hereby created, and shall keep such fund as other funds in the treasury are kept, and shall be liable on his official bond for all moneys so received.
- Certificate of official service.**
- Treasurer to receipt.**
- Stubs to be kept.**
- Officer's certificate of payment.**
- "Unapportioned Fee Fund."**
- Auditor to furnish official certificates.** SEC. 5. The Auditor or other proper officer of such city, or city and county, must prepare and deliver, from time to time, to the Treasurer, and to every officer of such city, or city and county, authorized by law to charge any fee, commission, percentage, allowance, or compensation whatsoever, for the performance of any official service or duty of any kind or nature, as many official certificates and receipts as may be required, charging the Treasurer or other officer receiving them therewith. Such official certificates and receipts must be bound into books containing not less than one hundred such certificates or receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with each certificate and receipt. When the books containing such certificates and receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the Auditor or other proper officer, in whose custody they shall remain thereafter.
- Form for same.**
- Stubs to be kept by Auditor.**
- What Treasurer's receipt must contain.** SEC. 6. When a receipt as herein provided is issued by the Treasurer of such city, or city and county, he must state therein the date of payment, the name of the person making the payment, and the amount of such payment, and the nature of the

service for which the charge is made, and the name and official designation of the officer performing the service, and shall make corresponding entries on the stub of such receipt.

SEC. 7. Whenever any certificate or receipt is issued by any officer of such city, or city and county, other than the Treasurer thereof as herein provided, he shall state therein the day and hour of the delivery to him of the Treasurer's receipt, the nature of the service therein described, and the amount charged therefor, and the name of the person by whom such receipt is delivered to him, and shall make corresponding entries on the stub to which such certificate or receipt is attached.

What receipts must contain.

SEC. 8. On the first day of each month the Treasurer of such city, or city and county, must make to the Auditor, or other proper officer thereof, a report, under oath, of all moneys received by him as provided in this Act, during the preceding month, showing the date and number of the certificate on which the money was received, the amount of each payment, and by whom paid, and the nature of the service, and the name and official designation of the officer performing the service; and at the same time, or oftener, if required by the Auditor so to do, exhibit to the Auditor all official certificates received by him during the previous month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month.

Monthly report of Treasurer.

SEC. 9. On the first day of each month, every officer of such city, or city and county, authorized by law to charge any fee, commission, percentage, allowance, or compensation whatsoever, must make to the Auditor a report, under oath, of all official certificates and receipts issued by him during the preceding month, showing the date and number of each certificate and receipt, to whom issued, the nature of the service for which the charge was made, and the amount of such charge; and must at the same time exhibit to the Auditor, or other proper officer, or oftener, if required so to do, all Treasurer's receipts deposited with him during the preceding month, and all official certificates and receipts remaining in his hands, unused or not issued, at the close of business on the last day of each preceding month.

Monthly report of other officers.

SEC. 10. Upon receiving the reports prescribed by sections eight and nine of this Act, the Auditor or other proper officer of such city, or city and county, shall examine and settle the accounts of each officer thereof, and apportion such moneys to the fund or funds to which it is appropriated by law, and certify such apportionment to the Treasurer, who shall thereupon transfer from the "Unapportioned Fee Fund" the amounts so certified, and credit each fund entitled thereto with the proper amount so apportioned.

Auditor to examine and settle same.

SEC. 11. Every such officer of said cities, or cities and counties, who is by law allowed to charge and collect mileage for the service of process, and for like service, shall, at the end of each month, prepare and deliver to the Auditor, or other

Provisions in regard to mileage.

proper officer of such city, or city and county, a statement showing each process served, the title of the cause, the name of the deputy or other subordinate officer by whom served, the number of miles actually traveled in making such service, the exact day when such service was made, and between what hours of said day, which statement shall be verified by the oath of such officer. Such Auditor, or other proper officer of such city, or city and county, shall thereupon have the power, and he is directed to examine such statement, and issue his warrant upon the Treasurer of such city, or city and county, for such amount of money as shall, in his judgment, fully reimburse such officer for his lawful expenses in making such services, and such warrant shall be paid by such Treasurer, without further approval, out of the "Unapportioned Fee Fund;" but no extra mileage shall be charged or allowed for service of two or more processes served on the same trip, by the same deputy or deputies, except for extra mileage actually traveled in serving the additional process, and all mileage charged in violation of this section shall be disallowed by such Auditor, or other proper officer, and all amounts disallowed for any reason shall be apportioned to the General Fund of such city, or city and county. Any officer of said cities, or cities and counties, who, during the preceding month, performed any service for which he is expressly authorized by law to employ a person, at a certain or stated per diem fixed by law, to perform such service, other than his regular deputies or other assistants, whose salaries are paid from the public treasury of such city, or city and county, and a person is so employed, and a service is actually performed by such person, and the charge therefor has been paid to the Treasurer for the service of the person so employed, such officer shall, at the end of each month, prepare and deliver to the Auditor, or other proper officer of such city, or city and county, a statement, showing the case or instance in which such service was performed, and for whom performed, the name of the person so employed, and by whom the service was performed, the amount of the charge therefor, the time actually employed in performing such service, and the dates of the beginning and ending of the period during which such person was so employed in performing such service, which statement shall be verified by the oath of such officer. Such Auditor, or other proper officer, shall thereupon examine such statement, and if he finds the same to be correct, he shall audit and allow the verified demand of such person so employed and performing the service, for the sum or sums so earned by him and paid to the Treasurer for such service, and the Treasurer shall pay such demand so audited and allowed, without further approval, out of the "Unapportioned Fee Fund."

Extra mileage not allowed.

Provisions in regard to extra employes.

Such account to be audited.

Exemptions from provisions of this Act.

Sec. 12. This Act shall not apply to any payment required to be made on account of the levy or collection or delinquency of any tax upon property, or any poll tax, nor for any city, or city and county license, but all such moneys shall be paid to and shall be accounted for in the same manner and by the

same officers as are now required by law to charge, receive, collect, or account for the same.

SEC. 13. All Acts or parts of Acts, in so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 14. This Act shall take effect and be in force from and after the first day of January, eighteen hundred and ninety-five.

CHAPTER CXIII.

An Act to amend section three hundred and sixty-two of the Civil Code, relating to amending articles of incorporation.

[Approved March 11, 1893.]

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

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

362. Any corporation may amend its articles of association or certificate of incorporation by a majority vote of its Board of Directors or Trustees, and by a vote or written assent of the stockholders representing at least two thirds of the subscribed capital stock of such corporation; and a copy of the said articles of association or certificate of incorporation, as thus amended, duly certified to be correct by the President and Secretary of the Board of Directors or Trustees of such corporation, shall be filed in the office or offices where the original or certificate of incorporation are required by this Code to be filed; and from the time of so filing such copy of the amended articles of association or certificate of incorporation, such corporation shall have the same powers, and it and the stockholders thereof shall thereafter be subject to the same liabilities as if such amendment had been embraced in the original articles or certificate of incorporation; *provided*, that the time of the existence of such corporation shall not be by such amendment extended beyond the time fixed in the original articles or certificate of incorporation; *provided further*, that such original and amended articles or certificate of incorporation shall together contain all the matters and things required under which the original articles of association or certificate of incorporation were executed and filed; *and provided further*, that nothing herein contained shall be construed to cure or amend any defect existing in any original certificate of incorporation heretofore filed, by reason that such certificate does not set forth the matters required to make the same valid as a certificate of incorporation at the time of its filing; *and also provided*, that if the assent of two thirds of the said stockholders to such amendment has not been obtained, that a notice of the intention to make the amendment shall first be advertised for thirty (30) days in some newspaper published in the town or

How a corporation may amend its articles.

Where filed.

Does not extend existence.

What they must contain.

Effect of same.

Notice by advertisement.

Cannot
diminish
capital
stock.

county, or city and county, in which the principal place of business of the association or corporation is located, before the filing of the proposed amendment; and *provided also*, that nothing in this section shall be construed to authorize any corporation to diminish its capital stock.

CHAPTER CXIV.

An Act to add a new section to the Penal Code, to be numbered five hundred and thirty-eight, relating to misrepresentations as to circulation, by proprietors of newspapers and periodicals, for the purpose of obtaining patronage.

[Approved March 11, 1893.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be known as section five hundred and thirty-eight, to read as follows:

Misrepresentation
of newspaper
circulation a
misdemeanor.

538. Every proprietor or publisher of any newspaper or periodical, who shall willfully and knowingly misrepresent the circulation of such newspaper or periodical, for the purpose of securing advertising or other patronage, shall be deemed guilty of a misdemeanor.

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

CHAPTER CXV.

An Act to authorize the Justices of the Supreme Court to appoint a Librarian for said Court, and fixing a salary.

[Approved March 11, 1893.]

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

Librarian
for Su-
preme
Court.

SECTION 1. The Justices of the Supreme Court are hereby authorized to appoint a Librarian for the Supreme Court Library, who, under their direction, shall conduct its affairs and be responsible for its care.

Salary.

SEC. 2. The annual salary of said Librarian shall be twelve hundred dollars, payable monthly, in the same manner as the salaries of other State officers.

SEC. 3. This Act shall take effect immediately.

SEC. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

CHAPTER CXVI.

An Act in relation to the care and improvement of the State Capitol grounds, and making an appropriation therefor.

[Approved March 11, 1893.]

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

SECTION 1. The sum of thirty-nine thousand five hundred dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the same to be expended under the direction of the Board of State Capitol Commissioners, for completion of the granite steps in the Capitol grounds, for making and paving walks about the Capitol, for purchase of water pipes and laying thereof on the Capitol grounds, for improvement of the grounds lying east of Thirteenth Street, for erection of a new tool house, and generally for the care and improvement of the State Capitol grounds. Appropriation for Capitol grounds.

SEC. 2. The Controller is hereby authorized and directed to draw his warrants for the same, and the State Treasurer is directed to pay said warrants.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXVII.

An Act making an appropriation for editing the manuscript of the State Mineralogist for the two years ending September 15, 1892.

[Approved March 11, 1893.]

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 moneys in the State Treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, the same to be expended under the supervision and direction of the State Board of Examiners, to pay for editing the manuscript of the biennial report of the State Mineralogist, for the two years ending September fifteenth, eighteen hundred and ninety-two, said manuscript having been filed with the Governor on said date. Appropriation for editing report of State Mineralogist.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXVIII.

An Act to provide for the payment for advertising the San Francisco Depot Act, and make an appropriation therefor.

[Approved March 11, 1893.]

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

Appropriation for advertising San Francisco Depot Act.

SECTION 1. The sum of eighteen thousand eight hundred and fourteen dollars and sixty-eight cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following bills for printing and advertising the San Francisco Depot Act:

Herald, Nevada City, Nevada County, one hundred and seven dollars.

Record, Crescent City, Del Norte County, one hundred and ten dollars and twenty-five cents.

Enterprise, Chico, Butte County, one hundred and thirty-three dollars.

Times-Mirror, Los Angeles, Los Angeles County, one hundred and thirteen dollars and seventy-five cents.

Times, Eureka, Humboldt County, one hundred and thirty-six dollars.

Advocate, Susanville, Lassen County, one hundred and forty-seven dollars.

Register, Tulare, Tulare County, one hundred and forty-seven dollars.

Sun, Colusa, Colusa County, one hundred and fifty dollars.

Sentinel, Red Bluff, Tehama County, one hundred and fifty-three dollars and seventy-five cents.

Enquirer, Oakland, Alameda County, one hundred and sixty-two dollars.

Gazette, Martinez, Contra Costa County, one hundred and sixty-two dollars and forty cents.

Argus, Petaluma, Sonoma County, one hundred and sixty-eight dollars.

Blade, Santa Ana, Orange County, one hundred and seventy-five dollars.

Times-Index, San Bernardino, San Bernardino County, one hundred and seventy-five dollars.

Republican, Placerville, El Dorado County, one hundred and eighty-one dollars and twenty-five cents.

Press, Santa Barbara, Santa Barbara County, one hundred and eighty-two dollars.

Union, San Diego, San Diego County, one hundred and eighty-two dollars.

Index, Independence, Inyo County, one hundred and eighty-two dollars.

Journal, Willows, Glenn County, one hundred and eighty-two dollars.

Journal, Yreka, Siskiyou County, one hundred and eighty-two dollars.

Republican Press, Ukiah, Mendocino County, one hundred and eighty-four dollars and eighty cents.

Republican, Fresno, Fresno County, one hundred and eighty-nine dollars.

Free Press, Ventura, Ventura County, one hundred and eighty-nine dollars.

New Era, Alturas, Modoc County, one hundred and eighty-nine dollars.

National Bulletin, Quincy, Plumas County, one hundred and eighty-nine dollars and sixty cents.

Chronicle, Vallejo, Solano County, one hundred and ninety-five dollars.

Gazette, Mariposa, Mariposa County, two hundred dollars.

Argus, Auburn, Placer County, two hundred and four dollars and eighteen cents.

Register, Napa, Napa County, two hundred and eight dollars.

Chronicle-Union, Bridgeport, Mono County, two hundred and nine dollars and twenty-five cents.

Mail, Woodland, Yolo County, two hundred and ten dollars and fifty cents.

Journal, San Rafael, Marin County, two hundred and twelve dollars.

Telegraph, Grass Valley, Nevada County, two hundred and twenty-four dollars.

Times-Gazette, Redwood City, San Mateo County, two hundred and twenty-seven dollars and fifty cents.

Independent, Stockton, San Joaquin County, two hundred and thirty-four dollars.

Mail, Stockton, San Joaquin County, two hundred and thirty-four dollars.

Mountain Messenger, Downieville, Sierra County, two hundred and thirty-eight dollars and fifty cents.

Express, Los Angeles, Los Angeles County, two hundred and forty-two dollars and twenty-five cents.

Republican, Santa Rosa, Sonoma County, two hundred and forty-five dollars and seventy cents.

Free Press, Redding, Shasta County, two hundred and forty-seven dollars and twenty-five cents.

Californian, Bakersfield, Kern County, two hundred and sixty-two dollars and fifty cents.

Prospect, San Andreas, Calaveras County, three hundred and one dollars.

Chronicle, Mokelumne Hill, Calaveras County, three hundred and one dollars.

Ledger, Jackson, Amador County, three hundred and twelve dollars.

Farmer, Yuba City, Sutter County, three hundred and twenty dollars.

Herald, Modesto, Stanislaus County, three hundred and forty-four dollars and twenty-five cents.

Appropriation for advertising San Francisco Depot Act.

Appropriation for advertising San Francisco Depot Act.

Argus, Alameda, Alameda County, three hundred and forty-four dollars and twenty-five cents.

Pajaronian, Watsonville, Santa Cruz County, three hundred and fifty-one dollars.

Record, Sutter Creek, Amador County, three hundred and sixty-four dollars and fifty cents.

Sentinel, Santa Cruz, Santa Cruz County, three hundred and sixty-nine dollars.

Independent, Sonora, Tuolumne County, three hundred and seventy-eight dollars.

Star, Merced, Merced County, three hundred and seventy-eight dollars.

Free Lance, Hollister, San Benito County, three hundred and eighty-seven dollars and fifty cents.

Tribune, San Luis Obispo, San Luis Obispo County, three hundred and ninety-eight dollars and twenty-five cents.

Mercury, San José, Santa Clara County, four hundred and five dollars.

Index, Salinas City, Monterey County, four hundred and six dollars.

Appeal, Marysville, Yuba County, four hundred and forty-two dollars.

Journal, Weaverville, Trinity County, four hundred and fifty-nine dollars.

Avalanche, Lakeport, Lake County, four hundred and ninety-three dollars and fifty cents.

Tribune, Oakland, Alameda County, five hundred and twenty dollars.

Bee, Sacramento, Sacramento County, five hundred and forty-six dollars.

Record-Union, Sacramento, Sacramento County, five hundred and forty-six dollars.

Chronicle, San Francisco, San Francisco County, five hundred and fifty-six dollars and forty cents.

Examiner, San Francisco, San Francisco County, five hundred and fifty-six dollars and forty cents.

Bulletin, San Francisco, San Francisco County, five hundred and fifty-six dollars and forty cents.

Call, San Francisco, San Francisco County, five hundred and fifty-six dollars and forty cents.

Post, San Francisco, San Francisco County, five hundred and fifty-six dollars and forty cents.

SEC. 2. The Controller of State is hereby authorized to draw his warrants for the sums herein payable, and the Treasurer of State is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXIX.

An Act to provide for the payment of advertising "Notice to all Chinese persons in the State of California," and to make an appropriation therefor.

[Approved March 11, 1893.]

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

SECTION 1. The sum of four hundred and sixteen dollars and seventeen cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following bills for printing and advertising the "Notice to all Chinese persons in the State of California:"

Blade, Santa Ana, Orange County, three dollars.

Independent, Sonora, Tuolumne County, three dollars and fifty cents.

Record, Crescent City, Del Norte County, three dollars and fifty cents.

Free Lance, Hollister, San Benito County, four dollars and fifty cents.

Herald, Colusa, Colusa County, four dollars and sixty-two cents.

Ledger, Jackson, Amador County, five dollars.

Republican, Stockton, San Joaquin County, five dollars.

Republican Press, Ukiah, Mendocino County, five dollars.

Index, Salinas City, Monterey County, five dollars.

Mail, Woodland, Yolo County, five dollars.

Journal, Weaverville, Trinity County, five dollars.

Sentinel, Red Bluff, Tehama County, five dollars.

Press, Santa Barbara, Santa Barbara County, five dollars and fifty cents.

Farmer, Yuba City, Sutter County, five dollars and fifty cents.

Times-Mirror, Los Angeles, Los Angeles County, five dollars and fifty cents.

Times-Index, San Bernardino, San Bernardino County, six dollars.

Review, Willows, Glenn County, six dollars.

Gazette, Mariposa, Mariposa County, six dollars.

Mountain Messenger, Downieville, Sierra County, six dollars.

Journal, Yreka, Siskiyou County, six dollars.

Republican, Suisun City, Solano County, six dollars.

Delta, Visalia, Tulare County, six dollars.

Republican, Placerville, El Dorado County, six dollars and thirty cents.

Gazette, Martinez, Contra Costa County, six dollars and fifty cents.

Republican, Auburn, Placer County, seven dollars.

Union, San Diego, San Diego County, seven dollars.

Free Press, Redding, Shasta County, seven dollars.

Appropriation for advertising "Chinese" notice.

Herald, Modesto, Stanislaus County, seven dollars and fifty cents.

Free Press, Ventura, Ventura County, seven dollars and fifty cents.

Avalanche, Lakeport, Lake County, seven dollars and fifty cents.

Encinal, Alameda, Alameda County, seven dollars and fifty cents.

Chronicle-Union, Bridgeport, Mono County, seven dollars and fifty cents.

Republican, Fresno, Fresno County, seven dollars and fifty cents.

Mercury, San José, Santa Clara County, seven dollars and fifty cents.

Transcript, Nevada City, Nevada County, eight dollars.

Mercury, Oroville, Butte County, eight dollars.

Sun, Merced, Merced County, eight dollars and fifty cents.

Sentinel, Santa Cruz, Santa Cruz County, eleven dollars.

Journal, San Rafael, Marin County, eleven dollars.

Tribune, San Luis Obispo, San Luis Obispo County, eleven dollars.

Republican, Santa Rosa, Sonoma County, twelve dollars.

Herald, Alturas, Modoc County, twelve dollars.

Register, Napa, Napa County, twelve dollars.

Times-Gazette, Redwood City, San Mateo County, twelve dollars and seventy-five cents.

Evening Post, San Francisco, San Francisco County, thirteen dollars and fifty cents.

National, Quincy, Plumas County, fourteen dollars.

Record-Union, Sacramento, Sacramento County, fifteen dollars.

Appeal, Marysville, Yuba County, eighteen dollars.

Prospect, San Andreas, Calaveras County, eighteen dollars and fifty cents.

Californian, Bakersfield, Kern County, twenty-two dollars.

Mail, Susanville, Lassen County, ten dollars.

SEC. 2. The Controller of State is hereby authorized to draw his warrants for the sums herein payable, and the Treasurer of State is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXX.

An Act to provide for the payment of advertising the funded debt, and make an appropriation therefor.

[Approved March 11, 1893.]

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

SECTION 1. The sum of six thousand five hundred and eighty-three dollars and twenty-eight cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following bills for printing and advertising the funded debt: Appropriation for advertising Funded Debt Act.

Record, Crescent City, Del Norte County, forty-eight dollars and seventy-five cents.

Times, Eureka, Humboldt County, fifty-nine dollars and fifty cents.

Press, Riverside, San Bernardino County, sixty-two dollars and fifty cents.

Journal, Yreka, Siskiyou County, sixty-three dollars.

Review, Willows, Glenn County, sixty-three dollars and twenty-five cents.

Advocate, Susanville, Lassen County, sixty-five dollars.

Sun, San Diego, San Diego County, sixty-eight dollars and seventy-five cents.

Republican, Auburn, Placer County, seventy-three dollars and seventy-five cents.

Gazette, Mariposa, Mariposa County, seventy-five dollars.

Delta, Visalia, Tulare County, seventy-five dollars.

Herald, Colusa, Colusa County, seventy-eight dollars and thirty cents.

New Era, Alturas, Modoc County, eighty dollars.

Independent, Middletown, Lake County, eighty dollars.

Gazette, Martinez, Contra Costa County, eighty dollars.

Republican, Fresno, Fresno County, eighty-seven dollars and fifty cents.

Mountain Messenger, Downieville, Sierra County, eighty-eight dollars.

Enquirer, Oakland, Alameda County, ninety dollars.

Mail, Woodland, Yolo County, ninety dollars and fifty cents.

Republican, Placerville, El Dorado County, ninety-one dollars.

Register, Oroville, Butte County, ninety-two dollars and fifty cents.

Times-Gazette, Redwood City, San Mateo County, ninety-six dollars and eighty-seven cents.

Journal, San Rafael, Marin County, ninety-nine dollars.

People's Cause, Red Bluff, Tehama County, one hundred dollars and seventy-five cents.

Appropriation for advertising Funded Debt Act.

Chronicle-Union, Bridgeport, Mono County, one hundred dollars and seventy-five cents.

Republican Press, Ukiah, Mendocino County, one hundred and three dollars and sixty cents.

Free Press, Ventura, Ventura County, one hundred and five dollars.

Free Press, Redding, Shasta County, one hundred and five dollars.

Mountain Echo, Angels, Calaveras County, one hundred and six dollars and sixteen cents.

Tidings, Grass Valley, Nevada County, one hundred and eight dollars.

Farmer, Yuba City, Sutter County, one hundred and ten dollars and fifty cents.

Chronicle, Vallejo, Solano County, one hundred and fourteen dollars.

Register, Napa, Napa County, one hundred and sixteen dollars.

Gazette, Anaheim, Los Angeles County, one hundred and twenty dollars.

Express, Los Angeles, Los Angeles County, one hundred and twenty-one dollars and twenty cents.

Argus, Alameda, Alameda County, one hundred and twenty-one dollars and fifty cents.

Republican, Stockton, San Joaquin County, one hundred and twenty-two dollars.

Sentinel, Santa Cruz, Santa Cruz County, one hundred and twenty-six dollars.

Californian, Bakersfield, Kern County, one hundred and twenty-six dollars.

National Bulletin, Quincy, Plumas County, one hundred and thirty-one dollars and fifty cents.

Independent, Santa Barbara, Santa Barbara County, one hundred and fifty dollars.

Cypress, Monterey, Monterey County, one hundred and fifty-three dollars.

Independent, Sonora, Tuolumne County, one hundred and fifty-five dollars.

Abend Post, San Francisco, San Francisco County, one hundred and fifty-six dollars.

Ledger, Jackson, Amador County, one hundred and fifty-six dollars.

Mercury, San José, Santa Clara County, one hundred and fifty-nine dollars and twenty-five cents.

Appeal, Marysville, Yuba County, one hundred and sixty dollars.

Herald, Modesto, Stanislaus County, one hundred and sixty-two dollars.

Republican, Santa Rosa, Sonoma County, one hundred and seventy-one dollars and fifty cents.

Tribune, San Luis Obispo, San Luis Obispo County, one hundred and eighty-one dollars and fifty cents.

Free Lance, Hollister, San Benito County, one hundred and eighty-one dollars and fifty cents.

Star, Merced, Merced County, one hundred and ninety-two dollars and fifty cents.

Bee, Sacramento, Sacramento County, two hundred and forty-eight dollars and twenty-five cents.

Report, San Francisco, San Francisco County, two hundred and fifty dollars.

Journal, Weaverville, Trinity County, two hundred and fifty-six dollars.

San Bernardino, San Bernardino County, Daily Evening Gazette, eighty-eight dollars and forty cents.

Orange, Santa Ana, Orange County, Herald, one hundred and sixteen dollars and twenty-five cents.

New Era, Monterey, Monterey County, one hundred and fifty-three dollars.

SEC. 2. The Controller of State is hereby authorized to draw his warrants for the sums herein appropriated, and the Treasurer of State is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXI.

An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

[Approved March 11, 1893.]

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

SECTION 1. The State Prison Directors of the State of California are hereby authorized and directed, during the four years next succeeding the passage of this Act, to employ at least twenty prisoners daily, during fair weather, in the construction and repair of such public roads as have been or shall hereafter be laid out or opened by the Board of Supervisors of Marin County, and which extend from the San Quentin State Prison, or the grounds surrounding the same, to Point Tiburon, and to all railroad stations in Marin County, which lie within three miles of the said State Prison.

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

Appropriation for advertising Funded Debt Act.

Prisoners at San Quentin to be employed on public roads.

CHAPTER CXXII.

An Act making an appropriation to pay the deficiency in the appropriation for salary of Secretary of State Board of Examiners, for the forty-second fiscal year.

[Approved March 11, 1893.]

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

Deficiency
for salary
of Secre-
tary of
Board of
Exam-
iners.

SECTION 1. The sum of one hundred and eighty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for salary of Secretary of State Board of Examiners, for the forty-second 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 CXXIII.

An Act making an appropriation to pay the claim of "The California Spirit of the Times," for advertising the election proclamation in the forty-second fiscal year.

[Approved March 11, 1893.]

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

Appropri-
ation for
the "Spirit
of the
Times."

SECTION 1. The sum of three hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of "The California Spirit of the Times," for advertising the election proclamation in the forty-second 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 CXXIV.

An Act making an appropriation to pay for the transportation of children to the State Reform School for Juvenile Offenders, for the forty-third fiscal year.

[Approved March 11, 1893.]

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

SECTION 1. The sum of seven hundred and twenty-nine dollars and twenty-seven cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for transportation, during the forty-third fiscal year, of children committed to the State Reform School at Whittier, under the provisions of section twenty of "An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine. Deficiency for transportation of children to Whittier.

SEC. 2. The Controller of State is hereby authorized to draw his warrants for the said sum, and the Treasurer of State is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXV.

An Act making an appropriation for payment of transportation of children to the State Reform School for Juvenile Offenders, for the forty-fourth fiscal year.

[Approved March 11, 1893.]

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

SECTION 1. The sum of four hundred and twenty-four dollars and forty-seven cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for transportation, during the forty-fourth fiscal year, of children committed to the State Reform School for Juvenile Offenders, under the provisions of section twenty of "An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine. Deficiency for transportation of children to Whittier.

SEC. 2. The Controller of State is hereby authorized to draw his warrants for said sum, and the Treasurer of State is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXVI.

An Act making an appropriation to pay for lithographing Chinese certificates, under the provisions of an Act to prohibit the coming of Chinese persons into the State, approved March 20, 1891.

[Approved March 11, 1893.]

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

Appropriation for Chinese certificates.

SECTION 1. The sum of six hundred and three dollars and fifty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay H. S. Crocker & Co., for lithographing Chinese certificates, according to the provisions of "An Act to prohibit the coming of Chinese persons into the State, whether subjects of the Chinese Empire or otherwise, and to provide for registration and certificates of residence, and determine the status of all Chinese persons now resident of this State, and fixing penalties and punishment for violation of this Act, and providing for deportation of criminals," approved March twentieth, eighteen hundred and ninety-one.

SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of H. S. Crocker & Co., for the sum herein made payable, and the Treasurer of State is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXVII.

An Act to provide for the payment for the advertising of the constitutional amendments, and to make an appropriation therefor.

[Approved March 11, 1893.]

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

Appropriation for advertising constitutional amendments.

SECTION 1. The sum of eight thousand and forty-nine dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following bills for printing and advertising the constitutional amendments:

Times-Mirror, Los Angeles, Los Angeles County, one hundred and fifty-four dollars and fifty-five cents.

Herald, Los Angeles, Los Angeles County, two hundred and thirty-seven dollars and fifty cents.

Republican, Fresno, Fresno County, two hundred and twenty-four dollars.

Times-Index, San Bernardino, San Bernardino County, two hundred and twenty-four dollars.

Union, San Diego, San Diego County, two hundred and thirty-eight dollars.

Express, Los Angeles, Los Angeles County, two hundred and eighty-six dollars and twenty cents.

Republican, Santa Rosa, Sonoma County, three hundred and nine dollars and forty cents.

Transcript, Nevada City, Nevada County, three hundred and forty dollars.

Argus, Alameda, Alameda County, four hundred and sixteen dollars.

Appeal, Marysville, Yuba County, four hundred and forty-two dollars.

News, Sacramento, Sacramento County, four hundred and sixty-four dollars.

Mercury, San José, Santa Clara County, five hundred and ten dollars.

Examiner, San Francisco, San Francisco County, six hundred and two dollars.

Record-Union, Sacramento, Sacramento County, six hundred and two dollars.

Bee, Sacramento, Sacramento County, six hundred and two dollars.

Tribune, Oakland, Alameda County, six hundred and two dollars.

Chronicle, San Francisco, San Francisco County, six hundred and two dollars.

Bulletin, San Francisco, San Francisco County, six hundred and two dollars.

Post, San Francisco, San Francisco County, six hundred and two dollars.

SEC. 2. The Controller of State is hereby authorized to draw his warrants for the sums herein payable, and the Treasurer of State is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXVIII.

An Act making an appropriation to pay the deficiency in the appropriation for the State's portion of salaries of Judges of the Superior Court, for the forty-fourth fiscal year.

[Approved March 11, 1893.]

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 moneys in the State Treasury not otherwise appropriated, the sum of one thousand dollars, to pay the deficiency in the appropriation

Appropriation for advertising constitutional amendments.

Deficiency appropriation for Judges' salaries.

for the State's portion of the salaries of Judges of the Superior Court, for the forty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXIX.

An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State, for the forty-third fiscal year.

[Approved March 11, 1893.]

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

Deficiency for arresting criminals without the State.

SECTION 1. The sum of fourteen hundred and twenty-three dollars and fifteen 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 State (as approved by the State Board of Examiners), for the forty-third 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 CXXX.

An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

[Approved March 11, 1893.]

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

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

Right of eminent domain.

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

United States property.

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the Government of the United States.

State property.

2. Public buildings and grounds for the use of the State, and all other public uses authorized by the Legislature of this State.

3. Public buildings and grounds for the use of any county, County property.
 incorporated city, or city and county, village, town, or school districts; canals, aqueducts, flumes, ditches, or pipes for conducting water for the use of the inhabitants of any county, incorporated city, or city and county, village, or town, or for draining any county, incorporated city, or city and county, village, or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, streets, and alleys, and all other public uses for the benefit of any county, incorporated city, or city and county, village, or town, or the inhabitants thereof, which may be authorized by the Legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll Wharves, docks, etc.
 roads, by-roads, plank and turnpike roads; steam, electric, and horse railroads; canals, ditches, flumes, aqueducts, and pipes, for public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable.

5. Roads, tunnels, ditches, flumes, pipes, and dumping places Roads, tunnels, etc.
 for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. By-roads leading from highways to residences and farms. By-roads.

7. Telegraph lines. Telegraph lines.

8. Sewerage of any incorporated city, or city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the State, or to any college or university. Sewerage.

9. Roads for transportation by traction engines or road Roads for traction engines.
 locomotives.

10. Oil pipe-lines. Oil pipe-lines.

11. Roads for logging or lumbering purposes. Roads for logging.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts, and Canals, reservoirs, etc.
 pipes for supplying and storing water for the operating of machinery for the purpose of generating and transmitting electricity for the supplying of mines, quarries, railroads, tramways, mills, and factories with electrical power; and also for supplying electricity to light or heat mines, quarries, mills, factories, incorporated cities, cities and counties, villages, or towns.

13. Electric light lines. Electric light lines.

CHAPTER CXXXI.

An Act making an appropriation for the payment of the claim of A. L. Rhodes for his services as counsel for the plaintiffs in an action entitled "The County of Santa Clara vs. The Southern Pacific Railroad Company," and other actions, in the Circuit Court of the United States, Ninth Circuit, District of California, and in the Supreme Court of the United States, brought for the collection of delinquent taxes assessed upon the property of railroad companies.

[Approved March 11, 1893.]

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

Appropriation for attorney's fee of A. L. Rhodes.

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 claim of A. L. Rhodes for his services as counsel for the plaintiffs in an action entitled "The County of Santa Clara vs. The Southern Pacific Railroad Company," and in other actions brought for the recovery of taxes assessed upon the property of railroad companies, pending in the Circuit Court of the United States, Ninth Circuit, for the District of California, and in the Supreme Court of the United States.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXXII.

An Act to repeal an Act entitled "An Act to provide for the erection at San Quentin State Prison a building for the accommodation of the insane prisoners, and making appropriation therefor," approved March 19, 1889.

[Approved March 11, 1893.]

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

Repealing Act authorizing erection of buildings for insane at San Quentin.

SECTION 1. An Act entitled "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 nineteenth, eighteen hundred and eighty-nine, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXIII.

An Act to provide for the preparation, printing, and distribution of a volume expository of the resources of California, at the World's Columbian Exposition at Chicago, and appropriating money therefor.

[Approved March 11, 1893.]

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 and empowered to prepare, or have prepared, a volume expository of the resources of the State of California, for the purpose of distribution at the World's Columbian Exposition at Chicago. "Resources of California."

SEC. 2. Said volume shall be printed by the Superintendent of State Printing, at the State Printing Office, under the direction of the Governor of the State. Where printed.

SEC. 3. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000), for the purpose of carrying out the provisions of this Act; twenty-four thousand dollars of which shall be devoted to the furnishing material and printing the same. Appropriation.

SEC. 4. The State Controller is hereby directed and authorized to draw his warrant for said sum of money on the demand of the Governor.

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

CHAPTER CXXXIV.

An Act appropriating money to pay the expense of transporting, insuring, and installing of a California's exhibit in the Woman's Building of the World's Columbian Exposition.

[Approved March 11, 1893.]

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 twenty-five hundred dollars, to defray the expense of transporting, insuring, and installing articles comprising the exhibit known as the "California Reception Room," in the Woman's Building of the World's Columbian Exposition at Chicago. Expenses of transportation, etc., of articles for "California Reception Room."

SEC. 2. The Controller is hereby directed to draw his warrant for the sum herein made payable, in favor of such person or persons as a majority of the members of the California World's Fair Commission shall direct, and the State Treasurer shall pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXXV.

An Act entitled an Act to pay the claim of Sands W. Forman, for services as Secretary of the State Board of Forestry, and appropriating the sum of three hundred and seventy-five dollars to pay such claim.

[Approved March 11, 1893.]

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

Claim of
Sands W.
Forman.

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of three hundred and seventy-five dollars, to pay the claim of Sands W. Forman for services as Secretary of the State Board of Forestry during the months of April, May, and June, of the year eighteen hundred and ninety-one.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer in favor of Sands W. Forman, for the sum of three hundred and seventy-five dollars, as provided in section one of this Act, and the State Treasurer is directed to pay the same.

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

CHAPTER CXXXVI.

An Act authorizing the Superintendent of State Printing to have prepared and printed an index to all the laws of California, 1850-1893.

[Approved March 11, 1893.]

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

Index to
laws of
California.

SECTION 1. The Superintendent of State Printing is hereby authorized and directed to have prepared and printed a complete index to all the laws of California, eighteen hundred and fifty to eighteen hundred and ninety-three, both dates inclusive.

Printing
and distri-
bution.

SEC. 2. There shall be printed the same number of copies of the index as is printed of the Statutes of California, and the distribution and sale of the same shall be made under the laws governing the distribution and sale of the Statutes of California.

How cost
is to be
paid.

SEC. 3. The cost of compilation and printing of the index shall be paid out of the appropriation made for the support of the State Printing Office.

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

CHAPTER CXXXVII.

An Act entitled an Act to prevent the sale of short-weight rolls of butter.

[Approved March 11, 1893.]

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

Any person or persons, firm or corporation, who offers for short-weight sale roll butter not of full weight to each roll, shall be guilty of a misdemeanor. Short-weight butter.

This Act shall go into effect sixty days after its passage.

CHAPTER CXXXVIII.

An Act quitclaiming to the successors in interest of James Bowman all claim of the State of California in that certain tract of land in the City and County of San Francisco, known as "Water Lot No. 415," and empowering and directing the Governor to execute a deed of quitclaim therefor to said successors in interest of said James Bowman.

[Approved March 11, 1893.]

WHEREAS, Under an Act entitled "An Act to provide for the sale of the interest of the State of California in the property within the water-line front of the city of San Francisco, as defined in and by the Act entitled 'An Act to provide for the disposition of certain property in the State of California,' passed March twenty-sixth, eighteen hundred and fifty-one," approved May eighteenth, eighteen hundred and fifty-three, the Board of California Land Commissioners did sell to one James Bowman that certain tract of land in the City and County of San Francisco, known as water lot number four hundred and fifteen, and described as follows: Commencing on the east line of Beale Street two hundred and twenty-nine (229) feet and two (2) inches south of Howard Street; thence southerly along Beale Street forty-five (45) feet and ten (10) inches; thence at right angles easterly one hundred and thirty-seven (137) feet and six (6) inches; thence at right angles northerly forty-five (45) feet and ten (10) inches; and thence at right angles westerly one hundred and thirty-seven (137) feet and six (6) inches to the place of beginning; and whereas, the deed executed therefor by the aforesaid Board of California Land Commissioners to said James Bowman, which deed is recorded in liber three hundred and sixty-two of deeds, at page three hundred and fifty-nine, in the office of the County Recorder of the City and County of San Francisco, did incorrectly describe said property; and whereas,

Preamble in regard to slip lot 415 in San Francisco.

said James Bowman has, since the execution to him of the aforesaid deed, parted with the title to said "water lot number four hundred and fifteen;" now, therefore,

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

Quitclaim
to succes-
sors of
James
Bowman.

Descrip-
tion.

Governor
to sign
deed.

SECTION 1. The State of California hereby remises, releases, and quitclaims to the successors in interest of said James Bowman all the right, title, and interest of the State of California in and to said "water lot number four hundred and fifteen," situated within the City and County of San Francisco, and particularly described as follows: Commencing on the east line of Beale Street, two hundred and twenty-nine (229) feet and two (2) inches south of Howard Street; thence southerly along Beale Street forty-five (45) feet and ten (10) inches; thence at right angles easterly one hundred and thirty-seven (137) feet and six (6) inches; thence at right angles northerly forty-five (45) feet and ten (10) inches; and thence at right angles westerly one hundred and thirty-seven (137) feet and six (6) inches, to the place of beginning.

SEC. 2. Upon production to the Governor of satisfactory proof by any person that he is the successor in interest of said James Bowman to said above described lot of land, or to any part thereof, or that he has acquired the title thereto of said James Bowman, it shall be the duty of the said Governor to execute to the said successor in interest a deed in the name of the State of California, remising, releasing, and quitclaiming to him all the right, title, and interest of the State of California in and to said lot, or so much thereof as he may have acquired title to, from, through, or under said James Bowman.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXXIX.

An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane, for the forty-third fiscal year.

[Approved March 11, 1893.]

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

Deficiency
for trans-
portation
of insane.

SECTION 1. The sum of twelve thousand two hundred and sixty-two dollars and sixty-five 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 claims approved and to be approved by the State Board of Examiners, for the forty-third fiscal year.

SEC. 2. The Controller is hereby authorized to draw his warrants for the amount herein made payable, in such amounts

and at such times as have been or may be approved by the said State Board of Examiners, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXL.

An Act to provide for the planting, maintenance, and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof; also, for the eradication of certain weeds within city limits.

[Approved March 11, 1893.]

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

SECTION 1. 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, whose grade has been officially established, and which have been actually graded in conformity therewith, may be planted with shade trees along the edges of the sidewalks thereof, by order of the City Council, which shall have power also to provide for the maintenance and care of the same; and the City Council shall have power to prescribe the height, thickness, and manner of trimming of all hedges set out, or that shall be hereafter set out, along the line of any street, lane, alley, place, or court dedicated to public use, whether graded or not, and to compel compliance with its ordinances in the premises by the owners or occupants of the lots fronting thereon. The powers hereby conferred upon City Councils shall be exercised in the manner and under the proceedings hereinafter described.

Provisions
for plant-
ing shade
trees.

SEC. 2. The City Council of any municipality in the State may, at its discretion, pass a resolution of intention to plant, or cause to be planted, with shade trees, any graded street, lane, alley, place, or court within the limits of such municipality. Such resolution of intention may embrace the entire length of any street, lane, alley, place, or court, or any portion thereof, but must specify the kind of trees to be planted, their size, age, and their distance apart. The Street Superintendent shall thereupon cause to be conspicuously posted along both sides of the street mentioned in the resolution, at not more than three hundred feet in distance apart, notices of the passage of said resolution. Said notice shall be headed "Notice to plant shade trees," in letters not less than one inch in length, and shall, in legible characters, set forth the language of the resolution, and the date of its passage. The City Clerk shall also cause a copy of the resolution to be published for six days in one or more daily newspapers published and circulated in said city, and designated by said City Council.

Power
of City
Council.

Resolution
of inten-
tion.

Notices.

Publi-
cation.

How objections are to be made.

What they must show.

Time for hearing.

Notice to objectors.

Majority of frontage to control.

When new proceedings may be instituted.

When Council acquires jurisdiction.

Notice and specifications to be posted and advertised.

What bids must contain.

SEC. 3. The owners of a majority of the frontage of the property on both sides of the street proposed to be planted as aforesaid, may, within ten days after the expiration of the time of publication of said resolution, file their written statement of objections to the proposed work, with the City Clerk, which must be signed by the objectors, each one writing after his or her name the number of feet frontage owned by him or her. Such objection must show wherein the parties making them will be injured or aggrieved by the proposed work, and if the objection be to the kind of trees proposed to be planted, they must name some other kind of tree to be substituted therefor. The City Council shall, at its next meeting after the filing of said objections, fix a time for hearing the same, not less than one week thereafter. The City Clerk shall thereupon notify each objector, or his agent, who has signed his or her name to the statement, by depositing in the Post Office of said city, a notice addressed to him or her, postage prepaid, notifying the objectors of the time and place of hearing. At the time specified, the Council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive, except that in the choice of trees to be planted, it shall be governed by the written request of the owners of a majority of the frontage on both sides of the street which it is proposed to plant. If the objections be sustained, no further proceedings shall be taken under the resolution of intention for six months after the date of its passage. If it be again proposed to plant the street, the Council shall commence proceedings *de novo*, as if no action had been previously taken.

SEC. 4. At the expiration of ten days after the expiration of the time of publication of said resolution of intention, if no written objections to the work therein described shall have been filed with the City Clerk, as hereinbefore provided, otherwise immediately upon the overruling of the objections by the Council, the Council shall be deemed to have acquired jurisdiction to order to be done the work which is authorized by this Act, which order shall be published for two days in the same papers and manner as provided for the publication of the resolution of intention.

SEC. 5. Before passing any resolutions for the planting of any street, the City Council shall cause notice, with specifications, to be posted conspicuously for five days near the door of the Council chamber, and shall advertise the same for five days in the same manner and papers as heretofore provided for the publication of the resolution of intention, inviting sealed proposals for bids for furnishing the trees and doing the work ordered. All bids shall state the sum or price for which the bidder will undertake to furnish the trees, of the kind, age, and size required, and will suitably prepare the ground, set out the trees, warrant every one of them to grow, or replace all that fail to grow or receive damage from whatever cause with others of the same kind, and of suitable age and size to preserve uniformity, and will for three years care for, cultivate, protect, irrigate, and trim said trees. And no order for the planting of

any street shade trees shall be made that does not likewise provide for the care and maintenance of the trees for three years by the contractor planting the trees. All proposals or bids shall be accompanied by a check payable to the order of the Mayor, or President of the City Council, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal. Said proposals or bids shall be delivered to the Clerk of the City Council, indorsed "Proposals to plant trees," and said Council shall, in open session, examine and publicly declare the same; *provided*, that no proposal or bid shall be considered unless accompanied by said check. The Council may reject all proposals, should it deem this for the public good, and shall reject the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and may award the contract to the lowest responsible bidder, at the prices named in his bid, which award shall be approved by the Mayor, or President of the Council. Notice of such awards of contract shall be posted and advertised for five days, in the manner hereinbefore provided, and it shall be the duty of the Superintendent of Streets to enter into a contract with the bidder to whom the work shall have been awarded by the Council, and at the prices specified in his bid; whereupon the certified checks of all the other bidders shall be returned to them, respectively. But if such lowest bidder neglects, fails, or refuses, for fifteen days after the first posting and publication of the 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 shall award the contract for said work to the then lowest bidder. If the contractor who shall have taken any contract shall not complete the planting within the time limited in the contract, or within such further time as the Council may give him, the Superintendent of Streets shall report such delinquency to the Council, which may relet the unfinished portion of the planting, and the future care of the trees, after pursuing the formalities hereinbefore prescribed for the letting of the whole in the first instance.

Care and maintenance for three years.

Check to accompany bid.

Indorsement on proposals.

Power of Council as to bids.

Award to be posted and advertised.

Readvertising.

Unfinished work to be relet.

Sec. 6. All contractors shall, at the time of executing any contract for the planting and care of trees, execute a bond to the satisfaction of the Mayor, or President of the City Council, with two or more sureties, and payable to the city, in such sums as the Mayor, or President of the Council, shall deem adequate, conditioned for the faithful performance of the contract, and the sureties shall justify before the Recorder, or a Justice of the Peace, in double the amount mentioned in such bond, over and above all statutory exemption. Before being entitled to any contract, the bidder to whom the award shall have been made must pay into the City Treasury the cost of the publication of notices, resolutions, and orders, and all other incidental expenses required under the proceedings prescribed by this Act.

Bond of contractors.

What bidder must pay in advance.

Sec. 7. All work done under the provisions of this statute shall be executed under the direction of the Superintendent of Streets, whose duty it shall be, under the general control of

All work under direction of Superintendent of Streets.

the Council, to see that all the obligations assumed by contractors towards the city are faithfully complied with, and that all trees furnished are sound, healthy, free from infection by insects, and of the kind, size, and age called for by the contract. He shall certify to the completion of all work, or portion of work, which, by the terms of the contract, shall entitle the contractor to payment in whole or in part, and the presentation of his certificate by the contractor shall be a condition precedent to each payment that shall become due under the contract.

Payments to contractors to be in installments.

SEC. 8. All sums due to contractors under the provisions of this Act shall be payable by installments, as follows, to wit: Not more than one half the entire consideration in the contract shall be payable on the completion of the planting, and out of this amount the Superintendent of Streets shall see that the trees are paid for, to the party furnishing the same; one half the balance at the end of eighteen months after the completion of the planting; *provided*, all conditions shall have been complied with; the remaining one half to be paid at the end of three years after the completion of the planting; *provided*, all conditions shall have been complied with.

Duty of City Assessor.

SEC. 9. Immediately upon the execution of any contract for the planting and care of street trees under the provisions of this Act, it shall be the duty of the City Assessor to make an assessment to cover the sum to become due for the work specified in such contract (including all incidental expenses), upon the lots and land fronting on the street, lane, alley, court, or place to which such contract relates, each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per foot front sufficient to cover the total expenses of the work. Said assessment shall briefly refer to the contract, the work contracted for, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per foot front assessed, the amount of each assessment, the name of the owner of each lot, if known to the Assessor (if unknown, the word "unknown" shall be written opposite the number or description of the lot, with the amount assessed thereon). And the Assessor shall attach to said assessment a diagram, exhibiting the street, lane, alley, place, or court on which the work is contracted to be done, and showing the relative location and frontage of such lot, numbered to correspond with the numbers in the assessment. To said assessment shall be attached a warrant, which shall be signed by the Superintendent of Streets, and countersigned by the Mayor, or President of the Council. The said assessments and warrants shall be separately issued for each payment that shall be due the contractor, as specified in section eight of this Act, and shall be substantially in the following form:

Unknown owners.

Diagram of the work, etc.

Warrant to be attached to assessment.

FORM OF THE WARRANT.

Form of warrant.

By virtue hereof, I (name of the Superintendent of Streets), of the city of _____, 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 agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his warrant for the same.

Date _____, _____. (Name of Superintendent of Streets.)

Countersigned by (Name of Mayor or President of Council.)

Recorded (date _____, _____. (Name of Superintendent of Streets.)

Said warrant, assessment, and diagram shall be recorded in the office of the 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. From and after the date of said record all persons interested in any manner in any or all of the lots assessed, shall be deemed to have notice of the contents of said record.

Warrant, assessment, and diagram to be recorded, and amount is then a lien.

SEC. 10. After said warrant, assessment, and diagram shall have been recorded, the same shall be delivered to the contractor, his agents or assigns, on demand, who shall thereby be authorized to demand and receive the amounts of the several assessments. In default whereof, and as regards enforced collections, interest, cost, and penalties, and the correction of errors, the same proceedings are to be had as are specified in sections nine, ten, eleven, twelve, sixteen, and seventeen 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 eighteenth, eighteen hundred and eighty-five, amended March fourteenth, eighteen hundred and eighty-nine.

Warrant, etc., to be delivered to contractor.

SEC. 11. The City Council of every municipality in this State has jurisdiction of the hedges and fences placed by property owners along street lines, and may, by ordinance, prohibit the planting of thorn-bearing hedges, and the use of barbed wire along street lines, and may regulate the height, width, and the mode of trimming hedges, and enforce ordinances enacted for such purposes against absentees, or other negligent or recusant owners or occupants of lots or lands on which hedges are maintained. They may also condemn, as public nuisances, any or all weeds whose seeds are of a winged or downy nature, and are spread by the winds, and may compel the eradication of such weeds by the owners of the lots whereon they grow, or at their expense.

Jurisdiction of City Council over hedges, fences, etc.

SEC. 12. The City Council or Trustees of every municipality shall provide for the replacement of missing trees, and for the trimming and care of all trees that have or shall have been planted for three or more years in the streets and highways, whether such planting shall have been done under this Act or otherwise; the expense whereof must be defrayed out of the Street Fund, and the work be done by the Superintendent of Streets of such municipality.

Replacement of missing trees.

SEC. 13. This Act shall only apply to such municipalities as shall by vote of the electors residing therein determine to come within its provisions.

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

CHAPTER CXXI.

An Act to change and permanently locate the boundary lines between the counties of Glenn and Colusa.

[Approved March 11, 1893.]

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

Boundary
line be-
tween
Glenn and
Colusa
Counties
located.

SECTION 1. The boundary lines between the counties of Glenn and Colusa are hereby established and permanently located, as follows: Beginning at a point on the boundary line between the counties of Colusa and Lake, as now established by law, at the northwest corner of the southwest quarter of section thirty, township eighteen north, range eight west, Mount Diablo base and meridian; running thence east along the half section line, and one and one half miles north of the line dividing townships seventeen and eighteen, of Mount Diablo base and meridian, to range line dividing township eighteen north, two and three west; running thence north two miles to northeast corner of southeast quarter of section thirteen, township eighteen north, range three west; running thence east along the half section line to the center of the Sacramento River; thence down the center of the said Sacramento River, in a southeasterly course, to a point where a line between Glenn and Colusa Counties crosses the said Sacramento River; thence east to Butte Creek.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXII.

An Act to create the county of Riverside, classify it, define its boundaries, provide for its organization, and the appointment, election of officers, the location of county seat by election, and the adjustment and fulfillment of certain rights and obligations arising between such county and certain other counties.

[Approved March 11, 1893.]

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

Riverside
County.

SECTION 1. There is hereby formed, subject to approval by a vote, as in this Act provided, out of the southwest part of the county of San Bernardino, and the northern part of San Diego

County, a new county, to be known as the county of Riverside, as hereinafter described, which shall rank as a county of the twenty-fourth class until otherwise classified.

SEC. 2. The boundaries of the county of Riverside shall be as follows, to wit: Beginning at the common corner of the counties of Orange and San Bernardino and the westerly line of San Diego County; thence southwesterly along the line between Orange and San Diego Counties to the point of intersection of said line with the township line between township seven south and township eight south, San Bernardino base and meridian; thence easterly along said township line to its intersection with western boundary of Santa Rosa Rancho; thence southerly along the boundary of said rancho to where said boundary of said rancho intersects the range line between the townships eight south, three west, and eight south, four west; thence south on said range line to the point of intersection of the said line with the second standard parallel south; thence east along said parallel to the eastern boundary of the State of California; thence northerly along the said eastern boundary of the State of California to the northeast corner of the county of San Diego; thence westerly along the northerly line of San Diego County to a point where the line between townships one and two south, of San Bernardino base line, intersects such northerly line of San Diego County; thence west along such township line to the northwest corner of township two south, of range one east, San Bernardino base and meridian; thence south two miles to the northeast corner of section thirteen, in township two south, of range one west; thence west seventeen miles to the southwest corner of section eight, in township two south, of range three west; thence north one mile to the northwest corner of said section eight; thence west eight and one half miles to the quarter corner on the south line of section two, in township two south, of range five west; thence north one mile to the quarter corner on the north line of said section two; thence west ten and one half miles to the northwest corner of section six, in township two south, of range six west; thence south to the northern boundary of the Jurupa Rancho; thence westerly along the north boundary of Jurupa Rancho to the northwest corner of said rancho; thence south along the west boundary of Jurupa Rancho to the quarter corner on the west line of section ten, in township three south, of range seven west; thence west to the center of section seven, in township three south, of range seven west; thence south to the quarter corner on the south line of section nineteen, in township three south, of range seven west; thence west to the intersection with the eastern boundary of El Cañon de Santa Ana Rancho; thence southerly along the eastern boundary of said rancho to intersection with the boundary line between Orange and San Bernardino Counties; thence southeasterly along the southern boundary of San Bernardino County to the place of beginning; all of said townships and ranges being from San Bernardino base and meridian.

SEC. 3. The county seat of the county of Riverside shall be located as hereinafter provided.

Boundaries.

County seat.

Board of
Commissioners.

Organization.

Duties of
said Board.

Super-
visorial
districts.

Election
precincts.

Other
duties of
Board.

Record
of pro-
ceedings.

Election.

Questions
submitted.

SEC. 4. The Governor shall, when this Act takes effect, appoint five persons, residents and electors of the said county of Riverside, as above described, 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 Riverside, within ten 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. Said Commissioners shall have power to fill all vacancies in their number in case of death, resignation, or failure to qualify. Said Commissioners shall then divide the new county formed under this Act into a convenient number of judicial townships, road and school districts, define their boundaries, and designate the name of each district. They shall also divide the county into five supervisory 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 also give thirty days' notice, by publication in one or more newspapers published in the said county, of the precincts established, and shall designate the name and boundaries of each precinct, and number and boundaries of each supervisory district. Said Commissioners, their President and Secretary, are hereby authorized and required to discharge the same duties as are now required by law of the Boards of Supervisors and County Clerks in the several counties of this State, so far as the same applies to the appointment of election officers, publication of notices and proclamations, holding elections, canvassing returns, issuing certificates, and all things lawful to be done to provide for, conduct, and carry on all elections mentioned in this Act. 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 of the county of Riverside, as soon as he shall have been qualified, and thereupon the powers and duties of said Commissioners shall cease and terminate.

SEC. 5. There shall be an election held in said county of Riverside on the first Tuesday in May, A. D. eighteen hundred and ninety-three, at which election shall be submitted to the said qualified electors of said county of Riverside, as herein described, whether there shall be formed and organized the county of Riverside, as herein provided for; and for the purpose of ascertaining the choice of the said electors of said county under the provisions of this Act, the ballots used at said election shall have written or printed thereon, "The new county of Riverside—Yes," and "The new county of Riverside—No," and each voter desiring to vote for the establishment and organization of said county of Riverside shall mark a cross (thus, X) opposite the words "The new county of Riverside—Yes," in the manner now required by law, and each voter desiring to vote against the organization of said county shall mark a cross (thus, X) opposite the words "The new county of Riverside—

No," in the manner now required by law. Said election shall be conducted, said tickets printed, prepared, and the votes counted in every respect, except as in this Act otherwise provided, in accordance with the general law for the election of State, county, and township officers. If at said election two thirds of the votes cast on the question of the organization of said county government shall be "The new county of Riverside—Yes," then the said territory hereinabove described shall be and become the organized county of Riverside, from and after the day upon which the returns of said election shall be ascertained and declared by the said Board of Commissioners.

Sec. 6. At the election provided for in section five of this Act there shall be chosen by the qualified electors of said county of Riverside, one Judge of the Superior Court of said county, whose salary shall be four thousand dollars per annum, payable at the same time and in the same manner as salaries of the Judges of the Superior Courts of the several counties of the State are now paid; also one District Attorney, one County Clerk, one County Recorder, one Auditor, one Sheriff, one Tax Collector, one County Treasurer, one County Assessor, one County Superintendent of Public Schools, one County Surveyor, one County Coroner, and one Public Administrator. There shall be chosen at such election one Supervisor for each supervisory district in said county; *provided*, that all duly elected and qualified Supervisors of the counties of San Diego and San Bernardino, who, at the taking effect of this Act, are residents of the county of Riverside, shall hold their offices for the full term for which they were elected, upon having duly qualified as Supervisors of the county of Riverside 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 of said townships; *provided*, that all Justices of the Peace and Constables, acting as such at the passage of this Act, residents of the county of Riverside, shall hold their offices for the full term for which they were elected or appointed, upon having qualified as Justices of the Peace or Constables of the county of Riverside 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 the county of Riverside, shall hold their offices for the time for which they were elected, upon having duly qualified as School Trustees in the county of Riverside for the respective 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 or are appointed under the provisions of this Act, shall enter, immediately after their qualification, upon the discharge of the duties of their respective offices; and all the officers

How
election
conducted.

Officers
to be
elected.

Super-
visors to
hold over.

Justices of
the Peace
and Con-
stables.

School
Trustees.

Term
of office.

County
seat.

elected at said election or appointed under this Act shall hold their 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 there shall also be submitted to the qualified electors the question of the location of the county seat for the said county of Riverside; and the place, town, or city in said county receiving the highest number of votes for county seat of said county shall be declared by the Commissioners to be, and the same shall be, the county seat of the said county of Riverside. It shall be the duty of the said Commissioners to make ample provision, in the preparation and printing of the ticket to be used at said election, for the expression of said electors of said county as to the location and designation of the said county seat for said county.

Qualifica-
tions of
electors.

Great
Registers.

SEC. 7. All qualified electors of this State, who have been residents and electors of said territory of the county of Riverside for ninety days preceding the election provided for in this Act, shall be qualified to vote at said election. The Great Registers of San Bernardino and San Diego Counties, used at the general election held in the year eighteen hundred and ninety-two, in the territory of the new created county of Riverside, shall be prima facie evidence of the qualifications of the electors. The County Clerks of San Bernardino and San Diego Counties are hereby directed to furnish the Commissioners of the county of Riverside a certificate, under seal, showing the additional names of voters on the Great Registers of San Bernardino and San Diego Counties, registered as residing within the territory forming the county of Riverside since the last Great Registers of San Bernardino and San Diego Counties were printed, and the certificates of the County Clerks of said counties, under seal, showing the registration of any qualified voter who resides in the territory forming the county of Riverside, up to the date of election, shall entitle the holder thereof, if otherwise qualified by law, to vote at said election.

First
meeting
of Super-
visors.

SEC. 8. It shall be the duty of the Board of Supervisors of the county of Riverside, whose election is by this Act provided for, to meet at the county seat of the county of Riverside on the first Monday of the month subsequent to their election, and, having duly qualified, shall organize by the election of one of their number as Chairman. Said Board shall allow such remuneration to the Commissioners, and officers acting for said Board of Commissioners, as it may think just and proper, not exceeding five dollars per day each: *provided*, claims are presented therefor in the manner now required by law. Said Board shall appoint two freeholders, residents of the county of Riverside, to act as Commissioners, whose duty it shall be to meet at the city of San Bernardino, California, within twenty days from the time of their appointment, a like number of Commissioners, who shall be appointed by the Board of Supervisors of San Bernardino County, and one Commissioner, to be appointed by the Governor of the State of California. Such Commissioners shall then jointly organize as a Board by electing from their num-

Super-
visors and
Governor
to appoint
Board of
Commission-
ers to
settle with
San Ber-
nardino
County.

ber a Chairman and Secretary. A majority of said Commissioners shall constitute a quorum of said Board for the transaction of business. Should any vacancy occur in said Board of Commissioners by death, resignation, or otherwise, the office so vacated shall be filled by the appointing power which made the original appointment. Any of said Commissioners shall have the power to compel, by a citation or subpoena signed by him, the attendance of such persons and the production of such books and papers before said Board of Commissioners as he may require in performing the duties imposed by this Act. It shall be the duty of the Sheriff of the counties of San Bernardino and Riverside to execute, in their respective counties, all lawful orders and citations of any of said Commissioners, and for any services performed the Sheriff shall be allowed the same fees as are allowed for like services in civil cases, and all witnesses attending before said Board of Commissioners shall be entitled to the same compensation and mileage as is allowed to witnesses in civil cases; *provided*, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making service thereof to tender to said witness his fee in advance. Said Board of Commissioners shall, immediately after its organization, ascertain the indebtedness of San Bernardino County existing at the time this Act takes effect, and also the total value of all property at that time belonging to the said county of San Bernardino. They shall ascertain the assessed value of all property in San Bernardino County as it stood before this Act takes effect according to the assessment made for San Bernardino County in the year eighteen hundred and ninety-two, also the assessed value under the same assessment of all property in the territory hereby set apart from San Bernardino County and embraced in the county of Riverside. They shall then find the difference between the amount of indebtedness of San Bernardino County and the value of the property belonging to San Bernardino County at the time this Act takes effect, and if such indebtedness exceeds the value of such property belonging to San Bernardino County, the county of Riverside shall pay San Bernardino County a due proportion thereof, to be determined as follows: As said assessed value of the property in San Bernardino County is to the said assessed value of the property in the territory by this Act set apart from San Bernardino County, so is the amount of said excess to the amount to be paid by the county of Riverside to San Bernardino County. Said Board of Commissioners shall then certify forthwith to the respective Boards of Supervisors of said counties of San Bernardino and Riverside the amount constituting the due proportion of said excess payable by the county of Riverside, also the value of any property belonging to San Bernardino County at the time this Act takes effect which is situated in the county of Riverside. The sum of said ascertained value of said last mentioned property, added to the ascertained proportion of said excess which the county of Riverside is to pay to the county of San Bernardino, shall be an

Duty of Sheriff in connection herewith.

Witness fees.

Duty of said Board.

How settlement between the two counties is to be determined.

Settlement
between
the two
counties.

indebtedness from the county of Riverside to the county of San Bernardino. Said property, situated as aforesaid in the county of Riverside, shall, upon settlement therefor as provided in this Act, become the property of the county of Riverside, and San Bernardino County shall pay the entire indebtedness of San Bernardino County; *provided*, the county of Riverside pays to the county of San Bernardino, as herein designated, any proportion thereof that may be found properly to be payable by the county of Riverside. In case said Board of Commissioners shall find that the value of the property belonging to said San Bernardino County at the time this Act takes effect exceeds the indebtedness of said San Bernardino County, the excess shall be apportioned between said counties of San Bernardino and Riverside in the proportions aforesaid; and if the portion of said excess payable to the county of Riverside does not exceed the value of said property belonging to San Bernardino County and situate in the county of Riverside as aforesaid, said portion of said excess shall be deducted from the value of said property situate in the county of Riverside as last aforesaid, and the balance, after deducting said portion of such excess, shall be certified as aforesaid to the said Board of Supervisors, and shall be an indebtedness from the county of Riverside to the county of San Bernardino; but if said portion of such excess is greater than the value of said property situate in the county of Riverside as aforesaid belonging to San Bernardino County, the value of said property last aforesaid shall be deducted from said portion of such excess, and the balance shall be certified as aforesaid to said Boards of Supervisors, and shall be an indebtedness from San Bernardino County to the county of Riverside, and said San Bernardino County shall pay the same. If, upon the settlement between the counties of San Bernardino and Riverside, as herein provided for, said county of Riverside shall be found to be indebted to San Bernardino County, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in the county of Riverside, and the county of Riverside shall pay the same.

How
difference
is to be
paid.

Board of
Commissioners
to settle with
San Diego
County.

SEC. 9. Said Board shall also appoint two freeholders, residents of the county of Riverside, to act as Commissioners, whose duty it shall be to meet at the city of San Diego, California, within twenty days from the time of their appointment, a like number of Commissioners, who shall be appointed by the Board of Supervisors of San Diego County, and one Commissioner to be appointed by the Governor of the State of California. Such Commissioners shall then jointly organize a Board, by electing from their number a Chairman and Secretary. A majority of said Commissioners shall constitute a quorum of said Board for the transaction of business. Should any vacancy occur in said Board of Commissioners by death, resignation, or otherwise, the office so vacated shall be filled by the appointing power which made the original appointment. Any of said Commissioners shall have the power to compel, by a citation or subpoena signed by him, the attendance of such persons and the production of such books and papers before said Board of Com-

Powers
and duties.

missioners as he may require in performing the duties imposed by this Act; and it shall be the duty of the Sheriffs of the counties of San Diego and Riverside to execute in their respective counties all lawful orders and citations of any of said Commissioners; and for any services performed, the Sheriff shall be allowed the same fees as are allowed for like services in civil cases; and all witnesses attending before the said Board of Commissioners shall be entitled to the same compensation and mileage as is allowed to witnesses in civil cases; *provided*, that no witness shall be excused from attendance at the time and place mentioned in said order or citation by reason of the failure of the officer making service thereof to tender said witness his fees in advance. Said Board of Commissioners shall, immediately after its organization, ascertain the indebtedness of San Diego County existing at the time this Act takes effect, and also the total value of all property at that time belonging to said county of San Diego. They shall ascertain the assessed value of all property in San Diego County, as it stood before this Act takes effect, according to the assessment made for San Diego County in the year eighteen hundred and ninety-two; also, the assessed value, under the same assessment, of all property in the territory hereby set apart from San Diego County and embraced in the county of Riverside. They shall find the difference between the amount of the indebtedness of San Diego County and the value of the property belonging to San Diego County at the time this Act takes effect, and if such indebtedness exceeds the value of such property belonging to San Diego County, the county of Riverside shall pay San Diego County a due proportion thereof, to be determined as follows: As said assessed value of the property of San Diego County is to the said assessed value of the property in the territory by this Act set apart from San Diego County, so is the amount of said excess to the amount to be paid by the county of Riverside to the county of San Diego. Said Board of Commissioners shall then certify forthwith to the respective Boards of Supervisors of said counties of San Diego and Riverside, the amount constituting the due proportion of said excess payable by the county of Riverside; also, the value of any property belonging to San Diego County at the time this Act takes effect which is situated in the county of Riverside. The sum of said ascertained value of said last mentioned property, added to the ascertained proportion of said excess which the county of Riverside is to pay to San Diego County, shall be an indebtedness from the county of Riverside to the county of San Diego. Said property, situated as aforesaid in the county of Riverside, shall, upon settlement therefor as provided in this Act, become the property of the county of Riverside, and San Diego County shall pay the entire indebtedness of San Diego County; *provided*, the county of Riverside pays to San Diego County, as herein designated, any proportion thereof that may be found properly to be payable by the county of Riverside. In case said Board of Commissioners shall find that the value of the property belonging to the said San Diego County at the time this Act takes

Witnesses
and their
fees.

How
settlement
is to be de-
termined.

How settle-
ment is to
be deter-
mined.

effect exceeds the indebtedness of San Diego County, the excess shall be apportioned between said counties of San Diego and Riverside in the proportion aforesaid, and if the proportion of said excess payable to the county of Riverside does not exceed the value of property belonging to San Diego County, and situate in the county of Riverside aforesaid, said portion of said excess shall be deducted from the value of said property situate in the county of Riverside as last aforesaid, and the balance, after deducting said portion of such excess, shall be certified, as aforesaid, to the Boards of Supervisors, and shall be an indebtedness from the county of Riverside to the county of San Diego; but if said portion of such excess is greater than the value of said property situate in said county of Riverside, as aforesaid, belonging to San Diego County, the value of said property last aforesaid shall be deducted from said portion of such excess, and the balance shall be certified, as aforesaid, to said Boards of Supervisors, and shall be an indebtedness from San Diego County to the county of Riverside, and said San Diego County shall pay the same. If, upon the final settlement between the counties of San Diego and Riverside, as herein provided for, said county of Riverside shall be found to be indebted to San Diego County, the money necessary to pay said indebtedness shall be raised by a tax levied upon the property contained in the county of Riverside, and the county of Riverside shall pay the same.

How
difference
is to be
paid.

Assess-
ment of
property.

Sec. 10. After the passage of this Act no assessment shall be made, nor poll tax nor taxes on personal property be collected by the Assessors of San Bernardino or San Diego Counties in the territory embraced in the county of Riverside. The Assessor of the county of Riverside, who shall be elected at the election herein provided for, shall, within ninety days after he shall have been qualified, assess all the property in the county of Riverside, except such as is required to be assessed by the State Board of Equalization, and collect the poll taxes and the taxes on personal property in said county of Riverside in accordance with the general laws. Within fifteen days after said assessment is completed, the Board of Supervisors of the county of Riverside shall, in accordance with the general laws, equalize said assessment and levy State and county taxes. Said assessment and levy, and the collection of taxes, shall be as effective as if said assessment and levy were made at the time provided in the general laws; *provided*, that the general laws relating to the assessment, levy, and collection of taxes are hereby made applicable, so far as possible, to the assessment, levy, and collection of taxes for the county of Riverside for the year eighteen hundred and ninety-three.

Equalizing
assess-
ment.

What
laws are
applicable.

Books and
records.

Sec. 11. The Board of Supervisors of the county of Riverside are hereby authorized, when they deem it necessary, to provide suitable books, and contract with some competent persons to transcribe from the records of San Bernardino and San Diego Counties such parts thereof as relate to or affect property, or the title thereto, situate in the county of Riverside; and said records, when so transcribed and certified to by the

respective Recorders of the counties of San Bernardino and San Diego, shall have the same force and effect as such original records for all purposes.

SEC. 12. All actions or special proceedings (excepting those provided for in sections three hundred and ninety-two and three hundred and ninety-three, Code of Civil Procedure) which shall be pending in the Superior Courts in the counties of San Bernardino and San Diego at the time of the organization of the county of Riverside, in which the defendants are residents of the county of Riverside, shall be removed to the Superior Court of the county of Riverside, on motion of any party interested; *provided*, that no actions commenced for collection of licenses shall be removed from the Courts of San Bernardino and San Diego Counties.

Actions and proceedings in Court to be removed.

Exception.

SEC. 13. The Notaries Public of the counties of San Bernardino and San Diego, who are residents of the territory embraced in the county of Riverside at the date of the passage of this Act, shall hold their office until the expiration of their terms, and shall be recommissioned as Notaries Public in and for the county of Riverside until the expiration of their terms. And the Governor shall, from time to time, appoint such additional Notaries Public for the county of Riverside as he may deem requisite.

Notaries Public.

SEC. 14. The Superintendent of Public Schools of the counties of San Bernardino and San Diego shall furnish the Superintendent of Public Schools of the county of Riverside with a certified copy of the last school census of the different school districts in the territory set apart to form the county of Riverside, and respectively draw their warrants on the Treasurers of San Bernardino and San Diego Counties in favor of the Superintendent of Schools in the county of Riverside for all money that is or may be due, by apportionment or otherwise, to the different districts embraced in the county of Riverside; and the Auditors of San Bernardino and San Diego shall, in like manner, respectively draw their warrants on the respective Treasurers of the counties of San Bernardino and San Diego, in favor of the Auditor of the county of Riverside for all money that is or may be due, by apportionment or otherwise, to the different road and supervisorial district funds in the territory set apart to form the county of Riverside, which said amounts shall be properly credited to the respective districts in said counties.

Duty of the various Superintendents of Schools.

Of Auditors.

SEC. 15. The said county of Riverside shall form and constitute the Seventy-seventh Assembly District, and a part of Senatorial District Number Thirty-nine; and that part of the Seventy-seventh Assembly District remaining in San Bernardino County shall be attached to and constitute a part of the Seventy-eighth Assembly District, until otherwise provided by law.

Assembly and Senatorial districts.

SEC. 16. Nothing contained in this Act shall be held or construed as determining that said county of Riverside shall have been formed or created at any time other than at and upon the date of the passage and approval of this Act.

SEC. 17. This Act shall take effect and be in force from and after its passage and approval.

CHAPTER CXLIII.

An Act to create the county of Madera, to define the boundaries thereof, to determine the county seat, and to provide for its organization and election of officers, and to classify said county.

[Approved March 11, 1893.]

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

Madera
County.

SECTION 1. There may be formed out of the northern part of Fresno County a new county, to be called the county of Madera, in the manner and subject to the conditions herein named.

Bound-
aries.

SEC. 2. The boundaries of the county of Madera shall be as follows: Beginning at a point where the third standard line south of Mount Diablo base line crosses the San Joaquin River; thence up the middle of said river, following the meanderings thereof southeasterly and northeasterly, to the point where said river crosses the south boundary line of township six south, of range twenty-four east, Mount Diablo base and meridian; thence running northeast to the boundary line of Mono County; thence following the line now established between Mono County and the county of Fresno, westerly, to the corner common to the counties of Tuolumne, Mariposa, and Fresno; thence following the line now established between the counties of Mariposa and Fresno, to the southeast corner of the county of Merced; thence westerly, following the line now established between the county of Merced and the county of Fresno, to a point where said line is intersected by the San Joaquin River; thence following up the middle of said river to the point of beginning.

SEC. 3. The county seat of the county of Madera shall be chosen as hereinafter provided.

Board of
Commissioners.

SEC. 4. The Governor shall, when this Act takes effect, appoint five persons, residents and electors of the county of Madera, 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 town of Madera 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 one of their number President, and shall elect a Clerk, who shall also be duly sworn to faithfully discharge his duties as Clerk of said Board of Commissioners. Three of the members of said Board shall be necessary to transact any business, and a majority of the votes of the members present at any meeting shall control in all matters coming before it. It shall be the duty of said Board of Commissioners, after they shall have

Organiza-
tion of
Board.

duly organized, at their first meeting, to divide the county of Madera into five supervisor districts, as nearly equal in population as may be practicable, and shall designate the boundaries and number of each, and shall establish and designate the several election precincts in said county, and the house or place in each precinct where the election hereinafter provided for must be held. Said Commissioners, and the clerk elected by them, 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 apply to holding elections, canvassing returns, and issuing certificates of election. They shall keep a full record of 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 six months from the time of the first meeting of the Commissioners hereinbefore provided for, said Commissioners shall order an election, to be held in said county of Madera. There shall be chosen at said election a Judge of the Superior Court, a District Attorney, a County Clerk, a Sheriff, a Tax Collector, a Treasurer, a Recorder, an Auditor, an Assessor, a Superintendent of Schools, a County Surveyor, a Coroner, a Public Administrator, and one Supervisor for each supervisor district. At said election there shall be submitted to the qualified electors of said county of Madera, as hereinafter described, the question whether they desire a separate county government; and for the purpose of ascertaining the choice of said electors, the ballots used at said election shall have printed thereon the words "For the new county of Madera—Yes," "For the new county of Madera—No;" and all ballots on which a cross is marked with a stamp after the words "For the new county of Madera—Yes," shall be counted in favor of such separate county government; and all ballots on which a cross is marked with a stamp after the words "For the new county of Madera—No," shall be counted against such separate county government. At said election shall also be submitted to the qualified electors the location of a county seat of said county, and upon a petition of not less than five per cent of the qualified electors of said county of Madera, asking that any town or locality be voted on for county seat, it shall be the duty of the Board of Commissioners to place upon the ballots used at the election herein provided for, after the words "For county seat," the name of the town or locality petitioned for, and a cross mark with a stamp after the name of any town or locality shall be counted as a vote in favor of such town or locality, and the place receiving the highest number of votes therefor shall be declared by the Commissioners the county seat of said county. Said election shall be conducted in every respect, except as otherwise herein provided, in accordance with the general election law for the election of county and township officers.

Supervisor districts.

Election precincts.

Duties prescribed.

Record of proceedings.

Election within six months.

Officers to be chosen.

Question of separate county government to be submitted.

Location of county seat.

How election to be conducted.

- Qualifications of electors.** SEC. 6. All qualified electors of this State, who have been residents and electors of the territory comprising the county of Madera 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 Fresno County used at the general election held in the year eighteen hundred and ninety-two, in the territory comprising the county of Madera, shall be prima facie evidence of the qualification of electors. The County Clerk of Fresno County is hereby directed to furnish the Commissioners of Madera County a certificate, under seal, showing the additional names of voters on the Great Register of Fresno County, registered as residing in the territory of the county of Madera since the last Great Register of Fresno County was printed; and the certificate of the County Clerk of Fresno County, under seal, showing the registration of any qualified voter who resides in the territory forming the county of Madera, up to the date of election, shall entitle the holder thereof, if otherwise qualified by law, to vote at said election.
- Great Register.**
- Additional names.**
- Certificate of Clerk.**
- Ballot paper.** SEC. 7. It shall be the duty of the Secretary of State to furnish to the Clerk of said Board of Commissioners the quantity of ballot paper ordered by said Clerk, for use at the election provided for in this Act, upon payment by said Clerk of the cost of such paper.
- Two-thirds majority necessary.** SEC. 8. If at said election a majority of two thirds of the votes cast on the question of separate county government shall be in favor of such separate county government, then the said territory hereinabove described shall be and become a separate county from and after the day upon which the returns of said election shall be ascertained and declared by said Board of Commissioners. But if at such election less than a majority of 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.
- Returns of election.** SEC. 9. Sealed returns from the officers of election of the several precincts shall be made to the Board of Commissioners, at such office as they shall select in the town of Madera, within six days after the day of election.
- How officers elected to qualify.** SEC. 10. Each person elected to fill an office of said county under the provisions of this Act shall qualify in the manner provided by law for such officers, and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. The person elected as Judge of the Superior Court shall qualify before the President of said Board of Commissioners; and persons elected to offices of said county, other than the office of Judge of the Superior Court, shall qualify before the Judge of the Superior Court, or before the President of said Board of Commissioners, which said President of said Board of Commissioners, for said purpose, shall have power to administer to each of said persons his official oath.
- SEC. 11. The officers elected or appointed under the provisions of this Act shall each perform the duties and receive

the compensation now provided by general law for the office to which he has been appointed or elected, in counties of the class to which the county of Madera belongs, under the general classification of counties in this State; and until otherwise provided by law, said county shall be classified as a county of the forty-second class.

Duties and compensation of officers.

SEC. 12. All duly elected and qualified Supervisors of Fresno County, who, at the taking effect of this Act, are residents of the county of Madera, shall hold their offices for the time provided by law, upon having duly qualified as Supervisors of the county of Madera, for the respective districts in which they reside, as said districts are organized by action of the Board of Commissioners provided for in this Act. All Justices of the Peace and all Constables, duly elected and qualified, residents of the county of Madera at the taking effect of this Act, shall hold their offices for the terms provided by law, upon having duly qualified as Justices and Constables of the county of Madera, for the respective townships in which they reside. All School Trustees, acting as such at the time of the taking effect of this Act, residents of the county of Madera, shall hold their offices for the time provided by law, upon having duly qualified as such for the respective school districts in which they severally reside, as such districts are now organized.

Supervisors in territory of Madera County to hold over.

Also, Justices of the Peace and Constables.

Also, School Trustees.

SEC. 13. The Notaries Public of Fresno County, residents of the county of Madera at the dates of their appointments, shall hold their offices until the expiration of their terms.

Also, Notaries Public.

SEC. 14. The Judge of the Superior Court chosen under the provisions of this Act shall hold his office until the first Monday in January, eighteen hundred and ninety-seven, and until his successor is elected and qualified. The Assessor and Supervisors elected under the provisions of this Act shall hold their offices until the first Monday in January, eighteen hundred and ninety-five, or until their successors are elected and qualified. The other officers, hereinbefore enumerated, shall hold their offices until the first Monday in January, eighteen hundred and ninety-five, or until their successors are elected and qualified. The successors of the officers elected under this Act shall be chosen at the general election established by law, which takes place next preceding the expiration of their respective terms of office.

Term of office of elective officers.

SEC. 15. It shall be the duty of the Tax Collector of the county of Fresno, upon the demand of the Tax Collector of the county of Madera, to furnish, assign, and transfer to the Tax Collector of the county of Madera, a complete list of all unpaid taxes assessed and levied, during the year eighteen hundred and ninety-two, on property within the boundaries of the county of Madera. The Tax Collector of the county of Fresno shall file a duplicate list of such unpaid taxes assessed within the boundaries of the county of Madera with the County Auditor of Fresno County. The Tax Collector of the county of Madera shall give to the Tax Collector of the county of Fresno a receipt for said list of unpaid taxes, and shall file a duplicate list with the Auditor of the county of Madera, and

Duty of Tax Collector of Fresno County.

Of Madera County.

thereupon all such unpaid taxes shall become payable to the Tax Collector of the county of Madera, and he is hereby authorized to collect and receipt for the same.

Duty of Superintendent of Schools of Fresno County.

SEC. 16. The Superintendent of Schools of the county of Fresno shall furnish the Superintendent of Schools of the county of Madera with a certified copy of the last school census list of the different school districts in the territory set apart to form the county of Madera, and draw his warrant on the Treasurer of Fresno County in favor of the Superintendent of Schools of the county of Madera for all money that is or may be due, by apportionment or otherwise, to the different school districts of the county of Madera; and the Auditor of the county of Fresno shall, in like manner, draw his warrant in favor of the Auditor of the county of Madera 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 the county of Madera; and said funds shall be properly credited to the respective districts in said county.

Of Auditor.

Assembly and Senatorial districts.

SEC. 17. The county of Madera shall be comprised in the Sixty-second and Sixty-third Assembly Districts, and in the Sixteenth Senatorial District, as now established, until otherwise provided by law.

SEC. 18. This Act shall take effect and be in force from and after its passage and approval.

CHAPTER CXLIV.

An Act to amend sections two, twenty-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.

[Approved March 11, 1893.]

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

SECTION 1. That section two 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 eighteenth, eighteen hundred and eighty-five, is hereby amended to read as follows:

Power of City Council in grading, paving, graveling, sewerage, etc.

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 re-graded to the official grade, planked or replanked, paved or re-paved, macadamized or re-macadamized, graveled or re-graveled, piled or re-piled, capped or re-capped, sewerred or re-sewerred, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing, and cross-walks to be

constructed therein, or to order breakwaters, levees, or walls of rock, or other material, to protect the same from overflow or injury, 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; and also to order a sewer or sewers, with outlets, for drainage or sanitary purposes, in, over, or through any right of way granted or obtained for such purpose; *provided*, that whenever the grade of a street, avenue, lane, alley, court, or place shall hereafter be changed, the petition of the owners of a majority of the feet fronting thereon, asking for grading the same to the new grade, shall be a condition precedent to the ordering of such grading to be done.

Breakwaters, levees, etc.

Sewer for sanitary purposes.

Majority of frontage must petition.

SEC. 2. That section twenty-four of said Act is hereby amended to read as follows:

Section 24. The City Council of such city shall have full power and authority to construct sewers, gutters, and manholes, and provide for the cleaning of the same, and culverts or cess-pools; or cross-walks or sidewalks, or any portion of any sidewalk, upon or in any street, avenue, lane, alley, court, or place in such city; and also for drainage purposes, over or through any right of way obtained or granted for such purposes, with necessary and proper outlet or outlets to the same, of such materials, in such a manner, and upon such terms as it may be deemed 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.

May construct sewers, manholes, etc., and provide for cleaning same.

For drainage purposes.

Remonstrance.

SEC. 3. That section thirty-seven of said Act is hereby amended to read as follows:

Section 37. That said Act shall take effect and be in force immediately upon its passage, and all Acts and parts of Acts in conflict with this Act are hereby repealed; and *provided*, however, that any work or proceeding of the City Council 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.

To take effect immediately.

CHAPTER CXLV.

An Act making an appropriation to pay the deficiency in the appropriation for pay of officers and clerks of the Senate, for the forty-fourth fiscal year.

[Approved March 11, 1893.]

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

Deficiency for officers and clerks of Senate.

seven hundred dollars, to pay the deficiency in the appropriation for pay of officers and clerks of the Senate, for the forty-fourth fiscal year.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLVI.

An Act making an appropriation to pay the deficiency in the appropriation for per diem and mileage of Lieutenant-Governor and Senators, for the forty-fourth fiscal year.

[Approved March 11, 1893.]

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

Deficiency
in per diem
and mile-
age of
Senators.

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of seventy dollars, to pay the deficiency in the appropriation for per diem and mileage of Lieutenant-Governor and Senators, for the forty-fourth fiscal year.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLVII.

An Act providing for appeals from orders of the Board of Supervisors forming or refusing to form reclamation or swamp land districts, setting off lands from such districts, or including lands in such districts, or consolidating swamp land or reclamation districts.

[Approved March 11, 1893.]

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

An appeal
may be
taken from
orders of
Boards of
Super-
visors.

SECTION 1. Any person having an interest affected by any order of the Board of Supervisors of any county approving or refusing to approve any petition for the formation of a reclamation or swamp land reclamation district, or in any manner creating or consolidating such districts, or including in or excluding from such district any lands, may, within thirty days after said order is made, appeal therefrom to the Superior Court of the county.

SEC. 2. Such appeal shall be taken and prosecuted in the manner prescribed by law and the rules of said Superior Court relating to appeals from inferior Courts, and the matter shall be tried anew in said Superior Court. The judgment rendered in the Superior Court in such matter shall be final. Each Superior Court held in any county of the State in which there are any reclamation or swamp land reclamation districts, shall make rules regulating appeals in the cases hereinbefore mentioned; and the Clerk of the Board of Supervisors shall, upon a notice of appeal and undertaking on appeal being filed with him, transmit the same, and all papers and documents used on the hearing before said Board, to the Clerk of the Superior Court in and for said county, who shall thereupon file the same without receiving any fee therefor.

How
appeal
pro-
secuted.
Judgment
of Superior
Court final.
Rules
of Court.
Duties of
Clerk of
Board and
Clerk of
Court.

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

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

CHAPTER CXLVIII.

An Act to amend 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, by amending section seventeen thereof.

[Approved March 11, 1893.]

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

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

Section 17. Said bonds, and the interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district; and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided. And as additional security for the payment of all said bonds, and interest thereon, the Board of Directors shall have power to pledge, by mortgage, trust deed, or otherwise, all property of the district situate within or without the district, whether real, personal, or mixed, of whatsoever kind, including all its rights and privileges held or possessed at the time of the issue of said bonds, or which may hereafter be acquired under the provisions of this Act.

Irrigation.
How
bonds are
to be paid.
Real
property
liable.
Board of
Directors
power to
mortgage
all prop-
erty pos-
sessed by
district.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLIX.

An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section six hundred and seventy-nine, relating to the coercion or compulsion of persons seeking employment.

[Approved March 14, 1893.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be known and numbered as section six hundred and seventy-nine, to read as follows:

Coercion
or compul-
sion of
persons
seeking
employ-
ment a mis-
demeanor.

679. Any person or corporation within this State, or agent or officer on behalf of such person or corporation, who shall hereafter coerce or compel any person or persons to enter into an agreement, either written or verbal, not to join or become a member of any labor organization, as a condition of such person or persons securing employment or continuing in the employment of any such person or corporation, shall be guilty of a misdemeanor.

CHAPTER CL.

An Act to create the county of Kings, to define the boundaries thereof, to fix the county seat thereof, and to provide for its organization and election of officers, and to classify said county.

[Approved March 22, 1893.]

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

Kings
County.

SECTION 1. There may be formed out of the western part of Tulare County a new county, to be called the county of Kings, in the manner and subject to the conditions herein named.

Bound-
aries.

SEC. 2. The boundaries of the said county of Kings shall be as follows: Beginning at the point where the fourth standard line south of Mount Diablo base line intersects or crosses the boundary line as now established by law between Tulare and Fresno Counties; thence east to the northeast corner of section one, in township seventeen south, of range twenty-two east, Mount Diablo base and meridian; thence south six miles; thence east three miles; thence south nine miles to the southeast corner of section sixteen, in township nineteen south, range twenty-three east, Mount Diablo base and meridian; thence west three miles to the southeast corner of section thirteen, township nineteen south, range twenty-two east, Mount Diablo

base and meridian; thence south nine miles to the southeast corner of township twenty south, range twenty-two east, Mount Diablo base and meridian; thence west to the northeast corner of township twenty-one south, range twenty-two east, Mount Diablo base and meridian; thence south twenty-four miles to the boundary line between Kern and Tulare Counties as now established by law; thence west along the said boundary line between Kern and Tulare Counties, to the corner common to the counties of Tulare, Monterey, San Luis Obispo, and Kern, as now established by law; thence in a northwesterly direction along the boundary line between the counties of Monterey and Tulare, as now established by law, to the corner common to the counties of Tulare, Monterey, and Fresno; thence in a north-eastern direction along the boundary line between Fresno and Tulare Counties, as now established by law, to the place of beginning.

SEC. 3. The seat of justice of said county of Kings shall be at the city of Hanford until otherwise provided by law.

SEC. 4. The Governor shall, when this Act takes effect, appoint five persons, residents and electors of the county of Kings, 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 Hanford 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 one of their number President, and shall elect a Clerk, who shall also be duly sworn to faithfully discharge his duties as Clerk of said Board of Commissioners. Three of the members of said Board shall be necessary to transact any business, and a majority of the votes of the members present at any meeting shall control in all matters coming before it. It shall be the duty of said Board of Commissioners, after they shall have duly organized, at their first meeting to divide the county of Kings into five supervisorial districts, as nearly equal in population as may be practicable, and shall designate the boundaries and number of each, and shall establish and designate the several election precincts in said county, and the house or place in each precinct where the election hereinafter provided for must be held. Said Commissioners, and the Clerk elected by them, 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 apply to holding elections, canvassing returns, and issuing certificates of election. They shall keep a full record of 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 six months from the time of the first meeting of the Commissioners hereinbefore provided for, said Com-

missioners shall order an election to be held in said county of Kings. There shall be chosen at said election a Judge of the Superior Court, a District Attorney, a County Clerk, a Sheriff, a Tax Collector, a Treasurer, a Recorder and Auditor, an Assessor, a Superintendent of Schools, a County Surveyor, a Coroner, a Public Administrator, and one Supervisor for each supervisor district; *provided*, that all duly elected and qualified Supervisors of Tulare County who, at the taking effect of this Act, are residents of the county of Kings, shall hold their offices for the time provided by law, upon having duly qualified as Supervisors of the county of Kings, for the respective districts in which they reside, as said districts are organized by action of the Board of Commissioners provided for in this Act. At said election there shall be submitted to the qualified electors of said county of Kings, as hereinafter described, the question whether they desire a separate county government; and for the purpose of ascertaining the choice of said electors, the ballots used at said election shall have printed thereon the words "For the new county of Kings—Yes," "For the new county of Kings—No;" and all ballots on which a cross is marked with a stamp after the words "For the new county of Kings—Yes," shall be counted in favor of such separate county government; and all ballots on which a cross is marked with a stamp after the words "For the new county of Kings—No," shall be counted against such separate county government. Said election shall be conducted in every respect, except as otherwise herein provided, in accordance with the general election law for the election of county and township officers.

Proviso;
Supervisors
Tulare
County.

Submis-
sion of
question as
to separa-
tion.

Form of
ballot.

Counting
of ballots.

Who may
vote.

Register.

Certificate
of County
Clerk.

Sec. 6. All qualified electors of this State, who have been residents and electors of the territory comprising the county of Kings 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 Tulare County used at the general election held in the year eighteen hundred and ninety-two, in the territory comprising the county of Kings, shall be prima facie evidence of the qualification of electors. The County Clerk of Tulare County is hereby directed to furnish the Commissioners of Kings County a certificate, under seal, showing the additional names of voters on the Great Register of Tulare County registered as residing in the territory of the county of Kings since the last Great Register of Tulare County was printed; and the certificate of the County Clerk of Tulare County, under seal, showing the registration of any qualified voter who resides in the territory forming the county of Kings, up to the date of election, shall entitle the holder thereof, if otherwise qualified by law, to vote at said election.

Duty of
Secretary
of State.

Sec. 7. It shall be the duty of Secretary of State to furnish to the Clerk of said Board of Commissioners the quantity of ballot paper ordered by said Clerk, for use at the election provided for in this Act, upon payment of the cost of such paper.

Two-thirds
vote
required.

Sec. 8. If at said election two thirds of the votes cast on the question of separate county government shall be in favor of such separate county government, then the said territory hereinabove

described shall be and become a separate county from and after the day upon which the returns of said election shall be ascertained and declared by said Board of Commissioners. But 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.

SEC. 9. Sealed returns from the officers of election of the several precincts shall be made to the Board of Commissioners, at such office as they shall select in the city of Hanford, within six days after the day of election. Returns.

SEC. 10. Each person elected to fill an office of said county, under the provisions of this Act, shall qualify in the manner provided by law for such officers, and shall enter upon the discharge of the duties of his office within twenty days after the receipt of the certificate of his election. The person elected as Judge of the Superior Court shall qualify before the President of said Board of Commissioners; and persons elected to offices of said county other than the office of Judge of the Superior Court shall qualify before the Judge of the Superior Court, or before the President of said Board of Commissioners, which said President of said Board of Commissioners, for said purpose, shall have power to administer to each of said persons his official oath. Qualification of officers elected.

SEC. 11. The officers elected or appointed under the provisions of this Act shall each perform the duties and receive the compensation now provided by general law for the office to which he has been appointed or elected, in counties of the class to which the county of Kings belongs, under the general classification of counties in this State; and until otherwise provided by law, said county shall be classified as a county of the forty-third class. Duties and compensation of officers. Forty-third class.

SEC. 12. All Justices of the Peace, and all Constables, duly elected and qualified residents of the county of Kings at the taking effect of this Act, shall hold their offices for the terms provided by law, upon having duly qualified as Justices and Constables of the county of Kings for the respective townships in which they reside. All School Trustees, acting as such at the time of the taking effect of this Act, residents of the county of Kings, shall hold their offices for the time provided by law, upon having duly qualified as such for the respective school districts in which they severally reside, as such districts are now organized. Justices of the Peace and Constables. School Trustees.

SEC. 13. The Notaries Public of Tulare County, residents of the county of Kings at the dates of their appointments, shall hold their offices until the expiration of their terms. Notaries Public.

SEC. 14. The Judge of the Superior Court chosen under the provisions of this Act shall hold his office until the first Monday after the first day of January, eighteen hundred and ninety-seven, and until his successor is elected and qualified. The Assessor and Supervisors elected under the provisions of this Act shall hold their offices until the first Monday after the first day of January, eighteen hundred and ninety-five, or until Superior Judge. Assessor and Supervisors.

Terms of other officers.

their successors are elected and qualified. The other officers hereinbefore enumerated shall hold their offices until the first Monday after the first day of January, eighteen hundred and ninety-five, or until their successors are elected and qualified. The successors of the officers elected under this Act shall be chosen at the general election established by law which takes place next preceding the expiration of their respective terms of office.

Duty of Tax Collector.

SEC. 15. It shall be the duty of the Tax Collector of the county of Tulare, upon the demand of the Tax Collector of the county of Kings, to furnish, assign, and transfer to the Tax Collector of the county of Kings a complete list of all unpaid taxes assessed and levied during the year eighteen hundred and ninety-two, on property within the boundaries of the county of Kings. The Tax Collector of the county of Tulare shall file a duplicate list of such unpaid taxes assessed within the boundaries of the county of Kings, with the County Auditor of Tulare County. The Tax Collector of the county of Kings shall give to the Tax Collector of the county of Tulare a receipt for said list of unpaid taxes, and shall file a duplicate list with the Auditor of the county of Kings, and thereupon all such unpaid taxes shall become payable to the Tax Collector of the county of Kings, and he is hereby authorized to collect and receipt for the same.

List of unpaid taxes to be given Tax Collector of Kings County.

Duplicate list to be filed.

Census list furnished Superintendent of Schools of Kings County.

SEC. 16. The Superintendent of Schools of the county of Tulare shall furnish the Superintendent of Schools of the county of Kings with a certified copy of the last school census list of the different school districts in the territory set apart to form the county of Kings, and draw his warrant on the Treasurer of Tulare County in favor of Superintendent of Schools of the county of Kings, for all money that is or may be due, by apportionment or otherwise, to the different school districts of the county of Kings. The Auditor of the county of Tulare shall in like manner draw his warrant in favor of the Auditor of the county of Kings 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 the county of Kings, and said funds shall be properly credited to the respective districts in said Kings County.

Exchange of school and road moneys.

Supervisors to furnish books, and order records transcribed.

SEC. 17. The Board of Supervisors of Kings County are hereby authorized to provide suitable books, and contract with some competent person to transcribe from the records of Tulare County such parts thereof as relate to property situated in Kings County, and said records, when so transcribed and certified, shall have the same force and effect as such original records. The compensation for said services shall be fixed and allowed by the Board of Supervisors of Kings County, not to exceed for transcribing fifteen cents per folio. The Recorder of Tulare County shall examine said transcript and certify to the correctness of each deed, mortgage, and other instruments, 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.

Compensation.

Recorder to certify.

SEC. 18. The county of Kings shall be attached to and form a part of the Sixty-fourth Assembly District and of the Thirty-second Senatorial District as now established, until otherwise provided by law.

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

CHAPTER CLI.

An Act providing for the presentation and cancellation of unlocated school land warrants of the State of California, issued under the Act of the State of California, approved May 3, 1852, providing for the disposal of the five hundred thousand acres of land donated to the State of California by the Government of the United States, and authorizing the Controller of this State to draw his warrant on the State Treasurer for the sum of two dollars per acre, in favor of any bona fide owner and holder of any such land warrant, for every acre represented by any such land warrant.

[Approved March 23, 1893.]

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

SECTION 1. It is hereby enacted that each and every bona fide owner and holder of any unlocated school land warrant or warrants of the State of California, issued under and by virtue of the Act of the Legislature of the State of California, approved May third, eighteen hundred and fifty-two, providing for the disposal of the five hundred thousand acres of land donated to the State of California by the Government of the United States, shall be and is entitled to a warrant upon the State Treasurer of this State for the sum of two dollars per acre for every acre of land provided for by any such school land warrant; and the Controller of the State, upon the presentation to him of any such warrant, is hereby authorized to draw his warrant on the State Treasurer, payable out of the fund into which the purchase price of such school land warrant was deposited, in favor of any such owner and holder of any such school land warrant, for such sum as is herein provided for; *provided*; that before the receipt of said Controller's warrant any such person presenting any such school land warrant shall surrender to said Controller his warrant for cancellation, and shall, at the same time, file with the Controller his or her written release of all claims and demands against the State of California, from any matter or thing growing out of or in any manner connected with any such land warrant so redeemed.

SEC. 2. The provisions of section six hundred and seventy-two of the Political Code of this State are hereby declared and made non-applicable to the provisions of this Act.

SEC. 3. This Act shall take effect immediately.

What
Assembly
and Sena-
torial Dis-
trict.

Take effect.

Five hun-
dred thou-
sand acres
school
land war-
rants.

Warrant
for two
dollars per
acre.

Duty of
Controller.

CHAPTER CLII.

An Act to amend sections three hundred and sixty-four and six hundred and fifty-four of the Political Code, relating to the Board of Examiners, and to add a new section thereto, to be known as section six hundred and eighty-five of the Political Code, providing for the appointment of a clerk by said Board, and making an appropriation for his salary.

[Approved March 23, 1893.]

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

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

Who constitutes Board of Examiners.

364. The Board of Examiners shall consist of the Governor, the Secretary of State, the Attorney-General, and the Secretary of the Board, who shall be ex officio member, to act only in the absence from the State capital of any two of the members.

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

Chairman.

654. The Governor, and in his absence the Secretary of State, is Chairman of the Board of Examiners. The Governor

Secretary.

shall appoint a Secretary, to hold office during his pleasure, whose salary as Secretary and ex officio member of the Board shall be three thousand dollars per annum, payable as the salaries of other State officers. He is an executive officer attached to the Governor's office, and is authorized to administer oaths, and shall perform such duties, other than Secretary, as may be assigned to him by the Governor from time to time.

Duty of Secretary.

SEC. 3. A new section is added to the Political Code, to be known as section six hundred and eighty-five, as follows:

Clerk.

685. The Board may appoint a clerk for the Secretary of the Board, at an annual salary of sixteen hundred dollars, payable in the same manner as the salaries of other State officers.

Appropriation for salary of Clerk.

SEC. 4. There is hereby appropriated the sum of five hundred dollars out of any money in the State Treasury not otherwise appropriated, for the payment of the salary of the clerk for the Secretary of the Board for the forty-fourth fiscal year.

Duty of Controller.

SEC. 4½. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 5. This Act shall go into effect immediately after its passage.

CHAPTER CLIII.

An Act to establish Board of Parole Commissioners for the parole of and government of paroled prisoners.

[Approved March 23, 1893.]

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

SECTION 1. The State Board of Prison Directors of this State shall have power to establish rules and regulations under which any prisoner who is now or hereafter may be imprisoned under a sentence other than for murder in the first or second degree, who may have served one calendar year of the term for which he was convicted, and who has not previously been convicted of a felony, and served a term in a penal institution, may be allowed to go upon parole outside of the buildings and inclosures, but to remain while on parole in the legal custody and under the control of said Board of State Prison Directors, and subject at any time to be taken back within the inclosure of said prison; and full power to make and enforce such rules and regulations, and to retake and imprison any convict so upon parole, is hereby conferred upon said Board of Directors, whose written order, certified by the President of said Board, shall be a sufficient warrant for all officers named therein to authorize such officer to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all Chiefs of Police and Marshals of cities and villages, and the Sheriffs of counties, and of all police, prison, and peace officers, and constables, to execute any such order in like manner as ordinary criminal process. If any prisoner so paroled shall leave the State without permission from said Board, he shall be held as an escaped prisoner, and arrested as such.

Prison Directors to be Parole Commissioners, and to adopt rules, etc.

Prisoners may be paroled.

Return of paroled prisoner.

Duty of Sheriffs, Marshals, etc.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLIV.

An Act to compel savings banks to publish a sworn statement of all unclaimed deposits.

[Approved March 23, 1893.]

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

SECTION 1. The Cashier or Secretary of every savings bank, savings and loan society, and every institution in which deposits of money are made and interest paid thereon, shall, within fifteen days after the first day of December, in the year one

Cashier or Secretary to make statement to Bank Commissioners.

thousand eight hundred and ninety-three, and within fifteen days of the first day of December of each and every second succeeding year thereafter, return to the Board of Bank Commissioners a sworn statement, showing the amount standing to his credit, the last known place of residence or Post Office address, and the fact of death, if known to said Cashier or Secretary, of every depositor who shall not have made a deposit therein, or withdrawn therefrom any part of his deposit, or any part of the interest thereon, for a period of more than ten years next preceding; and the Cashiers or Secretaries of such savings banks, savings and loan societies, and institutions for deposit of savings, shall give notice of these deposits in one or more newspapers published in or nearest to the city, city and county, or town where such banks are situated, at least once a week for four successive weeks, the cost of such publications to be paid pro rata out of said unclaimed deposits; *provided, however,* that this Act shall not apply to or affect the deposit made by or in the name of any person known to the said Cashier or Secretary to be living, any deposit which, with the accumulations thereon, shall be less than fifty dollars.

Notice to be published.

Certain exceptions.

Duty of Bank Commissioners.

Penalty for neglect.

SEC. 2. The Board of Bank Commissioners shall incorporate in their subsequent report each return which shall have been made to them, as provided in section one of this Act.

SEC. 3. Any Cashier or Secretary of either of the banking institutions mentioned in section one of this Act neglecting or refusing to make the sworn statement required by said section one, shall be guilty of a misdemeanor.

CHAPTER CLV.

An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners, for the forty-fourth fiscal year.

[Approved March 23, 1893.]

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

Deficiency appropriation for transportation of prisoners.

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of two thousand five hundred dollars, to pay the deficiency in the appropriation for the transportation of prisoners for the forty-fourth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLVI.

An Act to amend section one thousand four hundred and forty-four of the Code of Civil Procedure, in relation to appraisements of estates of deceased persons.

[Approved March 23, 1893.]

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

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

1444. To make the appraisement, the Court, or a Judge thereof, must appoint three disinterested persons (any two of whom may act), who are entitled to receive a reasonable compensation for their services, not to exceed five dollars per day, to be allowed by the Court or Judge. The appraisers must, with the inventory, file a verified account of their services and disbursements. If any part of the estate is in any other county than that in which letters issued, appraisers thereof may be appointed, either by the Court or Judge having jurisdiction of the estate, or by the Court or Judge of such other county, on request of the Court or Judge having jurisdiction. No clerk or deputy, nor any person related by consanguinity or affinity to or connected by marriage or in business with the Judge of the Court, shall be appointed or shall be competent to act as appraiser in any estate, or matter or proceeding pending before such Judge or in said Court.

Apprais-
ers.
Compensa-
tion.
Estate in
other
county.
Who can
not act.

CHAPTER CLVII.

An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane, for the forty-fourth fiscal year.

[Approved March 23, 1893.]

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 moneys in the State Treasury not otherwise appropriated, the sum of twelve thousand dollars, to pay the deficiency in the appropriation for the transportation of insane for the forty-fourth fiscal year.

Deficiency
appropria-
tion for
transporta-
tion of
insane.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLVIII.

An Act to amend section seven of the Civil Code of the State of California, relating to legal holidays and non-judicial days.

[Approved March 23, 1893.]

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 so as to read as follows:

Holidays,
what are.

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 first Monday of October, 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 the 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 shall fall upon a Sunday, the Monday following is a holiday.

CHAPTER CLIX.

An Act to amend sections ten and one hundred and thirty-four of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days.

[Approved March 23, 1893.]

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:

What are
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 first Monday in October, 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:

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 first Monday of October, on the twenty-fifth day of December, on a-day upon 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:

No Court to be open, nor judicial business done.

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

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 and the Superior Courts 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 CLX.

An Act to amend section ten of the Political Code of the State of California, relating to legal holidays and non-judicial days.

[Approved March 23, 1893.]

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 first Monday of October, 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. What are holidays. 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.

CHAPTER CLXI.

An Act to provide for certain improvements in the State Insane Asylum at Stockton, California, and making an appropriation therefor.

[Approved March 23, 1893.]

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

Appropriation for State Insane Asylum at Stockton.

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended by the Board of Directors of the State Insane Asylum at Stockton, California, for the construction of new floors in the main halls and corridors of the female department of the said State Insane Asylum.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants in favor of the Board of Directors of the State Insane Asylum at Stockton, California, for the money herein appropriated, and the State Treasurer is hereby directed to pay said warrants.

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

CHAPTER CLXII.

An Act to make an appropriation to pay the claim of Henry Hogan, for services rendered for the State Board of Fish Commissioners, as special attorney therefor during the year 1890.

[Approved March 23, 1893.]

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

Claim of Henry Hogan.

SECTION 1. The sum of one hundred and fifty dollars (\$150) is hereby appropriated from any money in the State Treasury not otherwise appropriated, to pay the claim of Henry Hogan, for services rendered by him for the State Board of Fish Commissioners as special attorney therefor during the year eighteen hundred and ninety (as approved by the State Board of Examiners, September thirtieth, eighteen hundred and ninety).

SEC. 2. The Controller is hereby directed to draw his warrant in favor of said Henry Hogan for the sum of one hundred and fifty dollars (\$150), and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXIII.

An Act to appropriate money to prevent the introduction of contagious diseases.

[Approved March 23, 1893.]

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

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of the General Fund in the State Treasury, to be expended by the State Board of Health, under the direction of the Governor, for the prevention of the introduction of Asiatic cholera and other contagious and infectious diseases into the State. The claims of such expenditures must be audited by the Board of Examiners; except that when a contingency arises, which, in the opinion of the Governor, demands the immediate use of money, the Controller may draw his warrant, upon the order of the Governor, in such sums, not exceeding one thousand dollars, as he may direct, in the name of the State Board of Health; *provided*, that an account must be thereafter filed with the Board of Examiners, and audited by it, and transmitted to the Controller, showing the manner of such expenditure.

Appropriation.

Claims to be audited by Board of Examiners.

Proviso.

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

CHAPTER CLXIV.

An Act to provide for the purchase of apparatus and appliances for the protection of the buildings and property of the State Insane Asylum at Stockton, California, and making an appropriation therefor.

[Approved March 23, 1893.]

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

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended in the purchase of apparatus and appliances for the protection of the buildings and property of the State Insane Asylum at Stockton, California, from destruction by fire; the said moneys to be expended under the direction of the Board of Directors of the said State Insane Asylum.

Appropriation for State Insane Asylum at Stockton.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants in favor of the Board of Directors of said State Insane Asylum at Stockton, California, for the money hereby appropriated, and the State Treasurer is hereby directed to pay said warrants.

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

CHAPTER CLXV.

An Act to provide for furnishing assistants to the Coroner of each city, or city and county having one hundred thousand or more inhabitants, and providing the mode in which such assistants shall be appointed and designated, and establishing the compensation and prescribing the duties of such assistants.

[Approved March 23, 1893.]

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

- Coroner to appoint assistants.** SECTION 1. It shall be lawful for the Coroner of every city, or city and county of this State, having one hundred thousand or more inhabitants, to select and appoint five assistants. Such assistants shall hold their respective offices at the pleasure of said appointing power.
- Classification and designation of assistants.** SEC. 2. Such assistants shall be classified and designated as follows: First Deputy Coroner, Second Deputy Coroner, Third Deputy Coroner, Fourth Deputy Coroner, Messenger. Said deputies shall be allowed and receive salaries as follows:
- Salaries.** The salary of the First Deputy shall be two hundred dollars per month; the salary of the Second Deputy shall be one hundred and fifty dollars per month, the salary of the Third and Fourth Deputies shall be one hundred and twenty-five dollars per month each; the salary of the Messenger shall be seventy-five dollars per month. It shall be the duty of said deputies to act as Deputy Coroners in all matters, except as to those duties which are forbidden to be delegated. It shall be the duty of the Messenger to have charge of the dead-wagon, keep in order the morgue, and perform such other duties as are required by the Coroner or his deputies.
- Duty of assistants.** SEC. 3. The salaries of the said assistants shall be audited and paid monthly out of the General Fund of the said city, or city and county.
- Salary, how payable.** This Act shall take effect from and after its passage.

CHAPTER CLXVI.

An Act to amend section three hundred and fifty-nine, entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations and the increase and diminution of the capital stock, and the creation, increase, and diminution of the bonded indebtedness thereof.

[Approved March 23, 1893.]

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

SECTION 1. Section three hundred and fifty-nine of the Civil Code of the State of California is hereby amended so as to read as follows:

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 following provisions:

First—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 subscribed 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.

Second—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 once a week for at least sixty days. The capital stock cannot be diminished to an amount less than the indebtedness of the corporation.

Third—The bonded indebtedness of a corporation may be created or increased by a vote of the stockholders representing at least two thirds of the subscribed 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.

Notice to stockholders.

Fourth—In addition to the notice by publication, the Secretary of the corporation shall also address a notice to each of the stockholders whose name appears on the company's books as sufficiently addressed, at his place of residence if known, and if not known, then at the principal place of business of the corporation, which notice shall be mailed to such stockholders at least thirty days before the day appointed for such meeting.

Thirty days notice to be given.

Certificate of compliance with requirements.

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, and 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 meeting are to be published, the notices herein provided for shall be published in such paper unless publication thereof shall have ceased.

Certificate to be filed.

Publication of notice, where.

CHAPTER CLXVII.

An Act making an appropriation to pay the deficiency in the appropriation for the support of the Reform School for Juvenile Offenders at Whittier, for the forty-third and forty-fourth fiscal years.

[Approved March 23, 1893.]

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

Deficiency appropriation for Reform School for Juvenile Offenders.

SECTION 1. The sum of one hundred and six thousand 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 Reform School for Juvenile Offenders at Whittier, for claims approved and to be approved by the State Board of Examiners, for the forty-third and forty-fourth fiscal years.

SEC. 2. The Controller is hereby authorized to draw his warrants for the amount herein made payable, in such amounts and at such times as may be approved by the said State Board of Examiners, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXVIII.

An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds.

[Approved March 23, 1893.]

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

SECTION 1. After the passage of this Act, all property which shall pass, by will or by the intestate laws of this State, from any person who may die seized or possessed of the same while a resident of this State, or if such decedent was not a resident of this State at the time of death, which property, or any part thereof, shall be within this State, or any interest therein or income therefrom which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, lawful issue, brother, sister, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the State of California, and any lineal descendant of such decedent born in lawful wedlock, or the societies, corporations, and institutions now exempted by law from taxation, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property, or to the income thereof, shall be and is subject to a tax of five dollars on every hundred dollars of the market value of such property, and at a proportionate rate for any less amount, to be paid to the Treasurer of the proper county, as hereinafter defined, for the use of the State; and all administrators, executors, and trustees shall be liable for any and all such taxes until the same shall have been paid, as hereinafter directed; *provided*, that an estate which may be valued at a less sum than five hundred dollars shall not be subject to such duty or tax.

SEC. 2. When any grant, gift, legacy, or succession upon which a tax is imposed by section one of this Act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised, immediately after the death of the decedent, at what was the market value thereof at the time of the death of the decedent,

in the manner hereinafter provided; and the Superior Court in which the probate proceedings are pending shall thereupon assess and determine the value of the estate, income, or interest subject to said tax, in the manner recorded in section thirteen of this Act, and the tax prescribed by this Act shall be immediately due and payable to the Treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; *provided*, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the State of California, in a penalty of twice the amount of the tax arising upon personal estate, with such sureties as the said Superior Court may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the County Clerk of the proper county; *provided further*, that such person shall make a full and verified return of such property to said Court, and file the same in the office of the County Clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years.

When decedent appoints trustees. SEC. 3. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devise, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to said tax; and the Superior Court in which the probate proceedings are pending shall fix the compensation.

Taxes, when payable. SEC. 4. All taxes imposed by this Act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; *provided*, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond, in the form and to the effect prescribed in section two of this Act, for the payment of said tax, together with interest.

Penalty not to be charged in certain cases. SEC. 5. The penalty of ten per centum per annum imposed by section four hereof, for the non-payment of said tax, shall not be charged in cases where, by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be

settled at the end of eighteen months from the death of the decedent; and in such cases only seven per centum per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed.

Sec. 6. Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon upon the appraised value thereof from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall deduct said tax therefrom, and the same shall remain a charge on such real estate until paid. If, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money, he shall make application to the Superior Court having jurisdiction of his accounts, to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Duty of administrator, executor, etc. regarding taxes.

Sec. 7. All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

Power to sell property to pay tax.

Sec. 8. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the Treasurer of the county in which the probate proceedings are pending; and the said Treasurer shall give, and every executor, administrator, or trustee shall take, duplicate receipts for such payment, one of which receipts said executor, administrator, or trustee shall immediately send to the Controller of the State, whose duty it shall be to charge the Treasurer so receiving the tax with the amount thereof, and said Controller shall seal said receipt with the seal of his office, and countersign the same, and return it to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; and an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless he shall produce a receipt so sealed and countersigned by the Controller, or a copy thereof, certified by him.

Receipts for payment of tax.

Duty of Controller.

Sec. 9. Whenever any debts shall be proven against the estate of a decedent after the payment of legacies or distribution of property from which the said tax has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor,

Refund.

administrator, or trustee, if the said tax has not been paid to the County Treasurer or to the State Controller, or by them, if it has been so paid.

Transfer of stocks or loans subject to tax. SEC. 10. Whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this State standing in the name of a decedent, or held in trust for a decedent, which shall be liable to the said tax, such tax shall be paid to the Treasurer of the proper county, on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax; *provided*, that such corporation had knowledge before such transfer that said stocks or loans are liable to said tax.

Court to appoint appraiser. SEC. 11. In order to fix the value of property of persons whose estates shall be subject to the payment of said tax, the Superior Court in which the probate proceedings are pending, on the application of any interested party, or upon his own motion, shall appoint some competent person as appraiser, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice, by mail, to all persons known to have or claim an interest in such property, and to such persons as the Court may by order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same at its market value, and make a report thereof, in writing, to said Court, together with such other facts in relation thereto as said Court may by order require, to be filed with the Clerk of such Court; and from this report the said Court shall, by order, forthwith assess and fix the then cash value of all estates, annuities, and life estates or terms of years growing out of said estate, and the tax to which the same is liable, and shall immediately cause notice thereof to be given, by mail, to all parties known to be interested therein; and the value of every future, or contingent, or limited estate, income, or interest shall, for the purposes of this Act, be determined by the rule, method, and standards of mortality and of value which are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities, for the determination of the liabilities of life insurance companies, save that the rate of interest to be

Report to Court. assessed in computing the present value of all future interests and contingencies shall be five per centum per annum; and the Insurance Commissioner shall, on the application of said Court, determine the value of such future, or contingent, or limited estate, income, or interest, upon the facts contained in such report, and certify the same to the Court, and his certificate shall be conclusive evidence that the method of computations adopted therein is correct. The said appraiser shall be paid by the County Treasurer out of any funds that he may have in his hands on account of said tax, on the certificate of the Court, at the rate of five dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses.

Interest. SEC. 12. Any appraiser appointed by virtue of this Act who shall take any fee or reward from any executor, administrator,

Duty of Insurance Commissioner.

Payment of appraiser.

trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisoned in the county jail ninety days, or both, and in addition thereto the Court shall dismiss him from such service.

When appraiser guilty of misdemeanor.

Penalty.

SEC. 13. The Superior Court in the county in which is situate the real property of a decedent who was not a resident of the State, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this Act, and the Court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

Jurisdiction of Court.

SEC. 14. If it shall appear to the Superior Court, or Judge thereof, that any tax accruing under this Act has not been paid according to law, it shall issue a citation, citing the persons known to own any interest in or part of the property liable to the tax to appear before the Court on a day certain, not more than ten weeks after the date of such citation, and show cause why said tax should not be paid. The service of such citation, and the time, manner, and proof thereof, and the hearing and determination thereon, and the enforcement of the determination or decree, shall conform to the provisions of chapter twelve, of title eleven, of part three of the Code of Civil Procedure; and the Clerk of the Court shall, upon the request of the District Attorney or Treasurer of the county, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the County Clerk of any county in the State, without fee, in the same manner and with the same effect as provided by section six hundred and seventy-four of said Code of Civil Procedure for filing a transcript of an original docket.

Duty of Court.

Service of citation.

Duty of Clerk of Court.

SEC. 15. Whenever the Treasurer of any county shall have reason to believe that any tax is due and unpaid under this Act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the District Attorney of the proper county, in writing, of such failure to pay such tax, and the District Attorney so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding in the Superior Court in the proper county, as provided in section sixteen of this Act, for the enforcement and collection of such tax.

Duty of Treasurer and District Attorney regarding tax.

SEC. 16. The County Clerk of each county shall, every three months, make a statement, in writing, to the County Treasurer, of the property from which, or the party from whom, he has reason to believe a tax, under this Act, is due and unpaid.

Statement.

SEC. 17. Whenever the Superior Court of any county shall certify that there was probable cause for issuing a citation and taking the proceedings specified in section seventeen of this Act, the State Treasurer shall pay or allow to the Treasurer of any county all expenses incurred for services of citation,

Expenses of Treasurer.

and his other lawful disbursements that have not otherwise been paid.

Clerk to
keep
record.

SEC. 18. The Clerk of each Superior Court shall keep a book, in which he shall enter the returns made by appraisers, the cash value of annuities, life estates, and terms of years, and other property fixed by him, and the tax assessed thereon, and the amounts of any receipts for payments thereon filed with him, which books shall be kept in the office of the Superior Court, as a public record.

Duty of
Treasurer.

SEC. 19. The Treasurer of each county shall collect and pay the State Treasurer all taxes that may be due and payable under this Act, who shall give him a receipt therefor, of which collection and payment he shall make a report, under oath, to the Controller, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such particulars as the Controller may prescribe; and for all such taxes collected by him and not paid to the State Treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

Settle-
ment.

Interest.

Fees of
Treasurer.

SEC. 20. The Treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year, under this Act, in addition to his salary or fees now allowed by law, five per centum on the first fifty thousand dollars so paid and accounted for by him, three per centum on the next fifty thousand dollars so paid and accounted for by him, and one per centum on all additional sums so paid and accounted for by him.

Copy of
receipts.

SEC. 21. Any person, or body politic or corporate, shall, upon payment of the sum of fifty cents, be entitled to a receipt from the County Treasurer of any county, or a copy of the receipt, at his option, that may have been given by said Treasurer for the payment of any tax under this Act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any decedent may have died seized, said tax has been paid, and by whom paid, and whether or not it is in full of said tax; and said receipt may be recorded in the Clerk's office in the county in which said property is situate, in a book to be kept by said Clerk for such purpose, which shall be labeled "collateral tax."

Taxes to be
used for
school pur-
poses.

SEC. 22. All taxes levied and collected under this Act shall be paid into the treasury of the State, for the uses of the State School Fund.

SEC. 23. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

CHAPTER CLXIX.

An Act amendatory of and supplementary to an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County," passed March 23, 1876, in relation to the election of officers for said district, funding the floating debt, and refunding the funded debt thereof.

[Approved March 23, 1893.]

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

There are hereby added to said Act — sections, to be numbered, and to read as follows:

Section 16. The Board of Supervisors of Sutter County is hereby authorized and required to issue bonds of said district to the amount of forty thousand dollars, gold coin, to be sold by the County Treasurer of said county under directions from the Board of Directors of said district, as hereinafter provided, and the money realized from the sale of said bonds shall be paid into the County Treasury of said county, to be applied to the payment of —

1. The funded debt.

2. The floating debt of said district.

3. The repair of and strengthening the levee of said district by the Board of Directors.

Section 17. The Treasurer of said county shall prepare bonds, in form like those heretofore issued by said Board for said district, to the amount of forty thousand dollars; said bonds shall each be to an amount of not less than one hundred dollars nor more than five hundred dollars, and shall bear interest, represented by coupons attached thereto, at the rate of six per cent per annum, to be dated March first, eighteen hundred and ninety-three, and sold from time to time by the said Treasurer as required by the said Board of Directors, at a rate not less than par. The interest on said bonds shall be payable annually, on the first day of March in each year, at the office of said Treasurer of said county. When and as often as there shall be money in said treasury of the moneys of said district applicable to the payment of the principal of said bonds, the said Treasurer shall give reasonable public notice thereof, stating the amount in the treasury so applicable to the payment of such principal, and invite bids for such money, and the person who will surrender the greatest amount of such bonds shall be entitled to the same; *provided*, that no more than par shall be paid for such bonds. If, after such notice, no application for such money shall be made, the Treasurer shall publish a notice in some newspaper published in said county, addressed to the holders of certain unpaid bonds of said district, bearing the lowest numbers, giving the numbers and amounts of such bonds, and requesting the holders of such bonds to surrender

Board of Supervisors authorized to issue bonds.

Purposes.

Duty of Treasurer.

Interest

How payable

How payments are to be made.

No more than par to be paid.

Lowest numbered bonds to be redeemed first.

Coupons not to be paid. the same to the said Treasurer, at his office, within thirty days from the first publication, and receive his money, or thereafter the interest coupons annexed to such bonds will not be paid; and such interest coupons as shall thereafter fall due shall be null and void.

Bonds to be signed, by whom. Section 18. Said bonds shall be signed by the President of the Board of Supervisors, countersigned by the County Auditor, indorsed by the County Treasurer, and attested by the county seal impressed thereon. This Act shall not be so construed as to render the said county of Sutter liable for the payment of said bonds, or any part thereof, either principal or interest, which shall be expressed on the face of each of said bonds.

Construction of Act. Section 19. The said Directors shall immediately after the passage of this Act make out and deliver to said Treasurer, a statement containing the items of the floating debt now existing against said district, and when and as soon as there shall be sufficient money in said treasury applicable to the payment thereof, he shall pay off and discharge said floating debt from money raised from a sale of said bonds. If any bond shall be sold after any coupon is due, the coupon representing the interest shall be cut off and marked canceled by the Treasurer, who shall preserve the same so canceled.

Treasurer to pay floating debt. Section 20. It shall be the duty of said Auditor and Treasurer each to keep a separate record of such bonds as may be issued under this Act, showing the number, amount, and date of each bond, and to whom it was issued.

Coupons to be canceled in certain cases. Section 21. Coupons for the annual interest shall be attached to each bond, so that they can be removed from the bond without mutilating it. They shall each be signed by said Auditor and Treasurer. When any interest shall be paid upon any of said bonds, the County Treasurer shall detach the coupons for such interest, and cancel the same, and deliver the same to the County Auditor, taking his receipt therefor. The Auditor shall file and carefully preserve the same in his office.

Record of bonds issued. Section 22. The County Treasurer shall pay, out of any money in his hands belonging to said district, the expenses incurred in preparing said bonds and coupons; but the sum so paid shall not exceed one hundred dollars.

Coupons to be attached. Section 23. The County Treasurer shall keep a book in his office, in which he shall make an entry of each warrant or bond redeemed by him, from whom received, and in what manner redeemed.

To be canceled when paid. Section 24. The President of the Board of Supervisors and the County Auditor must, at least once in every three months, examine all bonds and warrants redeemed under this Act, and ascertain that the same have been properly registered, and must cause the same to be so canceled as to prevent a reissue thereof.

Expense preparing bonds to be paid. Section 25. There shall, for the year eighteen hundred and ninety-three, and annually thereafter, be levied, assessed, and collected a special tax in said district, to be called "Levee District Number Two Tax," which tax shall be levied on all the taxable real estate and improvements in the district; shall be

Treasurer's record of redeemed bonds. Duty of Supervisor and Auditor on redeemed bonds. Special tax to be levied and collected for payment of interest.

payable in gold coin; shall be sufficient in amount to provide for the payment of the interest on all said bonds. Said special tax shall be levied, assessed, and collected under the provisions of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Two, of Sutter County."

Section 26. There shall be levied annually in said district, under the provisions of this Act, an amount of tax sufficient to pay the annual interest on all bonds issued under the provisions of this Act, and at least one fortieth of the principal of said bonds, but not to exceed three fortieths of the said principal of said bonds, which sum when collected shall be applied to the extinguishment of said bonds, giving preference to those who will offer to surrender the most bonds for the same money; and the funds levied and collected as provided in this Act for the payment of the principal and interest on said bonds shall not be appropriated to any other purpose whatever.

Section 27. The Treasurer of Sutter County shall, on the first day of March, eighteen hundred and ninety-four, and annually thereafter, pay the interest falling due on the bonds issued under this Act, out of the "Levee Fund" of said district. Whenever there is in his hands any sum exceeding two hundred dollars, collected for the purpose of redeeming the principal of said bonds, or whenever there shall at any time remain a surplus of two hundred dollars or more in said "Levee Fund," he shall advertise in some public manner, to be prescribed by the Directors of said district, for a space of at least thirty days, for sealed proposals for the redemption of said bonds; said advertisement specifying the day and hour when, and the place where such proposals will be opened. At the time and place specified the Treasurer shall open said proposals in the presence of such persons as may be present, and shall redeem such bonds as are offered at the lowest rate to said levee district; *provided*, that no bond shall be redeemed at more than par.

Section 28. At all elections hereafter held for the election of Directors for said district, only owners of land in said district shall be entitled to vote, and each owner of land in said district shall be entitled to vote one vote for each one dollar of tax for reclamation purposes assessed against him or her, as the same appears on the last assessment roll of said district.

Section 29. This Act shall take effect immediately.

Take effect.

CHAPTER CLXX.

An Act making an appropriation to pay for the management and maintenance of the Southern California State Asylum for the Insane and Inebriates, for the forty-fourth fiscal year.

[Approved March 23, 1893.]

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

Appropriation for Southern California State Asylum for Insane and Inebriates. SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the expenses of management and maintenance of the Southern California State Asylum for the Insane and Inebriates, for the forty-fourth fiscal year.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXI.

An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered section one thousand two hundred and three, relating to liens of mechanics and others.

[Approved March 23, 1893.]

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 of the State of California, to be known and designated as section one thousand two hundred and three:

Bond to be filed. Terms of bond. 1203. Every contract required to be filed under the provisions of this chapter shall be accompanied by a good and sufficient bond in an amount equal to at least twenty-five per cent of the contract price, which said bond shall be filed at the same time and in the same manner as herein provided for the filing of such contract, or memorandum thereof. Said bond shall, by its terms, be made to inure to the benefit of any and all persons who perform labor for, or furnish materials to the contractor, or any person acting for him, or by his authority; and any such person shall have an action to recover upon said bond, against the principal and sureties, or either of them, for the value of such labor or materials, or both, not exceeding the amount of the bond; but such action shall not affect his lien, nor any action to foreclose the same, except that there shall be but one satisfaction of his claim, with costs and counsel fees. Any failure to comply with the provision of this section shall

render the owner and contractor jointly and severally liable in damages to any and all material men, laborers, and sub-contractors entitled to liens upon the property affected by said contract.

Failure to comply

CHAPTER CLXXII.

An Act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this State.

[Approved March 23, 1893]

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

SECTION 1. When any orphan or half orphan has been maintained in any orphans' asylum or orphans' home in the State of California for more than one year, the managers of said home or asylum shall be entitled to the guardianship of such child in preference to any other person; *provided, however,* that such managers shall not be appointed guardian of a minor child over fourteen years of age without its consent, nor shall this Act preclude the Court of competent jurisdiction from inquiring into the fitness of such managers for the guardianship of such children; but in exercising the power of the Court to appoint guardians for minors, the managers of the home having the care of such child for more than one year shall, if there be no special reasons to the contrary in any particular case, be preferred in the guardianship of the person of the child to the parent so leaving the child, without good cause therefor being shown, under the care of said home for the said time.

Preference as to guardianship

Consent to be obtained.

Duty of Court.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXIII.

An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a Board of Trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau.

[Approved March 23, 1893]

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

SECTION 1. There shall be and there is hereby established in the State of California a Mining Bureau, the principal office

Mining Bureau established.

of which shall be maintained in the city of San Francisco, which said Mining Bureau shall be under the supervision of a Board of Trustees, to be known as the Board of Trustees of the State Mining Bureau; and it shall be the duty of, and the Governor of the State of California is hereby authorized and empowered, to appoint five residents and citizens of the State to be such Trustees.

Governor to appoint Trustees.

Oath of office.

Term of office.

Power of officers, and rules.

SEC. 2. The appointees shall take the same oath of office as other State officers, and when duly qualified and assembled shall constitute the Board of Trustees of the State Mining Bureau. They shall hold office for four years from the date of their appointment, or until the qualification of their successors, and shall receive no compensation for their services. They shall have control of all properties and funds of said Bureau, and shall have the power by the name of said Board to sue and defend. Three of them shall constitute a quorum for the transaction of business. They shall elect one of their number to be President of said Board, and shall keep a record of their proceedings. They shall adopt rules and regulations for their government not in conflict with the laws of the State.

Governor to appoint Mineralogist.

Term of office.

Oath and bond.

Salary, and payable from what fund.

SEC. 3. It shall be the duty of the Governor of the State of California, and he is hereby empowered to appoint a citizen and resident of this State, having a practical and scientific knowledge of mining and mineralogy, to the office of State Mineralogist, which office is hereby created. Said State Mineralogist shall hold his office for the term of four years from the date of his appointment, or until the qualification of his successor. He shall take and subscribe the same oath of office as the other State officers, and shall give bond for the faithful performance of his duties in the sum of twenty-five thousand dollars, said bond to be approved by the Governor of the State of California. He shall receive for his services a salary of two hundred and fifty dollars per month, to be paid in the same manner as the salaries of other State officers, and shall also receive his necessary traveling expenses when traveling on the business of his office, said expenses, when approved by the Board of Trustees of the Mining Bureau, to be allowed and audited by the State Board of Examiners. The said salary and expenses shall be paid out of the Mining Bureau Fund, herein provided for, and not otherwise.

General duties of State Mineralogist.

SEC. 4. It shall be the duty of said State Mineralogist to make, facilitate, and encourage special studies of the mineral resources and mineral industries of the State. It shall be his duty: To collect statistics concerning the occurrence of the economically important minerals and the methods pursued in making their valuable constituents available for commercial use; to make a collection of typical geological and mineralogical specimens, especially those of economic or commercial importance, such collection constituting the Museum of the State Mining Bureau; to provide a library of books, reports, and drawings bearing upon the mineral industries, the sciences of mineralogy and geology, and the arts of mining and metallurgy, such library constituting the Library of the State Mining Bureau; to

make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes; to preserve and so maintain such collections and library as to make them available for reference and examination, and open to public inspection at reasonable hours; to maintain, in effect, a bureau of information concerning the mineral industries of this State, to consist of such collections and library, and to arrange, classify, catalogue, and index the data therein contained, in a manner to make the information available to those desiring it, and to provide a custodian specially qualified to promote this purpose; to make a biennial report to the Board of Trustees of the Mining Bureau, setting forth the important results of his work, and to issue from time to time such bulletins as he may deem advisable concerning the statistics and technology of the mineral industries of this State.

General
duties of
State Min-
eralogist.

To report.

SEC. 5. Said State Mineralogist shall have the right to appoint competent assistants and qualified specialists when necessary in the execution of his plans, and fix their compensations; but all such appointments and compensations shall be subject to the approval and confirmation of said Board of Trustees, and shall not become effective unless so confirmed and approved. And it shall be the duty of the State Mineralogist to consult the said Board of Trustees upon all matters appertaining to his official duties, and he shall at all times perform such duties subject to the supervision and approval of said Board of Trustees.

State Min-
eralogist to
appoint
assistant.

Subject to
Trustees

To consult
with
Trustees.

SEC. 6. It shall be the duty of the Board of Trustees of the State Mining Bureau, when the funds of said Mining Bureau will permit, to procure and maintain the necessary rooms and furniture for the offices and uses of the said Board of Trustees and the State Mineralogist, and the museum and library of the Mining Bureau, in San Francisco; *provided, however*, that the entire expenses of the State Mining Bureau for salaries, assistance, light, rent, fuel, furniture, and all other things pertaining to said Bureau must not, in any one year, be greater than can be paid out of the Mining Bureau Fund herein provided.

Trustees to
procure
rooms, etc.

Limitation
as to funds.

SEC. 7. The Board of Trustees of the State Mining Bureau shall manage and control all the finances of said Mining Bureau, and shall make rules regulating the custody and disbursement of the funds of the State Mining Bureau, and the mode of drawing the same from the State Treasury.

Rules gov-
erning
Bureau.

SEC. 8. The Board of Trustees of the State Mining Bureau shall biennially report to the Governor of the State the condition of the Bureau, with a statement of the receipts and disbursements in detail, and with said report shall be incorporated the biennial report of the State Mineralogist, and the report of said Board of Trustees and State Mineralogist shall be printed as are the reports of the other State officers.

Trustees to
report to
Governor.

SEC. 9. The Board of Trustees of the State Mining Bureau are hereby empowered and authorized to receive, on behalf of the State, for the use and benefit of the State Mining Bureau, gifts, bequests, devises, and legacies of real or other property, and to use the same in accordance with the wishes of the

Trustees
authoriz-
ed to receive
gifts, etc.

donors; and if no instructions are given by said donors, to manage, use, and dispose of the said gifts, bequests, and legacies for the best interests of the said Mining Bureau in the manner they may deem proper.

May display at World's Fair.

SEC. 10. The State Mineralogist may, with the approval of the Board of Trustees of the State Mining Bureau, prepare a special collection of ores and minerals of California, to be sent to any World's Fair or Exposition at which they may deem it advisable or desirable to display the mineral wealth of the State.

Mining Bureau Fund, what constitutes

SEC. 11. The Mining Bureau Fund herein mentioned, and out of which all the expenses of the State Mining Bureau shall be paid, shall consist of such property or moneys as may come into the hands of the Board of Trustees of said Bureau by gift, bequest, devise, or legacy; of such moneys as may, from time to time, be appropriated by the Legislature of the State for the use of said Bureau, and of such moneys as shall be paid into the State Treasury for the use and benefit of said Bureau, as provided in the following section.

Funds collected by county officers to be transmitted.

SEC. 12. It shall be the duty of the Tax Collectors in the several counties in the State and of the License Collector of the City and County of San Francisco, on the second Monday in January, April, July, and October, in each year, to transmit by express, to the State Treasury, all moneys collected by them from mining corporations, or from corporations formed for milling ores or for supplying water for mining purposes under or by virtue of the Act entitled "An Act imposing a tax on the issue of certificates of stock corporations," approved April first, eighteen hundred and seventy-eight, and to forward to the State Controller, by mail, a certificate showing the amount of money so forwarded to the State Treasurer, and the date when the same was transmitted, and also showing the names of the several corporations from which the same was received, and the amount received from each. The State Treasurer shall receive the amounts so transmitted, and give duplicate receipts therefor, one of which shall be filed with the State Controller, and the other shall be forwarded to the Collector from whom the money was received; and after paying out of the money so received the charges for the transmission thereof, the amount of which shall be noted on the receipt filed with the State Controller, he shall retain the remainder in his hands and place it in the Mining Bureau Fund, said Mining Bureau Fund to be used only in the payment of drafts made for the expenses of the Mining Bureau established under this Act.

Duty of State Treasurer.

SEC. 13. Such Tax Collectors and License Collectors shall hereafter be required to pay into the County Treasuries of their respective counties only that portion of the moneys collected by them under the Act of the Legislature mentioned in the last preceding section, approved April first, eighteen hundred and seventy-eight, which is collected from corporations other than those mentioned in section twelve of this Act.

Duty of Tax and License Collectors.

SEC. 14. The Board of Trustees now known as the Board

of Trustees of the State Mining Bureau shall perform the duties of the Board of Trustees of the State Mining Bureau, as in this Act provided, and administer the affairs of the State Mining Bureau, as in this Act provided, until the appointment and qualification of their successors, as in this Act provided; and the State Mineralogist now performing the duties of the office of State Mineralogist shall perform the duties of the office of State Mineralogist, as in this Act provided, until the appointment and qualification of his successor, as in this Act provided.

Duty of Trustees and State Mineralogist.

SEC. 15. The 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 entitled "An Act supplementary to an Act entitled 'An Act for the establishment and maintenance of a Mining Bureau,' approved April sixteenth, eighteen hundred and eighty," approved March twenty-first, eighteen hundred and eighty-five, and all Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

Certain Acts repealed.

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

Takes effect, when.

CHAPTER CLXXIV.

An Act to amend section four hundred and ten of the Code of Civil Procedure, relative to the manner of serving summons and complaint.

[Approved March 23, 1893.]

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

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

410. The summons may be served by the Sheriff of the county where the defendant is found, or by any other person over the age of eighteen, not a party to the action. A copy of the complaint must be served, with the summons, upon each of the defendants. When the summons is served by the Sheriff, it must be returned, with his certificate of its service, and of the service of any copy of the complaint, where such copy is served, to the office of the Clerk from which it issued. When it is served by any other person, it must be returned to the same place, with an affidavit of such person of its service, and of the service of a copy of the complaint, where such copy is served.

Who may serve summons.

Certificate of service of summons.

CHAPTER CLXXV.

An Act relating to the operation of railroads.

[Approved March 23, 1893.]

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

Authority
to use elec-
tricity.

SECTION 1. Every railroad company now or hereafter engaged in the business of operating a railroad or railroads, by steam motive power, in the State of California, is hereby authorized and empowered to use electricity or steam, or both electricity and steam, for the purpose of propelling cars or trains on such railroad or railroads, or upon any portion thereof; *provided*, that in incorporated cities and towns having more than five thousand inhabitants, authority must first be obtained from the legislative authority of such city or town, in the same manner in which franchises are granted.

Permission
to be ob-
tained.

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 CLXXVI.

An Act to add a new section to the Political Code, to be known and designated as section three thousand four hundred ninety-three and one half, relating to suits to determine the validity of assessments in reclamation districts.

[Approved March 23, 1893.]

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 a half:

Duty of
Trustees
regarding
suits.

3493}. At any time within one year after the filing of the list mentioned in section three thousand four hundred and sixty-two, the Board of Trustees of the district may, in the name of the district, commence and prosecute an action in the Superior Court of the county in which the district is situated, or, if the district is situated in different counties, then in the Superior Court of the county in which the greater portion of the district is situated, to determine the validity of the assessment; and in said action, any one or more of the owners of land embraced within the district may, at the election of said Board of Trustees, be made defendants in said action.

Service of
summons.

The summons shall require the defendant or defendants, if more than one, to answer the complaint within ten days after

the service of the summons, if served within the State; and if any one of the defendants upon whom service of the summons shall have been made shall fail to answer the complaint within the time specified in the summons, his default shall be entered by the Clerk of the Court, and judgment shall thereafter be given and made against him, without costs.

Default.

In any action prosecuted under this section, the Court shall decree the validity or invalidity of the assessment in accordance with what the Court may determine the facts to be.

Duty of Court.

The plaintiff shall only be required to allege in its complaint that plaintiff is a swamp land or reclamation district, organized and existing under the laws of the State of California, having a Board of Trustees; that the defendant, or defendants, as the case may be, are the respective owners of certain several tracts of land situated in the district; that within one year next preceding the date of the filing of the complaint, the sum of \$—— (naming the full amount of the assessment) was, by Commissioners of Assessment duly authorized and empowered therefor, legally assessed upon the lands situated within the district, in the manner required by law; that the list required by section three thousand four hundred and sixty was filed in office of the County Treasurer of —— County (designating the county in which the district is situated) on the —— day of ——, —— (specifying the date of such filing), or, if the district be situated in different counties, then that the original list was filed with the County Treasurer of —— County (designating the county where the petition was filed) and that a copy of said list, certified by the said Commissioners of Assessment, was filed with the County Treasurer of each of the other said counties (respectively designating the name of each county, and specifying the day and date when such copy of said list was filed with the County Treasurer thereof; and that the defendant, or defendants, if more than one, dispute and deny the validity of said assessment).

Allegations of complaint

The complaint must also separately describe the tract or tracts of land belonging to each of the defendants in the action, designating the name or names of the owners thereof, respectively; and must state the amount assessed upon and against each of said tracts.

Complaint must contain separate descriptions and amounts.

Any one or more persons owning land embraced within the district, who shall not have been made a defendant, or defendants, originally, in the action, may, at any time before the trial of the action (and without applying to the Court for leave), voluntarily submit themselves, respectively, to the jurisdiction of the Court in the action, by filing their respective answers therein, and serving copies thereof upon the plaintiff's attorneys; and the judgment thereafter given and made in the action shall be as conclusive and as binding upon each of them, respectively, and their respective executors, administrators, heirs, and assigns, as it would have been had they been made defendants in the action originally, and service of the summons had been duly made upon them as original defendants

Parties not made defendants may become defendants, how

Judgment in such cases.

therein. If any defendant contests the validity of the assessment he shall set forth in his answer wherein the assessment is illegal, and his answer must be verified.

Proceedings under this Act not a bar to other actions under the Code.

Neither the commencement nor the prosecution of an action under the provisions of this section shall be a bar to or prevent the commencement or the prosecution of an action brought under other provisions of the Code for the recovery of money assessed upon the lands situated in any reclamation district; but the judgment given and made in the action brought under the provisions of this section shall be conclusive between the parties thereto as to the validity or invalidity of the assessment; and all actions prosecuted under the provisions of this section shall be tried without unnecessary delay, and shall have precedence of all other actions, except probate and criminal actions.

CHAPTER CLXXVII.

An Act to regulate the sale of imitation olive oil, and to repeal an Act entitled "An Act to regulate the sale of olive oil," approved March 10, 1891.

[Approved March 23, 1893.]

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 to read as follows:

Imitation oil, what constitutes.

Section 1. That for the purpose of this Act every article, substance, or compound, or oil other than that extracted solely from the fruit of the olive tree, made in the semblance of olive oil extracted solely from the fruit of the olive tree, is hereby declared to be imitation olive oil.

Imitation oil to be labeled

Sec. 2. Each person who manufactures imitation olive oil shall place upon every bottle, can, or other vessel containing such imitation oil, a label, with the words "imitation olive oil" printed thereon in capital letters, in a clear and durable manner, in the English language, in plain type, designated and known as twenty-four-point letter type (two-line pica), of a Gothic face; said label shall also state plainly the name and address of the manufacturer or compounder, the name and place where manufactured and put up, and also the names and actual percentages of the different ingredients contained in each bottle, can, or vessel.

Letters, kind of type to be used

Names of ingredients to be given.

Not to be consigned unless marked.

Sec. 3. No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any imitation olive oil, unless the same be marked as provided in section two of this Act; and no carrier shall knowingly receive, for the purpose of forwarding or transporting, any imitation olive oil, unless it shall be marked as hereinbefore provided, consigned, and by the carrier receipted for, as imitation olive oil; provided, that this Act shall not

Proviso.

apply to any goods in transit between foreign countries and across the State of California.

SEC. 4. No person shall knowingly have in his possession or under his control, any imitation olive oil, unless the bottle, can, or vessel, or other package containing the same, be clearly marked, as provided in section two of this Act.

Not to be in possession.

SEC. 5. No person, by himself or another, shall knowingly sell or offer for sale imitation olive oil under the name of or under the pretense that the same is pure olive oil; and no person, by himself or another, shall knowingly sell any imitation olive oil unless he shall inform the purchaser at the time of sale that the same is imitation olive oil, and shall deliver to the purchaser at the time of sale a statement, clearly printed in the English language, which shall refer to the article sold, and which shall contain, in plain type, designated and known as twenty-four-point letter type (two-line pica), of a Gothic face, in capital letters, the words "imitation olive oil," and shall give the name and place of business of the manufacturer or compounder.

Not to be sold as pure olive oil.

Purchaser to be informed of imitation oil.

Statement, what to contain.

SEC. 6. Every person having possession or control of any imitation olive oil, which is not marked as required by the provisions of this Act, shall be presumed to have known, during the time of such possession or control, that the same was imitation olive oil.

Presumption as to persons having imitation oil.

SEC. 7. No person shall expose for sale any oil bearing the semblance of olive oil, manufactured out of the State, and represent that it is manufactured in this State, nor shall offer for sale any such oil upon the receptacle of which is any cut, design, or mark intended to convey the belief that such is manufactured in this State.

False representation as to imitation oil.

SEC. 8. Whoever shall violate any of the provisions or sections of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both fine and imprisonment, as the Court may direct.

Penalty for violation of provisions of this Act.

SEC. 9. It shall be the duty of the State Board of Horticulture and the State Analyst to enforce the provisions of this Act.

Who to enforce.

SEC. 10. An Act entitled "An Act to regulate the sale of olive oil," approved March tenth, eighteen hundred and ninety-one, is hereby repealed.

Certain Act repealed.

CHAPTER CLXXVIII.

An Act to amend section one thousand five hundred and thirty-six, section one thousand five hundred and thirty-seven, section one thousand five hundred and thirty-eight, section one thousand five hundred and forty-two, section one thousand five hundred and forty-three, and section one thousand five hundred and forty-five of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1873, all relating to estates of deceased persons.

[Approved March 23, 1893.]

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

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

When executor or administrator may sell property.

1536. When a sale of property of the estate is necessary to pay the allowance of the family, or the debts outstanding against the decedent, or the debts, expenses, or charges of administration, or legacies; or when it appears to the satisfaction of the Court that it is for the advantage, benefit, and best interests of the estate, and those interested therein, that the real estate, or some part thereof, be sold, the executor or administrator may sell any real as well as personal property of the estate, upon the order of the Court; and an application for the sale of real property may also embrace the sale of personal property.

Sec. 2. Section one thousand five hundred and thirty-seven of the Code of Civil Procedure is amended to read as follows:

Petition to be filed.

1537. To obtain such order for the sale of real property, he must present a verified petition to the Superior Court, or a Judge thereof, setting forth the amount of the personal estate that

Must show what.

has come to his hands, and how much thereof, if any, remains undisposed of; the debts outstanding against the decedent, as far as can be ascertained or estimated; the amount due upon the family allowance, or that will be due after the same has been in force for one year; the debts, expenses, and charges of administration already accrued, and an estimate of what will or may accrue during the administration; a general description

Description of property of decedent.

of all the real property of which the decedent died seized, or in which he had any interest, or in which the estate has acquired any interest, and the condition and value thereof, and whether the same be community or separate property; the names of the legatees and devisees, if any, and the heirs of the deceased, so far as known to the petitioner; and if said order for sale

Petition must show advantages of sale.

of real estate is petitioned for on the ground that it is for the advantage, benefit, and best interests of the estate, and those interested therein, that a sale be made, the petition, in addition to the foregoing facts, must set forth in what way an advantage or benefit would accrue to the estate, and those interested

therein, by such sale. If any of the matters here enumerated cannot be ascertained, it must be so stated in the petition; but a failure to set forth facts hereinbefore enumerated will not invalidate the subsequent proceedings, if the defect be supplied by the proofs at the hearing, and the general facts, showing that such sale is necessary, or that such sale is for the advantage, benefit, and best interests of the estate, and those interested therein, be stated in the decree.

Failure to set forth facts will not invalidate.

SEC. 3. Section one thousand five hundred and thirty-eight of the Code of Civil Procedure is amended to read as follows:

1538. If it appears to the Court or Judge, from such petition, that it is necessary, or that it would be for the advantage, benefit, and best interests of the estate, and those interested therein, to sell the whole or some portion of the real estate, for the purposes and reasons mentioned in the preceding section, or any of them, such petition must be filed, and an order thereupon made, directing all persons interested in the estate to appear before the Court, at a time and place specified, not less than four nor more than ten weeks from the time of making such order, to show cause why an order should not be granted to the executor or administrator for the sale of such estate.

Duty of Judge, or Court.

Persons interested ordered to show cause.

SEC. 4. Section one thousand five hundred and forty-two of the Code of Civil Procedure is amended to read as follows:

1542. If it appears to the satisfaction of the Court, or a Judge thereof, that it is necessary, or that it is for the advantage, benefit, and best interests of the estate, and those interested therein, to sell a part of the real estate, and that by a sale thereof, the residue of the estate, real or personal, or some specific part thereof, would be greatly injured or diminished in value, or subjected to expense, or rendered unprofitable, or that after any such sale the residue would be so small in quantity or value, or would be of such a character with reference to its future disposition among the heirs or devisees, as clearly to render it for the best interests of all concerned that the same should be sold, the Court may authorize the sale of the whole estate, or any part thereof, as in the judgment of the Court is necessary, or for the advantage, benefit, and best interests of the estate, and those interested therein.

If sale of certain part is injurious to estate, Court may order sale of whole estate.

SEC. 5. Section one thousand five hundred and forty-three of the Code of Civil Procedure is amended to read as follows:

1543. If it appears to the satisfaction of the Court, after a full hearing upon the petition and an examination of the proofs and allegations of the parties interested, that a sale of the whole or some portion of the real estate is necessary for any of the causes mentioned in this article, or that a sale of the whole or some portion of the real estate is for the advantage, benefit, and best interests of the estate and those interested therein, or if such sale be assented to by all the persons interested, an order must be made to sell the whole, or so much and such parts of the real estate described in the petition as the Court shall judge necessary, or for the advantage, benefit, and best interests of the estate and those interested therein.

Court to order sale on certain conditions.

SEC. 6. Section one thousand five hundred and forty-five of the Code of Civil Procedure is amended to read as follows:

If executor or administrator refuses to apply for order of sale, party interested may do so.

1545. If the executor or administrator neglects or refuses to apply for an order of sale when it is necessary, or when it is for the advantage, benefit, and best interests of the estate, and those interested therein, that the real estate, or some portion thereof, be sold, any person interested may make application therefor in the same manner as the executor or administrator, and notice thereof must be given to the executor or administrator before the hearing. The petition of such applicant must contain as many of the matters set forth in section one thousand five hundred and thirty-seven as he can ascertain, and the decree of sale must fix the period of time within which the executor or administrator must make the sale.

CHAPTER CLXXIX.

An Act to amend an Act approved February 28, 1887, 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 7, 1883," providing for an increase in the annual appropriation therefor, and changing the time for the payment thereof.

[Approved March 23, 1893.]

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

SECTION 1. Sections one and two of an 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," are hereby amended to read as follows:

\$150 per annum appropriated for support of each veteran.

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the support and maintenance of veterans of the late Mexican and Civil wars, in indigent circumstances, residing in the Veterans' Home, under the auspices of the Veterans' Home Association, a corporation duly created and existing under the laws of the State of California, the sum of one hundred and fifty dollars per annum for each such veteran duly admitted to and residing in such Home; *provided*, that in no one year shall a sum exceeding forty-five thousand dollars be paid by virtue of such appropriation.

Aid, when to commence.

Section 2. The aid herein granted shall commence the day following after each such veteran shall commence bona fide to reside and be supported in such Home, and shall be paid by the State in quarterly installments.

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

CHAPTER CLXXX.

An Act making an appropriation to pay the deficiencies in the appropriation for traveling expenses for the Surveyor-General and the Attorney-General when engaged in contests between the State and the United States in relation to public lands, for the forty-third fiscal year.

[Approved March 23, 1893.]

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

SECTION 1. The sum of three hundred fifty-eight and seventy-five one hundredths dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiencies in the appropriation for traveling expenses of the Surveyor-General and Attorney-General when engaged in contests between the State and the United States in relation to public lands, for the forty-third fiscal year, as approved by the State Board of Examiners.

Appropriation for deficiency for traveling expenses of Surveyor-General and Attorney-General.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXXI.

An Act to amend section six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved April 11, 1872, relating to fish and game.

[Approved March 23, 1893.]

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

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

636. Every person who shall set, use, or continue, or who shall assist in setting, using, or continuing any pound, weir, set net, trap, or any other fixed or permanent contrivance for catching fish in the waters of this State, is guilty of a misdemeanor. Every person who shall cast, extend, or set any seine, or net of any kind, for the catching of fish in any river, stream, or slough of this State, which shall extend more than one third across the width of said river, stream, or slough, at the time and place of such fishing, is guilty of a misdemeanor. Every person who shall cast, extend, set, use, or continue, or who shall assist in casting, extending, using, or continuing

Misdemeanor to set net, pound, etc., fish.

One third way across stream.

"Chinese sturgeon lines," or "Chinese shrimp or bag nets," or "Chinese sturgeon lines," or "Chinese shrimp or bag nets." Young fish. "Chinese sturgeon lines" or "Chinese shrimp or bag nets," for the catching of fish in the waters of this State, is guilty of a misdemeanor. Every person who, by seine or any other means, shall catch the young fish of any species, and who shall not return the same to the water immediately and alive, or who shall sell or offer for sale any such fish, fresh or dried, is guilty of a misdemeanor; *provided*, that it shall be permissible to use or set any sturgeon gear which will protect fish by catching sea lions and other fish-destroying animals; such gear to consist of hooks made from not larger than number three, nor smaller than number five, wire or forged iron, standard measurement. Permission to set or use said hooks shall only be granted by the State Board of Fish Commissioners, and upon the payment to them of an annual license of ten dollars. Every person who shall set, use, or cause to be set or used, or assist in the same, except as provided herein, is guilty of a misdemeanor. Every person convicted of a violation of any of the provisions of this chapter shall be punished by a fine of not less than one hundred dollars, and not more than five hundred dollars, or imprisonment in the county jail of the county where the offense was committed for not less than sixty days nor more than twelve months, or by both such fine and imprisonment. One third of all moneys collected for fines for violation of the provisions of this chapter to be paid to the informer, one third to the District Attorney of the county in which the action is prosecuted, and one third to the Fish Commissioners of the State of California. Nothing in this chapter shall be construed to prohibit the United States Fish Commissioners, or the Fish Commissioners of the State of California, from taking such fish as they shall deem necessary for the purpose of artificial hatchery, nor at any time. It shall not be lawful for any person to buy or sell, or offer or expose for sale, within this State, any kind of trout (except brook trout) less than eight inches in length. Any person violating any of the provisions of this section is guilty of a misdemeanor. The Board of Supervisors of the several counties of this State are authorized by ordinance, duly passed and published, to change the beginning and ending of the close season named in section six hundred and twenty-six of this Code, so as to make the same conform to the needs of their respective counties, whenever, in their judgment, they deem the same advisable.

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

CHAPTER CLXXXII.

An Act to prevent compulsory prostitution of women, and the importation of Chinese or Japanese women for immoral purposes, and to provide penalties therefor.

[Approved March 23, 1893.]

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

SECTION 1. Every person who, within this State, takes by inducement any female, against her will and without her consent, for the purpose of prostitution, is punishable by imprisonment in the State's Prison not exceeding five years, and a fine not exceeding one thousand dollars. Penalty for prostituting women

SEC. 2. Every person who takes any woman unlawfully, and against her will, and by force, menace, or duress, compels her to live with him in an illicit relation, against her consent, or to so live with any other person, is punishable by imprisonment in the State's Prison not less than two nor more than four years. Punishment for illicit relations.

SEC. 3. Every person bringing to, on landing within this State, any woman born in the Empire of China or Japan, or the islands adjacent to the Empire of China, with intent to place her in charge or custody of any other person, and against her will to compel her to reside with him, or for the purpose of selling her to any person whatsoever, is punishable by a fine not less than one nor more than five thousand dollars, or by imprisonment in the county jail not less than six nor more than twelve months. Punishment for prostitution of Chinese or Japanese women.

SEC. 4. Any person who shall sell or receive any money or other valuable thing for or on account of his placing in custody any female for the purpose of causing her to cohabit with any other male or persons to whom she is not married, shall be guilty of a misdemeanor. Misdemeanor to offer to sell female.

SEC. 5. Any person who shall purchase or pay any money or other valuable thing for any female for the purpose of prostitution, or for the purpose of placing her for immoral purposes in any house or place against her will, shall be fined not less than one thousand dollars nor more than five thousand dollars, and by imprisonment in the county jail for a period not less than one year, nor more than five years. Misdemeanor to purchase or pay for female for prostitution.

SEC. 6. Every person who shall sell any woman, or receive any money or other valuable thing for or on account of his placing in custody for immoral purposes any woman, with or without her consent, is punishable by imprisonment in the State's Prison not exceeding five years, and a fine not exceeding one thousand dollars. Punishment for selling, etc., women for immoral purposes.

CHAPTER CLXXXIII.

An Act to provide for the publication of the State Blue Book, or Roster.

[Approved March 23, 1893.]

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

Authority to publish blue book.

SECTION 1. The Secretary of State is hereby authorized to compile, publish, and distribute five thousand copies of a State Blue Book, or Roster. The volume shall be ready to distribute at the beginning of the next fiscal year, and at the same time biennially thereafter.

How to be distributed.

SEC. 2. The volumes shall be distributed as follows: To the Governor of the State, twenty-five copies; to each elective State officer, Senator, and Assemblyman, ten copies; to the Clerk, Sheriff, and District Attorney of every county of the State, one copy each; to every Judge of the Supreme Court, Supreme Court Commissioners, and Superior Judges, a copy; to the Mayor of every city, or Chairman of its Trustees, in this State, a copy; to the State Library, five copies; and every public and every law library, a copy; to the Governor and Secretary of State of every State in the Union, a copy; to the Congressional Library at Washington, D. C., five copies. The remainder of the volumes shall be distributed at discretion by the Secretary of State.

SEC. 3. The Act of March thirty-first, eighteen hundred and ninety-one, on the same subject, is hereby repealed.

CHAPTER CLXXXIV.

An Act authorizing the appointment of trustees for the estates of missing persons, and defining the duties of such trustees.

[Approved March 23, 1893.]

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

Resident of State missing ninety days. Court to appoint trustee.

SECTION 1. That whenever any resident of this State has been or may hereafter be missing, or his whereabouts unknown, for the period of ninety days, and any such person owns, is seized, or entitled to the seizin or the possession of any real or personal property in this State, and it is represented to the Superior Court, or a Judge thereof, of any county in which such person owns any property, upon verified petition of the wife or of any relative or friend of such person, that his whereabouts has been unknown for such period of time and is still unknown, and that his estate requires the attention, supervision, and care of ownership, it shall be the duty of such Court

to appoint some suitable person or persons to take charge and possession of such estate as trustee, and to manage and control the same under the direction of said Court.

SEC. 2. That in appointing such trustee, the Court shall preferably appoint the wife of such missing person (if any such there be), or her nominee, and in the absence of a wife, some person who would be entitled to participate in the distribution of such missing person's estate were he dead. And the Court shall have power to direct such trustee to pay to the person or persons constituting the family of such missing person such sum or sums of money, for family expenses and support, from the income of such estate, as it may, from time to time, determine.

Court to appoint whom as trustee.

Family expenses.

SEC. 3. That the bond of the trustee so appointed shall be in double the amount of the estimated annual income of such estate; *provided*, that where such missing person has a wife living and no children, and the estate of such missing person is shown to be solvent, and the wife applies to be appointed trustee, the Court shall require no bond of her.

Bond of trustee.

SEC. 4. It shall be the duty of such trustee or trustees to take possession of all the real and personal estate in this State of such missing person, and to collect and receive the rents, income, and profits thereof; to collect all indebtedness owing to such missing person, and pay the costs and expenses thereof out of the trust fund, and to pay such indebtedness of such missing person as he may be authorized to do by the Court making the appointment of the trustee; and he shall from time to time, as he may be directed, account to and with said Court for all of his or their acts and doings as trustee, and the Court making such appointment may at any time, upon the application of any party interested, and upon good cause shown therefor, remove any trustee which it may so appoint, and appoint some other person or persons trustee or trustees in his or their place or stead.

Duty of trustee.

Court to remove trustee.

SEC. 5. Upon presentation of the verified petition mentioned in section one, the Court or Judge shall order the same to be filed with the Clerk of the Court, and shall appoint a time for the hearing of said petition, not less than ten days from the date of said order; and the Clerk shall publish notice in some newspaper published in said county, stating that such petition will be heard at the time so appointed, in the courtroom of said Court. Said notice shall be published for five days, and such other notice of said application shall be given in such manner and to such persons as the Court or Judge may direct. All orders, judgments, and decrees made in proceedings under this statute may be entered and recorded as and with the like effect as other orders, judgments, and decrees in Superior Courts. From and after the presentation of said petition, and until decision rendered thereon, the wife of such missing person shall have all the powers of a trustee duly appointed and qualified under this Act, and shall act as such trustee, subject to the direction of the Court.

Court to set hearing of petition

Notice to be published.

Recording of judgments and decrees.

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

CHAPTER CLXXXV.

An Act making it unlawful to refuse admission to places of amusement.

[Approved March 23, 1893.]

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

Unlawful to refuse admission to places of public amusement.

Proviso.

Penalty for violation.

SECTION 1. It shall be unlawful for any corporation, person, or association, or the proprietor, lessee, or the agents of either, of any opera house, theater, melodeon, museum, circus, caravan, race course, fair, or other place of public amusement or entertainment, to refuse admittance to any person over the age of twenty-one years who presents a ticket of admission acquired by purchase, and who demands admission to such place; *provided*, that any person under the influence of liquor, or who is guilty of boisterous conduct, or any person of lewd or immoral character, may be excluded from any such place of amusement.

SEC. 2. Any person who is refused admission to any place of amusement contrary to the provisions of this Act, is entitled to recover from the proprietor, lessee, or their agents, or from any person, association, corporation, or the Directors thereof, his actual damages and one hundred dollars in addition thereto.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXXVI.

An Act to provide for laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, or cities, and cities and counties, of forty thousand inhabitants or over, and to condemn and acquire any and all land and property necessary or convenient for that purpose..

[Approved March 23, 1893.]

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

City Council have power to open, widen, etc. streets.

SECTION 1. Be it enacted: Whenever the public interest or convenience may require; the City Council of any municipality, or cities, and cities and counties, containing over forty thousand inhabitants, shall have full power to order, and upon the petition of the owners of a majority of the frontage to be taken for said purpose shall order, the opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, of any street, square, lane, alley, court, or place within the bounds of such city, and shall condemn and acquire any and all lands necessary or convenient for that purpose.

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 then pass a resolution declaring the intention to do said work, describing the work or improvement, and the land deemed necessary to be taken therefor, and specifying the exterior boundaries of the district of land to be affected or benefited by said work or improvement, and be assessed to pay the damages, cost, and expense thereof.

Resolution of intention.

Boundaries.

SEC. 3. The Street Superintendent shall then cause to be conspicuously posted along the line of said contemplated work or improvement, and 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 of 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 to be posted.

Also publish same.

SEC. 4. Any person through whose lands said proposed street extension runs or who will be damaged or affected by said proposed work, may, within ten days after the first publication of said notice, file with the Clerk of the City Council his written objections thereto, stating in what manner and to what extent he will be damaged, 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 expiration 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.

Damaged or affected parts to file objection, when.

Duty of Council.

Duty of City Clerk.

SEC. 5. At the time specified, or to which the hearing may be adjourned, the City Council shall hear the objections filed, and if the owners of a majority of the frontage of all lands to be assessed for benefits, as said owners appear on the last preceding annual assessment roll for State and county taxes, object, in writing, to said proposed opening, extending, and widening, straightening, diverging, curving, contracting, or closing up of said street, said City Council shall sustain said objections, and all proceedings therefor shall be stopped for the period of twelve months. Proceedings may be again commenced by a new resolution of intention. If the owners of a majority of the frontage of all streets within the assessment district do not object, in writing, thereto, within the time specified in this Act, the City Council shall be deemed to have acquired juris-

Majority object, proceedings stopped for twelve months.

Re-commencement of proceedings.

diction to order any of the work to be done or improvements to be made which is authorized by section one of this Act.

Council to appoint Commissioners.

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 disinterested persons, who shall constitute a Board of Commissioners in that regard, who shall have full supervision of the proposed work or improvement until the completion thereof in compliance with this statute. For their services they shall

Compensation of Commissioners.

each receive, as compensation, not to exceed five dollars for every day of actual service; *provided*, that said compensation shall not be paid for a longer term than six months for each district, unless extended by the Council. Such extension shall not exceed two months at one time, nor shall the term of office of said Commissioners, for any district, continue for longer than one year. Such compensation shall be added to and be chargeable as a part of the expenses of the work or improvement.

Term of Commissioners to be one year.

Commissioners to file bond and affidavit.

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. At the end of the terms of said Commissioners, they shall hand over all unfinished business to the City Council, who shall complete the same. In

Vacancy, how filled.

Cities having Board of Public Works.

all municipalities where there is a Board of Public Works, such Board shall constitute the Board of Commissioners in this section provided for, and shall perform the duties of such Commissioners, and their salaries as members of the Board of Public Works shall be in full compensation for such services. It shall be the official duty of the City Attorney to render said Commissioners all necessary legal services; *provided*, that the City Surveyor shall, for any work or services which he may perform by the direction of the Common Council or other legislative department of the city government, receive, in addition to his salary allowed by law, all sums which he may lay out, pay out, or expend in the prosecution of said work, for materials or labor necessarily therein by him employed.

Duty of City Attorney and Surveyor.

Compensation of Surveyor.

Office room and assistants for Commissioners.

SEC. 7. Said Commissioners shall have an office assigned to them by the City Council, in the City Hall, and shall have power to employ a Secretary, at a salary not to exceed one hundred and fifty dollars per month, and such other clerical assistance as shall be provided them by the City Council, the salaries and fees of whom shall be established and fixed by said City Council.

Funds applicable for expenses and damages.

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, and for 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. 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 only payable 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.

What warrants shall state.

City not liable.

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 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 improvement 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 lands described in said district herein provided. The lands fronting on said extension or widening shall only be assessed to the depth of one hundred and twenty feet, or the full depth of the lots, not exceeding one hundred and fifty feet; and said lands shall be assessed with reference to the amount of grading to be done, and their location on the grades of said street or improvement; and the expenses of grading said lots or lands, whether filling or cutting shall be necessary to place them on the grade of said street or improvement, shall be estimated in determining the value of the land, and the damage to the improvement and property affected.

Duty of Commissioners on viewing, etc.

Assessment for grading and filling of lots.

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 showing the land taken, or about 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.

Commissioners to report.

Duty of Council relating to report.

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 claimant thereof, or of persons interested therein as lessees, incumbancers, or otherwise, so far as the same are known to such Commissioners, and the particulars of their interests, so far as the same can be ascertained, and the amount of value or damage, or the amount assessed, as the case may be.

Report shall specify, what.

SEC. 12. If in any case the Commissioners find conflicting claims of title exist, or shall be in ignorance or doubt as to the

Conflicting claims or title.

ownership of any lot of land, or of any improvements thereon, or 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 the condemnation of the property to be taken.

Report and plat to be filed.

Clerk to give notice of filing of report, etc.

Persons interested to show cause.

Objections to be in writing

Clerk to notify objectors.

Duty of Council on report.

Clerk to send copies of assessment and plat to Street Superintendent.

Duty of Superintendent. Notice to be published.

What notice shall contain.

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 newspaper, 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 be not less than thirty days from the first publication thereof.

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, or may sustain the objections thereto and order the Commissioners to make a new report, assessment, and plat, which in either case shall be filed, and notice given and hearing had, as in the case of the original report; but no report, or plat, or assessment shall be filed by said Commissioners after the expiration of ten months after their appointment.

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, and thirty days after such filing shall become a lien on the property assessed therein, for its proportion of the costs of said improvement, as hereinbefore provided.

SEC. 16. The Superintendent of Streets shall thereupon give notice by publication for ten days in two daily newspapers published and circulated in said 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 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 assessments 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 said 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 cost 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 the execution of deeds. The deed of the Street Superintendent made after such sales, 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

What notice shall contain.

Assessments become delinquent.

Advertising delinquency.

Delinquent list to be published five days.

Time of sale.

Redemption of property.

Deed prima facie evidence of what.

Superintendent of Streets to pay over moneys.

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.

Payments for proposed work and improvements.

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 or 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 a 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.

If warrants not called for.

Proceedings on condemnation.

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 proceedings 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 said judgment and damages, the City Council shall order the balance thereof to be paid out of the General Fund of the treasury.

Duty of City Treasurer.

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. Priority of claims.

SEC. 20. 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 land 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. Defective title, duty of Council.

SEC. 21. 1. The words "work" and "improvement," as used in this Act, shall include all work mentioned in section one of this Act. Construction of "work" and "improvement."

2. In case there is no daily or weekly or semi-weekly newspaper 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. If no newspaper published, notice to be posted.

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 purposes. "Municipality," "city," meaning of.

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. Meaning of "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. "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. "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. "Treasurer" and "City Treasurer."

SEC. 22. The Mayor, Tax Collector, and City or City and County Attorney, as the case may be, of all municipalities Board of Audit.

Board of
Audit.

Council
ordered to
pay and
levy tax.

Jurisdic-
tion of
Act of
March 6,
1889.

Cities of
40,000
inhabi-
tants or
over.

Not
affected.

wherein there is existing at the passage of this Act any Commission appointed for the opening, extending, or widening of streets under the provision of said Act of March sixth, eighteen hundred and eighty-nine, and which Commission is not within the proviso of section twenty-three of this Act, are hereby constituted a Board of Audit, whose duty it shall be, upon petition of said Commission, to carefully examine all the accounts, bills, and expenditures, made or contracted for by said Commission, including the salaries of the said Commissioners; and said Board of Audit, or a majority of its members, is hereby authorized to audit and allow such amounts as it shall find to be just and reasonable, and report said amounts, with the items thereof and to whom payable, to the City Council. Said report shall be final and conclusive as to said amounts. The City Council is authorized to pass and allow, and order paid, to each of the persons entitled thereto, the amounts so found to be due, in the same manner as claims and demands against such municipality are passed, allowed, and ordered paid. The payment of said amounts shall be provided for in the tax levy next thereafter made by said City Council, and when said taxes are collected the said amounts shall be paid out of the General Fund of said municipality, in the same manner as other claims and demands are paid.

Sec. 23. The Act approved March sixth, eighteen hundred and eighty-nine, entitled "An Act for opening, widening, and extending streets," etc., after the passage of this Act, shall not apply to any city or city and county having a population of forty thousand inhabitants or over; but as to any city or city and county having a population of forty thousand or over said Act shall not apply; but said cities and cities and counties shall be subject only to the provisions of this Act in all matters embraced within the purview of this Act; *provided, however*, that the present City Council, or other governing body of any municipality of forty thousand inhabitants or over, shall have power, by a three-fourths vote of its members, to extend the life of any existing Commission until its work shall have been completed, as in said Act provided; but in all other cases in cities or cities and counties of forty thousand inhabitants or over, the assessments, plats, and reports filed by said Commissioners are declared to be null and void, and all moneys collected under the provisions of said Act shall be refunded to the persons from whom the same were collected, in the same manner as taxes which have been twice collected, and the said Commissioners are hereby removed from office; *provided further, however*, that in case of the lands necessary to widen or open any street, there shall have been actually purchased and conveyed to the municipality, under the provisions of said Act of March sixth, eighteen hundred and eighty-nine, more than one half of the land necessary for said improvements, as shown by the report and plat on file, then said streets, and the improvement thereof, shall not be affected by this Act, but the same shall be completed as commenced.

SEC. 24. This Act shall be liberally construed to promote the objects thereof. Construction of Act.

This Act shall take effect and be in force from the time of its passage. Take effect.

CHAPTER CLXXXVII.

An Act to repeal an Act entitled "An Act to create a State Board of Forestry, and to provide for the expenses thereof," approved March 3, 1885, and the Act amendatory thereof, approved March 7, 1887, and to make an appropriation for the maintenance and preservation of the property of said Board of Forestry.

[Approved March 23, 1893.]

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

SECTION 1. An Act entitled "An Act to create a State Board of Forestry, and to provide for the expenses thereof," approved March third, eighteen hundred and eighty-five, is hereby repealed. Act repealed.

SEC. 3. All the real and personal property of the said Board, on or before the first day of July, eighteen hundred and ninety-three, shall be assigned, made over, and transferred to the Agricultural Department of the University of California. Property of Board to be turned over to the University.

SEC. 3. There is hereby appropriated the sum of four thousand dollars out of any money in the State Treasury not otherwise appropriated, payable to the Agricultural Department of the University of California, for the support, maintenance, and preservation of the experimental stations of the State Board of Forestry, and the Controller is hereby directed to draw his warrant for the same. Appropriation.

SEC. 4. This Act shall take effect from and after July first, eighteen hundred and ninety-three.

CHAPTER CLXXXVIII.

An Act creating a Board of Commissioners of the Building and Loan Associations, and prescribing their duties and powers.

[Approved March 23, 1893.]

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

SECTION 1. All building and loan associations heretofore or hereafter incorporated under the laws of this State, or any other State or Territory, or those of any foreign country, and doing business in this State, shall be subject to the examination and supervision of a Board of Commissioners of Loan Associations. Board of Commissioners of Loan Associations.

Governor to appoint. Associations, which Board shall consist of two Commissioners, each of whom shall be an expert of accounts, and shall be appointed by the Governor, within thirty days after the passage of this Act, to hold office for the period of four years, and until their successors are appointed and qualified.

Term of office.

Salary and traveling expenses.

SEC. 2. The Commissioners shall each receive a salary of two thousand four hundred dollars per annum and necessary traveling expenses, not to exceed for the two Commissioners the sum of five hundred dollars per annum, to be audited by the State Controller, and to be paid in the same manner as the salaries of other State officers.

Office.

SEC. 3. The Commissioners shall have their office in San Francisco, which office shall be kept open for business every day and during such hours as are commonly observed by the banks of that city as banking hours. They shall procure rooms for their office at a monthly rental not to exceed forty dollars. They may also provide fuel, printing, stationery, and other necessary conveniences connected with their office, not to exceed an aggregate cost of three hundred dollars per annum. All expenses authorized in this section shall be audited and paid in the same manner as the salary of the Commissioners.

Fuel, printing, etc.

Qualification.

SEC. 4. The Commissioners, before entering upon the duties of their office, must each execute an official bond in the sum of five thousand dollars, and take the oath of office, all as prescribed by the Political Code for State officers in general.

Duties of Commissioners.

SEC. 5. The duties of the Commissioners of Loan Associations shall be to furnish to all corporations legally authorized to transact the business of a building and loan association within this State a license authorizing them to transact the business of a building and loan association for one year from the date of said license; to receive and place on file in their office the semi-annual reports required to be made by building and loan associations by this Act; to supply each association with blank forms and such statements as the Commissioners may require; to be made on or before the first day of October of each year, a tabulated report to the Governor of this State, showing the condition of all institutions examined by them, with such recommendations as they may deem proper, accompanied by a detailed statement, verified by oath, of all moneys received and expended by them since their last report.

Reports.

To visit building and loan associations.

SEC. 6. The Commissioners shall visit, once in every year, and as much oftener as they may deem expedient, every building and loan association doing business in this State. At such visits they shall have free access to the vaults, books, and papers, and shall thoroughly inspect and examine all the affairs of each of said corporations, and make such inquiries as may be necessary to ascertain its condition and ability to fulfill all its engagements, and whether it has complied, with the provisions of law governing such associations; they shall preserve in a permanent form a full record of their proceedings, including a statement of the condition of each of said corporations, which shall be open to the inspection of the public during their office hours.

Record of proceedings.

SEC. 7. To facilitate the examinations of the Commissioners, as specified in the foregoing section, every association shall keep a book of records, written in ink, showing the values of the real estate security held in connection with each loan, and signed in each case by the appraiser, or officer, or committee of the association making such estimate value. Association to keep record.

SEC. 8. Either of the Commissioners may summon all Trustees, officers, or agents of any such corporation, and such other witnesses as he thinks proper, in relation to the affairs, transactions, and condition of the corporation, and for that purpose may administer oaths; and whoever refuses, without justifiable cause, to appear and testify, when thereto required, or obstructs a Commissioner in the discharge of his duty, shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or by both such fine and imprisonment. Power of Commissioners.

SEC. 9. If the Commissioners, upon examination of any corporation under their supervision, they find that such corporation has been violating the provisions of law governing such associations, or is conducting its business in an unsafe manner, such as to render its further proceeding hazardous to the public, or to those having funds in its custody, they shall notify the Attorney-General of such facts, and the Attorney-General, in his discretion, may apply to the Judge of the Superior Court of the county in which such corporation is doing business, to issue an injunction restraining such corporation, in whole or in part, from further proceeding with its business until a hearing can be had. Such Judge may, in such application, issue such injunction, and, after a full hearing, may dissolve or modify it, or make it perpetual, and may make such orders and decrees, according to the course of proceedings in equity, to restrain or prohibit the further prosecution of the business of the corporation, as may be needful in the premises; and may appoint one or more receivers to take possession of its property and effects, subject to such directions as may from time to time be prescribed by the Court. Duty of Attorney-General.

SEC. 10. And if either of the Commissioners, having knowledge of the insolvent condition, or any violation of law, or unsafe practice of any association under their supervision, such as renders, in their opinion, the conduct of its business hazardous to its shareholders or depositors, and shall fail to report the same in writing to the Attorney-General, as required by this Act, then such Commissioner, on conviction thereof, shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars, or by imprisonment in the county jail not less than one year nor more than two years, or by both such fine and imprisonment; and his office shall be declared vacant by the Governor, and a successor appointed to fill his unexpired term. Receivers.

SEC. 11. When receivers are so appointed, the Secretary of the corporation shall make a schedule of all its property, and its Secretary, Board of Investment, and other officers transferring its property to the receivers, shall make oath that said schedule sets forth all the property which the corporation Failure to report to Attorney-General.

Penalty.

Schedule of property.

Duty of Secretary.

owns, or is entitled to. The Secretary shall deliver said schedule to the receivers, and a copy thereof to the Commissioners, who may at any time examine, under oath, such Secretary, Board of Investment, or other officers, in order to determine whether or not all the property which the corporation owns, or is entitled to, has been transferred to the receivers.

Examine accounts of receivers.

SEC. 12. The Commissioners, or one of them, shall, at least once in each year, and as much oftener as they may deem expedient, examine the accounts and doings of all such receivers, and shall carefully examine and report upon all accounts and reports of receivers made to the proper Court and referred to the Commissioners by the Court, and, for the purposes of this section, shall have free access to the books and papers relating to the transactions of such receivers, and may examine them under oath relative to such transactions.

Investigation of affairs.

SEC. 13. Upon the certificate, under oath, of any five or more officers, Trustees, creditors, shareholders, or depositors of any such corporation, setting forth their interest and the reasons for making such examination, directed to the Commissioners, and requesting them to examine such corporation, they shall forthwith make a full investigation of its affairs, in the manner provided.

Violation of laws relating to corporations.

SEC. 14. The Commissioners, if in their opinion any such corporation, or its officers or Trustees, have violated any law in relation to such corporations, shall forthwith report the same, with such remarks as they deem expedient, to the Attorney-General, who shall forthwith institute a prosecution for such violation, in behalf of the people of the State.

Expense of Act, how to be met.

SEC. 15. To meet the expenses provided by this Act, every building and loan association, or corporation or association doing business on the building and loan plan, shall pay, in advance, to the Commissioners, its pro rata amount of such expenses, to be determined by an assessment levied upon the shares of each of such associations in force on the thirty-first day of December, eighteen hundred and ninety-two, pro rata, according to the par value of such shares; and annually thereafter the said Commissioners shall levy, in a like manner, and collect in advance, a like assessment on the shares of all such associations in force as per report, herein provided for, to be made to said Commissioners of the condition at the close of business on August thirty-first preceding.

How collections may be enforced.

SEC. 16. The collection of all moneys assessed, as herein provided, for the annual expenses, or forfeitable as fines for failure to make reports as herein specified, and due from any corporation or association coming within the provisions of this Act, may be enforced by action instituted in any Court of competent jurisdiction, and all moneys collected or received by the said Commissioners under this Act shall be deposited with the State Treasurer, to the credit of a fund to be known and designated as the "Building and Loan Association Inspection Fund."

SEC. 17. No association, after the expiration of the term for which a license has been granted to it by the Commissioners of Loan Associations, shall continue to transact the business of a building and loan association without first procuring from said Commissioners a renewal of such license, on the terms provided for by this Act; and any corporation violating this provision shall forfeit the sum of ten dollars per day during the continuance of the offense; and any violation of this section by any officer of such association shall be a misdemeanor.

License.

Penalty for failure to renew license.

SEC. 18. Every building and loan association doing business in this State shall, once in every year, to wit: within twenty days after the expiration of its annual fiscal term, make a report, in writing, to the Commissioners of Loan Associations, verified by the oath of its President and Secretary, showing accurately the financial condition of such association at the close of said term. The report shall be in such form as the Commissioners shall prescribe, upon blanks by them furnished for that purpose, and shall specify the following particulars, namely: Name of the corporation, place where located, authorized capital stock, amount of stock paid in, the names of the Directors, the amount of capital stock held by each, the amount due to shareholders, the amount and character of all other liabilities, cash on hand, and the number and value of shares in each and every series of stock issued by the association. All money received or disbursed by such associations shall be duly accounted for to the shareholders and to the Commissioners of Building and Loan Associations.

Associations to report to Commissioners.

Form of report.

SEC. 19. Stockholders desiring to withdraw from any association, or to surrender a part or all of their stock, shall have power to do so by giving thirty days' notice, in writing, of such intention to withdraw. On the expiration of such notice, the stockholder so withdrawing shall be entitled to receive the full amount paid in by him or her, together with such proportion of the earnings thereon as the by-laws may provide, or as may have been fixed by the Board of Directors; *provided*, that not more than one half of the monthly receipts in any one month shall be applied to withdrawals for that month, without the consent of the Board of Directors, and no shareholder shall be permitted to withdraw, whose stock is pledged as security to the association for a loan, until such loan is fully paid. Such withdrawals shall be paid in succession, in the order that the notices are given.

Withdrawal of stockholders.

SEC. 20. The name "Building and Loan Association," and all reference to the same, as "association" or "associations," as used in this Act, shall include all corporations, societies, or organizations or associations doing a savings and loan or investment business on the building society plan, viz.: loaning its funds to its members or its shareholders, or investing the same for the mutual benefit of its members or shareholders, and whether issuing certificates of stock which mature at a time fixed in advance or not.

"Building and Loan Associations" includes what.

SEC. 21. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXXIX.

An Act to amend section one hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the disqualifications of Judges.

[Approved March 23, 1893.]

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

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

When
Judge or
Justice of
the Peace
disquali-
fied.

170. No Justice, Judge, or Justice of the Peace shall sit or act as such in any action or proceedings—

1. To which he is a party or in which he is interested.

2. When he is related to either party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree, computed according to the rules of law.

3. When he has been attorney or counsel for either party in the action or proceeding.

Not to
apply in
certain
cases.

But the provisions of this section shall not apply to the arrangement of the calendar, or the regulation of the order of business, nor the power of transferring the action or proceeding to some other Court.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXC.

An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand.

[Approved March 23, 1893.]

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

City Coun-
cil to pro-
vide for
removal of
human
remains in
certain
cases.

SECTION 1. The City Council of any city of this State having a population of more than five thousand, and not exceeding one hundred thousand, may, by ordinance duly passed, and under such lawful rules and regulations which it may adopt, provide for the exhuming, taking up, and removal from cemeteries within the boundary lines of such city (and in which such cemeteries no interments of human remains have been made for a period of not less than five years), of all the human remains interred in such cemeteries.

CHAPTER CXCI.

An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California.

[Approved March 23, 1893.]

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

SECTION 1. Any person or persons who shall at any time kill or slaughter, or who shall cause to be killed or slaughtered, any cattle, either for his or their own use and consumption, or for sale, shall retain, or cause to be retained, in their possession, the hides taken off said animals, with the earmarks attached thereto, without any alteration or disfiguration of the brands or marks on said hide or ears, for the period of ten days. Hides to remain intact for ten days.

SEC. 2. Any Justice of the Peace, Constable, owner of cattle, or any other person, may, within the period of time mentioned in the first section of this Act, demand an exhibit of the hide or hides of any cattle so killed or slaughtered (as herein provided) by the person so killing or slaughtering the same, or by any other person for whose use or benefit said animal was killed; and upon such demand being made, he or they shall produce the same for the inspection of said Justice of the Peace, Constable, owner of cattle, or any other person. Who may inspect hides, and duty of persons killing.

SEC. 3. Any person or persons who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the county jail for any term not less than ten days nor more than ninety days, or by both such fine and imprisonment. Penalty for violation.

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

CHAPTER CXCL.

An Act to provide for the transfer of certain moneys from one county to another, when a new county has been formed and organized.

[Approved March 23, 1893.]

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

SECTION 1. Whenever a new county has been formed within the State, it shall be the duty of the Treasurer of the county or counties out of whose territory said new county shall have been formed, to immediately cause to be transferred to the County Treasurer of the new county thus formed all moneys standing to the credit of or belonging to any road or school Transfer of moneys, duty of Treasurer.

district, the territory comprising which has been segregated from such old county, and which is included in the boundaries of such new county.

Proportionate amount of money to be transferred in certain cases.

SEC. 2. Whenever, in the formation of a new county, a road or school district has been divided, the Board of Supervisors shall, by order, direct the Treasurer to transfer a proportionate amount of the moneys remaining in the fund of such district to the Treasurer of the new county.

Construction of Act.

SEC. 3. This Act shall be held to apply expressly to counties heretofore divided and new counties created from the territory of the same, when no provision was made in the Act creating such county for the transfer of the moneys herein provided to be made.

Effect of Act.

SEC. 4. A compliance with the provisions of this Act shall be a full and complete settlement of all demands which the new county had against the old county or counties.

SEC. 5. This Act shall take effect immediately.

CHAPTER CXCIH.

An Act to amend sections one thousand five hundred and twenty, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and thirty-three, one thousand five hundred and forty-three, one thousand five hundred and fifty-one, one thousand five hundred and fifty-three, one thousand five hundred and sixty, one thousand five hundred and sixty-one, one thousand five hundred and sixty-four, one thousand five hundred and sixty-five, one thousand five hundred and seventy-six, one thousand five hundred and seventy-seven, one thousand five hundred and eighty-one, one thousand five hundred and eighty-three, one thousand five hundred and ninety-three, one thousand five hundred and ninety-six, one thousand five hundred and ninety-nine, one thousand six hundred and two, one thousand six hundred and fourteen, one thousand six hundred and fifteen, one thousand six hundred and seventeen, one thousand six hundred and nineteen, one thousand six hundred and twenty, one thousand six hundred and twenty-one, one thousand six hundred and thirty-four, one thousand six hundred and thirty-six, one thousand six hundred and thirty-seven, one thousand six hundred and thirty-eight, one thousand six hundred and thirty-nine, one thousand six hundred and fifty, one thousand six hundred and fifty-one, one thousand six hundred and sixty-two, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and sixty-six, one thousand six hundred and eighty-seven, one thousand six hundred and ninety-six, one thousand six hundred and ninety-eight, one thousand six hundred and ninety-nine, one thousand seven hundred and twelve, one thousand seven hundred and thirteen, one thousand seven hundred and fourteen, one thousand seven hundred and sixty-eight, one thousand seven hundred and seventy, one thousand

seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-five, one thousand seven hundred and seventy-six, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand eight hundred and seventeen, one thousand eight hundred and thirty, one thousand eight hundred and thirty-three, one thousand eight hundred and thirty-five, one thousand eight hundred and thirty-six, one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, one thousand eight hundred and sixty-one, one thousand eight hundred and seventy-four, one thousand eight hundred and seventy-seven, one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand five hundred and three of the Political Code; to add thereto three new sections, to be known and numbered as sections one thousand six hundred and sixty-nine, one thousand six hundred and seventy, and one thousand six hundred and seventy-one; to repeal sections one thousand seven hundred and fifty-seven and one thousand seven hundred and sixty-nine of the Political Code, all relating to the public schools; and also to repeal "An Act to authorize the establishment of county high schools and provide for their support," approved March 10, 1891, and "An Act to provide for the establishment of high schools in the State of California," approved March 20, 1891, and all Acts and parts of Acts in conflict with the provisions of this Act.

[Approved March 23, 1893.]

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

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

1520. The Board shall meet at the call of the Secretary, Meetings, and not less than twice in each year.

SEC. 2. Section one thousand five hundred and twenty-one of the Political Code is hereby amended to read as follows:

1521. The powers and duties of the Board are as follows: Powers and duties of Board.
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 grant Educational Diplomas of two grades, valid throughout the State for the period of six years, as follows: Educational diplomas.

1. High School; authorizing the holder to teach in any primary or grammar school, and in any high school in which said holder is not required to teach languages other than the English.

2. Grammar School; authorizing the holder to teach in any primary or grammar school.

Life diplomas.

Third—To grant Life Diplomas of two grades, valid throughout the State, as follows:

1. High School; authorizing the holder to teach in any primary or grammar school, and in any high school in which said holder is not required to teach languages other than the English.

2. Grammar School; authorizing the holder to teach in any primary or grammar school.

Proceedings on application for diploma, and how granted.

Fourth—Except as provided in section one thousand five hundred and three of this Code, diplomas may be issued only to such persons as have held for one year, and who still hold, a valid city, city and county, or county certificate corresponding in grade to the grade of the diploma applied for, and who shall furnish satisfactory evidence of having had a successful experience in teaching of at least five years, when applying for an Educational Diploma, and of at least ten years when applying for a Life Diploma. Every application must be accompanied to the State Board of Education by a certified copy of a resolution adopted by at least a four-fifths vote of all the members composing a City or County Board of Education, recommending that the diploma be granted, and also by an affidavit of the applicant specifically setting forth the places in which and the dates between which said applicant has taught, and that said applicant has taught a part of each year for five or ten calendar years, respectively. The five or ten years need not be consecutive years, but the aggregate experience must be at least thirty-five months for an Educational and seventy months for a Life Diploma; and in either case the applicant must have had twenty-one months' experience in the public schools of California. The application must also be accompanied by a fee of two dollars, for the purpose of defraying the expense of issuing the diploma.

Power to revoke or suspend diplomas.

Fifth—To revoke or suspend for immoral or unprofessional conduct, or for evident unfitness for teaching, Life Diplomas or Educational Diplomas heretofore issued, or that may hereafter be issued; and to adopt such rules for the revocation of diplomas as they may deem expedient or necessary.

Printing.

Sixth—To have done by the State Printer, or other officer having the management of the State printing, any printing required by it; *provided*, that all orders for printing shall first be approved by the State Board of Examiners.

Seal.

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

Record.

Eighth—To keep a record of its proceedings.

Educational journal.

Ninth—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 placed by him 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 they had 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. 3. Section one thousand five hundred and thirty-two of the Political Code is hereby amended to read as follows:

1532. It is the duty of the Superintendent of Public Instruction:

First—To superintend the schools of this State.

Second—To report to the Governor, on or before the fifteenth day of September 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 the State; the number attending public school, 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, for district school libraries, and for incidental expenses.

Fourth—To apportion the State School Fund; and to furnish an abstract of such apportionment to the State Controller, the State Board of Examiners, and to the County Auditors, County Treasurers, and County Superintendents of the several counties of the State.

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 furnish all officers charged with the administration of the laws relating to the 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 laws relating to the public schools printed in pamphlet form, and to supply school officers and school libraries with one copy each.

Eighth—To visit the several orphan asylums to which State appropriations are made, and examine into the course of instruction therein.

Ninth—To visit the schools in different counties, and inquire into their condition; and the actual traveling expenses thus incurred (*provided*, that they do not exceed fifteen hundred dollars per annum) shall be allowed, audited, and paid out of the

Educa-
tional
journal.

Duty of Su-
perintend-
ent of
Public In-
struction.

Report to
Governor.

School
statistics.

Apportion
School
Fund.

Warrants.

Blank
forms,
books, etc.

School
laws.

Visit
orphan
asylums.

Visit
schools.

General Fund in the same manner as other claims are audited and paid.

Authentification.

Tenth—To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

Binding reports, etc.

Eleventh—To have bound, at the State Bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him.

Report to the Controller.

Twelfth—To report to the Controller, on or before the tenth day of July of each year, the total number of children in the State between the ages of five and seventeen years, as shown by the latest reports of the County Superintendents on file in his office.

Deliver books, papers, etc.

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.

Sec. 4. Section one thousand five hundred and thirty-three of the Political Code is hereby amended to read as follows:

Power to call convention of Superintendents.

1533. He shall have power to call, biennially, a convention of the County and City 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 and City Superintendents to attend and take part in the proceedings of such convention when it is called. The actual expenses of the County Superintendents attending the convention shall be allowed by the Board of Supervisors, and paid out of the same fund as the salary of the County Superintendents is paid; the actual expenses of the City Superintendents attending the convention shall be allowed and paid out of the same fund as the salary of such City Superintendents is paid.

Expenses of Superintendents attending.

Sec. 5. Section one thousand five hundred and forty-three of the Political Code is hereby amended to read as follows:

Duty of County Superintendent.

1543. It is the duty of the County Superintendent of each county:

Apportion school moneys.

First—To superintend the schools of his county.

Second—1. To apportion the school moneys to each school district, as provided in section one thousand eight hundred and fifty-eight of this Code, at least four times a year. For this 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 an excess of money has accumulated to the credit of a school district by reason of a large census roll and a small attendance, beyond a reasonable amount necessary to maintain a school for eight months in such district for the year, the Superintendent of Schools shall place

said excess of money to the credit of the unapportioned school funds of the county, and shall apportion the same as other school funds are apportioned.

2. If in any school district there has been an average daily attendance of only five, or a number of pupils less than five, during the whole school year, the Superintendent shall at once suspend the district, and report the fact to the Board of Supervisors at their next meeting. The Board of Supervisors, upon receiving such report from the Superintendent, shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining school districts in such manner as may by them be deemed most convenient for the residents of said lapsed district.

Suspension
of school
district.

3. When any district has been declared lapsed, the Board of Supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon the Superintendent shall determine all outstanding indebtedness of said lapsed district, and shall draw his requisition upon the County Auditor in payment thereof. Any balance of moneys remaining to the credit of said lapsed district shall be transferred by the Superintendent to the unapportioned school funds of the county, and shall be apportioned as other school funds are apportioned. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the Superintendent shall draw his requisition upon the County Auditor pro rata for the several claims.

When dis-
trict lapsed
disposition
of property

Disposition
of moneys.

Third—1. On the order of the Board of School Trustees, to draw his requisition upon the County Auditor for all necessary expenses against the School Fund of any district, or of any city or town which has not a Board of Education. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn; but no requisition shall be drawn unless the money is in the fund to pay it; and no requisition shall be drawn upon the order of the Board of School Trustees against the funds 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.

Requisi-
tion.

Requisi-
tion must
specify,
what.

2. On the order of the Board of Education of any city having a Board of Education, the County Superintendent shall draw his requisition upon the County Auditor in favor of the City Treasurer of said city for all State and county moneys, and for all other moneys apportioned by the said Superintendent to said city. Upon the presentation of said requisition the County Auditor shall draw his warrant upon the

State and
county
moneys.

Duty of
County
Treasurer.

County Treasurer in favor of the Treasurer of said city for the amount stated in said requisition. It shall be the duty of the County Treasurer to pay the amount stated in the warrant of the County Auditor to the Treasurer of said city; and it shall be the duty of the Treasurer of said city to receive and safely keep all moneys so received, and to pay the same out upon the order of the Board of Education of said city, which order must be issued by said Board of Education as provided in division (1) one of this subdivision of section one thousand five hundred and forty-three of the Political Code.

Requisition reg-
ister.

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

Visit
schools.

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

Preside at
Teachers'
Institutes.

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

Power to
issue tem-
porary cer-
tificates.

Seventh—He shall have power to issue, if he deem it proper to do so, temporary certificates valid until the next semi-annual 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 in the same county.

Distribute
laws, etc.

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

Reports.

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

To keep
record.

Tenth—To keep a record of his official acts, and of all 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.

To pass
upon plans
for school
houses.

Eleventh—Except in incorporated cities having Boards of Education, to pass upon and approve or reject all plans for school houses. To enable him to do so, all Boards of Trustees, before adopting any plans for school buildings, must submit the same to the County Superintendent for his approval.

Twelfth—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. Should the Board of School Trustees of any district fail or refuse to issue an order for the compensation for such service, the Superintendent is hereby authorized to issue, without such order, his requisition upon the County School Fund apportioned to such district.

To fill vacancies in Trustees.

Janitor.

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

To make reports.

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

To preserve reports of teachers.

Fifteenth—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.

Grade schools.

SEC. 6. Section one thousand five hundred and fifty-one of the Political Code is hereby amended to read as follows:

1551. Every School Superintendent in this State must, on or before the first day of July in each year, report to the Superintendent of Public Instruction, and to the Board of Supervisors of his county, the number of children therein between the ages of five and seventeen years, as appears by the latest returns of the Census Marshals on file in his office. It shall be the duty of every County Superintendent to inquire and ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the Boards of Supervisors, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting, or incorrectly described, he shall report such fact to the Board of Supervisors, and the Board of Supervisors shall immediately take such steps as are necessary to change, harmonize, and clearly define them. The County Superintendent, if he deem it necessary for the guidance of School Census Marshals, may order the description of the district boundaries printed in pamphlet form, and pay for the same out of the County School Fund.

To render certain reports.

To examine records.

SEC. 7. Section one thousand five hundred and fifty-three of the Political Code is hereby amended to read as follows:

1553. No School Superintendent who receives an annual salary of fifteen hundred dollars or more must follow the profession of teaching, or any other vocation that can conflict with his duties as Superintendent; but those receiving less than

Not to follow teaching in certain cases.

fifteen hundred dollars per annum may teach in the public schools of this State.

SEC. 8. Section one thousand five hundred and sixty of the Political Code is hereby amended to read as follows:

Teachers'
Institute.

1560. The Superintendent of every county in which there are twenty or more school districts, and of every city and county in the State, must hold at least one Teachers' Institute in each year; and every teacher employed in a public school in the county must attend such Institute, and participate in its proceedings; *provided*, that cities employing seventy or more teachers may have a separate Institute, to meet at least once a year, the sessions to be of not less than three nor more than five days; *and provided further*, that teachers attending such City Institute shall not be required to attend the County Institute. The expenses of such City Institutes, not exceeding two hundred dollars annually, shall be paid from the special school funds of said city.

Proviso.

Proviso.

SEC. 9. Section one thousand five hundred and sixty-one of the Political Code is hereby amended to read as follows:

Institute.

1561. In any county in which there are less than twenty school districts, the County Superintendent may, in his discretion, hold an Institute; when directed by the County Board of Education, he shall hold an Institute not oftener than once each year, at such time and place as the Board may direct.

SEC. 10. Section one thousand five hundred and sixty-four of the Political Code is hereby amended to read as follows:

Expense of
Institute.

1564. The County Superintendent must keep an accurate account of the actual expenses of said Institute, with vouchers for the same, and draw his requisition upon the County Auditor, who shall draw his warrant on the unapportioned County School Fund to pay said amount; *provided*, that such amount must not exceed two hundred dollars for any one year.

SEC. 11. Section one thousand five hundred and sixty-five of the Political Code is hereby amended to read as follows:

Fee for certificate to be paid into Teachers' Institute Fund.

1565. Except for a temporary certificate, and except as provided in subdivision second of section one thousand five hundred and three of the Political Code, every applicant for a teacher's certificate, or for the renewal of a certificate, 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 instructors in the County Teachers' Institute; *provided*, they be not teachers in the public schools of the county in which such Institute is held; 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. The County Superintendent shall take charge of the teachers' library, prepare a catalogue of its contents, and keep a correct record of books taken therefrom and returned thereto.

Fifty per cent to be expended for books.

SEC. 12. Section one thousand five hundred and seventy-six of the Political Code is hereby amended to read as follows:

1576. Every city or incorporated town, unless subdivided by the legislative authority thereof, shall constitute a separate school district, which shall be governed by the Board of Education or Board of School Trustees of such city or incorporated town; *provided*, that whenever a city or town shall be incorporated the Board of Supervisors of the county may annex thereto, for school purposes only, the remainder, or any part of the remainder, of the district or districts from which such city or incorporated town was organized, whenever a majority of the heads of families residing therein, as shown by the last preceding school census, shall petition for such annexation; *and provided further*, that the Board of Supervisors may include more territory than the remainder of the district or districts from which the city or incorporated town was organized, whenever a petition for such purpose is presented to them, signed by a majority of the heads of families, as shown by the last preceding school census, residing in such additional territory. When said remainder or part thereof, or said additional outside territory has been annexed to said city or incorporated town, it shall be deemed a part of said city or incorporated town for the purpose of holding the general municipal election, and shall form one or more election precincts, as may be determined by the legislative authority of said city or incorporated town, the qualified electors of which shall vote only for the Board of Education, or the Board of School Trustees; and such outside territory shall be deemed to be a part of said city or incorporated town for all matters connected with the School Department thereof, for the annual levying and collecting of the property tax for the School Funds of said city or incorporated town, and for all purposes specified in sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight of this Code, inclusive.

School districts.

Board of Supervisors may annex.

May include more territory.

Included portion, how deemed and treated.

SEC. 13. Section one thousand five hundred and seventy-seven of the Political Code is hereby amended to read as follows:

1577. *First*—No new school district shall be formed at any other time than between the first day of December and the fifth day of April, nor at that time unless the parents or guardians of at least fifteen census children, residents of such proposed new district, and residing at a greater distance than two miles by a traveled road from the public school house in the district in which said parents or guardians reside, present a petition to the Superintendent of Schools, setting forth the boundaries of the new district asked for; *provided*, that the provision requiring that the petitioners shall reside a distance of more than two miles by a traveled road from the said public school house may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more census children residents of a district containing more than three hundred census children.

How districts may be formed.

Second—The boundaries of a school district, except as provided in section one thousand five hundred and fifty-one of the

Boundaries.

Bound-
aries.

Political Code, shall be changed only between the first day of January and the fifth day of April in any year, and then only when at least ten heads of families residing in the districts affected by the proposed change of boundaries shall present to the Superintendent of Schools a petition setting forth the changes of boundaries desired, and the reasons for the same; *provided*, that two or more districts lying contiguous may, at any time, be united to constitute but one district, whenever a petition signed by a majority of the heads of families residing in each of said districts shall be presented to the Superintendent of Schools.

Joint
districts.

Third—Joint districts (that is, districts lying partly in one county and partly in another) may be formed at any time between the first day of December and the fifth day of April in any year, whenever a petition signed by the parents or guardians of at least fifteen census children, residents of such proposed joint district, and residing at a greater distance than two miles by a traveled road from any public school house, shall be presented to the Superintendent of each county affected by the proposed formation of the joint district; *and provided further*, that the provision requiring that the petitioners shall reside a distance of more than two miles by a traveled road from any public school house may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more census children residents of districts any one of which contains more than three hundred census children. All the provisions relative to the formation of joint districts shall be by concurrent action of the Superintendent and the Board of Supervisors of each county affected.

Provision
as to school
children.

Fourth—The children residing in any newly formed district, in any district whose boundaries have been changed, or in any joint district, shall be permitted to attend the school in the district or districts from which the newly formed district was constituted until the first day of July next succeeding the formation or change.

When
districts
unite,
funds to
be trans-
ferred.

Fifth—Whenever a district shall be united with a municipality, or with another district, all funds belonging to said district shall be transferred by requisition of the Superintendent of the county upon the County Auditor, to the municipality or district with which said district is united.

SEC. 14. Section one thousand five hundred and eighty-one of the Political Code is hereby amended to read as follows:

When
school
opens.

1581. After the making of an order by the Board of Supervisors, creating a new district, the school must be opened therein not later than the second Monday of September in the year in which the order was made; otherwise, said order shall be null and void.

SEC. 15. Section one thousand five hundred and eighty-three of the Political Code is hereby amended to read as follows:

Apportion
moneys
when dis-
trict lies in
two coun-
ties.

1583. Whenever a district lies partly in one county and partly in another, the County Superintendent must apportion to such district such proportion of the school money to which such district is entitled, as the number of school census children

residing in that portion of the district situated in his county bears to the whole number of school census children in the whole district. The text-books to be used, and the rules governing the school in such district, shall be those adopted by the Board of Education of the county in which the school house in said joint district is located. The Trustees and teachers of joint districts shall make to the Superintendents of each county in which the district is located, the reports which other Trustees and teachers are required to make, and also the number of pupils attending the school from each county. The teacher in such joint district shall not be required to hold a certificate in both counties.

Text-books and rules.

Trustees to report.

SEC. 16. Section one thousand five hundred and ninety-three of the Political Code is hereby amended to read as follows:

1593. An election for School Trustees must be held in each school district on the first Friday 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.

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.

Number of Trustees to be three.

2. In new school districts the School Trustees shall be elected on the first Friday of June subsequent to the formation of the district, to hold office for one, two, and three years, respectively, from the first day of July next succeeding their election.

When Trustees are elected. Terms.

3. When a vacancy occurs from any of the causes specified in section nine hundred and ninety-six of this Code, the Superintendent shall appoint a suitable person to fill such vacancy, until the first day of July next succeeding the appointment, and a party shall be elected at the next June election to hold office for the remainder of the term.

Vacancy.

4. Except as provided in subdivisions two and three of this section, one Trustee shall be elected annually, to hold office for three years, or until his successor shall be elected and qualified.

One Trustee to be elected annually.

SEC. 17. Section one thousand five hundred and ninety-six of the Political Code is hereby amended to read as follows:

1596. Trustees must appoint one Inspector and two Judges of Election; if none are so appointed, or if those appointed are not present at the time for opening the polls, the electors present may appoint them, and they shall conduct the election.

Trustees to appoint Inspector and Judges.

SEC. 18. Section one thousand five hundred and ninety-nine of the Political Code is hereby amended to read as follows:

1599. The voting must be by ballot (without reference to the general election law in regard to nominations, form of ballot, or manner of voting), which shall be handed by the elector voting to the Inspector, who shall then, in his presence, deposit the same in the ballot-box, and the Judges shall enter the elector's name on the poll list.

Ballots, and manner of voting.

SEC. 19. Section one thousand six hundred and two of the Political Code is hereby amended to read as follows:

Canvass of
votes.

1602. The officers of election must publicly canvass the votes immediately after closing the polls, and make, sign, and deliver certificates of election to the person or persons elected, which must, with the oath of office of the person so elected attached, be forwarded to the County Superintendent of Schools, and filed in his office.

SEC. 20. Section one thousand six hundred and fourteen of the Political Code is hereby amended to read as follows:

How vacan-
cies are
caused.

1614. *First*—Vacancies in the office of School Trustee are caused by the happening of any of the events specified in section nine hundred and ninety-six of the Political Code, or by failure to elect, as provided in section one thousand five hundred and ninety-three of this Code.

When
Trustee
resigns.

Second—When a School Trustee resigns, his resignation must be sent in writing to the County Superintendent of Schools.

SEC. 21. Section one thousand six hundred and fifteen of the Political Code is hereby amended to read as follows:

Trustees
of new
districts.

1615. *First*—When a new district is organized, such of the Trustees of the old district as reside within the boundaries of the new shall be Trustees of the new district until the expiration of the time for which they were elected.

Election of
Trustees
in joint
districts.

Second—When joint districts are formed, three Trustees shall be elected at the June election next succeeding the formation thereof, to hold office for one, two, and three years, respectively, from the first day of July next succeeding their election. The terms of the Trustees in the districts uniting to form the joint district shall expire on the formation of said joint district, and the Superintendent of the county in which lies the district having the greater number of census children shall appoint two Trustees, and the Superintendent of the county in which the other district lies shall appoint one Trustee, to hold office until the first day of July next succeeding the formation of the joint district.

Terms.

Who to
appoint.

SEC. 22. Section one thousand six hundred and seventeen of the Political Code is hereby amended to read as follows:

Powers
and duties
of Trustees
and Boards
of Educa-
tion.

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

First—To prescribe and enforce rules, not inconsistent with law or those prescribed by the State Board of Education, for their own government and government of schools, and to transact their business at regular or special meetings called for such purpose, notice of which shall be given each member.

Manage
and con-
trol school
property.

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 districts.

Purchase
text-books,
etc.

Third—To purchase text-books of the State series for the use of pupils whose parents are unable to purchase them, school furniture, including organs and pianos, and apparatus, and such other things as may be necessary for the use of schools; *pro-*

vided, 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. Rent,
repair, etc.

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

Sixth—To make, in the name of the district, conveyances on 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 the 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. Employ
teachers.

Eighth—To suspend and expel pupils for misconduct.

Ninth—To exclude from schools children under six years of age; *provided*, that in cities and towns in which the kindergarten has been adopted, or may hereafter be adopted, as a part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years. 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. Librarians.

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

Thirteenth—To furnish books for the children of parents unable to purchase them; the books so furnished to belong to the school 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 public 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. Register.

Fifteenth—To permit children from other districts to attend the schools of their district only upon the consent of the Trustees of the district in which such children reside; *provided*, that should the Trustees of the district in which children, whose parents or guardians desire them to attend in other districts, reside, refuse to grant their consent, the parents or guardians of such children may appeal to the County Superintendent, and his decision shall be final. Children
from other
districts.

Sixteenth—On or before the first day of April in each year to appoint a School Census Marshal, and notify the Superintendent of Schools thereof; *provided*, that in any city, or city and county, the appointment of all School Census Marshals School
Census
Marshal.

shall be subject to the approval of the City Superintendent of Schools.

Annual report.

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.

Visit 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.

Changing location of school house.

Twentieth—Boards of Trustees may, and upon a petition signed by a majority of the heads of families resident in the district, as shown by the last preceding school census, 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

Meeting, how called.

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 meeting shall be called, which notices shall specify the purposes for which said meeting shall be called; and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a Chairman from the electors present, and the District Clerk shall be clerk of the meeting, and shall enter the minutes thereof on the records of the district. A meeting so called shall be competent to instruct the Board of Trustees:

Chairman and Clerk.

Instruction to 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; *provided*, that in no case shall the school house be used for purposes which necessitate the removal of any school desks, or other school furniture.

2. In regard to the sale and purchase 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. 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; *provided*, that

the vote in favor of changing the location of the school house shall be two thirds of all the electors voting at said meeting upon the proposition to change the location.

SEC. 23. Section one thousand six hundred and nineteen of the Political Code is hereby amended to read as follows:

1619. *First*—The Boards of School Trustees and City Boards of Education must maintain all the schools established by them for an equal length of time during the year, and, as far as practicable, with equal rights and privileges.

Schools shall be established for an equal length of time.

Second—When in any district it is necessary for the convenience of the residents of said district that the school therein should be maintained a part of the year in one portion of the district, and a part of the year in another portion of the district, the aggregate of the time the school has been maintained in the different portions of the district shall be considered in estimating the time for which a school has been maintained in the district during the school year.

Aggregate of school time.

SEC. 24. Section one thousand six hundred and twenty of the Political Code is hereby amended to read as follows:

1620. Writing and drawing paper, pens, inks, 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 School Trustees, and charges therefor must be audited and paid as other claims against the County School Fund of their districts are audited and paid.

Supplies.

SEC. 25. Section one thousand six hundred and twenty-one of the Political Code is hereby amended to read as follows:

1621. The Boards of School Trustees and City Boards of Education must use the school moneys received from the State and county apportionments exclusively for the support of schools for that school year, until at least an eight months' school has been maintained; if, at the end of any year during which an eight months' school has been maintained, there is an unexpended balance, it may be used for the payment of claims against the district outstanding, or it may be used for the year succeeding. Any balance remaining on hand at the end of any school year in which school has not been maintained eight months, shall be reapportioned by the Superintendent of Schools as other moneys are apportioned; *provided*, that if a district has been prevented from maintaining a school for eight months in any year in consequence of fire, flood, prevailing epidemic, or other cause, which may, upon investigation by the Superintendent of the county, be determined to be a good and sufficient one, said balance shall not be reapportioned.

Moneys for support of schools.

Balance to be reapportioned.

SEC. 26. Section one thousand six hundred and thirty-four of the Political Code is hereby amended to read as follows:

1634. It is the duty of the Census Marshal:

Duties of Census Marshal.

First—To take annually, between the fifteenth and thirtieth days of April, inclusive, a census of all children, including the children of Indian parents who pay taxes, or who are not living in the tribal relation, under seventeen years of age, who were residents of his district on said fifteenth day of April.

Reports. *Second*—To report the results of his labors to the Superintendent of Schools (or to the Board of Education, in cities), on or before the tenth day of May in each year.

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

Qualification. *Fourth*—Before entering upon the discharge of his duties as such, the Census Marshal must qualify and file his oath of office in the office of the Superintendent of Schools.

SEC. 27. Section one thousand six hundred and thirty-six of the Political Code is hereby amended to read as follows:

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

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

Second—The names of the parents or guardians of said children, arranged alphabetically, except in cities of the first class. In all 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 census of the district has not been taken, he must have it corrected, and, if necessary for the purpose, he may appoint a Census Marshal, and have the census of the district retaken. Should the Board of Education or Board of School Trustees of said city or district refuse to issue an order for the compensation of said Marshal for his services, the Superintendent is hereby authorized to issue his requisition therefor against the County Fund of such city or district without such order.

SEC. 28. Section one thousand six hundred and thirty-seven of the Political Code is hereby amended to read as follows:

What to include in report. 1637. He must include in his report all children who are absent attending institutions of learning, and whose parents or guardians are residents of the district; he must also include as census children the children of Indian parents who pay taxes, and of Indian parents who are not living in the tribal relation; he must also include all orphan children absent from the district in orphan asylums, whose guardians reside in the district, and every half orphan absent in asylums, whose surviving parent or guardian resides in the district; he must also include all native born Chinese children.

SEC. 29. Section one thousand six hundred and thirty-eight of the Political Code is hereby amended to read as follows:

What not to include in report. 1638. He must not include in his report children who are attending institutions of learning, or such benevolent institutions as deaf and dumb, blind, and orphan asylums in his district, whose parents or guardians do not reside therein.

SEC. 30. Section one thousand six hundred and thirty-nine of the Political Code is hereby amended to read as follows:

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; nor shall any order for such compensation be drawn by the Trustees of any district, or by any Board of Education, until they shall have been notified by the Superintendent that the report of the Census Marshal has been approved by him. In case the report should not be approved by the Superintendent the Census Marshal shall not be entitled to receive any compensation.

Compensation of Census Marshal.

SEC. 31. Section one thousand six hundred and fifty of the Political Code is hereby amended to read as follows:

1650. It is the duty of the Clerk:

Duties of 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, and an accurate account of the receipts and expenditures of school moneys.

Second—To keep his records and accounts, open to the inspection of the electors of the district, in suitable books provided by the Board of School Trustees for that purpose.

Third—To place the monthly journal designated as the official organ of the Department of Public Instruction in the school district library each month; and if he fails to receive it regularly, to immediately notify the publishers of such fact.

Fourth—To perform such other duties as may be prescribed by the Board.

SEC. 32. Section one thousand six hundred and fifty-one of the Political Code is hereby amended 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, keep the school house in repair during the time school is taught therein, and exercise a general care and supervision over the school premises and school property during the vacations of the school.

Clerk to provide supplies, etc.

SEC. 33. Section one thousand six hundred and sixty-two of the Political Code is hereby amended to read as follows:

1662. Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age residing in the district, and the Board of School Trustees, or City Board of Education, have power to admit adults and children not residing in the district, whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established, Indian, Chinese, or Mongolian children must not be admitted into any other school; *provided*, that in cities and towns in which the kindergarten has been adopted, or may hereafter be adopted, as part of the public primary schools,

Admission to school, and power of Trustees.

Separate schools in certain cases.

children may be admitted to such kindergarten classes at the age of four years.

SEC. 34. Section one thousand six hundred and sixty-three of the Political Code is hereby amended to read as follows:

Primary
and gram-
mar
schools.

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.

Examina-
tion for
promotion.

2. Except in incorporated cities having Boards of Education, the County Board of Education shall require that promotions, upon written examinations or otherwise, in each of said courses, shall take place at stated periods, at least once in each school year. It shall also provide for conferring diplomas at the end of the course of study in the grammar grade for those who satisfactorily pass the required examination.

3. The County Board of Education may amend and change, subject to section sixteen hundred and sixty-five, either of the above courses of study, whenever necessary.

SEC. 35. Section sixteen hundred and sixty-five of the Political Code is hereby amended to read as follows:

What may
be taught.

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 system, vocal music, elementary bookkeeping, industrial drawing, and civil government; *provided*, that instruction in physiology and hygiene, elementary bookkeeping, and civil government may be oral, no text-books in these subjects being required to be purchased by the pupils; *provided further*, that the Board of Education of any county may, in districts having less than one hundred census children, confine the pupils to the studies of reading, orthography, arithmetic, grammar, geography, history, penmanship, and elementary bookkeeping, until they have a practical knowledge of these subjects.

SEC. 36. Section one thousand six hundred and sixty-six of the Political Code is hereby amended to read as follows:

Other
studies.

1666. Other studies may be authorized by the Board of Education of any county, city, or city and county; but no such studies shall be pursued to the neglect or exclusion of the studies in the preceding section specified.

SEC. 37. Section one thousand six hundred and eighty-seven of the Political Code is hereby amended to read as follows:

Beginners,
how
taught.

1687. In all 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 assistant teachers in the highest grade in the grammar schools; and in no case shall Boards of Education or Boards of School Trustees draw orders for the salary of any teacher

in violation of this provision, nor shall any Superintendent draw any requisition for the salary of any teacher in violation thereof.

SEC. 38. Section one thousand six hundred and ninety-six of the Political Code is hereby amended to read as follows:

1696. Every teacher in the public schools must:

First—Before assuming charge of a school, file his or her certificate with the Superintendent of Schools; *provided*, that when any teacher so employed is the holder of a California State Normal School diploma, accompanied by the certificate of the State Board of Education, as provided in subdivision third, of section one thousand five hundred and three, of the Political Code, an Educational or a Life Diploma of California, upon presentation thereof to the Superintendent he shall record the name of said holder in a book provided for that purpose in his office, and the holder of said diploma shall thereupon be absolved from the provisions of this subdivision.

Duty of teachers.

File certificate or diploma

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. Boards of Education and Boards of School Trustees must in every case give to the teacher a notice of at least two weeks of their intention to close the term of school under their charge. No Superintendent shall draw any requisition for the last month's salary of any teacher until said teacher has filed with him the notice required by this subdivision.

Opening and closing schools.

Third—Enforce the course of study, the use of the legally authorized text-books, and the rules and regulations prescribed for schools.

Enforce rules, etc.

Fourth—Hold pupils to a strict account for their conduct on the way to or from school, on the playgrounds, or during recess; suspend, for good cause, any pupil from the school, and report such suspension to the Board of School 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.

Conduct of children.

Fifth—Keep a State School Register, in which shall be left, at the close of the term, a report showing programme of recitations, classification, and grading of all pupils who have attended school at any time during the school year. The Superintendent shall in no case draw a requisition in favor of the teacher, until the teacher has filed with him a certificate from the Clerk of the Board of School Trustees to the effect that the provisions of this subdivision have been complied with.

Keep a register.

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

Make annual report to Superintendent.

the year. The Superintendent of Schools shall in no case draw a requisition for the salary of any teacher for the last month of the school term, until the report required by this subdivision has been filed, and by him approved.

Other reports.

Seventh—Make such other reports as may be required by the Superintendent of Public Instruction, County Superintendent, Board of School Trustees, or City Board of Education.

SEC. 39. Section one thousand six hundred and ninety-eight of the Political Code is hereby amended to read as follows:

Dismissal of teacher.

1698. In case of the dismissal of any teacher before the expiration of any oral or written contract entered into between such teacher and the Board of Trustees, for alleged unfitness or incompetence, or violation of rules, the teacher may appeal to the School Superintendent; and if the Superintendent decides that the removal was made without good cause, the teacher so removed must be reinstated, and shall be entitled to compensation for the time lost during the pending of the appeal.

SEC. 40. Section one thousand six hundred and ninety-nine of the Political Code is hereby amended to read as follows:

On appeal, Superintendent of Schools to investigate charges.

1699. *First*—Any teacher whose salary is withheld may appeal to the Superintendent of Public Instruction, who shall thereupon require the Superintendent of Schools to investigate the matter and present the facts thereof to him. The judgment of the Superintendent of Public Instruction shall be final; and upon receiving it, the Superintendent of Schools, if the judgment is in favor of the teacher, shall, in case the Trustees refuse to issue an order for said withheld salary, issue his requisition in favor of said teacher.

Authority to suspend teacher.

Second—Should any teacher employed by a Board of School Trustees for a specified time, leave the school before the expiration of such time, without the consent of the Trustees, in writing, said teacher shall be deemed guilty of unprofessional conduct, and the Board of Education of the county are authorized, upon receiving notice of such fact, to suspend the certificate of such teacher for the period of one year. Should said teacher be the holder of an Educational or a Life Diploma, the Superintendent of Schools shall report the delinquency of the teacher to the State Board of Education, who are thereupon authorized to suspend said diploma for the period of one year.

SEC. 41. Section one thousand seven hundred and twelve of the Political Code is hereby amended to read as follows:

Library Fund.

1712. *First*—The Board of School Trustees and the City Board of Education in any city 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, or

City and County Board of Education. All orders of the Trustees and of Boards of Education for books or apparatus must in every case be submitted to the Superintendent of Schools of the county, or city, or city and county, respectively, for his approval, before said books or apparatus shall be purchased. Orders for books to be submitted.

Second—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. Stamping books.

SEC. 42. Section one thousand seven hundred and thirteen of the Political Code is hereby amended to read as follows:

1713. Except in cities not divided into school districts, the Library Fund shall consist of not less than five nor more than ten per cent of the County School Fund annually apportioned to the district; *provided*, that should ten per cent exceed fifty dollars, fifty dollars only shall be apportioned to the district; *and provided further*, that the School Trustees of each district in the county shall, in the month of July in each year, notify the Superintendent of the county as to what amount they desire to be apportioned for their respective districts for the year. Library Fund consists of what

SEC. 43. Section one thousand seven hundred and fourteen of the Political Code is hereby amended to read as follows:

1714. In cities not divided into school districts, the Library Fund shall consist of a sum not to exceed fifty dollars for every one thousand children, or fraction thereof of five hundred or more, between the ages of five and seventeen years, annually taken from the City or County School Fund apportioned to the city. The Superintendent shall apportion the Library Fund in cities not divided into districts among the several schools in proportion to the average number of children belonging to each school. Same.

SEC. 44. Section one thousand seven hundred and sixty-eight of the Political Code is hereby amended to read as follows:

1768. *First*—Except in any city and county, there shall be a County Board of Education, which shall consist of the County Superintendent of Schools and of four other members, appointed by the Board of Supervisors of the county. County Board of Education.

Second—Of the members appointed by the Board of Supervisors at least two shall always be experienced teachers, holding not lower than grammar grade certificates in full force and effect. Members.

Third—At their last regular meeting preceding the first day of July, in the year eighteen hundred and ninety-three, the Board of Supervisors shall appoint two members, at least one of whom shall be an experienced teacher, to serve on Supervisors to appoint certain members.

said Board of Education for the period of one year; and also two persons, at least one of whom shall be an experienced teacher, to serve on said Board of Education for the period of two years; and thereafter, each and every year, the Board of Supervisors, at the last regular meeting preceding the first day of July, shall appoint two persons, at least one of whom shall be an experienced teacher, to serve on said Board of Education for the period of two years.

In case of neglect or refusal to appoint.

Fourth—If the Board of Supervisors of any county refuse or neglect to appoint members of the County Board of Education, as provided in subdivision three of this section, it shall be the duty of the County Superintendent to appoint them. Should a vacancy occur at any time in the County Board of Education, it shall be the duty of the Board of Supervisors to appoint a party to fill such vacancy.

Qualifying

Fifth—The members of the County Board of Education, elected or appointed, shall qualify within ten days after receiving notice of their election or appointment.

Organization.

Sixth—The County Board of Education shall organize on the first meeting subsequent to the first day of July in each year, by electing one of their number President of the Board. The County Superintendent shall be ex officio Secretary of the Board.

Quorum.

Seventh—For the transaction of business, three members shall constitute a quorum; but no teacher's certificate shall be issued, renewed, or revoked, nor shall any books or apparatus be adopted, except by an affirmative vote of at least three members of the Board. On the call of any member, the yeas and nays shall be taken upon any proposition, and the vote shall be recorded in the minutes of the Board.

SEC. 45. Section one thousand seven hundred and seventy of the Political Code is hereby amended to read as follows:

Semi-annual meetings.

1770. *First*—Each County Board of Education shall meet semi-annually, at such time as they may determine. Special meetings may be called by the Superintendent whenever in his judgment the exigencies of the schools may require them to be held. Upon the request of any three members, in writing, the Superintendent shall call a special meeting. Notice of all semi-annual meetings shall be given by the Secretary at least ten days prior to the time of meeting; and no business shall be transacted at a special meeting, except as provided in subdivision second of this section, other than such as may be specified in the call of the Secretary.

Examination for teachers' certificates.

Second—Examination of applicants for teachers' certificates shall be held only at the semi-annual meetings of the Board. Certificates upon credentials may be granted, and certificates may be renewed, at any meeting of the Board.

Compensation of Board.

Third—The Board of Supervisors shall allow to each member of the County Board of Education a compensation of five dollars per day for his services, and the same rate of mileage as is allowed to the members of the Board of Supervisors of the county. The Secretary shall be allowed the sum of five dollars per day for the actual time that the Board may be in session;

said compensation of the members of the Board, and of the Superintendent, shall be payable out of the same fund and in the same manner as the salary of the Superintendent of Schools is paid.

Fourth—All expenses for printing required by the County Board of Education, and all incidental expenses incurred for stationery or other purposes in the performance of their duties, shall be audited and paid as other claims against the General Fund of the county are paid. Printing and incidental expenses.

SEC. 46. Section one thousand seven hundred and seventy-one of the Political Code is hereby amended to read as follows:

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. Powers of County Boards of Education.

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 throughout the county, except as provided in section seventeen hundred and seventy-five, as follows:

1. High School; valid for six years, authorizing the holder to teach in any high school, grammar grade, or primary school; *provided*, that holders of grammar school course certificates shall be entitled to receive high school certificates in lieu thereof.

2. Grammar Grade; valid for six years, authorizing the holder to teach in any grammar grade or primary school.

3. Primary; valid for two years, authorizing the holder to teach in any primary school.

Also, to grant special certificates, valid for six 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, and 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 by the Principal of the school.

Eighth—To adopt and use, in authentication of its acts, an official seal; and to have such printing done as may be necessary in the discharge of their duties.

Powers of
County
Boards of
Education.

Ninth—All examination papers for teachers' certificates 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 applicants or their authorized agents.

SEC. 47. Section seventeen hundred and seventy-two of the Political Code is hereby amended to read as follows:

In what
branches
examina-
tions must
be made.

1772. Except as provided in section seventeen hundred and seventy-five, certificates shall 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, civil government, elementary bookkeeping, and vocal music.

SEC. 48. Section one thousand seven hundred and seventy-five of the Political Code is hereby amended to read as follows:

Certificates
without ex-
amination.

1775. *First*—The Board may also, without examination, grant county certificates of either the grammar or the primary grade, to the holders of life diplomas of other States, Nevada, Oregon, and Washington State educational diplomas, San Francisco Normal class diplomas, when recommended by the Superintendent of Public Schools of said city, California State University diplomas, when recommended by the Faculty of the University, State Normal School diplomas of other States, grammar grade certificates of any county, city, or city and county of California; and county certificates of the high school grade to holders of California State University diplomas, when recommended by the Faculty of the University, and to graduates of any other institution in the United States which the State Board of Education of this State shall have recommended as being of the same rank as the State University of California, when the diploma of graduation from said institution shall be accompanied by a recommendation from the Faculty thereof, showing that the holder of the diploma has had academic and professional training equivalent to that required by the State University. The general conditions on which such recommendations may be accepted by the County Boards of Education as fulfilling these requirements, shall be prescribed by the State Board of Education.

Graduates
of State
University.

Second—Whenever any holder of a diploma from the State University shall present to the State Board of Education satisfactory evidence of having had two years' successful experience as a teacher subsequent to graduation, accompanied by a recommendation from the Faculty of the State University, showing that said graduate has completed the prescribed course in the Pedagogical Department of the State University, the State Board of Education shall grant to the holder of said University diploma a document, signed by the President and Secretary of the State Board, showing such fact, and the said diploma, accompanied by said document of the State Board attached thereto, shall become a permanent certificate of qualification to teach in any

primary, grammar, or high school in the State; valid until such time as the said document shall be revoked by said State Board of Education, for any of the causes shown in subdivision four of section one thousand seven hundred and ninety-one.

Third—The Board may, without examination, renew unexpired certificates previously granted by said Board, such renewed certificates to remain valid for the same length of time for which new certificates may be granted; and the grammar grade and primary certificates issued or renewed by the County Board of Education shall entitle the holders thereof to teach in any city or district school in the county, in grades corresponding to the grades of their certificates; *provided*, that in cities having special departments in their schools, holders of credentials mentioned above may be examined by the City Board of Examination in the special studies of such departments. County Boards of Education may issue, upon proper examination or credentials, special certificates in any special branches taught in the schools of the county. All certificates must be issued upon the blank forms prepared for the purpose by the Superintendent of Public Instruction. Renewals.

SEC. 49. Section one thousand seven hundred and seventy-six of the Political Code is hereby amended to read as follows:

1776. Any member of a County Board of Education or of a City Board of Examination, 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, or of a City Board of Examination. Members of Boards prohibited from preparing any one for examination.

SEC. 50. Section one thousand seven hundred and eighty-seven of the Political Code is hereby amended to read as follows:

1787. In every city, or city and county of the first, second, or third class, having a Board of Education, there may be a City Board of Examination. City Board of Examination.

SEC. 51. Section one thousand seven hundred and eighty-eight of the Political Code is hereby amended to read as follows:

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

SEC. 52. Section one thousand seven hundred and ninety of the Political Code is hereby amended to read as follows:

1790. The City Board of Examination must meet and hold examinations for the granting of teachers' certificates semi-annually, at such times as they may determine. They may also hold monthly meetings for the transaction of such business as may come before them. Special meetings may be Meetings.

Special meetings.

called by the City Superintendent when in his judgment the same are necessary; and on the request, in writing, of any three members of the Board, the City Superintendent shall call a special meeting. No business shall be transacted at any special meeting except such as is indicated in the call therefor; and of all special meetings, due notice shall be given to each member of the Board. The place of meeting shall be designated by the Chairman. All meetings of the City Board of Examination shall be public, and the record of their proceedings shall be kept in the office of the City Superintendent of Schools.

All meetings public.

SEC. 53. Section one thousand seven hundred and ninety-one of the Political Code is hereby amended to read as follows:

Powers of City Boards of Examination.

1791. Each City Board of Examination has power:

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

Second—To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to receive: (1) a high school certificate, valid for six years, and authorizing the holder to teach any primary, grammar, or high school in such city; (2) a city certificate, grammar grade, valid for six years, authorizing the holder to teach any primary or grammar school in such city; (3) a city certificate, primary grade, valid for two years, authorizing the holder to teach any primary school in such city. They shall report the result of the examination to the City Board of Education; and said Board of Education shall thereupon issue to the successful candidates the certificates to which they shall be entitled.

Third—To recommend applicants for special certificates, valid for a period not to exceed six years, upon such special studies as may be authorized by the City Board of Education of such city.

Fourth—For immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the City Board of Education the revocation of any certificates previously granted by said Board of Education in such city, or city and county.

SEC. 54. Section one thousand seven hundred and ninety-two of the Political Code is hereby amended to read as follows:

City certificates.

1792. City or City and County Boards of Examination may also recommend the granting of city certificates, and the renewal thereof, in the manner provided for the granting and renewal of county certificates by the County Board of Education in section one thousand seven hundred and seventy-five of this Code.

SEC. 55. Section one thousand seven hundred and ninety-three of the Political Code is hereby amended to read as follows:

Eligibility of holders of city certificates.

1793. The holders of city certificates are eligible to teach, in the cities in which such certificates were granted, in schools of grades corresponding to the grades of such certificates, and when elected shall be dismissed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-one of this Act, duly ascertained and approved by the

Board of Education of said cities; and City Superintendents of Public Schools, elected by City Boards of Education, shall be elected for a term of four years; and said City Boards of Education shall have full power to fix the salary of all employes. The holders of special city certificates are eligible to teach the special studies mentioned in their certificates in all the schools in the city in which such certificates were granted.

SEC. 56. Section one thousand eight hundred and seventeen of the Political Code is hereby amended to read as follows:

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, 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 six dollars for each census child in the county, then the minimum amount shall be such a sum as will be equal to six dollars for each census child in the county.

SEC. 57. Section one thousand eight hundred and thirty of the Political Code is hereby amended to read as follows:

1830. The Board of School Trustees of any district may, prior to the fifteenth day of August in any year, when in their judgment it is advisable, call an election, and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or to maintain any school in such district, or for building one or more school houses, or for any two or all of these purposes; *provided*, that where a tax has been collected for the purpose of building a school house, and the erection of said school house shall not have been commenced within two years from the time said tax was collected, the custodian of said money shall return the same to the parties from whom said tax was collected.

SEC. 58. Section one thousand eight hundred and thirty-three of the Political Code is hereby amended to read as follows:

1833. The election shall be conducted in conformity to the provisions of sections one thousand five hundred and ninety-six, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand five hundred and ninety-nine, one thousand six hundred, and one thousand six hundred and one of the Political Code; *provided*, that no particular form of ballot shall be required, nor shall any informalities in conducting such election invalidate the same, if the election shall have been otherwise fairly conducted.

SEC. 59. Section one thousand eight hundred and thirty-five of the Political Code is hereby amended to read as follows:

Certificate
of election
officers.

1835. If a majority of the votes cast upon the question of the tax levy are "Tax—Yes," the officers of the election must certify the fact to the Board of School Trustees.

SEC. 60. Section one thousand eight hundred and thirty-six of the Political Code is hereby amended to read as follows:

Certificate
of Trustees.

1836. The Board of School Trustees, upon receipt of a certificate of such fact, must report the same to the Board of Supervisors, stating the amount of money to be raised.

SEC. 61. Section one thousand eight hundred and fifty-seven of the Political Code is hereby amended to read as follows:

No fees
allowed for
collecting
school
moneys.

1857. No Assessor, Tax Collector, City, City and County, or County Treasurer must charge or receive any fees or compensation whatever for assessing, collecting, receiving, keeping, or disbursing any school moneys, but the whole moneys collected must be paid to the City, City and County, or County Treasurer; *provided*, that said Assessor or Tax Collector, for services rendered in the collection of poll taxes, shall receive the sum of fifteen per cent of the collections.

SEC. 62. Section one thousand eight hundred and fifty-eight of the Political Code is hereby amended to read as follows:

Apportion-
ment of
school
moneys by
State
Superin-
tendent.

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, as shown by the returns of the School Census Marshals of the preceding school year; *provided*, that Indian children whose parents are on Government reservations, or are living in the tribal relation, 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:

Rules by
which he is
governed.

First—He must ascertain the number of teachers each district is entitled to, by calculating one teacher for every seventy school census children, or fraction thereof not less than twenty school census children, as shown by the next preceding school census; *provided*, that all children in any asylum and not attending the public schools, of whom the authorities of said asylum are the guardians, shall not be included in making the estimate of the number of teachers to which the district in which the asylum is located is entitled.

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.

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, wherever mentioned in this chapter, shall be construed to mean those between the ages of five and seventeen years.

Rules governing apportionment of school moneys.

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 districts 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 immediately 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 re-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. 63. Section one thousand eight hundred and sixty-one is hereby amended to read as follows:

1861. The State School Fund must be used for no other purpose than the payment of the salaries of teachers of primary and grammar schools.

Purposes for which State School Fund may be used.

SEC. 64. Section one thousand eight hundred and seventy-four of the Political Code is hereby amended to read as follows:

1874. In the adoption of text-books, all County, City, and City and County Boards of Education shall be governed by the following rules:

Rules for adoption of text-books.

First—Any books hereafter adopted as a part of a uniform series of text-books must be continued in use for not less than four years.

Second—No change of text-books must be made at any other time than in the months of May or June of the year in which the change is made, and no changes shall be made to take effect till the beginning of the school term commencing after the thirtieth day of June of that year; and no books other than those published by the State shall be adopted by the Board of Education of any county, city, city and county, or be used as text-books in any of the public schools of this State in the subjects of reading, orthography, English grammar, arithmetic, geography, United States history, physiology, and civil government.

When changes may be made.

State books to be used.

Third—At least sixty days' notice of any proposed change in text-books must be given by publication in a newspaper of general circulation, published in the county, if there be one, in which such change is to be made. If there be no newspaper published in the county, then such publication shall be made

Change in text-books to be published.

Change in text-books to be published.

in any newspaper having a general circulation in the county. A copy of the newspaper containing such publication, with such notice marked, must, immediately after the first publication thereof, be by the Secretary of the Board transmitted to the State Board of Education, and the same, when received, must be filed by the Secretary of said State Board. Said notice shall state what text-books it is proposed to change; that sealed bids or proposals will be received by the Board for furnishing books to replace them; the place where and the day and hour when all bids or proposals will be opened, and that the Board reserves the right to reject any and all bids or proposals. Said notice shall be published in such newspaper as often as the same shall be issued after the first publication thereof.

Bids to be made.

Award.

Fourth—At the time and place specified in said notice, the Board shall meet and publicly open and read all of the bids or proposals which have been received by them, and shall make their awards thereon within ten days thereafter.

Sample copies.

Fifth—Said bids or proposals must be accompanied by sample copies of the books proposed to be furnished, together with a statement of the wholesale and retail price at which the publisher agrees to furnish each book within the county, or at San Francisco, during the full time for which said books are to be adopted.

If bids are not satisfactory.

Sixth—If no satisfactory bids or proposals are received, then the books already in use may continue in use until changed, as herein provided.

Written contracts and bond.

Seventh—The publisher or publishers whose proposals shall be accepted, must enter into a written contract with the Board of Education making the award, and shall give a good and sufficient bond, in a reasonable sum, to be fixed by the Board of Education, for the faithful performance thereof. Publishers of books already in use may bid under the provisions of this section as well as others, and such bids, if satisfactory, may be accepted by the Board.

High schools exempt.

Eighth—High schools shall be exempt from the provisions of this section.

State books to be used.

Ninth—Nothing in this Act shall conflict with any provision of law relating to the State series of text-books; nor shall anything be construed to permit the adoption of any text-books upon any subject covered by the State series of books.

SEC. 65. Section one thousand eight hundred and seventy-seven of the Political Code is hereby amended to read as follows:

Duty of State Printer.

1877. All printing or binding required under this chapter, except as provided in subdivision eight of section one thousand seven hundred and seventy-one, must be executed by the State Printer, in the form and manner and at the prices of other State printing, and be paid for in like manner.

SEC. 66. Section one thousand eight hundred and seventy-nine of the Political Code is hereby amended to read as follows:

Bribing members of Board a misdemeanor.

1879. The offering of any valuable thing to any member of a Board of Education or Board of School Trustees, 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 or Board of School Trustees 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. Any contract or appointment obtained from a Board of Education or Board of School Trustees by corrupt means shall be void.

Compulsory testimony.

Appointment by corrupt means void.

SEC. 67. Section one thousand eight hundred and eighty of the Political Code is hereby amended to read as follows:

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, for building or purchasing one or more school houses, for insuring the same, for supplying the same with furniture and necessary apparatus, for improving the grounds, and for liquidating any indebtedness already incurred for said purposes.

Election for determining the issuance of bonds.

SEC. 68. Section one thousand eight hundred and eighty-two of the Political Code is hereby amended to read as follows:

1882. Such notice must contain:

Notice.

1. The time and place of holding such election.
2. The names of the Inspector and Judges to conduct the same.
3. The hours during the day in which the polls will be open.
4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.

SEC. 69. Section eighteen hundred and eighty-three of the Political Code is hereby amended to read as follows:

1883. Such election shall be conducted in conformity to the provisions of sections one thousand five hundred and ninety-six, one thousand five hundred and ninety-seven, one thousand five hundred and ninety-eight, one thousand five hundred and ninety-nine, one thousand six hundred, one thousand six hundred and one, and one thousand eight hundred and thirty-four, except that the words to appear upon the ballots shall be "Bonds—Yes" or "Bonds—No."

How election conducted.

SEC. 70. Section one thousand five hundred and three of the Political Code is hereby amended to read as follows:

1503. *First*—The Board of Trustees of each State Normal School, upon the recommendation of the Faculty, may issue to those pupils who worthily complete the full course of study and training prescribed, a diploma of graduation.

Diploma of State Normal School.

Second—Said diploma shall entitle the holder thereof to a grammar grade certificate from any City, City and County, or County Board of Education in the State.

Entitles holder to certificate.

When entitled to permanent certificate.

Third—Whenever any City, City and County, or County Board of Education shall present to the State Board of Education a recommendation showing that the holder of a Normal School diploma has had a successful experience of two years in the public schools of this State subsequent to the granting of such diploma, the State Board of Education shall grant to the holder thereof a document, signed by the President and Secretary of the State Board, showing such fact. The said diploma, accompanied by said document of the State Board attached thereto, shall become a permanent certificate of qualification to teach in any primary or grammar school in the State, valid until such time as the said diploma may be revoked, as provided in subdivision thirteen of section fourteen hundred and eighty-nine of this Code.

Superintendent to record above certificate.

Fourth—Upon presentation of the diploma and document referred to in subdivision third of this section to any City, City and County, or County Superintendent of Schools, said Superintendent shall record the name of the holder thereof in a book provided for that purpose in his office, and the holder thereof shall thenceforth be absolved from the requirement of subdivision first of section sixteen hundred and ninety-six of this Code.

Graduates of Pedagogical Department entitled to high school certificate.

Fifth—Said diploma of graduation from any Normal School in this State when accompanied by a certificate, granted by the Faculty of the State University, showing that the holder thereof, subsequent to receiving said diploma, has successfully completed the prescribed course of instruction in the Pedagogical Department of the State University, shall entitle the holder to a high school certificate authorizing the holder to teach in any primary or grammar school, and in any high school in this State, except those in which the holder would be required to teach languages other than the English.

SEC. 71. There is hereby added to the Political Code of the State of California three new sections, to be known and numbered as sections one thousand six hundred and sixty-nine, one thousand six hundred and seventy, and one thousand six hundred and seventy-one. Said sections shall read as follows:

How high schools may be established and maintained.

1669. High schools may be established and maintained in the manner provided in sections one thousand six hundred and seventy and one thousand six hundred and seventy-one of the Political Code.

City, town, or district of one thousand inhabitants may establish by election.

1670. *First*—Any city, incorporated town, or school district having a population of one thousand inhabitants or more, may, by a majority vote of the qualified electors voting at the election held for the purpose of determining the establishment and maintenance of such high school, establish and maintain a high school at the expense of such city, incorporated town, or school district.

Petition for election to determine the question.

Second—Whenever a majority of the heads of families, as shown by the last preceding school census, in any city, incorporated town, or school district, having one thousand or more inhabitants, shall unite in a petition to the Board of Education or Board of School Trustees of said city, incorporated town, or

school district, for the establishing and maintaining of a high school therein, said Board of Education or Board of School Trustees shall petition the County Superintendent of Schools to call an election in said city, incorporated town, or school district, for the determination of the question.

Third—Within twenty days after receiving said petition from said Board of Education or Board of School Trustees, the County Superintendent of Schools shall call an election therein for the determination of the question, and shall appoint three qualified electors thereof to conduct said election. Said election shall be called by posting notice thereof in five of the most public places in said city, incorporated town, or school district, and by publication in a daily or weekly paper therein, if there be one, for not less than fifteen days. Said election shall be conducted in the manner prescribed for conducting school elections. The ballots at such elections shall contain the words "For High School," and the voter shall write or print after said words on his ballot the word "Yes" or the word "No." It shall be the duty of said election officers to report the result of said election to the County Superintendent of Schools within ten days subsequent to the holding thereof.

Manner of calling and holding such election.

Fourth—When a majority in each district, as shown by the last preceding school census, of the heads of families residing in two or more school districts in the same county, shall unite in a petition to the County Superintendent of Schools for the establishing and maintaining of a union high school district, he shall, within twenty days after receiving said petition, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning to conduct the election therein. Said election shall be held separately and simultaneously at the public school house in each of the districts petitioning, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public school house in each district, at least ten days before said election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting school elections. The ballots at such election in each district shall contain the words "For the Union High School," and the voter shall write or print after said words on his ballot the word "Yes" or the word "No." It shall be the duty of the said election officers in each district to canvass the vote at said election, and report the result to the County Superintendent of Schools within five days subsequent to the holding of said election.

Union high schools.

Fifth—If a majority of the votes cast in the election provided for in subdivision three of this section in said city, incorporated town, or school district shall be in favor of establishing and maintaining a high school therein, it shall be the duty of the County Superintendent to call a meeting of the Board of Education or Board of School Trustees of said city, incorporated town, or school district, within fifteen days after receiving the returns of the election held therein, by giving at least ten days'

Superintendent to call meeting of Board if election is in favor of high schools.

Location and name.

notice, in writing, to every member of said Board of Education or Board of School Trustees. The Board of Education or Board of School Trustees shall, at said meeting, determine the location and the name of the high school.

In union high schools each district elects three representatives.

Sixth—If a majority of the votes cast in the districts petitioning for a union high school shall in the aggregate be in favor of establishing and maintaining a union high school therein, the County Superintendent shall, within fifteen days after receiving the returns of the election held therein, direct the Board of School Trustees in each of said districts to call a meeting of the qualified electors of their respective districts, in the manner provided in subdivision twenty of section sixteen hundred and seventeen of the Political Code. At said meeting the qualified electors shall in each district select three representatives. The representatives so chosen shall meet in conjunction with the County Superintendent of Schools at a time and place to be named by the Superintendent, for the purpose of determining the location and name of the union high school. At such meeting the Superintendent shall be the Chairman, and shall be entitled to vote and participate in all its proceedings. No change of location of any high school, when once established, shall be made except upon a petition to the County Superintendent of Schools, signed by two thirds of the heads of families of the high school district, and then only in accordance with all of the provisions for the original location of the school as contained in subdivisions five and six of this section.

How location and name to be determined.

High School Board.

Seventh—In any city, incorporated town, or school district which shall have established a high school, the Board of Education or Board of School Trustees shall constitute the High School Board, and shall have the management and control of said high school.

High School Board in union districts.

Eighth—In union high school districts the High School Board shall be composed of the Clerks of the Boards of Trustees of the respective districts uniting; *provided*, that should the union high school district consist of but two school districts, the Union High School Board shall be composed of the Boards of Trustees of both said districts.

Meeting and organization.

Ninth—The Union High School Board shall meet within ten days subsequent to the locating and naming of the union high school by the parties selected for that purpose, and shall organize by electing a President and a Clerk from their own number, to serve until the second Saturday of July next succeeding their election; and thereafter the Board shall meet and organize in the same manner on the second Saturday of July of each and every year.

Monthly meetings.

Tenth—The respective High School Boards shall hold regular monthly meetings at the high school building, at such time as may be provided in the rules and regulations adopted by them for their own government. Special meetings may be held at the call of the President of the respective Boards.

Special meetings.

Upon the request, in writing, signed by a majority of any Board, the President of said Board shall call a meeting thereof. Of all special meetings of any Board the members thereof shall

have at least two days' notice, issued and served by the Clerk thereof. At special meetings no business shall be transacted other than as specified in the call therefor.

Eleventh—The powers and duties of the High School Boards shall be such as are now, or as may hereafter be assigned by law to Boards of Education or Boards of School Trustees, including the provisions of sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight, inclusive, of the Political Code, relating to the voting and issuance of bonds, except as otherwise provided in this section. Powers and duties.

Twelfth—The course of studies for the respective high schools shall be prepared by the High School Board, and, except in cities and incorporated towns, shall be subject to the approval of the County Board of Education. Said course of study shall embrace a period of not less than three years; and it shall be such as will prepare graduates therein for admission into the State University. The text-books to be used shall be adopted by the High School Board, subject to the same restriction as is provided for the adoption of the course of study. The State series shall be used in grades and classes for which they may be adapted. Course of study.

Thirteenth—Graduates of the grammar schools shall be admitted to the high schools without examination. Other applicants of the high school district may be admitted in accordance with such rules as may be prescribed by the High School Board. The High School Board may admit pupils not residing in any high school district, upon the payment of such tuition fees as they may deem proper, and all moneys collected from this source shall be paid into the fund provided for the support of the high school. Who may be admitted.
Tuition fees.

Fourteenth—In any city, incorporated town, school district, or union high school district which shall have voted to establish and maintain a high school, it shall be the duty of the High School Board therein to furnish to the authorities whose duty it is to levy taxes, on or before the second Monday of September, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and erecting a suitable building, of furnishing the same, and of fencing and ornamenting the grounds for the accommodation of the school, and of conducting the school for the school year. It shall be the duty of said Board, each and every year thereafter, to present to said authorities, on or before the second Monday of September, an estimate of the amount of money required for conducting the school for the school year. Estimates for tax levy.

Fifteenth—When such estimate shall have been made, it shall be the duty of the authorities in said city, incorporated town, school district, or union high school district, to levy a special tax upon all of the taxable property of said city, incorporated town, school district, or union high school district, sufficient to raise the amount required by said High School Board, as shown by said estimate. Said tax shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered, and collected. Tax to be levied and collected.

When Superintendent may make estimate.

Sixteenth—Should the High School Board of any city, incorporated town, school district, or union high school district refuse or neglect to make the estimate provided for in subdivision fourteen of this section, it shall be the duty of the Superintendent of Schools, upon the petition of five qualified electors thereof, to make such estimate.

When County Auditor may make levy.

Seventeenth—Should the authorities whose duty it is to levy the tax, as provided in subdivision fifteen of this section, refuse or neglect to make the levy provided for, it shall be the duty of the County Auditor to make such levy, and add it to the tax roll of said city, incorporated town, school district, or union high school district.

High School Fund.

Eighteenth—All moneys collected from the levy of the tax provided for by this section shall be paid in cities and incorporated towns into the treasury thereof, to the credit of the High School Fund; and said moneys shall be paid out by the Treasurers of said cities or towns upon the warrants of the High School Board, signed by the President and Clerk thereof.

District High School Fund.

Nineteenth—All moneys collected from said levy in school districts, or union high school districts, shall be paid into the County Treasury to the credit of the District High School Fund, or the Union High School Fund, respectively, and shall be paid out on the order of the High School Board, signed by the President and Clerk thereof, as other school moneys are paid out.

Union High School Fund.

All districts in county may unite.

Twentieth—Nothing in this section shall be construed as preventing all of the school districts in any county from uniting to form one or more county high schools; *provided*, that when any city, incorporated town, school district, or union high school district shall vote to maintain a high school, such territory shall be exempt from taxation to support a county high school; *and provided further*, that when any city, incorporated town, school district, or union high school district shall establish a high school prior to the submission of the proposition to establish a county high school, the electors of such city, incorporated town, school district, or union high school district shall be excluded from voting upon said proposition.

Changes of boundaries.

Twenty-first—When the boundaries of school districts shall for any cause be changed, such change shall not affect the high school district.

Adjacent territory may be admitted.

Twenty-second—Any school district adjacent to a high school district may be admitted to said high school district by action of the Board of Supervisors of the county, upon such terms as may be agreed upon between the Trustees of the school district seeking admission, and the High School Board, whenever a majority of the heads of families, as shown by the last preceding school census, shall present, to said Board of Supervisors, a petition for such annexation, accompanied by a petition signed by a majority of the members composing the High School Board of the district to which admission is desired.

When high school may be suspended.

Twenty-third—When the average daily attendance of pupils in any high school during the whole of any school year, after the first school year, shall be ten, or less than ten, the Superin-

tendent of Schools shall suspend the school in said district, and shall report the fact to the Board of Supervisors. Upon receiving such report from the Superintendent, the Board of Supervisors shall declare the high school lapsed, and shall cause the property thereof to be sold. All moneys received from the sale of the property of the high school district, and all moneys in the treasury to the credit of said high school, shall be distributed by the County Superintendent to the districts composing the high school district, in proportion to the assessed valuation of property in said districts.

Property to be sold.

Dis-position of moneys.

Twenty-fourth—When, in consequence of distance or of convenience in traveling, it is more convenient for pupils residing in any high school district to attend the high school in another high school district, the High School Board of the latter district may admit such pupils to the high school in their district. The High School Board in the district in which such pupils reside shall, upon demand, give to the High School Board of the district in which such pupils attend, a warrant upon the fund of their district in payment of the tuition of said pupils, equal to the amount charged for the tuition of non-resident pupils, as provided in subdivision thirteenth of this section.

Attending other districts.

Payment therefor

Twenty-fifth—(1) When a majority of the heads of families residing in two or more adjacent districts, not in the same county, shall unite in a petition to the County Superintendents of their respective counties for the establishing and maintaining of a joint union high school district, it shall be the duty of said Superintendent, within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning, for the purpose of determining the question, and appoint three qualified electors in each district petitioning, to conduct the election therein. Said election shall be called and conducted in all respects as specified in subdivision fourth of this section, and the result thereof shall be reported by the election officers in each district to the Superintendents of the counties in which the districts are situated, within five days subsequent to the holding of said election.

Joint Union High School District

(2) If a majority of the votes cast in the districts shall, in the aggregate, be in favor of establishing a joint union high school, the County Superintendent in each county shall, within fifteen days after receiving the returns of the election, direct the Board of Trustees in the district or districts, in his respective county, to call a meeting of the qualified electors, as provided in subdivision sixth of this section. At said meeting the qualified electors in each district shall select representatives, as provided in said subdivision. The representatives so chosen shall meet at a time and place, to be agreed upon among themselves, for the purpose of determining the location and name of the school.

Representatives to be elected.

Duties

(3) The Joint Union High School Board shall be composed as provided in subdivision eighth of this section; and their powers and duties shall be such as are specified in this section for Union High School Boards; *provided*, that the estimate pro-

Powers and duties of Board.

vided for in subdivision fourteenth of this section shall be furnished to the authorities in each of the counties in which the districts uniting are situated; and *provided further*, that the portion of such estimate to be raised in each district shall be in proportion to the taxable property therein, as shown by the last preceding assessment roll thereof.

Levy and
collection
of taxes.

(4) All the provisions relative to the levy and collection of the tax necessary to raise the amount estimated as provided, shall apply to the levy and collection of the tax for joint union high schools; *provided*, that the amount collected in each district shall be paid into the treasury of the county in which said district is located, to the credit of a fund to be known as the Joint Union High School Fund, and shall be paid out as provided in subdivision nineteenth of this section.

County
high
schools.

1671. *First*—There may be established in any county in this State, one or more county high schools; *provided*, that at any general or special election held in said county after the passage of this Act, a majority of all the votes cast at such election, upon the proposition to establish a high school, shall be in favor of establishing and maintaining such county high school or schools at the expense of said county.

To be de-
termined
by election.

Second—The Board of Supervisors, at any general election to be held in any county after the passage of this Act, upon the presentation of a petition signed by fifty or more qualified electors, taxpayers of said county, must submit the question of establishing and maintaining a county high school to the qualified electors thereof. The Board of Supervisors, if they deem it expedient, may order a special election for such purpose. Said election shall be conducted in the manner prescribed by law for conducting elections. The ballots at such election shall contain the words "For County High School;" and the voter shall write or print thereafter on the ballot the word "Yes" or the word "No."

Location of
school.

Third—If the majority of all the votes cast on the proposition to establish a county high school are in the affirmative, it shall be the duty of the Board of Supervisors, within thirty days after canvassing said vote, to locate the school in some suitable and convenient place in said county. The Board of Supervisors shall also estimate the cost of purchasing a suitable lot, erecting a building, and furnishing the same, for the accommodation of such school, together with the cost of conducting such school for the next twelve months; *provided*, that the High School Board may rent suitable rooms for the accommodation of the school. If rooms can be obtained in public school buildings in the place in which said school shall be located, such rooms shall be given the preference.

Estimates
of cost.

Renting
rooms.

Special tax
levy.

Fourth—When such estimate shall have been made, the Board of Supervisors shall thereupon proceed to levy a special tax upon all of the assessable property of the county, except as provided in subdivision twentieth of section one thousand six hundred and seventy of the Political Code, sufficient to raise the amount estimated as necessary for the purchasing of a lot, procuring plans and specifications, erecting a building, furnish-

ing the same, fencing and ornamenting the grounds, and the cost of running said school for the following twelve (12) months. Said tax shall be computed, entered on the tax roll, and collected in the same manner as other taxes are computed, entered, and collected, and the amount so collected shall be deposited in the County Treasury, and be known and designated as the County High School Fund, and shall be drawn from the treasury as other moneys so appropriated are drawn.

Fifth—When the Board of Supervisors shall have properly provided and completed the building, together with the necessary fencing of the lot so purchased, they shall cause the same to be deeded to the County Board of Education, who shall hold the same in trust for the county.

When lot
to be
deeded.

Sixth—It shall be the duty of the County Board of Education to furnish to the Board of Supervisors, annually, an estimate of the amount of money needed to pay all of the necessary expenses of running said school; to adopt the necessary textbooks (the State series shall be used in grades and classes for which they are adapted); to adopt and enforce a course of study for said schools; to employ suitable teachers, janitors, and other employes, and discharge such employes when deemed advisable by them; and to do any and all other things necessary to the proper conduct of the school. The course of study shall be such as will, when it is completed by the student, fit him for admission to the University of California.

Duties of
County
Board of
Education.

Seventh—It shall be the duty of the Board of Supervisors to include in their annual tax levy the amount estimated by the County Board of Education as needed to pay the expenses of conducting the county high school; and such amount, when collected and paid into the County Treasury, shall be known as the "County High School Fund," and may be drawn therefrom in the following manner, for the purpose of defraying the expenses of conducting said county high school: The County Board of Education shall draw their order on the County Superintendent of Schools, in the manner and form provided by law for School District Trustees drawing orders on their District School Funds, and the County Superintendent shall draw his requisition on the Auditor, who shall draw his warrant on the County Treasurer in favor of the person or persons to whom the amount called for in such requisition is due. All orders, requisitions, and warrants drawn on the "County High School Fund," in all other respects, except as specified in this Act, shall be subject to the law governing school districts.

Duty of
Board of
Super-
visors.

Eighth—In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this Act for establishing and maintaining a county high school.

More than
one county
high
school may
be estab-
lished.

Ninth—All high schools shall be open for the admission of graduates holding diplomas from the county grammar schools of the county, and to all pupils of the county who can pass the examination for admission. The examination for admis-

Admis-
sions and
examina-
tions.

sion shall be conducted by the County Board of Education and the Principal of the county high school.

Prior proceedings validated.

Tenth—All proceedings for the establishment of county and union high schools had prior to the passage and approval of this Act, are hereby validated and declared legal; and said high schools shall continue under the provisions of the law under which they were established, until the first day of July, one thousand eight hundred and ninety-three; thereafter they shall be conducted in accordance with the provisions of this Act.

Acts repealed.

SEC. 72. Sections one thousand seven hundred and fifty-seven and one thousand seven hundred and sixty-nine, and also "An Act to authorize the establishment of county high schools, and provide for their support," approved March the tenth, one thousand eight hundred and ninety-one, and "An Act to provide for the establishment of high schools in the State of California," approved March the twentieth, one thousand eight hundred and ninety-one, and Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 73. This Act shall take effect and be in force from and after its passage.

CHAPTER CXCIV.

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, providing for reducing the bonded indebtedness thereof.

[Approved March 23, 1893.]

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

Reduction of bonded indebtedness, election therefor.

SECTION 1. Whenever the Board of Directors of an irrigation district organized under and pursuant to 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, eighteen hundred and eighty-seven, shall determine that the authorized bonded indebtedness of such irrigation district is greater than such district is liable to need to complete its system as planned, and there be no outstanding bonds, the Board of Directors may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the Board may determine to be sufficient for such purpose.

Notice of election, how given.

SEC. 2. Such election shall be held in the same manner as other elections held under the provisions of this Act. A notice of the said election shall be given in the same manner as provided in section fifteen of said Act, in relation to calling special

elections for issuance of bonds. The notice of election must state the amount of the authorized bonded indebtedness of such district, and the amount to which it is proposed to reduce the same; also the date on which said election will be held and the polling places, as established by said Board of Directors. The ballots cast at said election shall contain the words "For reducing bonds—Yes," or "For reducing bonds—No."

Notice of election must state, what.

Ballots.

SEC. 3. When the vote is canvassed by the Board of Directors and entered of record, if a majority of the votes cast shall be "For reducing bonds—Yes," then in that event the Board of Directors shall only be empowered to issue or sell such amount of bonds as was stipulated in the said notice of such special election; but if a majority of said votes are not "For reducing bonds—Yes," then the authority to issue bonds shall remain the same as before said special election was held.

Canvass of votes and supplementary proceedings.

SEC. 4. In case there be outstanding bonds of any district desiring to take advantage of the provisions of this Act, the assent of such bondholders may be obtained to such reduction of the bonded indebtedness, in the same manner as provided in section six of an Act supplemental to said Act, entitled "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 thereby for irrigation purposes,' approved March seventh, eighteen hundred and eighty-seven, providing for the exclusion of certain lands within any such district," approved February sixteenth, eighteen hundred and eighty-nine. If such assent is obtained in the manner therein provided, then, and in that event, such district shall be empowered to take advantage of all the provisions of this Act, but not otherwise.

Assent of bondholders, how obtained.

SEC. 5. No reduction of the bonded indebtedness, as in this Act provided, shall in any manner affect any order of Court that may have been made, adjudicating and confirming the validity of said bonds.

Effect of reduction of bonded indebtedness.

SEC. 6. This Act shall take effect immediately.

CHAPTER CXC.V.

An Act granting to the Board of Supervisors of Sonoma County, California, right of way through the lands of the California Home for the Care and Training of Feeble-Minded Children, to enable said Board of Supervisors to change the location of the public highway now traversing said lands.

[Approved March 23, 1893.]

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

SECTION 1. Right of way through the State property occupied by the California Home for the Care and Training of

Right of way for change of road granted.

Feeble-Minded Children is hereby granted to the Board of Supervisors of the county of Sonoma, to enable said Board of Supervisors to change the location of the public highway now traversing said State lands.

Description of right of way.

SEC. 2. Said right of way, not exceeding eighty feet in width, shall begin at a point where the present public highway crosses the boundary line of said State property on the south, and from thence shall proceed in a northwesterly direction to a point at or near the junction of the present public highway with the boundary line of the said State property on the north, all agreeably to certain surveys, plans, and provisions heretofore approved, or such as may hereafter be approved, by the Board of Trustees of said Home for the Care and Training of Feeble-Minded Children; *provided*, that in consideration of this grant, and on completion of the highway herein provided for, and its use by the public, the Board of Supervisors of said county shall declare the present highway abandoned and closed, and reverted to the State, and that the Board of Trustees of said California Home for the Care and Training of Feeble-Minded Children may seize and hold the same as State property.

Present highway to be abandoned.

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

CHAPTER CXCVI.

An Act to amend section six hundred and twenty-six of the Penal Code, relating to the preservation of game birds and animals, and providing punishment for the unlawful taking, killing, and transportation thereof.

[Approved March 23, 1893.]

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

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

At certain times misdemeanor to hunt quail, wild duck, etc.

626. Every person who, in the State of California, between the first day of March and the first day of September in each year, shall hunt, pursue, take, kill, or destroy, or have in his possession, dead or alive, except for purposes of propagation, any quail, bob-white, partridge, or grouse, or any kind of wild duck, snipe, or rail, shall be guilty of a misdemeanor.

Or destroy eggs of certain birds.

Every person who, in the State of California, shall take, gather, or destroy the eggs of any quail, bob-white, partridge, pheasant, grouse, or dove, or any kind of wild duck, shall be guilty of a misdemeanor.

Or doves.

Every person who, in the State of California, between the first day of March and the first day of August, in each year, shall hunt, pursue, take, kill, or destroy, or have in his possession, doves, shall be guilty of a misdemeanor.

Every person who, in the State of California, shall, within the two years next (except from September first to October fifteenth in each year) after the passage of this Act, hunt, pursue, take, kill, or destroy any male deer, elk, antelope, mountain sheep, or buck, shall be guilty of a misdemeanor.

Or kill male deer, antelope, mountain sheep.

Every person who, in the State of California, shall at any time hunt, pursue, kill, take, or destroy any female deer, antelope, elk, mountain sheep, or doe, shall be guilty of a misdemeanor.

Or female deer, etc.

Every person who shall at any time hunt, pursue, take, kill, or destroy any spotted fawn, shall be guilty of a misdemeanor.

Or spotted fawn.

Every person who shall take, kill, or destroy, at any time, any bird mentioned in this section, unless the carcass of such bird is used or preserved by the person so taking or slaying it, or is sold for food, shall be guilty of a misdemeanor.

Must not kill, except for food.

Every person in the State of California who shall at any time sell, or offer for sale, the hide or meat of any deer, elk, antelope, or mountain sheep, shall be guilty of a misdemeanor.

Must not sell, or offer for sale.

Every person who shall buy, sell, offer, or expose for sale, transport or carry, or have in his possession, any deer or deer-skin, or any deer hide or pelt from which the evidence of sex has been removed, or any of the aforesaid game at a time when it is unlawful to kill the same, shall be guilty of a misdemeanor.

Possession of green hides, etc.

Every person who, in the State of California, shall, within the two years next after the passage of this Act, hunt, pursue, take, kill, or destroy, or have in his possession, except for purposes of propagation, any pheasant, shall be guilty of a misdemeanor.

Pheasants.

Every person who shall at any time net or pound any quail, partridge, or grouse, and every person who shall sell, transport, or give away, or offer or expose for sale, or have in his possession, any quail, partridge, or grouse that has been snared, captured, or taken in or by any means of any net or pound, is guilty of a misdemeanor.

Must not net or pound quail, etc.

Proof of possession of any quail, partridge, or grouse which shall not show evidence of having been taken by means other than a net or pound, shall be "prima facie" evidence, in any prosecution for violation of the provisions of this section, that the person in whose possession such quail, partridge, or grouse is found, took, killed, or destroyed the same by means of a net or pound.

Proof of possession "prima facie" evidence.

Every cold storage company, person keeping a cold storage warehouse, tavern or hotel keeper, restaurant or eating-house keeper, marketman, or other person who shall sell, expose, or offer for sale, or give away, or have in his possession in this State any deer, quail, bob-white, partridge, pheasant, grouse, dove, or wild duck during the time it shall be unlawful to kill such animal or bird, shall be guilty of a misdemeanor.

Not to sell or have in possession any deer, quail, etc.

Every person who shall use a shotgun of a larger caliber than that commonly known and designated as number ten gauge, for the purpose of killing or destroying any wild duck,

Caliber of shotgun that can be used.

rail, quail, partridge, pheasant, or grouse, shall be guilty of a misdemeanor.

Permission of owner of inclosed grounds to be first obtained. Every person who, upon any inclosed or cultivated grounds which are private property, and where signs are displayed forbidding such shooting, shall shoot any quail, bob-white, pheasant, partridge, grouse, dove, or wild duck, without permission first obtained from the owner or person in possession of such grounds, shall be guilty of a misdemeanor.

Penalty for violation. Any person found guilty of a violation of any of the provisions of this section shall be fined in a sum not less than twenty dollars, or be imprisoned in the county jail in the county in which the conviction shall be had not less than ten days, or be punished by both such fine and imprisonment. One half of all moneys collected for fines for violations of this section shall be paid to the informer, one quarter to the District Attorney of the county, and one quarter shall be paid into the Fish Commission Fund for the purchase and distribution of game birds in the various counties of the State.

Disposi- tion of moneys received from fines. SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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

CHAPTER CXCVII.

An Act to provide for the compensation of the Chief and Captain of Police and police officers, in cities in the State of California containing not less than ten thousand and not exceeding twenty-five thousand inhabitants.

[Approved March 23, 1893.]

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

Salary of Chief and Captain of Police. SECTION 1. The police officers and Captains of Police in all cities of this State containing a population of not less than ten thousand and not exceeding twenty-five thousand, shall receive a salary of not less than one hundred dollars and not exceeding one hundred and twenty-five dollars per month; and the Chief of Police in all such cities shall receive a salary of not less than one hundred and twenty-five dollars and not exceeding one hundred and fifty dollars per month.

City Council to fix salary. SEC. 2. The City Council of such cities shall, by ordinance, at its first regular meeting in July of each year, fix the compensation of said Chief, Captain, and police officers, at a sum not less nor exceeding the amounts herein provided.

Warrants, how payable. SEC. 3. The City Clerk of such cities shall draw his warrant upon the City Treasurer monthly in favor of the Chief of Police, and each of said Captains of Police and police officers, for the amount of their monthly salary so fixed by the City Council.

SEC. 4. The City Treasurer of such cities, out of the funds

of such city, shall pay said warrants as other warrants drawn on him are paid. Out of what fund payable.

SEC. 5. All Acts and parts of Acts inconsistent or in conflict with this Act are hereby repealed.

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

CHAPTER CXCVIII.

An Act to amend section twelve hundred and ten of the Code of Civil Procedure, relating to reëntry upon real property.

[Approved March 23, 1893.]

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

SECTION 1. Section twelve hundred and ten of the Code of Civil Procedure is amended so as to read as follows:

1210. Every person dispossessed or ejected from or out of any real property, by the judgment or process of any Court of competent jurisdiction, and who, not having right so to do, reënters into or upon, or takes possession of any such real property, or induces or procures any person not having right so to do, or aids or abets him therein, is guilty of a contempt of the Court by which such judgment was rendered or from which such process issued. Upon a conviction for such contempt, the Court must immediately issue an alias process, directed to the proper officer, and requiring him to restore such possession to the party entitled under the original judgment or process (or to his lessor or to his grantor). And no appeal from the order directing the issuance of an alias writ of possession shall stay the execution thereof, unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that he will not commit or suffer to be committed any waste therein, and if the order be affirmed or the appeal dismissed he will pay the value of the use and occupation of the property from the time of his unlawful reëntry until the delivery of the possession thereof, pursuant to the judgment or order, not exceeding a sum to be fixed by the Judge of the Court by which the order for the alias writ was made, and which must be specified in the undertaking. Reëntry upon lands in certain cases declared contempt of Court.

Duty of Court upon conviction.

Appeal not to stay execution unless undertaking is filed.

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

CHAPTER CXCIX.

An Act relating to Treasurers, their deputies and clerks, in counties, and cities and counties, having a population of two hundred thousand inhabitants or over.

[Approved March 23, 1893.]

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

Treasurer to appoint deputies. SECTION 1. In all counties, and cities and counties, having a population of two hundred thousand inhabitants or over, the Treasurer may appoint deputies and clerks as follows: One Chief Deputy, who shall receive a salary of two hundred and fifty (\$250) dollars per month; one Clerk, who shall receive a salary of one hundred and twenty-five (\$125) dollars per month; and two additional deputies, who shall receive a salary of one hundred and seventy-five dollars (\$175) per month each. Said salaries shall be audited, allowed, and paid out of the General Fund.

Salaries.

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

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

CHAPTER CC.

An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State,' approved March 20, 1891, by amending sections one, eleven, and twelve.

[Approved March 23, 1893.]

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 to read as follows:

Classification and numbers of agricultural districts. The several counties of this State are divided and classified into agricultural districts, and numbered as follows, to wit:

The counties of San Francisco and Alameda shall constitute Agricultural District Number One.

The county of San Joaquin shall constitute Agricultural District Number Two.

The county of Butte shall constitute Agricultural District Number Three.

The counties of Sonoma and Marin shall constitute Agricultural District Number Four.

The counties of San Mateo and Santa Clara shall constitute Agricultural District Number Five.

The county of Los Angeles shall constitute Agricultural District Number Six.

The county of Monterey shall constitute Agricultural District Number Seven.

The county of El Dorado shall constitute Agricultural District Number Eight.

The county of Humboldt shall constitute Agricultural District Number Nine.

The counties of Siskiyou and Trinity shall constitute Agricultural District Number Ten.

The counties of Plumas and Sierra shall constitute Agricultural District Number Eleven.

The counties of Lake and Mendocino shall constitute Agricultural District Number Twelve.

The counties of Sutter and Yuba shall constitute Agricultural District Number Thirteen.

The county of Santa Cruz, save and except the 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 Number Fourteen.

The county of Kern shall constitute Agricultural District Number Fifteen.

The county of San Luis Obispo shall constitute Agricultural District Number Sixteen.

The county of Nevada shall constitute Agricultural District Number Seventeen.

The counties of Mono, Inyo, and Alpine shall constitute Agricultural District Number Eighteen.

All that portion of Santa Barbara County lying east of the Gaviota and south of the Santa Ynez Mountains, shall constitute Agricultural District Number Nineteen.

The county of Placer shall constitute Agricultural District Number Twenty.

The county of Fresno shall constitute Agricultural District Number Twenty-one.

The county of San Diego shall constitute Agricultural District Number Twenty-two.

The county of Contra Costa shall constitute Agricultural District Number Twenty-three.

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 Number Twenty-four.

The county of Napa shall constitute Agricultural District Number Twenty-five.

The counties of Sacramento and Amador shall constitute Agricultural District Number Twenty-six.

Classification and numbers of agricultural districts.

Classifica-
tion and
numbers
of agricult-
ural dis-
tricts.

The county of Shasta shall constitute Agricultural District Number Twenty-seven.

The county of San Bernardino shall constitute Agricultural District Number Twenty-eight.

The county of Tuolumne shall constitute Agricultural District Number Twenty-nine.

The county of Tehama shall constitute Agricultural District Number Thirty.

The county of Ventura shall constitute Agricultural District Number Thirty-one.

The county of Orange shall constitute Agricultural District Number Thirty-two.

The county of San Benito shall constitute Agricultural District Number Thirty-three.

The counties of Modoc and Lassen shall constitute Agricultural District Number Thirty-four.

The counties of Merced and Mariposa shall constitute Agricultural District Number Thirty-five.

The county of Solano shall constitute Agricultural District Number Thirty-six.

All that portion of Santa Barbara County not included in Agricultural District Number Nineteen shall constitute Agricultural District Number Thirty-seven.

The county of Stanislaus shall constitute Agricultural District Number Thirty-eight.

The county of Calaveras shall constitute Agricultural District Number Thirty-nine.

The counties of Yolo and Colusa shall constitute Agricultural District Number Forty.

The county of Del Norte shall constitute Agricultural District Number Forty-one.

The county of Glenn shall constitute Agricultural District Number Forty-two.

The county of Tulare shall constitute Agricultural District Number Forty-three.

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

Repeal.

So much 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 by the State," approved March twentieth, eighteen hundred and ninety-one, and all Acts in conflict herewith, are hereby repealed.

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

CHAPTER CCI.

An Act to prohibit the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Board of Examiners.

[Approved March 23, 1893.]

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

SECTION 1. No officer or employé in the service of the State shall have power to create any deficiency in excess of any appropriation of money made by law, except in case of actual necessity, and only then upon the written authority, first obtained, of the Governor, Secretary of State, and Attorney-General; and any indebtedness attempted to be created against the State in violation of the provisions of this Act shall be absolutely null and void, and shall not be allowed by the State Board of Examiners.

Deficiency in excess of appropriation not permissible.

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

CHAPTER CCII.

An Act to amend section four hundred and twelve of the Code of Civil Procedure, relating to service of summons on persons residing out of the State, and in other cases.

[Approved March 23, 1893.]

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

SECTION 1. Section four hundred and twelve of said Code is hereby amended so as to read as follows:

412. Where the person on whom service is to be made resides out of the State, or has departed from the State, or cannot, after due diligence, be found within the State, or conceals himself to avoid the service of summons, or is a foreign corporation having no managing or business agent, cashier, or secretary within the State, and the fact appears by affidavit to the satisfaction of the Court, or a Judge thereof, and it also appears by such affidavit, or by the verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action, or when it appears by such affidavit, or by the complaint on file herein, that it is an action which relates to or the subject of which is real or personal property in this State, in which such person defendant, or foreign corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists

Service of summons on non-residents, foreign corporations, etc., to be made by publication.

wholly or in part in excluding such person or foreign corporation from any interest therein, such Court or Judge may make an order that the service be made by the publication of the summons.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCIII.

An Act entitled an Act to regulate the practice of veterinary medicine and surgery in the State of California.

[Approved March 23, 1893.]

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

- Practitioners to obtain diploma. SECTION 1. It shall be unlawful for any person or persons to practice veterinary medicine and surgery in any city, city and county, or town, in this State, having a population of two (2) thousand or more, without having previously obtained a diploma from a college duly authorized to grant such students in veterinary medicine and surgery, or to those who have passed satisfactory examinations before the State Veterinary Medical Board, as hereinafter provided for.
- Name of Board. SEC. 2. 1. This Board of Examiners shall be known as the State Veterinary Medical Board, and shall consist of five duly qualified practitioners in veterinary medicine and surgery, whose duty it shall be to carry out the purposes and enforce the provisions of this Act.
- Governor to appoint. 2. The members of the State Veterinary Medical Board shall be appointed by the Governor of the State.
- Term of office. 3. The Board so appointed shall hold their offices for four (4) years, and the compensation of each member of said State Veterinary Medical Board shall be five dollars per diem, exclusive of all necessary expenses while actually engaged in the duty of their office at the meetings of said Board.
- Meetings. 4. A meeting of the State Veterinary Medical Board shall be held at least once in every six months after the appointment of said Board by the Governor of the State of California, such meetings to be held alternately in San Francisco and Los Angeles.
- Quorum. 5. Three members of the State Veterinary Medical Board shall constitute a quorum.
- Salaries. 6. Said compensation to be paid out of the fees and penalties received under the provisions of this Act, and no part of the salary or other expenses of the State Veterinary Medical Board shall be paid out of the State Treasury.
- Disposition of moneys. 7. All moneys received by said State Veterinary Medical Board as such fees and penalties, in excess of the compensation and expense of the State Veterinary Medical Board, shall be annually paid into the State Treasury, and become a part of the General Fund of the State.

SEC. 3. 1. Said State Veterinary Medical Board shall examine all diplomas as to their genuineness. Each applicant not holding a diploma shall submit to a theoretical and practical examination before the State Veterinary Medical Board; said examination to be written or oral, or both, and sufficiently strict to satisfy said Board that the applicant is competent to practice veterinary medicine and surgery. Duty of Board.

2. An examination fee of five dollars shall be paid to the State Veterinary Medical Board by the holder of a diploma, and ten dollars by an applicant not holding a diploma; said money shall be paid by the applicant before examination. Fee for diploma

3. In case of failure of approval, said fee shall be forfeited to the State Veterinary Medical Board. Forfeiture.

SEC. 4. All examinations of persons not graduates shall be made directly by the State Veterinary Medical Board, and the certificates given by said Board shall authorize the possessor to practice veterinary medicine and surgery in the State of California. All examinations of ungraduated practitioners must take effect before the thirty-first day of December, eighteen hundred and ninety-three. After that date no certificate shall be granted, except to persons presenting diplomas from legally chartered colleges. Examination.

SEC. 5. Upon the approval of credentials, or upon approval of the examination of an applicant, said State Veterinary Medical Board shall grant him or her a license to practice in this State, and shall receive therefor a fee of five dollars; said license shall be signed by a majority of the Board. License to practice.

SEC. 6. Any person qualified as required by this Act shall, upon receipt of his license to practice, have said license prominently displayed in his office, and a true copy thereof shall be filed in the office of the Clerk of the county in which he resides. Any person removing to another county to practice shall file the license in like manner in the county to which he removes. The holder shall pay to the County Clerk the usual fees for filing. Any person holding such license who shall refuse or neglect to prominently display in his office, or file a copy of the same with the County Clerk, as above directed, within six months after receiving such license, shall forfeit his license; and no license when once forfeited shall be restored to the original holder except on the payment to said State Veterinary Medical Board the sum of twenty-five dollars, as a penalty for such failure, neglect, or refusal. Copy of license to be filed.

SEC. 7. Any person shall be regarded as practicing veterinary medicine and surgery, within the meaning of this Act, who shall have received a license as mentioned in section five. But nothing in this Act shall be construed to prohibit members of the medical profession from prescribing for domestic animals in case of emergency, and collecting a fee therefor, nor to prohibit gratuitous services in an emergency, nor prevent any person from practicing veterinary medicine or surgery on any animal belonging to himself or herself. And this Act shall not apply to commissioned veterinary surgeons in the United States Army. Who regarded as veterinary surgeons. Proviso.

Penalty for violation.

SEC. 8. Any person practicing veterinary medicine or surgery in this State contrary to the provisions of this Act shall be guilty of a misdemeanor, the penalty of which shall be a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment of not exceeding six (6) months, or by both.

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

CHAPTER CCIV.

An Act providing for the sale of railroad and other franchises in municipalities, and relative to granting of franchises.

[Approved March 23, 1893.]

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

Application for franchise or privilege to be advertised.

SECTION 1. Every franchise or privilege to erect or lay telegraph or telephone wires, to construct or operate railroads along or upon any public street or highway, or to exercise any other privilege whatever hereafter proposed to be granted by the Board of Supervisors, Common Council, or other governing or legislative body of any county, city and county, city, town, or district within this State, shall be granted upon the conditions in this Act provided, and not otherwise. The fact that an application for such franchise or privilege has been made to such Board of Supervisors, Common Council, or other governing or legislative body, together with a statement that it is proposed to grant the same, must first be advertised in one or more daily newspapers of the county, city and county, city, town, or district wherein the said franchise or privilege is to be exercised. Such advertisement must continue every day for at least ten days, and must commence at least thirty days before any further action of the Board of Supervisors, Common Council, or other governing or legislative body. The advertisement must state the character of the franchise or privilege proposed to be granted, the term of its continuance, and, if a street railroad, the route to be traversed, and the day on which tenders will be received for the same. On the day so stated, the Board, or other governing or other legislative body herein mentioned, must meet in open session and read the tenders. The franchise or privileges must then be awarded to the highest bidder; *provided, however*, that nothing in this section shall affect a special privilege granted for a shorter term than two years.

Must continue at least thirty days before action taken.

What advertisement shall state.

Awarding franchise or privilege.

Penalty for violation of this Act.

SEC. 2. Any member of any Board of Supervisors, Common Council, or other governing or legislative body of any county, city and county, city, town, or district of this State, who, by his vote, violates or attempts to violate the provisions of this Act, or any of them, shall be guilty of a misdemeanor and of malfeasance in office, and be deprived of his office by the

decree of a Court of competent jurisdiction, after trial and conviction.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCV.

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.

[Approved March 23, 1893.]

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; except that in cities and counties and counties of the first class, the number shall not exceed sixty. Number of Notaries to appoint.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCVI.

An Act to provide for the payment of advertising the funded debt, and making an appropriation therefor.

[Approved March 23, 1893.]

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

SECTION 1. The sum of one hundred and fifty-three dollars (\$153) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for printing and advertising the funded debt. Payment of advertising funded debt.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCVII.

An Act in relation to reassessment of property, the equalization of the same, and the collection of taxes thereon, in cases where a former assessment made since 1879 is illegal or invalid, or where the proceedings for the collection of such taxes have been ineffectual by reason of error, irregularity, or invalidity, and such taxes have not been paid.

[Approved March 23, 1893.]

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

- SECTION 1.** Every assessment of property made after the year one thousand eight hundred and seventy-nine, which is invalid, or may hereafter be adjudged to be, by reason of any illegality, invalidity, or irregularity, declared or existing, in the assessment of such property, or in the mode provided for the assessment thereof, shall be remade and the property reassessed and equalized for each year for which such assessment is invalid as aforesaid, and for the year for which the assessment of such property was invalid as aforesaid, and such reassessment and equalization shall be made by the same officers and Boards, at the same time or times, as are now prescribed by law for the assessment and equalization of property, of the same classes or kinds as the property which hereby is required to be reassessed. The assessment and equalized assessment of such property shall be entered on the several assessment rolls or books in the same manner that assessments of such property are or were required by law to be entered for the year or years during which such reassessments shall be made. And there is hereby levied for State purposes the same rates of taxation for each of such respective years as were heretofore levied upon such property for each of said years for said State purposes.
- Sec. 2.** All taxes for counties, cities and counties, and other taxing districts, shall be levied by the proper Board or Boards upon the property mentioned in the first section of this Act, at the same rates for each respective year as were levied upon property for each of said years after the year eighteen hundred and seventy-nine.
- Sec. 3.** All property authorized to be reassessed by this Act shall be reassessed and equalized by the proper officers and Boards at the value to which and to the person or corporation to whom or to which such property ought, for each of such years, to have been assessed, under such rules of notice and at the times and in the modes as are prescribed for the assessment and equalization of like classes of property; and the assessment and equalization thereof, and the levy and collection of taxes thereunder, shall be made by the proper officers at the time, upon like notice and in the manner now or hereafter provided by law for making assessments and equalizing the same, and for the levy and collection of taxes on like classes of property; and if the taxes so
- Reassessment in certain cases.
- How made.
- To be entered on rolls.
- Rates of taxation.
- Tax rates for respective years.
- Equalization of reassessments.
- Who to collect.

releived shall become delinquent, there shall be added thereto and the amount thereof the same percentage as a penalty for such delinquency as is added to other delinquent taxes on like classes of property; and such delinquent taxes and penalties added thereto shall be collected by the proper officers in the manner now or hereafter provided by law for the collection of delinquent taxes and penalties upon like classes of property, the collectors of such taxes to allow as credits thereon all payments heretofore made on the tax as first levied.

Delin-
quency.

Credits.

SEC. 4. There shall be no limitation or limitations as to the time in which actions for the collections of taxes levied under this Act may be commenced, and all the provisions of law now or hereafter provided in respect to assessments, equalization, levy, and collection of taxes shall, where applicable, apply to reassessments, equalization, and releives and collections of taxes made under the provisions of this Act.

No limita-
tion for
actions.

SEC. 5. This Act shall apply to taxes for revenue only, and not to assessments for local improvements or street purposes.

Construc-
tion of
Act.

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

CHAPTER CCVIII.

An Act making an appropriation to pay the deficiency in the appropriation for the pay of officers and clerks of the Assembly.

[Approved March 23, 1893.]

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

SECTION 1. The sum of eight hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the pay of officers and clerks of the Assembly for the thirtieth session, and the Controller is hereby authorized to draw his warrant for the same, and the State Treasurer is directed to pay the same.

Deficiency
appropria-
tion for
officers and
clerks of
Assembly.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCIX.

An Act to provide for the completion and equipment of the Deaf and Dumb and Blind Asylum, and to make an appropriation therefor.

[Approved March 23, 1893.]

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

SECTION 1. The sum of sixty-three thousand five hundred and twenty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the Directors of the Deaf and Dumb and Blind Asylum, and by them to be expended as follows: For the erection of an additional Home, fifty-two thousand five hundred dollars; for installing an electric light plant, four thousand dollars; for a boiler and reconstruction of coal cellars, three thousand two hundred dollars; for reconstruction of basements, two thousand dollars; for heating apparatus, two thousand eight hundred and twenty dollars; for painting buildings and fences, one thousand dollars.

Appropriation.

How to be expended.

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

CHAPTER CCX.

An Act to enable school districts in cities of the fifth class, and school districts which embrace territory, a portion of which is within and a portion of which is without such cities of the fifth class, to issue bonds for the purpose of raising money to purchase 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, and to repeal an Act approved March 31, 1891, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase 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."

[Approved March 23, 1893.]

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

SECTION 1. The Board of Education of any school district in a city of the fifth class, or of any school district which embraces territory, a portion of which is without such city of the fifth class, may, when in their judgment it is advisable, and must when requested by the Board of Trustees of such

Election on proposition to issue bonds.

city, 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 to purchase 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. Purposes.

SEC. 2. Such election must be called by posting notices, signed by the Board of Education, in three of the most public places in the district, for not less than twenty days before the election, and by publishing such notices, in some newspaper published in such city, not less than once a week for three successive weeks. Notices to be posted.

SEC. 3. Such notices must contain:

1. The time and place of holding such election.
2. The names of one Inspector and two Judges in each voting precinct in said district, to conduct the same.
3. The hours during the day, not less than six hours, in which the polls will be open.
4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding ten, the whole or any part of said bonds are to run.

Contents of notices.

SEC. 4. Such election shall be held, in all respects as nearly as practicable in conformity with the general election law; *provided*, that no particular form of ballot shall be required, excepting that the words to appear on the ballots, which shall be "Bonds—Yes," or "Bonds—No;" nor shall any informalities, not amounting to fraud, in conducting such election invalidate the same. Form of ballots.

SEC. 5. On the seventh day after said election, at one o'clock p. m., the returns having been made to the Board of Education, the Board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election were in favor of issuing such bonds, then the Board shall cause an entry of that fact to be made upon its minutes, and shall certify to the Board of Supervisors of the county in which said district is located, the proceedings had in the premises; and thereupon said Board of Supervisors shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount provided in such proceedings, payable out of the bond fund of such district (naming the same), and that the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds, and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district, as shown by the last equalized assessment of the property in such school district. Board of Education to canvass returns.

To certify to Board of Supervisors.

Issuance of bonds.

Taxation for interest and redemption.

Bonds issued not to exceed five per cent of taxable property.

SEC. 6. The Board of Supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than ten years from the date thereof. Form of bonds and coupons.

Bonds, how to be signed and countersigned.

Interest.

Not to be sold at less than par.

Supervisors to levy tax for interest and redemption of bonds.

Amount of bonds to be redeemed.

Moneys received from taxes.

X
Duty of Treasurer and Auditor.

Duty of owner of bonds if Board of Supervisors fail to levy tax.

Duty of Controller.

State Board of Equalization to levy tax.

To be applied in payment of interest and bonds.

SEC. 7. Said bonds must be payable in gold coin of the United States; must be signed by the President of the Board of Supervisors and countersigned by the Clerk of the county, who must affix the county seal thereto; must not bear a greater rate of interest than eight per cent, said interest to be payable semi-annually in like gold coin; and said bonds must be sold in the manner prescribed by the Board of Supervisors, but for not less than par, in gold coin of the United States, and the proceeds of the sale thereof must be deposited in the County Treasury to the credit of the building fund of said school district, and be drawn out for the purpose aforesaid, as other school moneys are drawn out.

SEC. 8. The Board of Supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term high enough to pay such annual interest, and to pay, annually, a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all moneys so levied, when collected, shall be paid into the County Treasury to the credit of the building fund of such district, and be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer, upon the warrant of the Auditor, out of the fund provided therefor; and it shall be the duty of the Auditor to cancel and file with the Treasurer the bonds and coupons as rapidly as they are paid.

SEC. 9. If the Board of Supervisors of any county in which any school district 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 bonds, together with all unpaid coupons, with the State Controller, taking his receipt thereof, and the same shall be registered in the State Controller's office; and the State Board of Equalization shall, at their next session, and at each annual equalization thereafter, add to the State tax to be levied in said district a sufficient rate to raise the amount of principal and interest past 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 district bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the State Controller, until the same shall be fully satisfied and discharged; any balance then remaining shall be transmitted to the Treas-

urer of the county in which is situated the district by which such bonds were issued, and shall be placed by the County Treasurer to the credit of the General School Fund of said district.

SEC. 10. The Act approved March thirty-first, eighteen hundred and ninety-one, entitled "An Act to enable cities of the fifth class to issue bonds for the purpose of raising money to purchase 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," is hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXI.

An Act to provide for the leasing and disposition of water for generation of power for mechanical purposes, by irrigation districts organized or to be organized under and pursuant 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.

[Approved March 23, 1893.]

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

SECTION 1. Whenever any irrigation district formed, or to be formed, under and pursuant to 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, eighteen hundred and eighty-seven, in the development of its works, as in said Act provided, may have opportunity, without increased expenditure, to utilize the water by it owned or controlled for mechanical purposes not inconsistent with the provisions of said Act, the Board of Directors may lease the same, as in this Act hereinafter provided.

SEC. 2. Whenever the Board of Directors may desire to lease the use of water, as hereinbefore stated, they shall pass a resolution of intention to so lease the same. Immediately thereafter the Secretary shall cause notice of such intention to be given by publication in one newspaper published in each county in which lands of the district are situated, for at least twenty days (*provided*, a newspaper is published therein, otherwise in any newspaper the Board of Directors may select), and in such newspapers as may be deemed advisable, calling for bids for the leasing of said water for the purposes hereinbefore mentioned.

Contents of notice.

Said notice shall state that the Board will receive sealed proposals therefor, that the lease will be let to the highest responsible bidder, stating the time and place of opening said proposals.

Opening bids and awarding proposals.

SEC. 3. At the time and place appointed the Board shall proceed to open the proposals in public. As soon thereafter as may be convenient the Board shall let said lease in portions, or as a whole, to the highest responsible bidder, or they may reject any or all bids, and readvertise for proposals for the same.

Rental.

SEC. 4. The rental accruing upon said lease may vary from year to year, as shall be specified in said lease, and shall be payable semi-annually, on the thirtieth day of December and thirtieth day of June of each year. All moneys collected, as in this Act provided, shall be paid into the treasury, and be used in the manner provided in section thirty-four of said Act, except that the period of ten years, as mentioned in said section thirty-four, shall not be applicable to the provision of this Act; *provided, however*, that if any coupons on any outstanding bonds of such district are at any time due and payable, and there shall for any reason not be sufficient funds in the interest fund to pay the same, the proceeds so collected, as in this Act provided, may be used to pay the same.

How payable.

Moneys, how to be used.

Lease.

SEC. 5. The Board shall have power, as in this Act provided, to execute a lease for any period not exceeding fifty years. If at any time the rental shall not be paid on the days hereinbefore mentioned, the amount of such rental then due shall be doubled, and if not paid within ninety days thereafter, the said lease shall be forfeited to said district, together with any and all works constructed, owned, used, or controlled by said lessee.

Penalty for failure to pay rental.

Board may require bond.

SEC. 6. Upon the letting of any lease, as in this Act provided, the Board may require the lessee to execute a bond for the payment of the rental, and proper performance of the said lease, or give such other evidence of good faith as in their judgment may be necessary.

SEC. 7. This Act shall take effect immediately.

CHAPTER CCXII.

An Act to provide for additional improvements at the Reform School for Juvenile Offenders, located at Whittier, in the county of Los Angeles, and State of California, and to make an appropriation for the same.

[Approved March 23, 1893.]

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

Appropriation.

SECTION 1. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is appropriated out of the money in the State Treasury not otherwise appropriated,

to be paid to the Trustees of the Reform School for Juvenile Offenders, located at Whittier, in the county of Los Angeles, and State of California, to be by them expended as follows: For the construction and erection of the following buildings and improvements to be made upon the lands belonging to the State at Whittier, aforesaid, and appertaining to said school, and furnishing and equipping the same as follows, to wit: For Commissary's warehouse, and office, bakery, and kitchen, to be constructed south of and adjoining the administration building, and to be connected therewith by a covered way; for cow and hay barn, for buildings and furnishing for girls' department, including two buildings for general purposes, dormitories, etc., and one building for instructing in trades and employments; for shelter buildings; for additions to electric plant; for paying architect's fees and for supervision of construction; for purchasing of fruit trees for planting the lands; for purchase of books and current periodicals for the boys' department for the forty-fifth and forty-sixth fiscal years; for purchase of water, and distributing the same.

For what purpose to be expended.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrants for said amounts upon the demand of the Trustees of the said school, and the State Treasurer 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 CCXIII.

An Act to amend sections two hundred and four, two hundred and five, two hundred and six, and two hundred and eight of the Code of Civil Procedure.

[Approved March 23, 1893.]

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

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

204. In the month of January in each year it shall be the duty of the Superior Court in each of the counties of this State to make an order designating the estimated number of grand jurors, and also the number of trial jurors, that will, in the opinion of said Court, be required for the transaction of the business of the Court, and the trial of causes therein, during the ensuing year; and immediately after said order designating the estimated number of grand jurors shall be made, the Court shall select and list the grand jurors required by said order to serve as grand jurors in said Superior Court during the ensuing year, or until new lists of jurors shall be provided, and said selections and listings shall be made of persons suitable and competent to serve as jurors, as set forth and required in sec-

Court to designate number of grand and trial jurors.

Selection of grand jurors.

List to be given to County Clerk.

Board of Supervisors to select trial jurors.

Exception.

Who competent to serve as jurors.

Certified list to be filed with Clerk Superior Court.

tions two hundred and five and two hundred and six of this Code, which list of persons so selected shall at once be placed in the possession of the County Clerk; and immediately after said order designating the estimated number of trial jurors shall be made, the Board of Supervisors shall select, as provided in sections two hundred and five and two hundred and six of this Code, a list of persons to serve as trial jurors in the Superior Court of said county during the ensuing year, or until a new list of jurors shall be provided. In counties, and cities and counties having a population of one hundred thousand inhabitants or over, such selection shall be made by a majority of the Judges of the Superior Courts.

SEC. 2. Section two hundred and five of the Code of Civil Procedure is hereby amended to read as follows:

205. The selections and listings shall be made of persons suitable and competent to serve as jurors, who are assessed on the last preceding assessment roll of such county, or city and county, and in making such selections they shall take the names of such only as are not exempt from serving, who are in the possession of their natural faculties, and not infirm or decrepit, of fair character and approved integrity, and of sound judgment.

SEC. 3. Section two hundred and eight of the Code of Civil Procedure is hereby amended to read as follows:

208. A certified list of the persons selected to serve as trial jurors shall at once be placed in the possession of and filed with the Clerk of the Superior Court.

CHAPTER CCXIV.

An Act to amend section sixteen hundred and fourteen, title two, of the Penal Code, in relation to the government of prisoners sentenced to terms of imprisonment in county jails.

[Approved March 23, 1893.]

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

SECTION 1. Section sixteen hundred and fourteen, title two, of the Penal Code, is hereby amended so as to read as follows:

Credits for good behavior of prisoner confined in county jail.

1614. The Board of Supervisors making such order may prescribe and enforce the rules and regulations under which such labor is to be performed; and provide clothing of such a distinctive character for said prisoners as such Board, in its discretion, may deem proper. For each month in which the prisoner appears, by the record, to have given a cheerful and willing obedience to the rules and regulations, and that his conduct is reported by the officer in charge of the jail to be positively good, five days shall, with the consent of the Board of Supervisors, be deducted from his term of sentence.

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

CHAPTER CCXV.

An Act to amend section seven hundred and ninety of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 23, 1893.]

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

SECTION 1. Section seven hundred and ninety is hereby amended so as to read as follows:

Section 790. The Department of Police of said city shall be under the direction and control of the City Marshal; 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. It shall be his duty to prosecute before the Recorder all breaches or violations of or non-compliance with any city ordinance which shall come to his knowledge. He shall collect all taxes levied by the Board of Trustees, 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 taxes or 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 receive from the Clerk all city licenses, and collect the same. He shall have charge of the city prison and prisoners, and of any chain-gang which may be established by the Board of Trustees. He shall, for service of any process, receive the same fees as Constables. He may appoint, subject to the approval of the Board of Trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the City Marshal. 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

Marshal.

Duty of
Marshal.

Fees.

Other
duties.

shall require, and shall receive such compensation from the city as shall be fixed by ordinance, in addition to such mileage and fees as he shall receive in the service of process of the Courts of this State, other than the Recorder's Court of such city, which mileage and fees shall be the same as is allowed by law to Constables in the county in which such city is situated.

CHAPTER CCXVI.

An Act to amend sections three thousand seven hundred and thirteen and three thousand six hundred and ninety-six of the Political Code, relating to the levy of taxes.

[Approved March 23, 1893.]

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 as follows:

Amount of
revenue to
be raised.

3713. The State Board of Equalization must, for State purposes, for the forty-fifth and forty-sixth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property in this State, as, after allowing five 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-fifth fiscal year:

Forty-fifth
fiscal year.

First—For the General Fund, four million two hundred and sixty-two thousand two hundred and twenty-five dollars and ten cents.

Second—For the School Fund, two million fifty-seven thousand two hundred and seventy-nine dollars.

Third—For the Interest and Sinking Fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

Forty-sixth
fiscal year.

And for the forty-sixth fiscal year:

First—For the General Fund, three million three hundred and twelve thousand nine hundred and twenty dollars.

Second—For the School Fund, two million fifty-seven thousand two hundred and seventy-nine dollars.

Third—For the Interest and Sinking Fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

SEC. 2. Section three thousand six hundred and ninety-six of the Political Code is hereby amended so as to read as follows:

State rate
of taxation.

3696. Between the first and second Mondays in September of each year, the Board must determine the rate of State tax to be levied and collected upon the assessed valuation of the property of the State, which, after allowing five per cent for delinquencies in and costs of collection of taxes, must be sufficient to raise the specific amount of revenue directed to be raised by the Legislature for State purposes. The Board must immediately thereafter transmit to the Board of Supervisors

and County Auditor of each county a statement of such rate, and upon its receipt the Clerk of said Board, and County Auditor, must each, in writing, notify the State Board of Equalization thereof.

CHAPTER CCXVII.

An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure, relating to witnesses.

[Approved March 23, 1893.]

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

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

1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it without his consent; therefore, a person cannot be examined as a witness in the following cases:

Persons cannot be examined in certain cases.

1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

Husband and wife.

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact, the knowledge of which has been acquired in such capacity.

Attorney.

Attorney's secretary.

3. A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

Clergyman and priest.

4. A licensed physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient.

Physician and surgeon.

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by the disclosure.

Public officer.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXVIII.

An Act to amend section fifteen hundred and two of the Political Code, respecting Normal Schools.

[Approved March 23, 1893.]

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

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

Principal
of school
permitted
to visit
County In-
stitute.

1502. The Board of Trustees of any Normal School, or its Executive Committee, may grant permission to the Principal, or any teacher of such school, to attend any County Institute, and give instruction on subjects relating to education in the public schools.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXIX.

An Act to prevent the spread of contagious or infectious diseases among domestic animals.

[Approved March 23, 1893.]

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

Owners to
take care of
diseased
animals.

SECTION 1. Any person or persons, company or corporation, owning or having possession or control of any animal affected by any contagious or infectious disease, who shall fail to keep the same within an inclosure, or herd the same in some place where they will be secure from contact with other animals of like kind not so affected, or who shall suffer such infected animals to be driven on the public highway or to range where they will be likely to come in contact with other animals not so affected, shall be guilty of a misdemeanor, and, on conviction, punished by a fine of not more than five hundred dollars for each offense.

Penalty for
violation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXX.

An Act to amend sections one thousand two hundred and two (1202), one thousand one hundred and eighty-eight (1188), one thousand one hundred and ninety-four (1194), one thousand one hundred and ninety-seven (1197), one thousand two hundred and three (1203), one thousand two hundred and five (1205), one thousand two hundred and eight (1208), one thousand two hundred and fifty-seven (1257), one thousand two hundred and sixty-four (1264), and one thousand two hundred and sixty-five (1265), of the Political Code, in relation to elections within this State.

[Approved March 23, 1893.]

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

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

1202. At the same time and in the same manner as Inspectors and Judges of Election are now appointed in this State, two Ballot Clerks for each election precinct in the State shall be appointed, whose duty it shall be to have charge of the ballots on the day of election, and to furnish them to the voters in the manner hereinafter provided. Such Ballot Clerks shall be electors of the precinct from which they are appointed, and shall be paid the same compensation as Inspectors of Election. In making appointments of such Ballot Clerks, one of them shall be taken from the political party that polled the largest number of votes at the last preceding general election, and the other from the party that polled the next largest number of votes at such general election. They shall act as additional Clerks of Election when the polls are closed, and they shall serve until the votes are counted and the returns are signed; *provided*, that whenever a general and a municipal election shall be held at the same time, there shall be appointed one additional Inspector, one additional Judge, and two additional Clerks in the manner now provided by law.

Ballot Clerks to be appointed.

Qualification and compensation of Ballot Clerks.

To be chosen from what party.

Service.

Additional election officers.

SEC. 2. Section one thousand one hundred and eighty-eight of the Political Code is hereby amended to read as follows:

1188. A candidate for public office may be nominated, otherwise than by a convention, in the manner following: A certificate of nomination containing the name of the candidate to be nominated, with the other information required to be given in the certificates provided for in section one thousand one hundred and eighty-seven of this Code, shall be signed by electors residing within the district or political division for which candidates are to be presented, equal in number to at least three per cent of the entire vote cast at the last preceding election in the State, district, or political division for which the nomination is to be made. Said signatures need not all be appended to one paper, but each signer shall add to his signa-

How candidates may be nominated.

Three per cent of vote required.

Signatures
to paper
to be
sworn to.

ture his place of residence, giving the street and number, when he resides in a city. One of the signers of each such paper shall swear that the statements therein made are true, and that each signature to said paper appended is the genuine signature of the person whose name purports to be thereto subscribed. Such a certificate, when made as above prescribed, shall have the same effect as a certificate of nomination made by a party convention. Any person signing to such certificate of nomination any name but his own, or any person making a false oath to such certificate of nomination, shall be punished by imprisonment in the State's Prison not exceeding five years.

Penalty for
false oath.

SEC. 3. Section one thousand one hundred and ninety-four of the Political Code is hereby amended to read as follows:

Duty of
County
Clerk.

1194. At least fifteen days before an election to fill any public office, the County Clerk of each county shall cause to be sent to the Chairman of the County Committee of each organized political party of each county, the nominations to office certified to him by the Secretary of State, and also all those filed with the County Clerk. In all counties where a new registration shall take place preceding the next ensuing election, the County Clerk shall cause the name of each voter, as enrolled, to be addressed upon an envelope, and also the number of the residence of said voter, or the correct Post Office address of said voter, as the same is written on said register, and which name and address shall be written on the envelope at the time that each voter is duly registered thereon. All of said envelopes shall be securely kept by the said County Clerk, and ten days before election to fill any public office he shall cause to be folded and placed in said envelope for mailing, sample ballots containing the nominations to office certified to him by the Secretary of State, and also all those filed with the County Clerk, each of which shall be inclosed in said envelope, and cause the same to be mailed in the United States Post Office as printed matter, for delivery to each of said voters. The mailing of all of said envelopes containing sample ballots, as aforesaid, shall commence at least ten days before the time of election to fill any public office, as aforesaid, and continue so that all of said envelopes containing said sample ballots shall have been mailed at least three whole days before the day of election to fill any public office, as above provided. If a new registration

Clerk to
mail sam-
ple ballot.

In case no
new regis-
tration.

does not take place in any county preceding the next ensuing election, the County Clerk shall cause envelopes to be addressed to each voter, together with the number of the residence of said voter, or correct Post Office address, as the same appears upon the register corrected at that time, as the law provides, and cause to be inclosed therein the nominations to office certified to him, as aforesaid, and cause the same to be mailed in the manner and within the time as above provided. The Clerk or the Secretary of the legislative body of any incorporated city or town, with whom the names of any candidates have been filed, shall mail, in the United States Post Office, envelopes addressed to each voter, together with the sample ballots inclosed therein, the list of nominations filed with him, in the same

Duty of
Clerk or
Secretary
of incorpo-
rated cities.

manner as the lists of nominations mailed by the County Clerk, as provided in this section.

SEC. 4. Section one thousand one hundred and ninety-seven of the Political Code is hereby amended to read as follows:

1197. All ballots printed by County Clerks, other than the separate ballots containing the names of candidates for city and county officers, printed by the County Clerks of consolidated cities and counties, shall be headed "General Ticket;" and all ballots printed by County Clerks of consolidated cities and counties, containing the names of candidates for city and county offices, and also all tickets printed by the Clerk or Secretary of a legislative body of any incorporated city or town, shall be headed "Municipal Ticket." Under the heading of all general tickets the respective number of the Congressional, Senatorial, and Assembly districts in which each ticket is to be voted shall be printed, together with the following direction to voters: "To vote for a person, stamp a cross (X) in the square at the right of the name." Opposite the title of each office shall be printed a direction to the voter, specifying the number of persons to be voted for for that office, and opposite each constitutional amendment or other question to be voted upon, in separate lines, the words "Yes" and "No." All municipal tickets containing the names of candidates for ward or district officers, in addition to such direction to voters, shall have the number of the ward or district in which such ticket is to be voted printed thereon. All municipal tickets shall be printed upon paper of a different tint from that of the general ticket. On each ballot a perforated line shall extend from top to bottom, one half inch from the right hand side of such ballot, and upon the half inch strip thus formed there shall be no printing, except the number of the ballot, which shall be upon the back of such strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots shall be eighteen inches in length and four and one half inches in width, and as many times such width as shall be necessary to contain the names of all candidates nominated. Where the names of candidates are printed in separate columns, such columns shall be separated by heavy rules; and on all ballots the names of candidates shall each be separated by a rule extending on the extreme right of the column. All ballots shall be printed in plain Roman type, and shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified to and filed according to the provisions of this Code, and no other name; and there shall be added to all the names of candidates for each office their party or political designation. The names of the candidates for each office shall be arranged under the designation of the office in alphabetical order, according to surname, except that the names of candidates for the office of Elector for President and Vice-President shall be arranged in groups as presented in the

Ballots to contain words "General Ticket" or "Municipal Ticket"

How to vote.

Directions to voter, etc.

Color of paper.

Number on ticket.

Dimensions of ballots.

Roman type.

Arrangement of names of candidates.

several certificates of nomination, and there shall be printed at the head of each group of Electors so nominated the political or party designation or principle represented by the said Electors, as "Republican Electors," or the like, in great primer title type, or its equivalent. There shall be left at the end of the list of candidates for each office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person not printed upon the ballot, for whom he desires to vote as candidate for such office; and the names and blank spaces on the whole ticket shall be consecutively numbered, the figures being placed on the left hand side of such names and blank spaces. There shall be a margin on the right hand side of the names, at least one half of an inch wide, so that the voter may clearly indicate, in the way to be hereinafter pointed out, the candidate and candidates for whom he wishes to cast his ballot; the county, city, or town in which each candidate resides may be printed in small type on the right hand side of his name. Whenever any question is to be submitted to the vote of the people, it shall also be printed upon the ballot in such a manner as to enable the electors to vote upon such question in the manner hereinafter provided.

SEC. 5. Section one thousand two hundred and three of the Political Code is hereby amended to read as follows:

1203. All officers upon whom is imposed by the law of State the duty of designating polling places, shall cause such polling places to be suitably provided with a ballot-box, to be marked on the outside "General Tickets," and when any city, city and county, or town officers are to be elected, a second ballot-box, to be marked on the outside "Municipal Tickets;" and shall also provide a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes, and of such booths or compartments. The arrangements shall be such that neither the ballot-boxes nor the box booths or compartments shall be hidden from the view of those just outside the said guard-rail. The number of such voting booths or compartments shall not be less than one for every forty electors qualified to vote in the precinct. No person other than electors engaged in receiving, preparing, or depositing their ballots shall be permitted to be within said rail before the closing of the polls, except by authority of the Board of Election, and then only for the purpose of keeping order and enforcing the law. Each of said voting booths or compartments shall be kept provided with proper supplies and conveniences for marking the ballots.

SEC. 6. Section one thousand two hundred and five of the Political Code is hereby amended to read as follows:

1205. On receipt of his ballot, the elector shall forthwith, and without leaving the inclosed space, retire alone to one of the places, booths, or compartments provided, to prepare his

Blank spaces on ticket.

Margin.

Submission of questions.

Polling places and ballot-boxes.

Booths.

Ballot-boxes and booths not to be hidden.

Number.

Supplies.

How to vote and voting.

ballot. He shall prepare his ballot by marking a cross after the name of the person or persons for whom he intends to vote, thus (X); and in case a constitutional amendment or other question submitted to the vote of the people, by marking in the appropriate margin a cross (X) against the answer which he desires to give. Such marking shall be done only with a stamp, which, with necessary pads and ink, shall be provided by the officers who are by this Code required to furnish election supplies, for each booth or compartment provided, for the marking and preparation of ballots. Before leaving such booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the voter shall deliver it folded to the Inspector, who shall announce in an audible tone of voice the name of the voter and the number of his ballot. The Ballot Clerk having the register in charge, if he finds the number to correspond with the number marked opposite the voter's name on the register, shall, in like manner, repeat the name and number, and shall mark opposite the name the word "voted." The Inspector shall then separate the slip containing the number from the ballot, and shall deposit the ballot in the box. The numbers of all ballots voted shall be immediately destroyed.

Folding of ballot.

Deliver to Inspector.

Marking word "voted."

Deposit of ballot.

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

1208. Any elector who declares, under oath, to the presiding election officer that he cannot read, or that by reason of physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of two of the officers of election, of different political parties, in the marking thereof, to be chosen as follows: one by the Inspector then receiving the ballots, and the other by the Judge of the opposite political party which at the last election cast the highest number of votes throughout the State, and in the event there are more Judges than one of said party, then by the one of said Judges who shall be named by said Inspector. Neither of the persons appointed shall be of the same political party with the person appointing, nor shall either of said persons so making said appointments appoint the other for said purposes. Such officers shall thereafter give no information regarding the marking of said ballot. The oath of the elector shall be in the form of an affidavit, and shall be as follows:

Illiterate voter, officers to assist.

What political party.

Information secret.

State of California, county of _____, Assembly district number _____, ss.

Form of oath.

_____, first duly sworn, deposes and says, that he cannot read, or, by reason of physical disability, to wit: _____, he is unable to mark his ballot.

Subscribed and sworn to before me, this _____ day of _____, A. D. 18_____.

Upon said affidavit shall be indorsed the appointment of the persons (with their names) to assist the elector in the marking of his ballot, as aforesaid, which indorsement shall be

Affidavit to be indorsed with names of persons appointed.

signed by the officers of election making the appointments. Said persons so appointed shall thereupon, and before assisting said elector, take and subscribe the following oath:

Form of oath for officers.

State of California, county of _____, Assembly district number _____, _____ precinct, ss. _____ and _____, being duly sworn, each for himself, says that he is one of the officers of election appointed to assist _____ (here insert name of the elector) in marking his ballot, and that he will not give any information, now or hereafter, regarding the same.

Subscribed and sworn to before me, this _____ day of _____, A. D. _____.

Oaths to be returned to County Clerk.

Said affidavits may be sworn to before any officer of election competent to administer an oath, and the same, with the indorsements thereon, shall be returned to the County Clerk, as provided in section one thousand two hundred and sixty-one of this Code.

List of illiterates to be kept.

Lists of the voters who have been assisted in marking their ballots shall be kept by the Clerks keeping the poll lists, and shall be returned and preserved as the poll lists are returned and preserved.

Counting of ballots.

SEC. 8. Section one thousand two hundred and fifty-seven of the Political Code is hereby amended to read as follows:

General ticket to be completed first.

1257. After the lists are thus signed, the Board must proceed to open the ballots, and count and ascertain the number of votes cast for each person voted for. At all elections where a general ticket and a municipal ticket are used, the canvass of the general ticket shall be completed before the canvass of the municipal ticket is commenced. All the ballots must be taken

Reading of names.

out of the ballot-box, one at a time, and opened by one of the members of the Board, and so taken out by one of the Board, and the name of each person marked in the ballots as voted for shall be distinctly read in connection with the office for which he is a candidate. After the ballots have been so counted and an official record, as hereinbefore mentioned, made, immediately thereafter all the ballots, when read, must be by one of the Judges strung upon a string. All ballots rejected for illegality must be indorsed upon the ballot the cause of such rejection, and signed by a majority of the Election Board, and thereafter strung upon a string.

Rejected ballots.

SEC. 9. Section one thousand two hundred and sixty-four of the Political Code is hereby amended to read as follows:

Delivery of package, to whom.

1264. The member to whom such packages are delivered must, without delay, deliver such packages, without their having been opened, to the County Clerk, nearest Postmaster, or sworn express agent, who shall indorse on such package the name of the party delivering them, and date of such delivery. If delivered to a Postmaster or express agent, such Postmaster or express agent shall forward the packages by the first mail or

Duty of carrier.

express to the county seat. In the City and County of San Francisco such packages must be delivered to the County Clerk within three hours from the time of adjournment of the Board, which time of adjournment must be indorsed upon such package and upon each poll list, in ink, and signed by a majority of the members of such Board. In the City and County of San Francisco the packages must be put up and sealed in the following manner, by an Inspector and at least three others of the Board, and be signed with their respective signatures, across the same, written: One package to contain the ballots only; one package to contain one tally list and list attached, only; one package to contain the ward register and certificates of registration issued by the County Clerk after making up the ward register, and received at the polls.

How delivered in San Francisco.

Sealing of packages in San Francisco.

SEC. 10. Section one thousand two hundred and sixty-five is hereby amended to read as follows:

1265. On receipt of the packages the Clerk must file the one containing ballots, and must keep it unopened and unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package without opening or examining its contents; *provided, however*, that after the time limited for a contest, and in the event any contests have been commenced, then after said ballots have been opened and counted by the Superior Court in said contests, a Judge of the Superior Court of the county wherein said ballots were voted may order said packages to be opened for inspection in any case being tried in his Court where he has jurisdiction of the same, whenever he shall deem it necessary to inspect the ballots contained in said packages in order to produce testimony to establish the proof of any material issue of fact arising in the course of the trial of said case. In no event shall the said packages, or any of them, or the ballots contained therein, be taken from the custody of the County Clerk. Whenever said packages, or any of them, shall have been inspected and examined, and a record made of the testimony therein contained, the same shall be restored to the exclusive control and custody of the County Clerk, who shall reseal the packages with the ballots contained therein, and keep the same until he shall burn them, in accordance with the directions of this section.

Duty of Clerk on receipt of packages.

Contest.

Duty of Clerk when packages are returned.

SEC. 11. This Act shall take effect immediately.

CHAPTER CCXXI.

An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 31, 1891, by amending sections fifty-seven, one hundred and sixty-eight, one hundred and seventy-two, one hundred and seventy-three, one hundred and eighty-six, one hundred and ninety-four, one hundred and ninety-seven, two hundred, two hundred and three, and two hundred and fourteen thereof, relating to county officers, their appointment, duties, and compensation.

[Approved March 23, 1893.]

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

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

Officers of
a county.

Section 57. The officers of a county are a County Clerk, a Clerk of Board Supervisors, Sheriff, Jailer, Superior Court Bailiff, Recorder, Register of Deeds, Auditor, Treasurer, Tax Collector, District Attorney, Assessor, Coroner, Public Administrator, Superintendent of Schools, Surveyor, and Transcriber, 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 above-mentioned officers are hereby consolidated, as follows: Sheriff and Tax Collector; Sheriff, Jailer, and Superior Court Bailiff; Auditor and Recorder; County Clerk, Auditor, and Recorder; County Clerk and Clerk of Board Supervisors; County Clerk and Recorder; County Clerk and Auditor; the Recorder and Register of Deeds; Treasurer and Tax Collector; Public Administrator and Coroner; Transcriber and Assessor or Tax Collector; *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, and may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by separate persons whenever in their discretion the public interest will be best subserved thereby; *and provided further*, that the Board of Supervisors in any county may, immediately after passage of this Act, appoint to fill the offices above created, one Register of Deeds, one Clerk of Board Supervisors, one Jailer, one Bailiff of the Superior Court, and one Transcriber, whose terms of office shall expire on the first Monday in January, eighteen hundred and ninety-five, at twelve o'clock m.; and said Board shall fix the amount of their official bonds; and when so appointed they shall perform the following duties, to wit:

Consolidation by
Supervisors.

Supervisors to
appoint
certain
officers.

REGISTER OF DEEDS.

The Register of Deeds must:

1. Procure such books for records as the business of his office requires, but the orders for the same must first be obtained from the Board of Supervisors. He has the custody of and must keep all books and records in which instruments are transcribed or recorded. Duties of Register of Deeds.

2. Record without delay, separately, in large and well-bound separate books, in a fair hand, all the instruments, documents, and papers received by the Recorder for record, together with the acknowledgments, proofs, and certificates written upon or annexed to the same, with the plats, surveys, schedules, and other papers therein annexed, in the order and after the time when the same was received for record, and must note at the foot of the record the exact time of its reception and the name of the person at whose request it was recorded, as shown by the Recorder's indorsement, and must add his certificate that the same is a correct record of the original instrument, document, or notice filed for record. Records.

3. Keep in his office a book, to be called "Certificates of Sale," of real-estate sold under execution, or under order made in any judicial proceedings and filed with the Recorder. Certificates of sale.

4. Record with the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property received by the Recorder for record. Judgments and decrees.

5. Immediately after an instrument or document has been recorded by him, he must indorse upon it the book and page in which it is recorded, and return it to the Recorder. Indorsement.

6. All books of record, maps, charts, and other papers in his office must, during office hours, be open for inspection by any person who may desire to inspect them, and may be inspected without charge; and he must arrange the books in his office in such suitable places as to facilitate their inspection. Records open for inspection.

CLERK OF BOARD SUPERVISORS.

The Clerk of Board of Supervisors shall discharge such duties as are now provided by section twenty of said Act, approved March thirty-first, eighteen hundred and ninety-one. Duties of Clerk of Board of Supervisors.

JAILER.

The Jailer must:

1. Take charge of and keep the county jail and the prisoners therein. Duties of Jailer.

2. Receive all prisoners arrested by any peace officer of the county, and all sentenced to imprisonment by any magistrate.

3. Deliver any prisoner in the county jail to any Sheriff or Constable having authority to receive them.

4. Perform such other duties as may be required of him by law, or by the Board of Supervisors.

STATUTES OF CALIFORNIA,
SUPERIOR COURT BAILIFF.

Duties of
Court
Bailiff.

The Superior Court Bailiff must:

1. Attend all Courts, except Justices' and Police Courts, held within his county, and obey their lawful orders and directions.
2. Act as the crier of said Courts, call the parties and witnesses, and all other persons bound to appear at the Court, and make proclamation of the opening and adjournments of the Court, and of any other matter under its direction.
3. Preserve the peace, and maintain order in the Court.
4. Perform such other duties as may be required of him.

TRANSCRIBER.

Duties of
Transcriber.

The Transcriber must:

1. Transcribe for the County Assessor, and under his direction, into the assessment roll, State poll tax roll, road poll tax roll, military roll, all data furnished by the Assessor, and prepare indexes of said rolls and the reports which Assessors are or may be required to make, and fill in assessment blanks.
2. Write up for the County Tax Collector, and under his direction, all receipts for taxes which he is by law required to furnish.
3. Prepare for the County Auditor, and under his direction, all reports, statements, and warrants, and compute the taxes in assessment roll, which he is now required by law to issue and make.
4. Prepare for the Treasurer, and under his direction, all statements which he is required to make.

Duties of
other
officers.

And whenever such officers shall have been so appointed, and have filed their oaths of office and official bonds, as prescribed by law, and shall have entered upon the discharge of their duties herein enumerated, then the Sheriff, the County Clerk, the Assessor, the Recorder, the Auditor, the Treasurer, and the Tax Collector are hereby relieved of the duties herein imposed upon the officers so appointed; and the penalties for refusal or neglect to perform such duties by, and all allowances for expenses to, such appointed officers, shall be the same as are now by law imposed upon, and allowed to, the officers whose duty it would be to perform such duties if the appointment herein provided for had not been made; *provided further*, that nothing in this Act shall be construed as compelling the Board of Supervisors of any county in this State to make such appointments, or any one thereof; and unless and until said appointment of such officers are made by the Board of Supervisors of any county in this State as hereinbefore provided, the duties of Sheriff, County Clerk, Assessor, Recorder, Auditor, Treasurer, and Tax Collector shall not be affected by the provisions of this Act; *provided further*, that unless and until the Board of Supervisors of any county in this State appoint the officers to fill the offices hereby created, or separate the duties of said officers as hereinbefore provided, in any such county the duties of the offices of Sheriff, Superior Court Bailiff, and Jailer,

and of the offices of Recorder and Register of Deeds, and of the offices of County Clerk and Clerk of Board Supervisors, and of the offices of Assessor and Transcriber, are hereby consolidated.

Sec. 2. Section one hundred and sixty-eight of said Act is hereby amended so as to read as follows:

Section 168. In counties of the sixth class, county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salary, to wit: Compensation of officers in counties of sixth class.

1. County Clerk, three thousand dollars per annum.

2. Clerk of Board Supervisors, one thousand two hundred dollars per annum.

3. Sheriff, six thousand five hundred dollars per annum.

4. Jailer, one thousand dollars per annum.

5. Superior Court Bailiff, ——— dollars per annum.

6. Recorder, two thousand five hundred dollars per annum.

7. Register of Deeds, two thousand seven hundred dollars per annum.

8. Auditor, one thousand five hundred dollars per annum.

9. Treasurer, two thousand dollars per annum.

10. Tax Collector, two thousand dollars per annum.

11. District Attorney, two thousand five hundred dollars per annum.

12. Assessor, three thousand dollars per annum.

13. Coroner, five hundred dollars per annum.

14. Public Administrator, nine hundred dollars per annum.

15. Superintendent of Public Schools, two thousand five hundred dollars per annum.

16. Surveyor, such fees as are now and may hereafter be allowed by law.

17. Transcriber, four thousand eight hundred dollars per annum.

18. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

19. 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.

20. 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.

21. 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 the 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, excepting the chief deputy of the County Clerk, whose salary shall be one hundred and fifty dollars per month, which shall be paid by the county; *provided*, that the appointment of such deputies, or of either or of any thereof, may be revoked by the Board of Supervisors whenever said Board shall be satisfied that the serv- May appoint deputies.

ices of such deputy or deputies are no longer reasonably necessary to the due discharge of the duties of such office or offices.

Officer
responsible
for official
acts of
deputy.

22. 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.

Assistant
and
Deputy
District
Attorney.

23. In counties of this class there shall be an Assistant District Attorney, and a Deputy District Attorney, 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. 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 other county officers.

SEC. 3. Section one hundred and seventy-two of said Act is hereby amended so as to read as follows:

Counties
of the
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, twenty-five hundred dollars per annum.
2. Clerk of Board Supervisors, thirty-six hundred dollars per annum.
3. The Sheriff, forty-five hundred dollars per annum.
4. Jailer, twelve hundred dollars per annum.
5. Superior Court Bailiff, twenty-seven hundred dollars per annum.
6. Recorder, two thousand dollars per annum.
7. Register of Deeds, forty-eight hundred dollars per annum.
8. Auditor, twelve hundred dollars per annum.
9. Treasurer, two thousand dollars per annum.
10. Tax Collector, eighteen hundred dollars per annum.
11. District Attorney, two thousand four hundred dollars per annum.
12. Assessor, two thousand five hundred dollars per annum.
13. Coroner, five hundred dollars per annum.
14. Public Administrator, six hundred dollars per annum.
15. Superintendent of Schools, one thousand eight hundred dollars per annum.
16. Surveyor, such fees as are now or may hereafter be allowed by law.
17. Transcriber, eighteen thousand dollars per annum.
18. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that where certain Justices are engaged in the trial or examination of criminal cases, they shall receive for each day so engaged a sum not exceeding ten dollars.
19. Constable, 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, going one way, in the discharge of the duties of his office, and actual railroad fare for prisoners.

20. The Supervisors, eight dollars per day, and twenty cents mileage in going from their residence to the county seat.

SEC. 4. Section one hundred and seventy-three of said Act is hereby amended so as to read as follows:

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 dollars per annum.
2. Clerk of Board of Supervisors, twelve hundred dollars per annum.
3. 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 ten cents per mile for every mile necessarily traveled in the performance of such duty.
4. Jailer, twelve hundred dollars per annum.
5. Superior Court Bailiff, twelve hundred dollars per annum.
6. Recorder, three thousand dollars per annum.
7. Register of Deeds, four thousand dollars per annum.
8. Auditor, two thousand dollars per annum.
9. Treasurer, one thousand eight hundred dollars per annum.
10. Tax Collector, one thousand five hundred dollars per annum.
11. District Attorney, two thousand four hundred dollars per annum; and the District Attorney may appoint a Deputy District Attorney, at a salary of fifteen hundred dollars per annum, who shall hold his office at the pleasure of the District Attorney.
12. Assessor, eighteen hundred dollars per annum.
13. Coroner, such fees as are now or may hereafter be allowed by law.
14. Public Administrator, such fees as are now or may hereafter be allowed by law.
15. Superintendent of Schools, one thousand eight hundred dollars per annum.
16. Surveyor, such fees as are now or may hereafter be allowed by law.
17. Transcriber, thirty-five hundred dollars per annum.
18. Constables, such fees as are now or may hereafter be allowed by law.
19. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
20. 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; *provided*, that no more than one mileage in any one monthly term shall be allowed.
21. The fees and compensation of Constables in criminal cases or proceedings to which the people of the State of California are or may be made parties, shall not exceed seventy-five

Duties of
Superior
Court
Clerk.

dollars for any one month. All moneys in excess of this sum shall by such Constable be paid into the County Treasury.

22. It shall be the duty of the Superior Court Clerk to collect in advance and pay into the County Treasury in the cases hereinafter mentioned the following fees, to wit:

1. In all civil actions and all special proceedings of a civil nature, and for all informations filed by citizens for the purpose of removing an officer:

(a) From the plaintiff or informer on the commencement of every such action or proceedings, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the entry, recording, and docketing of the judgment, and making up and filing the judgment roll.

(b) From the defendant in such cases, on his appearance, five dollars; which shall be in full for all like services.

(c) From the moving party, on filing notice of motion, for each motion to vacate or set aside any final order or judgment, except in probate cases, and for each motion for new trial, five dollars; which shall be in full for all services to be performed by such Clerk, to and including the entry of the order finally granting or denying such motion.

(d) From the appellant, on filing any notice of appeal to the Supreme Court from any order, judgment, or decree, ten dollars; which shall be in full for all services to be performed by such Clerk thereon, to and including the filing of the remittitur from the Supreme Court on such appeal.

2. In the matter of every estate and guardianship:

(a) From the petitioner, on filing each petition for letters testamentary, or of administration, or of guardianship of the person or estate of any minor, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing of the inventory and appraisement in the matter of such estate or guardianship.

(b) Upon the filing of such inventory and appraisement, before any further proceedings are had, the sum of one dollar for each and every thousand dollars of the appraised value of the estate of such minor or decedent; which shall be in full for all services to be performed by such Clerk in matter of such estate or guardianship, to and including the filing, entry, and recording of the final decree of settlement and distribution therein, or the decree finally partitioning such estate; *provided*, that in all cases where the estate of any decedent shall be summarily distributed in the manner provided by section one thousand four hundred and sixty-nine of the Code of Civil Procedure of this State, ten dollars shall be in full for all services performed therein by such Clerk, to and including the final entry and recording of the decree summarily disposing thereof.

(c) On the filing of every petition for the removal of any executor, administrator, or guardian, or the filing of any objection to the probate of any will or testament, or to the appointment of any administrator, executor, or guardian, or the citation of any executor, administrator, or guardian to

appear and answer concerning any matter touching such execution, administratorship, or guardianship, from the person filing such petition, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing and entry of the order or decree finally determining the same.

Clerk of
Superior
Court

(d) From the appellant, on filing any notice of appeal to the Supreme Court from any order or decree made in the matter of any estate or guardianship, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing of the remittitur from the Supreme Court on such appeal.

3. In case of any appeal to the Superior Court or transfer of any case thereto:

(a) From the appellant, on the receipt of any papers or transcript on appeal from any Justice's or inferior Court, the sum of five dollars; which shall be in full for all services of such Clerk to and including the entry of final judgment and making and filing of the judgment roll and remitting any order of dismissal or affirmance required by law.

(b) From the moving party on the filing of the papers in any case transferred to the Superior Court from any Justice's or inferior Court, pursuant to any statute, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the entry of final judgment and making and filing the judgment roll, or the remitting of any order of dismissal or affirmance, or any order remanding such case to any lower Court.

(c) On the filing of the papers in every case for change of venue made to the Superior Court on the Superior Court of any other county, the sum of ten dollars; to be in full for all services to be performed by such Clerk, to and including the entry, recording, and docketing of the final judgment and making up and filing of the judgment roll.

4. On the filing of any petition in insolvency:

(a) From the person so filing the same, the sum of ten dollars; which shall be in full for all services to be performed by such Clerk in the matter of such insolvency, to and including the order finally determining such matter.

(b) From the appellant, on the filing of any notice of appeal from any order or decree made in the matter of such insolvency, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing of the remittitur from the Supreme Court on such appeal.

5. No fee shall be charged in any criminal case, nor for any services performed on any writ of habeas corpus, nor against the State or county, nor against any public officer suing in his own name on behalf of the State or county, pursuant to any statute or ordinance; *provided*, that where any action is commenced by such county, at the relation of any person not a public officer, the fees herein provided for shall be paid by such relator.

6. In addition to the fees hereinbefore provided for, such Clerk shall charge and collect the following fees:

Duties of
Superior
Court
Clerk.

(a) For the issuance of any execution, order of sale, or any other writ or process subsequent to the entry of judgment, except in the cases mentioned in the last subdivision, one dollar; which shall include the filing of such execution, order, writ, or process on return, and the entry of partial or entire satisfaction thereof.

(b) For the copying of any record or other document or paper, fifteen cents per folio.

(c) For each certificate, except in criminal cases, fifty cents.

(d) For each affidavit not made by a public officer pursuant to any statute, nor in the case of any action or proceeding, nor in pursuance of any registration or election law of this State, fifty cents.

(e) For taking testimony on the justification to any undertaking or bond, or the taking of any deposition, including certificate thereto, twenty cents per folio.

(f) For taking the acknowledgment of any deed or other writing, one dollar for each person acknowledging the same.

(g) For issuing each marriage license, two dollars and fifty cents.

SEC. 5. Section one hundred and eighty-six of said Act is hereby amended so as to read as follows:

Counties
of the
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. County Clerk, fifteen hundred dollars per annum.
2. Clerk of Board Supervisors, fifteen hundred dollars per annum.
3. Sheriff, thirty-five hundred dollars per annum.
4. Jailor, six hundred dollars per annum.
5. Superior Court Bailiff, nine hundred dollars per annum.
6. Recorder, fifteen hundred dollars per annum.
7. Register of Deeds, fifteen hundred dollars per annum.
8. The Auditor, one thousand dollars per annum.
9. The Treasurer, two thousand dollars per annum.
10. The Tax Collector, one thousand dollars per annum.
11. The Assessor, two thousand five hundred dollars per annum.
12. The District Attorney, two thousand dollars per annum.
13. The Coroner, such fees as are now or may hereafter be allowed by law.
14. The Public Administrator, such fees as are now or may hereafter be allowed by law.
15. The Superintendent of Schools, one thousand eight 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.
16. The Surveyor, such fees as are now or may hereafter be allowed by law.
17. Transcriber, twenty-four hundred dollars per annum, payable one hundred dollars per month for months of Decem-

ber, January, February, and March, and two hundred and fifty dollars for each of the other months of theyear.

18. 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.

Counties
of the
twenty-
fourth
class.

19. Constables, such fees as are now or may hereafter be allowed by law.

20. Supervisors, five hundred dollars each per annum.

21. 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 fee collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States:

SHERIFF'S FEES.

For serving summons, each defendant, one dollar. For taking bond or undertaking, fifty cents. Copies of writ or other paper, per folio, fifteen cents. Serving every notice, rule, or order, fifty cents. Serving subpoena, each witness, twenty-five cents. Attachment, one dollar and fifty cents. Levying execution, one dollar and fifty cents. Executing order of arrest, one dollar and fifty cents. Executing order for delivery of personal property, one dollar and fifty cents. Keeper's fees, to be allowed by Court, not exceeding, per day, three dollars. Attachment on vessel, one dollar and fifty cents. Care of vessel under attachment, all necessary expenses, allowed by Court, and, in addition, per day, three dollars. For selling any boat, vessel, or tackle, apparel, or furniture thereof so attached, or other goods attached, and for advertising such sale, the same fees as on execution. For advertising property for sale on execution, or under any judgment or order of sale, exclusive of cost of publication, one dollar. Commissions on sale, two per cent on the first one thousand dollars, and one per cent on all sums above that amount. Commissions, without levy or sale, one and one half per cent on the first one thousand dollars, and one per cent on all over that sum. Sheriff's deed, including acknowledgment, four dollars. Serving writ of possession or restitution, five dollars. Attendance on Court of record, per day, three dollars. For holding inquest or trial of right of property, including all service, except mileage, three dollars. Arrest in criminal proceeding, two dollars. Summoning a grand jury, six dollars. Summoning trial jury, three dollars; each additional juror, twenty 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 action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of

Sheriff's
fees.

possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on writ of habeas corpus, for each mile necessarily traveled, in going only, twenty-five cents. For traveling to serve any process in criminal cases, or for taking a prisoner from prison before a Court or magistrate, for each mile necessarily traveled, in going only, twenty cents. For taking a prisoner from the place of arrest to prison, or before a Court or magistrate, for each mile necessarily traveled, in going only, twenty-five cents; for each additional prisoner taken at the same time, fifteen cents. For executing every sentence of death, twenty dollars. For all services in Justices' Courts, the same fees as are allowed to Constables.

FEE BILL OF COUNTY CLERK.

Fees of
County
Clerk in
counties of
twenty-
fourth
class.

For entering suit in the registry, and making necessary entries during the progress of the suit, to the final determination thereof, for first folio, fifty cents; for each subsequent folio, twenty-five cents. For issuing every writ or process under seal, except the writ of habeas corpus, fifty cents. For issuing each subpoena for one or more witnesses, twenty-five cents. For filing each paper, twenty-five cents. For entering each and every motion, order, rule, default, discontinuance, dismissal, or nonsuit, fifty cents. For entering every cause on the calendar and making copy thereof for bar, for each term of Court, fifty cents. For taking justification thereto, fifty cents. For taking testimony on justification to undertaking or bond, for each folio, fifteen cents. For acknowledgment, first name, fifty cents; each additional name, twenty-five cents. For indexing every suit, each name, ten cents. For filing and entering papers on transfer of cases to other Courts, including certificate of order, two dollars. For 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, three dollars; all subsequent services on appeal at same rates as above provided for similar service. For issuing letters testamentary, administration, or guardianship, fifty cents. For writing and posting each notice required, twenty-five cents. For each notice of publication, in addition to the cost of publication, unless such notice is prepared by the petitioner or his attorney therein, fifty cents. For calling and swearing every jury or venire, twenty-five cents. For calling and swearing every jury to try cause, fifty cents. For receiving and entering verdict of jury, fifty cents. For entering final judgment, first folio, one dollar; for each subsequent folio, twenty-five cents. For making up and filing judgment roll, fifty cents. For each entry of judgment on docket, twenty-five cents. For entering satisfaction or credit on 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, fifteen cents. For every certificate, under seal, fifty cents. For issuing every commission to take testimony, one dollar. For writing down testimony of witness

during trial, per folio, twenty-five 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, fifteen cents. For receiving and filing every remittitur from Supreme Court and accompanying papers, one dollar. For taking and approving each undertaking or bond, fifty cents. For recording wills or other papers, each folio, fifteen cents. Pension and naturalization papers, no charge. For marriage license and affidavit, two dollars and fifty cents.

Fees of
County
Clerk,
twenty-
fourth
class.

RECORDER'S FEES.

For each instrument, per folio, fifteen cents. For copies of record, per folio, fifteen cents. For indexing, each name, ten cents. For certificate, under seal, fifty cents. For discharge of instrument on margin, fifty cents. For searching record, each year, per name, twenty-five cents. For abstract of title, each conveyance, fifty cents. For recording maps, each course, ten cents. For figures and letters on maps, twenty-five cents. For topography, each creek, river, road, or mountain, twenty-five cents. For acknowledgment, per first name, fifty cents; for acknowledgment, each additional name, twenty-five cents. For marriage license, one dollar. For official bond, one dollar. For building contracts, filed only, one dollar. For transcript in estray cases, etc., one dollar. For marks and brands, fifty cents. For filing papers not for record, twenty-five cents. For filing each instrument for record, twenty-five cents.

Fees of
Recorder
in counties
of twenty-
fourth
class.

SEC. 6. Section one hundred and ninety-four of said Act is hereby amended so as to read as follows:

Section 194. In counties of the thirty-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:

Counties
of the
thirty-
second
class.

1. County Clerk, twenty-four hundred dollars per annum.
2. Sheriff, fifty-five hundred dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum; and the Recorder shall charge and collect for the use of the county and pay into the County Treasury the fees collected as now provided by law; *provided*, that 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 every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing and indexing same, twenty-five cents. And all fees collected by him shall be paid into the County Treasury, for the use of the county.
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.

Counties
of the
thirty-
second
class.

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. Transcriber, twelve hundred dollars per annum.

Justices.

14. Justices of the Peace, such fees as are now or may hereafter be allowed by law, except for filing each paper he shall receive twenty cents; for issuing any writ or process by which suit is commenced, twenty-five cents; for entering every cause upon his docket, forty cents; for entering any final judgment, for the first folio, fifty cents; for each additional folio, fifteen cents; for taking or approving any bond or undertaking directed by law to be taken or approved by him, twenty-five cents; for taking depositions, per folio, fifteen cents; for a copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, fifteen cents; for entering judgment by confession or only on affidavit, one dollar and fifty cents; *and provided further*, that, at the option of the Justice of the Peace, the plaintiff shall give a good and sufficient bond for the costs of suits on application for warrant of arrest. The provisions of this subdivision shall take effect from and after the date of approval of this Act.

Constables.

15. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twelve and one half cents per mile for each mile necessarily traveled in the discharge of the duties of his office; *provided*, that in no case shall a Constable receive for services in vagrancy cases, for any one month, an amount in excess of the sum of thirty dollars; *and provided*, that his fee for making an arrest in a civil case shall be one dollar; *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, twelve and one half cents per mile for each mile traveled to the more distant point; for conveying a prisoner, when under arrest, the necessary expenses actually paid for transportation. The provisions of this subdivision shall take effect from and after the date of approval of this Act.

16. Supervisors, six dollars per day, for each day while in service of the county, and twenty cents per mile in traveling from residence to county seat.

SEC. 7. Section one hundred and ninety-seven of said Act is hereby amended so as to read as follows:

Counties
of the
thirty-fifth
class.

Section 197. In counties of the thirty-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. County Clerk, two thousand four hundred dollars per annum; *provided*, that parties commencing actions in the Superior Court, except in probate cases, shall deposit eleven dollars with said Clerk, and upon the appearance in the action of the defendant or defendants, he or they must deposit five dollars with said Clerk, which amounts shall constitute the Clerk's fees in full in said action, and the whole thereof must be paid into the County Treasury, and in no case shall any rebate be made by the Clerk; and the fees for the filing of petition for letters of administration, testamentary, or guardianship shall be fifteen dollars, to be paid to the Clerk upon the filing thereof. When the inventory and appraisement is offered for filing, and it appears therefrom that the value of the estate exceeds three thousand (\$3,000), the Clerk shall, in addition to said deposit, demand and receive one dollar for each and every one thousand dollars in excess of three thousand dollars, which said fees shall constitute in full the Clerk's fees in such action or proceeding, and the whole thereof must be paid into the County Treasury, and in no case shall any rebate be made by the Clerk.

Counties
of the
thirty-fifth
class.

2. Clerk of Board Supervisors, four thousand dollars per annum.

3. Sheriff, five thousand five hundred dollars per annum.

4. Jailer, ——— dollars per annum.

5. Superior Court Bailiff, ——— dollars per annum.

6. The Recorder, one thousand five hundred dollars per annum; and the Recorder shall charge and collect for the use of the county and pay into the County Treasury the fees collected as now provided by law; *provided*, that 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, twenty 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, fifty cents. And all fees collected by him shall be paid into the County Treasury for the use of the county.

Fees of
Recorder,
counties of
thirty-fifth
class.

7. Register of Deeds, four thousand dollars per annum. The Register shall keep a book known as Miners' Record Book, and shall keep therein a record of all mining claims in the county brought to him to be recorded.

8. The Auditor, eighteen hundred dollars per annum.

9. The Treasurer, one thousand six hundred dollars per annum.

10. The Tax Collector, one thousand two hundred dollars per annum.

11. The Assessor, three thousand two hundred dollars per annum.

12. The District Attorney, two thousand dollars per annum.

13. The Coroner, such fees as are now or may hereafter be allowed by law.

14. The Public Administrator, such fees as are now or may hereafter be allowed by law.

15. The Superintendent of Schools, one thousand five hundred dollars per annum.

16. The Surveyor, such fees as are now or may hereafter be allowed by law.

17. Transcriber, thirty-six hundred dollars per annum.

Justices.

18. Justices of the Peace, such fees as are now or may hereafter be allowed by law, except for filing each paper he shall receive twenty cents; for issuing any writ or process by which suit is commenced, twenty-five cents; for entering every cause upon his docket, forty cents; for entering any final judgment, for the first folio, fifty cents; for each additional folio, fifteen cents; for taking or approving any bond or undertaking directed by law, twenty-five cents; for taking depositions, per folio, fifteen cents; for a copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, fifteen cents; for entering judgment by confession and only on affidavit, one dollar and fifty cents; *and provided further*, that, at the option of the Justice of the Peace, the plaintiff shall give a good and sufficient bond for the costs of suit, on application for warrant of arrest. The provisions of this subdivision shall take effect from and after the date of approval of this Act.

19. Constable, such fees as are now or may hereafter be allowed by law.

20. Supervisors, six dollars per day for each day while in service of the county, and thirty cents per mile for traveling from residence to county seat.

SEC. 8. Section two hundred of said Act is hereby amended so as to read as follows:

Counties of
the thirty-
eighth
class.

Section 200. In counties of the thirty-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:

1. County Clerk, fifteen hundred dollars per annum.
2. Sheriff, three thousand five hundred dollars per annum.
3. Jailer, six hundred dollars per annum.
4. Recorder, twelve hundred dollars per annum.
5. Register of Deeds, nine hundred dollars per annum.
6. The Auditor, six hundred dollars per annum.
7. The Treasurer, twelve hundred dollars per annum.
8. The Tax Collector, seven hundred and fifty dollars per annum; *provided*, said Tax Collector shall be allowed one deputy, whose compensation shall not exceed four 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 days in any one year.
9. The Assessor, nineteen hundred dollars; *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.
10. The District Attorney, one thousand four hundred dollars per annum; and for every conviction, twenty-five dollars, to the

amount of five hundred, and no more; if any more, it goes to the county.

11. The Coroner, such fees as are now or may hereafter be allowed by law.

12. The Public Administrator, such fees as may now or hereafter be allowed by law.

13. The Superintendent of Schools, one thousand dollars per annum, and one hundred dollars for traveling expenses. The Supervisors may allow him two hundred dollars additional for traveling expenses.

14. The Surveyor, such fees as are now or may hereafter be allowed by law.

15. Justices of the Peace shall be allowed the following fees: In civil actions, for filing each paper, twenty-five cents. For issuing any writ of 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, in either criminal or civil actions, one dollar. For issuing an execution, fifty cents. For issuing supersedeas on 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 each day's services in criminal or civil cases, either on trial, examination, or hearing, five dollars. For abstract of judgment, one dollar. For copy of judgment, order, proceeding, or paper in his office, for each folio, twenty-five cents. For taking depositions, in either civil or criminal cases, per folio, twenty-five cents. For each certificate, fifty cents. For making up and transmitting transcript and papers on appeal, two dollars.

All fees, including Constable's fees, and those on trial and 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 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 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 Recorder, five dollars. For hearing and accepting

Counties of
the thirty-
eighth
class.

Fees of
Justices in
counties of
the thirty-
eighth
class.

a complaint in criminal actions, three dollars. For issuing a warrant of arrest, two dollars. For taking bail after commitment, two dollars.

16. Constables, such fees as are now or hereafter may be allowed by law.

17. Supervisors shall receive four hundred dollars per annum, and salary shall cover all traveling expenses to and from their respective residences to the county seat.

SEC. 9. Section two hundred and three of said Act is hereby amended so as to read as follows:

Counties of
the 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. County Clerk, one thousand six hundred dollars per annum.

2. Clerk of Board of Supervisors, four hundred dollars per annum.

3. Sheriff, three thousand five hundred dollars per annum.

4. Superior Court Bailiff, two hundred and forty dollars per annum.

5. Recorder, nine hundred dollars per annum.

6. Register of Deeds, five hundred dollars per annum.

8. Transcriber, sixteen hundred dollars per annum.

9. The Auditor, five hundred dollars per annum.

10. The Treasurer, one thousand dollars per annum.

11. The Tax Collector, five hundred dollars per annum.

12. The Assessor, two thousand dollars per annum.

13. The District Attorney, one thousand six hundred dollars per annum.

14. The Coroner, such fees as are now or may hereafter be allowed by law.

15. The Public Administrator, such fees as are now or may hereafter be allowed by law.

16. The Superintendent of Schools, one thousand five hundred dollars per annum.

17. The Surveyor, such fees as are now or may hereafter be allowed by law.

18. Justices of the Peace, such fees as are now or may hereafter be allowed by law.

19. 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 his duties; *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.

20. Supervisors, five 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.

SEC. 10. Section two hundred and fourteen of this Act is hereby amended so as to read as follows:

Counties of
fifty-sec-
ond class.

Section 214. In counties of the fifty-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: Counties of the fifty-second class.

1. County Clerk, twelve hundred dollars per annum.
2. Clerk of Board of Supervisors, two hundred dollars per annum.
3. Sheriff, fifteen hundred dollars per annum.
4. Jailer, twelve hundred dollars per annum.
5. Superior Court Bailiff, six hundred dollars per annum.
6. Recorder, four hundred dollars per annum.
7. The Auditor, two hundred dollars per annum.
8. The Treasurer, six hundred dollars per annum.
9. The Tax Collector, three hundred dollars per annum.
10. The District Attorney, six hundred dollars per annum.
11. The Assessor, six hundred dollars per annum, including a deputy, at the option of the Board of Supervisors, at a salary not exceeding one hundred dollars per month.
14. The Coroner, such fees as are now or may hereafter be allowed by law.
15. The Public Administrator, such fees as are now or may hereafter be allowed by law.
16. The Superintendent of Schools, one hundred dollars per annum.
17. The Surveyor, such fees as are now or may hereafter be allowed by law.
18. The Justice of the Peace, such fees as are now or may hereafter be allowed by law.
19. The Constables, such fees as are now or may hereafter be allowed by law.
20. The Supervisors shall not receive over two hundred and fifty dollars per annum, and shall be paid five dollars for each day actually employed in the discharge of the duties of their office, together with mileage, at the rate of twenty cents per mile, in going only, from their residence to the county seat, at each session of the Board.

SEC. 11. All Acts and parts of Acts in conflict or inconsistent with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall take effect and be in force immediately from and after its passage. Take effect.

CHAPTER CCXXII.

An Act to amend an Act entitled "An Act to establish a State Reform School for Juvenile Offenders, and to make an appropriation therefor," approved March 11, 1889, by amending the title to said Act, and by amending sections one, four, seven, eight, nine, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty thereof, and by adding three new sections thereto, to be numbered, respectively, sections sixteen a, sixteen b, and sixteen c, relating to a change in the name of the institution and the powers and duties of the public officers thereof, and the manner and conditions under which commitments may be made thereto, and of the rights and obligations of persons committed thereto, and of the powers and duties of certain public officers in connection therewith, and generally relating to the State School located and established under the aforesaid Act, and now maintained by the State of California, at Whittier, in the county of Los Angeles, therein.

[Approved March 23, 1893.]

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

Title amended.

SECTION 1. The title of said Act is hereby amended to read as follows: "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School.'"

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

Change of name.

Section 1. There shall be established and maintained in this State, and located at Whittier, in the county of Los Angeles, an institution for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as "The Whittier State School;" and in all judicial, official, or other proceedings, and in all contracts, transfers, or other instruments in writing, the above name shall be deemed a sufficient designation of said institution.

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

Selection of site.

Section 4. The said Board of Trustees are hereby empowered with full power and authority to select a site for the permanent location of said 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 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 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.

Land must be deeded to State prior to erection of buildings.

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

Section 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 school, and then only in such manner as may be prescribed by the Act of appropriation or the instrument of donation.

Meetings and mode of transaction of business.

Furniture and apparatus.

No deficiencies can be incurred

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

Section 8. The Board shall annually elect from their own number a President and a Vice-President, 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.

Annual election of officers.

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

Section 9. The Board shall appoint a Superintendent of said 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.

Superintendent and other officers.

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

Section 14. Said Board of Trustees shall arrange the building or buildings to be used for said 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.

Buildings and grounds.

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

Section 15. Whenever said institution shall have been so

Proclamation of Governor. 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 minors between the ages of eight and eighteen years committed to its custody, as hereinafter provided.

Sec. 9. Section sixteen of said Act is hereby amended to read as follows:

How minors are committed to the school.

Section 16. When any boy or girl between the ages of eight and eighteen years shall be found guilty by a Superior Court of any county in the State, and who, in the opinion of such Court, would be a fit subject for commitment to the said school, it shall be lawful for the said Court to suspend judgment or sentence (except when the penalty is life imprisonment or death), and to commit such minor to the said school for a period embracing his or her minority, unless sooner discharged by law, or as in this Act provided; but no minor who is under the age of eight years, or who is suffering from any contagious, infectious, or other disease which would probably endanger the lives or health of the other inmates of said school, shall be committed to said school; and further provided, that no such minor shall be committed to said school unless the Judge of such Court shall be fully satisfied that the mental and physical condition and qualifications of said minor are such as to render it probable that such minor will be benefited by the reformatory and educational discipline of said school. The Board of Trustees of said school 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 committing any minor to such school, to certify to the Superintendent thereof the age of the person so committed, as nearly as can be ascertained by testimony taken under oath before such Court, or in such manner as the Court may direct.

Who may not be admitted.

Mental and physical conditions.

Rewards for good conduct.

Age to be certified.

Sec. 10. A new section is hereby added to said Act, which section shall be numbered sixteen b, and shall read as follows:

Honorable dismissal by the Board.

Section 16b. 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 offense or crime for which they may have been committed. Upon the final discharge of any inmate, as in this section provided, the Superintendent, where any sentence or judgment was previously suspended, as mentioned in section sixteen of this Act, shall immediately certify such discharge, in writing, and shall transmit the said certificate to the Court by which such person was committed, and said Court shall thereupon dismiss the accusation, and the action pending against said person.

Certificate in case of suspended judgment.

SEC. 11. A new section is hereby added to said Act, which section shall be numbered sixteen *c*, and shall read as follows:

Section 16*c*. The Board shall have authority also to issue certificates of conditional dismissal and parole to any worthy minor confined in the institution, on the following conditions: It may bind such minor 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 minor. 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 minor 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 said school. Every paroled minor who properly observes and obeys the condition of his parole until the date of the expiration of his term of commitment, shall be entitled to all the benefits and immunities in this Act provided. If at any time it shall be determined by the Board of Trustees of said school, to its satisfaction, that any minor who may have been committed to the care or guardianship of any third person, as in this section previously provided, is not being properly treated or cared for, according to the terms and conditions under which such minor was intrusted to said third person, then by a resolution of the said Board entered upon its minutes, and upon the requisition of the Superintendent of said institution issued thereon, the said minor may be recalled to said school, and he or she shall be released from all obligations to such third person. And in such case the said Board shall have the right to maintain all necessary actions or proceedings against the said third person and his bondsmen to recover the penalty in whatever bonds may be given by reason of the failure of said third person to perform the conditions under which said minor was intrusted to his care; and in the event of minors who may have been bound out by the said Board of Trustees by articles of indenture, the said Board shall institute and maintain all proper actions and proceedings to cancel and annul said articles of indenture.

SEC. 12. A new section is hereby added to said Act, which section shall be numbered section sixteen *d*, and shall read as follows:

Section 16*d*. Any minor who shall, during the time of his or her commitment, be found incorrigible, or who shall be, in the judgment of the Board of Trustees of said school, determined to be an improper subject for detention in said school, may be returned to the Court by which said minor was committed, and upon written complaint of the said Board, attested

Condi-
tional dis-
missal and
parole.

May be
bound by
articles of
indenture.

Condi-
tions.

When
paroled
to be
returned.

If improp-
erly treated
by guard-
ian, the
minor to be
returned to
the school.

Penalty in
the bond
to be re-
covered.

Incorrig-
ible and
improper
subjects to
be returned
to Court
for judg-
ment and
sentence.

by the Superintendent of said school, and filed with the original complaint, it shall be the duty of said Court to enter judgment and pass such sentence as would have been lawful at the time when the said minor was first committed to the said school.

SEC. 13. Section seventeen of said Act is hereby amended so as to read as follows:

Grand jury may return to Superior Court all proper cases for the school.

Section 17. If any accusation of the commission of any crime shall be made against any minor under the age of eighteen 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 Superior 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 minor.

SEC. 14. Section eighteen of said Act is hereby amended to read as follows:

Judge may arrest proceeding and commit to the school.

Section 18. If any minor between the ages of eight and eighteen 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.

SEC. 15. Section nineteen of said Act is hereby amended so as to read as follows:

Private examination and trial.

Section 19. All minors between the ages of eight and eighteen 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 minor demand a public trial; in such case, the proceedings shall be in the usual manner.

SEC. 16. Section twenty of said Act is hereby amended so as to read as follows:

Trustees to receive certain inmates under prescribed rules.

Section 20. It shall also be lawful for the said Board of Trustees, under such rules as they may prescribe, to receive into the care and guardianship of said institution, whenever it may be convenient so to do, minors between the ages of eight and eighteen years, committed to custody in any of the following modes:

Incorrigible, on proof of parent or guardian.

1. Minors committed by any Judge of a Superior Court of this State on the complaint, in writing, filed and due proof thereof made by the parent or guardian of such minor, showing that by reason of the incorrigible and vicious conduct or

nature of such minor, he is beyond the control and power of such parent or guardian, and that from a regard for the future welfare of such minor and the protection of society, it appears that such minor should be placed in the care of such institution.

2. Minors 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 showing that such minor is a proper subject for the care and guardianship of such institution, in consequence of vagrancy or of incorrigible or vicious conduct, in cases where, from moral depravity or otherwise, the parent or guardian having the control of such minor is incapable of exercising or is unwilling to exercise the proper care or discipline over such minor, or in cases where such minor has no parent, guardian, or other protector.

Where parent, guardian, etc., is incapable.

3. Minors 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 minor, and it appears that such minor 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 minor.

Where father is dead, or drunkard, etc.

Sec. 17. Section twenty-one of said Act is hereby amended to read as follows:

Section 21. Before conveying minors to said institution, the person or persons having charge of said minors shall ascertain from the Superintendent whether they can be received; and if they cannot, then the case of such minors shall be disposed of as if this Act had never been passed, and no proceedings taken under it.

Ascertaining if inmate can be received.

Sec. 18. Section twenty-three of said Act is hereby amended to read as follows:

Section 23. Upon the discharge of any person committed to said school, the Superintendent thereof, under such regulations and restrictions as the said Board of Trustees may prescribe, may provide such person with suitable clothing and five dollars in money, and procure transportation for such person to his or her home, if resident in this State, or to the county to which he or she may have been committed, at his or her option.

Clothing, money, and transportation for those released.

Sec. 19. Section twenty-four of said Act is hereby amended so as to read as follows:

Section 24. Said Board of Trustees shall, with the approval of the Governor, estimate and determine, as near as may be, the actual expenses per month of keeping and taking care of each minor committed to said institution, not including the use of grounds and buildings, and shall include a statement of such estimated price in each biennial report to the Governor. When any minor is committed to said institution at the instance of his or her parent or guardian, or other protector, the cost of keeping said minor, including the cost of trans-

Estimate of expenses.

Cost of transportation.

porting 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 such case such expenses, including the cost of transportation, shall be borne one half by the county from which such minor is committed, and the remaining one half shall be borne by the State; and in every case where a minor who has no parent, guardian, or other protector, who is able to pay the cost of transportation to and cost of maintenance at said school, is committed thereto, such cost of transportation and maintenance of such minor shall be borne, one half by the State and the other half by the county from which said minor is committed. The expense which any county may be liable to pay on account of any minor 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 minor 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 placed in a fund, to be designated and known as the "Whittier Reform School Fund," for the use of said institution; *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.

SEC. 20. Section twenty-six of said Act is hereby amended so as to read as follows:

Section 26. If any person procure the escape of any person committed to the 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 Superior Court, be punished by a fine of not less than two hundred dollars 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 school, as in this Act provided.

SEC. 21. Section twenty-seven of said Act is hereby amended so as to read as follows:

Section 27. If any parent, or guardian, or master to whom a minor 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

One half
by county
and one
half by
State.

Board of
Supervisors
to pay
county's
share into
State
Treasury.

Whittier
Reform
School
Fund.

Certificate
of President
of Board of
Supervisors.

Aiding
escapes.

Punishment
therefor.

Applica-
tion for
discharge
of inmate.

minor, 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 minor, which application shall be filed with the Superintendent, who shall inform the Trustees thereof, and the same shall be heard and determined by such 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 minor, 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 minor 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 minor, against the Trustees of such institution. The complaint in said action shall state the fact and manner of the minor's commitment to the said institution, the making of the applicant's application to the Trustees for the custody of such minor, 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 minor. 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.

SEC. 22. Section twenty-eight of said Act is hereby amended so as to read as follows:

Section 28. It shall be the duty of the Sheriff of any county wherein an order is made or approved by a Superior Judge committing any minor to said school, to execute any and all writs of commitment issued or approved 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 minor may, at his option, and in all cases where he is liable, or where the estate of such minor is sufficient, execute said writ of commitment, after having been duly sworn therefor, with like powers and with like effect as the Sheriff would possess in such case, but without expense to the said State; *and further provided*, that in the case of minor females committed to said school, and there is no parent, guardian, or other protector of such minor, who,

Hearing.

Decision of Trustees.

Action for release of inmate.

Duty of Sheriff.

Who may execute the writ of commitment.

Court to
appoint a
woman to
conduct
minor
females.

in the opinion of the Court, is a proper person to safely conduct such female to said school, that then in such case the Court shall appoint some suitable woman of satisfactory character and discretion, who shall take the custody of such minor female after her said commitment, and shall forthwith deliver her to said school, and be entitled to the same compensation therefor as is otherwise provided to be paid to the Sheriff in all cases where, if such minor were a boy and were by a Sheriff delivered to said school, he, the said Sheriff, would be entitled to receive compensation, under the terms of this Act.

SEC. 23. Section twenty-nine of said Act is hereby amended so as to read as follows:

Minor's
estate to
bear ex-
penses.

Section 29. In all cases where an infant has been committed to said school for any of the causes mentioned in section twenty of this Act, and such minor, 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 expenses 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 minor'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 virtue of any such sales, the Court, by proper order, shall cause the same, or a sufficient amount thereof, to be paid to the Trustees of such institution; or in case any expense of said minor 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.

Proceed-
ings to sub-
ject estate
to pay-
ment.

SEC. 24. Section thirty of said Act is hereby amended so as to read as follows:

Auditing
by Board
of Trustees.

Section 30. The said Board of Trustees shall examine, audit, and allow the demands arising under the terms of the aforesaid Act and the amendments thereto, and the State Controller shall thereupon draw his warrants therefor, payable out of the proper fund, and the State Treasurer is hereby ordered to pay such warrants.

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

SEC. 25. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXXIII.

An Act to amend an Act entitled an Act to establish a Civil Code, approved March 21, 1872, by adding thereto two sections, to be known as sections one thousand four hundred and twenty-four and one thousand four hundred and twenty-five, being title nine, part four, division two, of said Code, concerning the manner of conducting the business of hydraulic mining.

[Approved March 24, 1893.]

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

1. The Civil Code of the State of California is hereby amended by adding thereto a new title, to be known as title nine, of part four, of division two, of said Code, to read as follows:

TITLE IX—HYDRAULIC MINING.

1424. The business of hydraulic mining may be carried on within the State of California wherever and whenever the same can be carried on without material injury to the navigable streams, or the lands adjacent thereto.

Where hydraulic mining can be carried on.

1425. Hydraulic mining, within the meaning of this title, is mining by means of the application of water, under pressure, through a nozzle, against a natural bank.

Meaning of hydraulic mining.

CHAPTER CCXXIV.

An Act making an appropriation for the payment of certain salary due Allen Kelly, as Executive Officer of the State Board of Forestry.

[Approved March 24, 1893.]

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

SECTION 1. The sum of three hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay Allen Kelly his salary while acting as Executive Officer for the State Board of Forestry during the months of May and June, in the forty-third fiscal year.

Claim of Allen Kelly.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXV.

An Act to appropriate moneys to aid in erecting a monument over the grave of ex-Governor William Irwin, and to prescribe the duties of the Controller and Directors of State Burial Grounds in relation thereto.

[Approved March 24, 1893.]

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

Governor
Irwin
monu-
ment.

SECTION 1. There is appropriated out of any moneys in the General Fund of the State, the sum of twenty-five hundred dollars, to erect a monument over the grave of ex-Governor William Irwin.

SEC. 2. The Controller is hereby authorized to draw his warrant for said amount at the request of the Directors of State Burial Grounds.

SEC. 3. The said Directors are hereby authorized to erect a suitable monument to carry out the purposes of this Act, at an expense not to exceed twenty-five hundred dollars.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCXXVI.

An Act to pay the claim of Dr. M. Gardner against the State of California, and making an appropriation therefor.

[Approved March 24, 1893.]

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

Claim of
Dr. M.
Gardner.

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Dr. M. Gardner against the State of California.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said Dr. M. Gardner for the sum of three thousand dollars, and the State Treasurer is hereby authorized and directed to pay the same; and the direction herein is hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. Said sum shall be in full payment and satisfaction of the said claim, and said Dr. M. Gardner shall make and deliver to the Controller, upon the receipt of said warrant, a release of all his claims against the State of California.

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

CHAPTER CCXXVII.

An Act to appropriate the sum of fifty thousand dollars for the erection, completion, and furnishing of buildings, laundry and bath house, and for improvements of the grounds, heating and cooking apparatus, and water supply at the Veterans' Home, situate in Napa County, under the auspices of the Veterans' Home Association of the State of California.

[Approved March 24, 1893.]

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 fifty thousand dollars, for the construction and furnishing, at the Home of the Veterans' Home Association of the State of California, in Napa County, of buildings for the residence of officers, dormitories, dining-room, kitchen, laundry, with necessary steam plant and machinery, bath house, with fittings, and for constructing and improving roads, walks, lawns, cemetery, and wells and reservoirs for the water supply, and for completing, altering, and repairing buildings already in use, and for purchasing and putting in apparatus for heating the buildings and cooking by steam, at said Home.

Appropriation for Veterans' Home Association.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants for the money herein appropriated in favor of the Board of Directors of the Veterans' Home Association as the same may be required, and the State Treasurer is hereby directed to pay said warrants.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXVIII.

An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such Commissioner.

[Approved March 24, 1893.]

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

SECTION 1. The Governor of the State of California shall, on or before the first day of January, eighteen hundred and ninety-four, appoint a competent civil engineer for a period of four years only, to be known as and called the Debris Commissioner.

Governor to appoint Debris Commissioner.

SEC. 2. Said Commissioner shall, during the time he shall

Compensation. be actually employed in the discharge of his official duties, receive a compensation of three hundred dollars per month and his necessary traveling expenses, to be allowed by the State Board of Examiners.

Duty of Commissioner. SEC. 3. Whenever any Board of Engineers of the United States Government shall have been appointed with power to adopt plans and specifications for the construction of works for the impounding of mining debris, it shall be the duty of said Debris Commissioner to consult and advise with such Board of Engineers of the United States Government, and to examine and pass upon the merits of such works, and said Debris Commissioner shall determine whether or not such works are calculated to and sufficient to protect the navigable waters of the State, and to keep a record of such determinations.

Appropriation. SEC. 4. There is hereby appropriated out of the General Fund of the treasury of this State not otherwise appropriated, the sum of two hundred and fifty thousand dollars, no warrant against said sum to be drawn or paid until the United States Government shall have appropriated at least an equal amount, to be used in the construction of works for the restraining or impounding of mining debris in California. Said moneys to be paid only upon orders drawn by the Controller, upon the written request of the said Debris Commissioner, and to be drawn only for the payment of not more than one half of the cost of the construction of any such works for restraining and impounding mining debris as shall have been approved by him and duly adopted and recommended by engineers of the United States Government appointed for that purpose.

Term of office and oath. SEC. 5. The term of office of said Debris Commissioner shall be four years from the date of his appointment. He shall take the same oath of office as is provided by law for other State officers, and before entering upon the discharge of his duties, shall give bond, with sufficient sureties, to be approved by the Governor of the State, in the sum of fifty thousand dollars, for the faithful discharge of his duties as such officer.

Bond. SEC. 6. The said Debris Commissioner shall have the power to appoint a Secretary, at a monthly salary to be fixed by said Commissioner, not exceeding one hundred and twenty-five dollars per month; said Secretary to hold office at the pleasure of the said Commissioner; *provided, however*, that no Secretary shall be appointed until said Debris Commissioner shall enter upon the actual discharge of his duties.

Power to appoint Secretary. Salary of Secretary. SEC. 7. All expenditures authorized by the provisions of this Act shall be subject to the approval of the State Board of Examiners; and the State Controller is hereby authorized to draw his warrant for all expenditures not in excess of the appropriation herein provided for, so approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same.

Expenditures to be approved by State Board of Examiners.

CHAPTER CCXXIX.

An Act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

[Approved March 24, 1893.]

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

SECTION 1. Any person desiring to purchase any of the lands uncovered by the recession or drainage of the waters of inland lakes, and inuring to the State by virtue of her sovereignty, or the swamp and overflowed lands not segregated by the United States, shall make an application therefor to the Surveyor-General of the State, which application shall be accompanied by applicant's affidavit that he is a citizen of the United States, or has declared his intention to become such, a resident of this State, of lawful age, that he desires to purchase such lands (describing the same by legal subdivisions, or by metes and bounds, if the legal subdivisions are unknown) under the provisions of this Act; that he desires to purchase the same for his own use and benefit, and for the use and benefit of no other person or persons whomsoever, and that he has made no contract or agreement to sell the same, and that he does not own any State lands which, together with that now sought to be purchased, exceeds six hundred and forty acres.

Applica-
tion.

Who may
purchase.

Must be for
applicant's
own use
and bene-
fit.

SEC. 2. Upon the filing of said application, when the land has not been sectionized, the Surveyor-General shall authorize the County Surveyor of the county where the whole or the greater portion of the land lies, to survey the same, who shall make an actual survey thereof, at the expense of the applicant, establishing four corners to each quarter section, and connecting the same with a United States survey; and he must, within thirty days, file with the Surveyor-General a copy, under oath, of his field notes and plat, and a statement, under oath, showing whether or not the land is occupied by any actual settler.

Duty of
Surveyor-
General.

SEC. 3. If the surveyor thus authorized shall fail to make his return to the Surveyor-General within the time specified in the preceding section, the Surveyor-General may designate another person to make the said survey.

SEC. 4. No application to purchase land under this Act shall be approved by the Surveyor-General until the expiration of ninety days from the filing thereof in his office, and meanwhile the land shall be subject to the adverse claim of any actual settler who has resided thereon when the said application was filed.

Applica-
tion not
to be
approved
for ninety
days.

SEC. 5. The swamp and overflowed lands designated in this Act shall be sold and patented at the same price, and on the same terms and manner of payment as at present provided for swamp and overflowed lands. All moneys received for said swamp and overflowed lands shall be paid into the Swamp

Price of
lands.

Disposi-
tion of
moneys.

- Land Fund of the county in which the lands are situated, and shall be treated and disposed of in the manner as moneys arising from the sale of segregated swamp and overflowed lands. If any of the lands are suitable for cultivation without reclamation, such lands shall be sold only to actual settlers in tracts not exceeding three hundred and twenty acres. Lands uncovered by the recession or drainage of the waters of inland lakes shall be sold at two dollars and fifty cents per acre, upon the same terms of payment as for swamp and overflowed land. All moneys derived from the sale of such uncovered lands shall be paid into the School Fund of the county where the land lies.
- Actual settlers.** SEC. 6. Any of the lands designated in this Act which, by reason of periodical overflow, need and are susceptible of reclamation, may be reclaimed by the formation of districts, in the same manner and subject to all of the provisions of law regulating the reclamation of swamp and overflowed lands; *provided*, that the Board of Supervisors of the county in which the lands, or the greater part thereof, are situated, must first determine, upon proper petition presented therefor, by the holders of the title, or evidence of title, representing one half or more of any body of such land, that such reclamation is necessary and feasible.
- Price and payment.** SEC. 7. When land has been sold under this Act, no contest shall be maintained against the purchaser on the ground that the land is not of the character stated in the application, unless it is shown that it is not of the character recited in section one of this Act.
- How overflowed lands may be reclaimed.** SEC. 8. All uncanceled certificates of purchase and patents heretofore issued, and payments heretofore made for any lands as swamp and overflowed lands, which lands belong to any of the classes described in section one of this Act, whether or not such lands were segregated or sectionized, shall, for all purposes, be valid, and shall have the same force and effect as if such lands had been at all times subject to sale as swamp and overflowed lands; *provided, however*, that any and all contests now existing between settlers and holders of certificates of purchase shall not be affected by the provisions of this Act.
- Duty of Board of Supervisors.** SEC. 9. All plats of any of the lands described in section one of this Act, which have been heretofore made under authority of the United States Surveyor-General, and which plats designate the same as swamp and overflowed lands, shall be deemed valid and effectual as surveys of such lands from and after the date thereof.
- No contest to be maintained.** SEC. 10. This Act shall take effect from and after its passage.
- Former certificate of purchase and patents declared valid.**
- Proviso.**
- Plats and surveys declared valid.**

CHAPTER CCXXX.

An Act to amend sections three, five, six, and ten of an Act entitled "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.

[Approved March 24, 1893.]

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

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

Section 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 employ and appoint such superintendents, laborers, clerks, or secretaries, attorney, surveyors, engineers; to engage and employ musicians for service in the park, and other officers and assistants, as to said Board shall seem necessary and expedient 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 employés, 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 moneys 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.

Power of Commissioners.

Proviso.

Sec. 2. Section five of this Act is hereby amended so as to read as follows:

Section 5. Every such Board of Park Commissioners shall annually and on the first Monday of 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.

Commissioners to report to Legislature.

Sec. 3. Section six of said Act is hereby amended so as to read as follows:

Section 6. It shall be lawful for every such Board of Park Commissioners to let or lease any portion of the parks or grounds under their control, not exceeding one acre in extent, to any one party, and the lease herefor shall be unassignable, nor shall any portion of such park be leased to any street or other railroad company for terms not exceeding three years, until the grounds so leased shall be required for the improvements of such parks, or for public use as a park 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

Power to lease.

Disposition of moneys received from leases.

situated, and shall be added to the funds otherwise appropriated or provided for the support of such parks.

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

Tax to be collected.

Section 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 less than six nor more than ten 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 warrants signed by a majority of the said Board of Park Commissioners, and audited by the Auditor of such city, or city and county.

Disposition of moneys received from taxes.

CHAPTER CCXXXI.

An Act making an appropriation for the relief of N. Southmayd, and others, in caring for and preserving the perishable property of the State of California.

[Approved March 24, 1893.]

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

Claim of N. Southmayd et al.

SECTION 1. The sum of eight hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay N. Southmayd the sum of two hundred dollars (\$200), Ira H. Locey the sum of two hundred dollars (\$200), Henry Locey the sum of one hundred dollars (\$100), Wm. S. Lyon the sum of three hundred dollars (\$300), for the care and maintenance and preservation of trees, tools, and teams belonging to the State at Chico and Santa Monica, during the months of March, April, May, and June, of the forty-third 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 CCXXXII.

An Act creating a Commissioner of Public Works, defining his duties and powers, prescribing his compensation, and making appropriation.

[Approved March 24, 1893.]

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

SECTION 1. There is hereby created a Commissioner of Public Works for a period of four years only, to be appointed by the Governor. Such Commissioner shall hold his office for the term of two years from the first day of March, eighteen hundred and ninety-three, and until his successor shall be appointed and qualified, and all subsequent appointments shall be for the term of four years. In case of vacancy occasioned by death, resignation, or otherwise, the Governor shall appoint his successor. Said officer, before entering upon the discharge of his duty, shall take and subscribe the official oath, and execute an official bond in the sum of six thousand dollars, to be approved by the Governor, and filed and recorded in the office of the Secretary of State, as in the case of bonds of other State officials. Such Commissioner shall receive a salary of four thousand dollars per annum, payable in monthly installments, and shall be allowed his actual traveling and other expenses incurred while in the performance of official duties.

SEC. 2. The office of said Commissioner shall be at the State Capitol, in the city of Sacramento.

SEC. 3. Such Commissioner shall appoint a Secretary, who shall hold office at the pleasure of the Commissioner, and until his successor is appointed, and who shall receive a salary of one hundred and fifty dollars per month while actually employed. The Commissioner shall adopt a seal.

SEC. 4. The Commissioner shall perform such duties in the examination of lands subject to inundation and overflow by flood waters, and of the waters causing and making such inundation and overflow, and in the preparation of plans and estimates of cost for works to regulate and control such flood waters, as he may be directed to perform from time to time by the Governor; and he shall perform such other duties in the examination, supervision, and management of such public works constructed or carried on by the State, or under State authority, or under any law of the State, as he may be directed to perform from time to time by law. He shall have the power to employ such engineers, assistants, attorneys, agents, and persons as he may deem necessary to carry out the provisions of this Act, or to perform any duties imposed by any law upon said Commissioner, and to fix their compensation.

SEC. 5. The sum of thirty thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the salaries and expenses of said Commissioner and his employes, and for such other purposes as

Term of
Commis-
sioner.

Vacancy.

Qualifica-
tions.

Salary.

Office.

Secretary.

Salary of
Secretary.

Duties of
Commis-
sioner.

Power of
Commis-
sioner.

Appropriation for
salaries,
etc.

may be necessary or proper for carrying out the purposes of this Act or the provisions of any law imposing duties upon said Commissioner. And the Controller of State is hereby directed to draw his warrants therefor, and the Treasurer is directed to pay the same.

SEC. 6. This Act shall take effect immediately.

CHAPTER CCXXXIII.

An Act to pay the claim of George Nelson against the State of California.

[Approved March 24, 1893.]

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

Claim of
George
Nelson.

SECTION ONE (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 the claim of George Nelson, his heirs or assigns. The Controller of the State is hereby directed to draw his warrant for said amount in favor of said George Nelson, or his heirs or assigns, and the State Treasurer is authorized and directed to pay the same.

SEC. TWO (2). This Act shall take effect immediately.

CHAPTER CCXXXIV.

An Act to establish a uniform system of county and township governments.

[Approved March 24, 1893.]

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

Counties
are bodies
corporate
and politic.

SECTION 1. The several counties of this State, as they now exist, and such other counties as may be hereafter organized, according to law, are bodies corporate and politic, and as such have the powers specified in this Act, and such other powers as are necessarily implied.

Who may
exercise
powers.

SEC. 2. Its powers can only be exercised by the Board of Supervisors, or by agents and officers acting under their authority, or authority of law.

Corporate
name.

SEC. 3. The name of a county designated in the law creating it is its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property, and duties.

Power of
county.

SEC. 4. It has power:

1. To sue and be sued.

2. To purchase and hold land within its limits.
3. To make such contracts and purchase and hold such personal property as may be necessary to the exercise of its powers.
4. To manage and dispose of its property as the interests of its inhabitants may require.
5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.

SEC. 5. No county shall, in any manner, give or loan its credit to or in aid of any person or corporation. No county 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. An indebtedness or liability incurred contrary to this provision shall be void.

SEC. 6. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of this Act, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such county. And all officers of said county are charged with notice of the condition of the treasury of said county, and the extent of the claims against the same.

SEC. 7. All Supervisors, and any other officer authorizing, or aiding to authorize, or auditing or allowing any claim or demand upon or against said treasury, or any fund thereof, in violation of any of the provisions of this Act, shall be liable in person, and upon their several official bonds, to the person or persons damaged by such illegal authorization, to the extent of his loss by reason of the non-payment of his or their claims.

SEC. 8. Hereafter, whenever any Board of Supervisors shall, without authority of law, order any money paid as a salary, fees, or for any other purposes, and such money shall have been actually paid; or whenever any other county officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without being authorized thereto by the Board of Supervisors, or by the law, and the same shall have been paid, the District Attorney of such county is hereby empowered, and it is hereby made his duty, to institute suit, in the name of the county, against such person or persons, to recover the money so paid, and twenty per cent damages for the use thereof; and no order of the Board of Supervisors therefor shall be necessary to maintain such suit; and provided further, that when the money has not been paid on such order or warrants, it is hereby made the duty of the District Attorney of such county, upon receiving notice thereof, to commence suit, in the name of the county, for restraining the payment of the same; and no order of the Board of Supervisors shall be necessary in order to maintain such suit.

Duty of Judge toward grand jury.

SEC. 9. It shall be the duty of the Superior Judge of each and every county, whenever a grand jury is impaneled, to call their attention to the provisions of the foregoing sections, and to instruct them to ascertain, by careful and diligent investigation, whether the provisions of said sections have been complied with, and to specially note the result of such investigation in their report.

Classification of counties.

SEC. 10. 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 ninety. And hereafter, whenever a new census is taken, the Secretary of State shall, as soon as the same shall be officially ascertained by him, certify, to the County Clerks of the several counties in this State, the population of each county as determined by such new census; and on the even numbered years thereafter, the several counties are, by operation of law, classified thereunder; but such classification shall not operate to change the government of the county then in existence until the first Monday after the first day of January next succeeding; except that the Board of Supervisors shall provide for the election of officers and such other matters as shall be necessary to put the county government in operation on the said first Monday after the first day of January, in accordance with the new classification.

To affect counties at fixed date.

County seats.

SEC. 11. The county seats of the respective counties of this State, as now fixed by law, are hereby recognized as and declared to be the county seats of the respective counties. 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.

Removal of county seats.

SEC. 12. Whenever there shall be presented to the Board of Supervisors of any county a petition, signed by the qualified electors of such county, in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat of such county, it shall be the duty of the Board of Supervisors, by due proclamation, to submit the question of such removal of the county seat at the next general election to the qualified electors of such county. The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns thereof; but a proposition of removal of a county seat shall not be submitted in the same county more than once in four years.

Submission of questions on adoption of ordinances, etc.

SEC. 12½. Whenever there shall be presented to the Board of Supervisors a petition or petitions, signed by legal voters of said county equal in number to fifty per cent of the votes cast at the last preceding general election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the qualified voters of such county, it shall be the duty of the Board of Supervisors, by due proclamation, to submit such proposed ordinance to the vote of the qualified voters of such county. The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general

elections and canvassing the returns thereof. If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Board of Supervisors shall proclaim such fact, and thereupon such ordinance thus adopted shall have the same and equal force and effect as though adopted and ordained by the Board of Supervisors.

BOARD OF SUPERVISORS.

SEC. 13. Each county must have a Board of Supervisors, Super-
visors. consisting of five members.

SEC. 14. Each member of the Board of Supervisors must be an elector of the district which he represents and must have been such for at least one year immediately preceding his election, and shall be elected by such district, and not at large. Qualifica-
tion.

SEC. 15. The Supervisors elected at the general elections held in the years eighteen hundred and eighty-eight and eighteen hundred and ninety, and every four years thereafter, shall hold office for four years. They shall take their office on the first Monday after the first day of January after their election. Terms of
office.

SEC. 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 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. Boundaries
of districts

SEC. 17. Whenever a vacancy occurs in the Board of Supervisors of a county, the Governor may fill the vacancy by appointment, and the appointee shall hold the office until the election and qualification of his successor, as hereinafter provided. Whenever a vacancy occurs in the Board of Supervisors of a county, the Board shall order a special election, to be held in said district on the fifth Tuesday after the vacancy occurs, for the election of a Supervisor for the unexpired term, unless a general election shall be held within ninety days after the vacancy occurs; and in such case the election of a Supervisor shall be held at the general election, to fill the vacancy for the unexpired term. Vacancies.

SEC. 18. The Supervisors shall elect a Chairman, who must preside at all meetings of the Board, and in case of his absence or inability to act, the members present must, by an order entered on their records, select one of their number to act as Chairman temporarily. Any member of the Board may administer oaths to any person, when necessary, in the performance of his official duties. Not less than three members shall constitute a quorum for the transaction of business, but no act Chairman. How filled. Quorum.

of the Board shall be valid or binding unless three members concur therein.

Clerk.

SEC. 19. The County Clerk is ex officio Clerk of the Board of Supervisors. The records and minutes of the Board must be signed by the Chairman and the Clerk.

CLERK OF BOARD.

Duties of Clerk.

SEC. 20. The Clerk of the Board must:

1. Record all the proceedings of the Board.
2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.
3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.
4. Immediately after the adjournment of each meeting of the Board, prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payee named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said lists shall be countersigned by the Chairman of the Board; and thereafter said Clerk shall deliver to and leave with the Auditor one of said lists, and shall deliver to and leave with the Treasurer the other list.
5. File and preserve the reports of the County Treasurer of the receipts and disbursements of the county.
6. Preserve and file all accounts acted upon by the Board.
7. Preserve and file all petitions and applications for franchises, and record the action of the Board thereon.
8. Authenticate with his signature and seal of the Board the proceedings of the Board, whenever the same shall be ordered published.
9. Authenticate with his signature and the seal of the Board all ordinances or laws passed by the Board, and record the same at length in the "Ordinance Book."
10. Record all orders levying taxes; and,
11. Perform all other duties required by law, or any rule or order of the Board.

SEC. 21. The Board must cause to be kept:

Minute Book.

1. A "Minute Book," in which must be recorded all orders and decisions made by them, and the daily proceedings had at all regular and special meetings.

Allowance Book.

2. An "Allowance Book," in which must be recorded all orders for the allowance of money from the County Treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

Road Book.

3. A "Road Book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts.

Franchise Book.

4. A "Franchise Book," containing all franchises granted

by them, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required.

5. A "Warrant Book," to be kept by the County Auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee. Warrant Book.

6. An "Ordinance Book," in which must be entered all ordinances or laws duly passed by the Board. Ordinance Book.

SEC. 22. The Board of Supervisors must, by ordinance, provide for the holding of regular meetings of the Board at their respective county seats. Regular meetings.

SEC. 23. If at any time the business of the county requires a meeting of the Board, a special meeting may be ordered by a majority of the Board. The order must be signed by the members calling such meeting, and must be entered in the minutes of the Board. Five days' notice of such meeting must be given by the Clerk to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other than that specified must be transacted at such special meeting. Special meetings.

SEC. 24. All meetings of the Board must be public, and the books, records, and accounts must be kept at the office of the Clerk, open at all times for public inspection, free of charge. Meetings to be public.

GENERAL PERMANENT POWERS OF BOARD.

SEC. 25. The Boards of Supervisors, in their respective counties, have jurisdiction and power, under such limitations and restrictions as are prescribed by law: General 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 all county 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 counties into districts.

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 three thousand dollars, they must advertise for bids, together with plans and specifications, strain-sheets, and working details Roads, bridges, etc.

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 be required to execute a bond, to be approved by said Board, for the faithful performance of such contract; *provided*, that the Road Commissioners 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; *provided further*, that in cases of great emergency, by the unanimous consent of the whole Board, they may proceed at once to replace or repair any and all bridges and structures without notice.

Maintain hospitals and poorhouses.

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.

County farm.

6. To provide a farm, in connection with the county hospital, or poorhouse, and make regulations for working the same.

7. When there are no necessary county buildings, to provide suitable rooms for county purposes.

Water rights.

8. To purchase, receive by donation, or lease any real or personal property or water rights necessary for use of the county, and to purchase or otherwise acquire the necessary real estate upon which to sink wells to obtain water for sprinkling roads, and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to 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.

To furnish Court-house, jail, etc.

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.

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.

Sell prop-
erty not
needed.

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.

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.

Allow
accounts.

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 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 and
refund
debt.

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 uni-

Form of
bond.

form system of county governments," approved (insert date of approval of this Act).

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.

Form of coupon.

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 be custodian of 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

Exchange of bonds.

Transfer of bonds.

Report of Treasurer.

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. Advertis-
ing.

(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. Tax levy
for bond
payments.

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 bonds 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. How notice
of redemp-
tion given.

Interest to
cease.

(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 State Board
of Equal-
ization to
arrange
payment
if Super-
visors fail
to do so.

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.

Public pound.

15. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint Poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

16. To equalize assessments.

Assistant counsel.

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.

Insurance.

18. To insure the county buildings in the name of and for the benefit of the county.

License toll roads, etc.

19. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers.

Salary Fund.

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.

Vacancies.

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 offices, except in those of Judge of the Superior Court and Supervisor, the appointee to hold office for the unexpired term.

Preservation of 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, except in counties of the first class, 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,

Board of Health.

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; *provided*, the Board of Supervisors of each county may appoint a Health Officer in every unincorporated town of five hundred or more inhabitants, and fix the term of office and salary thereof. A Health Officer, so appointed, shall perform all the duties and exercise all the powers of a Board of Health and Health Officer. Whenever three or more Health Officers are appointed in a county, they shall constitute a County Board of Health. All necessary expenses of enforcing this Act shall be paid out of the General Fund of the county.

Power of Board.

23. The Boards of Supervisors of the several counties, cities and counties in the State shall annually advertise for at least ten days in a newspaper of general circulation in the county (*provided*, that there be a newspaper published in the county), for sealed bids for furnishing the county and its officers for the ensuing year with stationery. Such advertisement shall specify the 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 officers 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 further*, 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; *provided further*, that all advertisements relative to road work shall be published in a newspaper of general circulation, to be selected by the Board of Supervisors.

Bids for stationery.

Job printing, 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

Semi-annual statement.

months, and, after each session of the Board, a fair statement of all their proceedings.

- Rules.** 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.
- Seal.** 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.
- Licenses.** 27. To license, for purposes of regulation and revenue, all and every kind of business not prohibited by law, and transacted and 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; *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle, and vend any goods, wares, or merchandise, except spirituous, malt, vinous, or other intoxicating liquor, without payment of any license, tax, or fee whatsoever, whether municipal, county, or State; and the Board of Supervisors shall issue to such soldier, sailor, or marine, without cost, a license therefor. A certificate of disability by a surgeon of the United States Army or Navy shall be sufficient proof of such disability, and a certificate of honorable discharge from the United States Army or Navy, or an exemplified copy thereof, shall be sufficient proof of such service and honorable discharge, and upon presentation a license shall be issued as aforesaid.
- Union sailors, soldiers, etc.**
- Gophers.** 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.
- Dog tax.** 29. To provide for the prevention of injuries to sheep by dogs, and to tax dogs, and direct the application of the tax.
- Game and fish.** 29½. To make regulations for the protection of fish and game; when such regulations are made as provided in this section relating to game, the laws of the State for the protection thereof are suspended in such county; and to regulate the size and kind of nets and seines to be used for fishing.
- Working of prisoners.** 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.
- Inspection and measurement.** 31. To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.
- Indigent dead.** 32. To provide for the burying of the indigent dead.
- Sanitary 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.
- Gun-powder.** 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.

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. General Powers.

36. To authorize the District Attorney to appoint an Assistant District Attorney, which office is hereby created, who shall receive as compensation for his services the sum of fifteen hundred dollars per annum, to be paid out of the County Treasury in equal monthly installments, in the same manner and at the same time other county officials are paid, unless otherwise in this Act provided. Assistant District Attorney.

37. To appropriate from the General Fund of the county, unless otherwise in this Act provided, not to exceed, in counties of the first, second, third, and fourth class, the sum of twenty-five hundred dollars, and in all other counties the sum of one thousand (\$1,000) dollars, in any one year, to aid in or carry on the work of inducing immigration thereto. Inducing immigration.

38. 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. Size of vehicles for use on roads.

39. To appropriate from the General Fund of the county, for the purpose of securing and maintaining an adequate exhibition of the products of such county at the World's Columbian Exposition to be held in Chicago in the year eighteen hundred and ninety-three, and for the year eighteen hundred and ninety-four, respectively, for each of said years, as follows: In counties of the first class, not to exceed twenty-five thousand dollars; in counties of the second, third, and fourth class, not to exceed twenty thousand dollars; in counties of the sixth class, not to exceed fifteen thousand dollars; and all other classes in this State, not to exceed seven thousand five hundred dollars. World's Fair.

40. To grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public. Franchises.

41. To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them; *provided*, that it shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted. Licenses and franchises on toll roads, etc.

42. To enact all laws, ordinances, and regulations for the Roads and highways.

control, construction, alteration, and repair of all public roads and highways in the county.

Road tax fund.

42½. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads in the several road districts, in proportion to the amount collected from such districts.

Take effect.

43. The provisions of section twenty-five of this Act, except as prohibited by the Constitution of this State, shall take effect from and after the passage of this Act.

Ordinances.

SEC. 26. The enacting clause of all ordinances of the Board shall be as follows: "The Board of Supervisors of the county of _____ do ordain as follows." Every ordinance shall be signed by the Chairman of the Board and attested by the Clerk. On the passage of all ordinances the votes of the several members of the Board shall be entered on the minutes, and all ordinances shall be entered at length in the "Ordinance Book." No ordinance passed by the Board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the members voting for and against the same, for at least one week, in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the Court-house door at least one week. An order entered in the minutes of the Board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

To be published.

Sheriff's duties.

SEC. 27. The Board of Supervisors shall have power to direct the Sheriff to attend, in person or by deputy, all the meetings of the Board, to preserve order, serve notices, subpoenas, citations, or other process, as directed by the Board.

Subpœna may be issued.

SEC. 28. Whenever the Board of Supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such Board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disposition by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, account, voucher, or document in the possession of such officer or other person, or under his control, relating to the affairs or interests of such county, the Chairman of such Board shall issue a subpœna, in proper form, commanding such person or officer to appear before such Board, at a time and place therein specified, to be examined as a witness, and such subpœna may contain a clause requiring such person or officer to produce on such examination all books, papers, and documents in his possession or under his control, relating to the affairs or interests of the county.

Service.

SEC. 29. It shall be the duty of the Sheriff or any Deputy Sheriff of the county, to whom the subpœna may be delivered, to serve the same by reading it to the person named therein,

and at the same time delivering him a copy thereof; and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

SEC. 30. Whenever the Board of Supervisors shall have appointed any member of their body a committee upon any subject or matter of which the Board has jurisdiction, and shall have conferred upon such committee power to send for persons and papers, the Chairman of such committee shall possess all the powers and be liable to all the duties herein given to and imposed upon the Chairman of the Board of Supervisors. Powers of committee.

SEC. 31. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or refuse to appear, or to produce such books and papers, according to the exigency of such subpoena, or shall refuse to testify before such Board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the Chairman of the Board, or of the committee, as the case may be, to report the fact to the Judge of the Superior Court of the county, or of the city and county, who shall thereupon issue an attachment in the form usual in the Court of which he shall be Judge, directed to the Sheriff of the county where such witness was required to appear and testify, commanding the said Sheriff to attach such person, and forthwith bring him before the Judge by whose order such attachment was issued. Contempt.
Attach-
ment.

SEC. 32. On the return of the attachment and the production of the body of the defendant, the said Judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted, as in case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a Superior Court. Punish-
ment.

SEC. 33. The witnesses summoned to testify on behalf of the county in matters of public concern before the Board of Supervisors are not entitled to have their fees prepaid; but the Board must allow them reasonable compensation for the expenses of their attendance. Witness
fees.

SEC. 34. The Board must provide printed copies of the Great Register, poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers. Great
Register.

SEC. 35. Whenever, as canvassers, the Board of Supervisors have declared the result of an election held in the county, certificates must be, by the County Clerk, issued to all persons elected to a county office, or to a township or district office therein, and such other certificates must be made out and transmitted as required by law. Certificates
of election.

SEC. 36. The Board must not, for any purpose, contract debts or liabilities, except in pursuance of law, nor shall such Debts.

indebtedness or liability, in any manner or for any purpose, except as permitted in section five of this Act, and except in cases of emergency when necessary for repairing any bridge or bridges, exceed in any fiscal year the income and revenue provided for such year. It shall be the duty of the Auditor, at the commencement of each regular session of the Board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the Board shall have levied the State and county tax for the fiscal year, the Auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. The Board shall have no power to make allowances against any funds which, with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed the Auditor's estimate of revenue for the year, or such proportion thereof as the time already elapsed shall bear to the entire year. Any allowance made contrary to the provisions of this section shall be null and void, and the Auditor shall not draw his warrant therefor, nor the Treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "Allowance Book," and shall be certified in that order by the Auditor.

Duty of Auditor.

Delinquencies.

Order of allowance.

Bonded indebtedness.

To be submitted to an election.

Notices.

Two-thirds vote.

Sec. 37. The Supervisors can only contract a bonded indebtedness other than such as is authorized by section twenty-six of this Act, as follows: They shall by order specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which they propose to issue; and shall further provide for submitting the question of the issue of said bonds to the qualified electors of the county at the next general election, or at a special election to be called by the Board for that purpose. If a special election, none but qualified voters of the county shall be permitted to vote thereat, and it shall be held, as nearly as possible, in conformity with the general election law of this State. Notice shall be given of such election by publication in some newspaper or newspapers published in the county, for four weeks prior thereto. If there be no newspaper so published, then by posting notices for the same time, in each election precinct in the county and at the Court-house door. The ballots shall be printed, "For the issue of bonds," or "Against the issue of bonds." If two thirds of the electors of the county voting at such election shall vote in favor of issuing bonds, and not otherwise, the Board may proceed to issue the amount of bonds specified, in the manner provided in this Act for funding the floating indebtedness of the county; and all the provisions of this Act relating to the issue and pay-

ment of bonds in the latter case shall apply to bonds issued under this section, except that such bonds shall not run for more than twenty years; and the Board shall levy the tax necessary to create a sinking fund for the payment of the principal of said bonds, in each and every year after their issue, until finally paid. The revenue derived from the sale of said bonds shall be applied to the purpose or purposes specified in the order of the Board, and no other. Should there be any surplus, it shall be applied toward the payment of said bonds.

Sinking
fund.

Sec. 38. Whenever the Board of Supervisors shall have adopted plans and specifications for the erection, alteration, construction, or repair of any public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner whereby the cost of such building, bridge, or structure shall be increased, unless they shall first so order, by a vote of four fifths of their number.

Change of
plans for
building.

Sec. 39. Whenever the Board of Supervisors shall have entered into a contract for the erection, construction, alteration, or repair of any public building, bridge, or other public structure, such contract shall not be altered or changed in any manner, unless they shall, by a vote of four fifths of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration shall be so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the Board and the contractor. In no case shall the Board ever pay or become liable to pay for any extra work done on such building or public structures.

Change of
contract.

Sec. 40. No county officer shall, except for his own service, present any claim, account, demand for allowance against the county, nor in any way advocate the relief asked in the claim or demand made by any other. Any person may appear before the Board and oppose the allowance of any claim or demand made against the county.

No officer
to advocate
claims.

Sec. 41. The Board of Supervisors must not hear or consider any claim in favor of any person, corporation, company, or association against the county, nor shall the Board credit or allow any claim or bill against the County or District Fund, unless the same be itemized, giving names, dates, and particular services rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, materials furnished, to whom, and quantity and price paid therefor, duly verified as to its correctness, and that the amount claimed is justly due, is presented and filed with the Clerk of the Board within a year after the last item of the account or claim accrued. This section, as to itemizing, shall not apply to services rendered under section one hundred and forty-eight; *provided*, that such services are substantially stated, with their value, and verified as above. If, in case of any claim which requires itemizing, the Board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant, or his attorney,

Claims
must be
itemized.

- of that fact, and give time to have the claim itemized and reverified.
- Filing of claims.** SEC. 42. No account must be passed upon by the Board, unless made out as prescribed in the preceding section and filed by the Clerk, at least one day prior to the session at which it is asked to be heard.
- Part of claim allowed.** SEC. 43. When the Board find that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected; if they find it to be a proper county charge, but greater in amount than is justly due, the Board may allow the claim in part, and draw a warrant for the portion allowed, on the claimant filing a receipt in full for his account. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular succeeding session of the Board, but not afterwards.
- Claimant may sue county.** SEC. 44. A claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the county therefor at any time within six months after the final action of the Board, but not afterwards; and if, in such action, judgment is recovered for more than the Board allowed, on presentation of a certified copy of the judgment, the Board must allow and pay the same, together with the costs adjudged; but if no more is recovered than the Board allowed, the Board must pay the claimant no more than was originally allowed.
- Warrants must specify liability.** SEC. 45. Warrants drawn by order of the Supervisors on the County Treasury for the current expenses during each year, must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of presentation to the Treasurer. If the fund is insufficient to pay any warrant, it must be registered, and thereafter paid in the order of registration.
- Supervisors must not be interested in property purchased.** SEC. 46. No member of the Board must be interested, directly or indirectly, in any property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the Board, or other person, on behalf of the county, for the erection of public buildings, the opening or improvements of roads, or the building of bridges, or for other purposes.
- Proceedings when Board are interested in franchise.** SEC. 47. Whenever an application is made to the Board for an order, franchise, or license relating to any toll road, bridge, ferry, wharf, chute, pier, or other subject over which the Board has jurisdiction, in which a majority of the Board are interested, the application, by order of the Board, must be transferred to the Superior Court of the county. The Clerk of the Board must thereupon certify the application, and all orders and papers relating thereto, to said Superior Court, and thereafter the said Superior Court shall have full jurisdiction to hear and determine the application.
- Notices.** SEC. 48. All public notices of proceedings of or to be had before the Board, not otherwise specially provided for, must be posted at the Court-house door, and two other public places in the county.

SEC. 49. The Board, under such regulations as they may adopt, may encourage the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

May encourage tree planting.

SEC. 50. The Board must require the Assessor to report to the State Board of Equalization, annually, a true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may, by ordinance, direct, and enforce obedience of the Assessor thereto by deducting such proportion of his compensation as Assessor as to them may seem appropriate, for a failure to comply with the order.

Assessors to report to State Board of Equalization.

SEC. 51. All claims against the county presented by members of the Board of Supervisors for per diem and mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered, and, before allowance, such claims must be presented to the District Attorney, who must indorse thereon, in writing, his opinion as to the legality thereof; if the District Attorney declare the claim illegal, he must state specifically wherein it is illegal, and the claim must then be rejected by said Board.

Per diem and mileage of Board.

SEC. 52. The Board must have prepared by the Clerk, and when he is not also Auditor, then by that officer, and under their direction, prior to their annual meeting for leying taxes, a statement showing:

Clerks' and Auditors' annual statement of indebtedness and property.

1. The indebtedness of the county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the County Treasury, and its several funds.

SEC. 53. The Board must receive from the United States, or other sources, lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof.

Property donated to county.

SEC. 54. The Board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams and washes within the county for use as public highways, for rafting and floating lumber, and also protecting the banks and adjacent lands from overflow of such streams or washes, when the same are not declared by law to be, and, in fact, are not navigable for commercial purposes, the overflow of which interferes with highways; and provide regulations for the use, repair, and control thereof; but no regulations of the Board, nor improvements directed, must in any manner interfere with the private rights or privileges of riparian owners, miners, or others. Whenever, in the opinion

Rafting and floating lumber.

Not to interfere with riparian rights, etc.

of the Board of Supervisors, the General Fund is insufficient to defray the cost of the improvements provided for under this section, they may levy a tax or contract a bonded indebtedness therefor in the manner provided by this Act. This section shall take effect from and after its passage.

Neglect of Supervisors.

SEC. 55. Any Supervisor who refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently, or corruptly attempts to perform an act, as Supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code, forfeits to the county five hundred dollars for every such act, to be recovered on his official bond, and is further liable on his official bond to any person injured thereby, for all damages sustained.

Eligibility for office.

SEC. 56. No person is eligible to a county, district, or township office, who, at the time of his election, is not of the age of twenty-one years, a citizen of the State, and an elector of the county, district, or township in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of twenty-one years, a citizen of the State, and a resident of the county or district, shall be eligible to the office of Superintendent of Public Schools and School Trustee.

Officers of county.

SEC. 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.

Duties may be consolidated.

Township officers.

SEC. 58. The officers of a township are two Justices of the Peace, two Constables, and such inferior and subordinate officers as may be provided by law or by the Board of Supervisors; *provided*, that in townships containing cities in which City Justices are elected there shall be but one Justice of the Peace. The Board of Supervisors of each county, on or before the first Monday in September, eighteen hundred and ninety-one, and thereafter as public convenience shall require, shall divide their respective counties into townships for the purpose of electing

Justices of the Peace and Constables; *provided*, that the Board of Supervisors shall have power, whenever they may deem it for the good of their county, to allow only one Justice of the Peace and one Constable in any judicial township having a population of less than three thousand inhabitants.

SEC. 59. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation affixed to the offices. Duties, etc., in offices that are united.

SEC. 60. All elective county and township officers, except otherwise provided for in this Act, shall be elected at the general election to be held in November, eighteen hundred and ninety-four, and every four years thereafter, unless otherwise herein provided, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. Supervisors shall be elected as hereinbefore provided. All officers elected under the provisions of this Act shall hold office until their successors are elected or appointed and qualified. When officers are elected.

SEC. 61. Every county, township, or district officer, except a Supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the County Clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy. Deputies.

SEC. 62. Whenever the official name of any principal officer is used in any law conferring power, or imposing duties or liabilities, it includes deputies. Use of official name.

SEC. 63. All county officers must have their offices at the county seat, and the Sheriff, Clerk, Recorder, Auditor, Treasurer, and District Attorney must keep their offices open for the transaction of business from nine o'clock A. M. until five o'clock P. M., non-judicial days excepted. Offices at county seat.

SEC. 64. Whenever, except in criminal prosecutions, any special penalty, forfeiture, or liability is imposed on any officer for non-performance or mal-performance of official duties, the liability therefor attaches to the official bond of such officer, and to the principal and sureties thereon. Liability of officers attaches to bond.

SEC. 65. Every officer mentioned in section fifty-seven, and his deputies, and every Justice of the Peace, may administer and certify oaths. Oaths.

SEC. 66. The following officers must reside at the county seat of their respective counties: The County Clerk, Recorder, Sheriff, and District Attorney. The provisions of this subdivision shall take effect immediately. Residence.

SEC. 67. A county or township officer shall, in no case, absent himself from the State for a period of more than sixty days, and for no period without the consent of the Board of Supervisors of the county. Absence.

SEC. 68. Sheriffs, Clerks, and Constables, and their depu-

ties, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such.

Who may practice law.

Amount of official bond.

Approval.

Qualifications of bondsmen.

Record of bonds.

Sec. 69. The Board of Supervisors of each county in the State shall, on or before the first Monday in September, eighteen hundred and ninety-two, prescribe the amount in which the following county officers must execute official bonds before entering upon the discharge of the duties of their respective offices, viz.: Treasurer, County Clerk, Auditor, Sheriff, Tax Collector, District Attorney, Recorder, Assessor, Surveyor, Superintendent of Schools, Coroner, and Justice of the Peace. The Judge or Judges of the Superior Court shall, on or before the said first Monday of September, prescribe the amount in which each member of the Board of Supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the Judge, or Judges, if there be more than one, of the Superior Court. All persons offered as sureties on official bonds shall be examined, on oath, touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the State, and is worth, in real or personal property, or both, situate in this State, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the County Recorder, and then filed and kept in the office of the County Clerk. The official bond of the County Clerk shall, after being recorded, be filed and kept in the office of the County Treasurer.

COUNTY TREASURER.

Duties of County Treasurer.

Receipts and expenditures.

Sec. 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.
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. Disbursements according to law.

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.

Sec. 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.

Sec. 72. When any money is paid to the County Treasurer, he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the County Auditor, who must charge the Treasurer therewith, and give the person paying the same a receipt. Receipts.

Sec. 73. When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the same, and write on the face thereof "paid," the date of payment, and sign his name thereto; *provided, however,* that the Treasurer shall not receive, or pay, or indorse any warrant until he shall have received from the Clerk of the Board of Supervisors the certified list mentioned in subdivision four of section twenty of this Act, and not then unless a claim or order upon which said warrant is based appears upon such list. "Paid" must be written on warrants paid.

Sec. 74. When any warrant is presented to the Treasurer for payment, and the same is not paid for want of funds, the Treasurer must indorse thereon "Not paid for want of funds," annexing the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum. Not paid for want of funds.

Sec. 75. When there are sufficient moneys in the treasury to pay the warrants drawing interest, the Treasurer must give notice in some newspaper published in the county, or if none is published therein, then by written notice posted upon the Court-house door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest. Notice to pay warrants.

Sec. 76. In advertising warrants, under the provisions of the preceding section, in any newspaper, the Treasurer must not publish the warrants in detail, but give notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the Treasurer must designate such payable warrants in the advertisement. Advertising warrants.

Sec. 77. Warrants drawn on the treasury, and properly attested, are entitled to preference as to payment out of moneys in the treasury properly applicable to such warrants, according to the priority of time in which they were presented. The time of presenting such warrants must be noted by the Treasurer, and upon receipt of moneys into the treasury not appropriated, Priority of warrants.

he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

Failure to
present in
time.

SEC. 78. Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be, by the Treasurer, applied to the payment of unpaid warrants next in order of registry. The Board of Supervisors may, on application and presentation of warrants, properly indorsed, which have been advertised, pass an order directing the Treasurer to pay them out of any money in the treasury not otherwise appropriated.

Notation
on war-
rant.

SEC. 79. When the Treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon, and enter on his account the amount of such interest, distinct from the principal.

Monthly
settlement.

SEC. 80. The Treasurer must settle his accounts relating to the collection, care, and disbursement of public revenue, of whatsoever nature and kind, with the Auditor, on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the Auditor's receipt therefor. He must also make a full settlement of all accounts with the Auditor, annually, on the first Monday of January, in the presence of the Supervisors, who have a supervisory control thereof.

Annual
settlement.

Report to
Super-
visors.

SEC. 81. Each County Treasurer must make a detailed report, at every regular meeting of the Board of Supervisors of his county, of all moneys received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amounts of disbursements, together with the debts due to and from the county, may clearly and distinctly appear.

Penalty
for refusal.

SEC. 82. If any County Treasurer neglect or refuse to settle or report, as required in sections eighty and eighty-one, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the Board of Supervisors must institute suit for the recovery thereof.

Penalty
for District
Attorney
refusing to
bring suit.

SEC. 83. If the District Attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section one hundred and thirty-six, the County Treasurer must bring an action against him for the recovery thereof, in the name of the county, and may recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages.

Failure of
Coroner,
etc., to
account.

SEC. 84. If the Coroner, or any Justice of the Peace acting as Coroner, fail to deliver to the Treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the meantime by the

Public Administrator, or other legal representative of the decedent, as required by section one hundred and fifty, the District Attorney must proceed against the Coroner, or Justice of the Peace acting as Coroner, to recover the same, by civil action, in the name of the county.

SEC. 85. The Treasurer, upon receiving from the Coroner, or Justice of the Peace acting as Coroner, money found on a dead body, must place it to the credit of the county. On receiving other property, in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

Disposition of such money.

SEC. 86. If the money in the treasury is demanded, within six years, by the legal representatives of the decedent, the Treasurer must pay it to them, after deducting the fees and expenses of the Coroner, and of the county, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the Board of Supervisors.

Heirs may claim within six years.

SEC. 87. The County Treasurer must keep all moneys belonging to this State, or to any county of this State, in his own possession, until disbursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe-keeping of the public moneys; but he shall be liable therefor on his official bond.

Where Treasurer shall keep moneys.

SEC. 88. Whenever an action, based upon official misconduct, is commenced against any County Treasurer, the Supervisors may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the Board of Supervisors.

Suspension from office.

SEC. 89. In case of the death of any County Treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy, occasioned by such death, all official moneys, books, accounts, papers, and documents which come into their possession.

Death.

SEC. 90. The books, accounts, and vouchers of the Treasurer are at all times subject to the inspection and examination of the Board of Supervisors and grand jury.

Inspection of books, etc.

SEC. 91. The Treasurer must permit the Chairman of the Board of Supervisors, District Attorney, and Auditor to examine his books and count the money in the treasury, whenever they may wish to make an examination or counting.

Counting the money.

SHERIFF.

SEC. 92. "Process," as used in this Act, includes all writs, warrants, summons, and orders of the Courts of justice, or judicial officers. "Notice" includes all papers and orders (except process) required to be served in any proceeding before

Process.

Notice.

any Court, Board, or officer, or when required by law to be served independently of such proceeding.

Duties of Sheriff.

SEC. 93. The Sheriff must:

1. Preserve the peace.
2. Arrest and take before the nearest magistrate, for examination, all persons who attempt to commit, or who have committed, a public offense.
3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge.
4. Attend all Courts, except Justices' and Police Courts, held within his county, and obey their lawful orders and directions.
5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.

6. Take charge of and keep the county jail and the prisoners therein.

7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.

8. Indorse upon all process and notices the year, month, day, hour, and minute of reception, and issue therefor, to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time of reception.

9. Serve all process and notices in the manner prescribed by law.

10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

Process from another county.

SEC. 94. When process or notices are returnable to another county, he may inclose such process or notice in an envelope, addressed to the officer from whom the same emanated, and deposit it in the Post Office, prepaying postage.

Return.

SEC. 95. The return of the Sheriff upon process or notices is prima facie evidence of the facts in such return stated.

Damages.

SEC. 96. If a Sheriff does not return a process or notice in his possession, with the necessary indorsement thereon, without delay, he is liable to the party aggrieved for the sum of two hundred dollars, and for all damages sustained by him.

Neglect to execute writs.

SEC. 97. If the Sheriff, to whom a writ of execution is delivered, neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

Refusal to pay moneys.

SEC. 98. If he neglects or refuses to pay over, on demand, to the person entitled thereto, any money which may come into his hands by virtue of his office (after deducting all legal fees), the amount thereof, with twenty-five per cent damages, and interest at the rate of ten per cent per month, from the time of demand, may be recovered by such person.

Escapes.

SEC. 99. A Sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party

in whose behalf the arrest or imprisonment is made, is liable as follows:

1. When the arrest is upon an order to hold to bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail.

2. When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment.

3. When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

Sec. 100. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

Sec. 101. An action cannot be maintained against the Sheriff for a rescue or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the Sheriff. Return of
escape.

Sec. 102. No direction or authority by a party or his attorney to a Sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the Sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney. Directions
in writing.

Sec. 103. When the Sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant. Vacancy
declared.

Sec. 104. A Sheriff, or other ministerial officer, is justified in the execution of, and must execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued. Must
execute
process.

Sec. 105. The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein. Allow
inspection.

Sec. 106. The Sheriff, in attendance upon Court, must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the Court, and make proclamation of the opening and adjournment of the Court, and of any other matter under its direction. Court
crier.

Sec. 107. Service of a paper, other than process, upon the Sheriff, may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the Sheriff unexecuted, in whole or in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the Sheriff sells real estate, under Service on
Sheriff.

Deeds and conveyances.

and by virtue of an execution or order of Court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the Sheriff who made the sale.

When Coroner acts as Sheriff.

SEC. 108. When the Sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the Sheriff to execute, must be executed by the Coroner of the county; *provided*, when any action is begun against the Sheriff, all process and orders may be served by any person, a citizen of the United States, over the age of eighteen years, in the manner provided in the Code of Civil Procedure.

Elisor.

SEC. 109. Process or orders in an action or proceeding may be executed by a person residing in the county designated by the Court, or the Judge thereof, and denominated an elisor, in the following cases:

1. When the Sheriff and Coroner are both parties;

2. When either of these officers is a party, and the process is against the other; and,

Bias and prejudice.

3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the Court in which the proceeding is pending, or the Judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice, or other cause, would not act promptly or impartially.

Returns.

When process is delivered to an elisor, he must execute and return it in the same manner as the Sheriff is required to execute similar process. Whenever process is executed, or any act performed by a Coroner or elisor, in the cases provided by law in that behalf, such Coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the Court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

Compensation.

SEC. 110. The Sheriff must perform such other duties as are required by law.

COUNTY CLERK.

Duties of County Clerk.

SEC. 111. The County Clerk must:

1. Take charge of and safely keep, or dispose of, according to law, all books, papers, and records which may be filed or deposited in his office.

2. Act as Clerk of the Board of Supervisors and as Clerk of the Superior Court, and attend each session thereof, and upon the Judge at chambers, when required.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees proper to be entered, unless the Court shall order them to be entered at length; keep in the Superior Court a docket, in which must be

entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof, and a list of all the fees charged. Duties of County Clerk.

4. Keep for the Superior Court an index of all suits, labeled "General Index—Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page of Minute Book;" also, an index, labeled "General Index—Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page in Order Book;" keep an index of the names of persons naturalized.

Sec. 112. He must keep such other records, and perform such other duties, as are prescribed by law.

COUNTY AUDITOR.

Sec. 113. The Auditor must draw warrants on the County Treasurer in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed, and ordered paid by the Board of Supervisors; *provided, however*, that the Auditor must not draw a warrant on the County Treasurer in favor of any person, until said Auditor shall have received from the Clerk of the Board of Supervisors the certified list mentioned in subdivision four, section twenty of this Act. The Auditor must also draw his warrants on the County Treasury for all debts and demands against the county, when the amounts are fixed by law, and which are not directed to be audited by some other person or tribunal. Duties of County Auditor.

Sec. 114. All warrants must distinctly specify the liability for which they are drawn, and when it accrued. Warrants.

Sec. 115. The Auditor must examine and settle the accounts of all persons indebted to the county, or holding moneys payable into the County Treasury, and must certify the amount to the Treasurer, and upon the presentation and filing of the Treasurer's receipt therefor, give to such persons a discharge, and charge the Treasurer with the amount received by him. Accounts.

Sec. 116. The Auditor must keep accounts current with the Treasurer, and when any person deposits with the Auditor any receipt given by the Treasurer, for any money paid into the treasury, the Auditor must file such receipt, and charge the Treasurer with the amount thereof. Receipts.

Sec. 117. All warrants issued by the Auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be regis- Warrants to be numbered.

tered by him, and after such warrants have remained uncalled for for two years they shall be canceled.

Examine
Treasurer's
books.

SEC. 118. The Auditor must, between the first and tenth day of each month, examine the books of the Treasurer, and see that the same have been correctly kept.

Count the
money.

SEC. 119. The Chairman of the Board of Supervisors, District Attorney, and Auditor must, at least once in each month, count the money in the County Treasury, and make and verify, in duplicate, statements showing:

1. The amount of money that ought to be in the treasury.
2. The amount and kind of money actually therein.

File state-
ment.

SEC. 120. They must file one of the statements in the office of the County Clerk, and the Auditor must post and maintain the other in his office for at least one month thereafter.

Joint state-
ment of
Auditor
and Treas-
urer.

SEC. 121. The Auditor and Treasurer of each county must, on the first Monday in February, May, August, and November, and at such other times as the Board of Supervisors may require, make a joint statement to the Board of Supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the County Treasury; the funds among which the same was distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amount of warrants drawn and unpaid, and accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid; and, generally, make a full and specific showing of the financial condition of the county.

SEC. 122. The Auditor must discharge such other duties as are required by law.

COUNTY RECORDER.

Must pro-
cure books.

SEC. 123. The Recorder must procure such books for records as the business of his office requires, but orders for the same must first be obtained from the Board of Supervisors. The books used may contain printed forms of deeds, mortgages, or other instruments of general use. He has the custody of, and must keep all books, records, maps, and papers deposited in his office.

Duties of
County
Recorder.

SEC. 124. He must, upon the payment of his fees for the same, record separately, in large and well-bound separate books, in a fair hand:

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged and approved.
2. Mortgages of personal property.
3. Certificates of marriage and marriage contracts.
4. Wills admitted to probate.
5. Official bonds.
6. Notices of mechanics' liens.
7. Transcripts of judgments which, by law, are made liens upon real estate.
8. Notices of attachments upon real estate.

9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.

10. Instruments describing or relating to the separate property of married women.

11. Births and deaths; and,

12. Such other writings as are required or permitted by law to be recorded.

SEC. 125. Every Recorder must keep:

1. An index of deeds, grants, and transfers, labeled "Grantors," each page divided into four columns, headed, respectively: "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants, or Transfers," and "Where Recorded." Books that Recorder must keep.

2. An index of deeds, labeled "Grantees," each page divided into four columns, headed, respectively: "Names of Grantees," "Names of Grantors," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

3. Two indexes of mortgages, labeled, respectively: "Mortgagors of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."

4. Two indexes of mortgages, labeled, respectively: "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indexes of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagors," "Releases of Mortgages of Personal Property—Mortgagors," with pages thereof divided into six columns, headed, respectively: "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."

6. Two indexes of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Property—Mortgagees," with pages thereof divided into four columns, headed, respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."

7. An index of powers of attorney, labeled: "Powers of Attorney," each page divided into five columns, headed, respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled: "Leases—Lessors," each page divided into four columns, headed, respectively: "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled: "Leases—Lessees," each page divided into four columns, headed, respectively: "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

Books that
Recorder
must keep.

10. An index of marriage certificates, labeled: "Marriage Certificates—Men," each page divided into six columns, headed, respectively: "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

11. An index of marriage certificates, labeled: "Marriage Certificates—Women," each page divided into six columns, headed, respectively: "Women Married" (and under this heading placing the family names of the women), "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

12. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignors," each page divided into five columns, headed, respectively: "Assignors," "Assignees," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

13. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignees," each page divided into five columns, headed, respectively: "Assignees," "Assignors," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

14. An index of wills, labeled: "Wills," each page divided into four columns, headed, respectively: "Names of Testators," "Date of Wills," "Date of Probate," "When and Where Recorded."

15. An index of official bonds, labeled: "Official Bonds," each page divided into five columns, headed, respectively: "Names of Officers," "Names of Offices," "Date of Bonds," "Amount of Bonds," "When and Where Recorded."

16. An index of notices of mechanics' liens, labeled: "Mechanics' Liens," each page divided into three columns, headed, respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."

17. An index to transcripts of judgments, labeled: "Transcripts of Judgments," each page divided into seven columns, headed, respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled: "Attachments," each page divided into six columns, headed, respectively: "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled: "Notices of Actions," each page divided into three columns, headed, respectively: "Parties to the Action," "Notices—When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled: "Separate Property," each page divided into five columns, headed, respectively: "Names of Married Women," "Names of Their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21. An index to the Register of Births and Deaths.

Books that
Recorder
must keep.

22. Such other books of record and indexes as are or may be required by law.

23. An index of decrees of distribution in probate, labeled: "Decrees of Distribution," divided into six columns, headed, respectively: "Whose Estate," "Name of Administrator," "Names of Distributees," "Date of Decree," "In What Court," "Where Recorded."

SEC. 126. The Recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sales of real estate sold under execution, or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

Certifi-
cates of
sales.

SEC. 127. The Recorder must file and record with the record of deeds, grants, and transfers certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the county of which he is Recorder.

Decrees
affecting
title.

SEC. 128. Every such certified copy of partition, from the time of filing the same with the Recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lienholders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant, or transfer.

Notice
thereby.

SEC. 129. The Recorder may keep, in the same volume, any two or more of the indexes mentioned in section one hundred and twenty-five; but the several indexes must be kept distinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indexes kept therein. The names of the parties in the first column in the several indexes must be arranged in alphabetical order, and when a conveyance is executed by a Sheriff, the name of the Sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustee is a party, the name of such executor, administrator, or trustee, together with the name of the testator, or intestate, or party for whom the trust is held, must be inserted in the index.

Indexes.

How
names to
be indexed.

SEC. 130. When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the Recorder's office for record, the Recorder must indorse upon the same the time when it was received, noting the year, month, day, hour, and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order and as to the time when the same was received for record, and must note, at the foot of the record, the exact time of its reception, and the name of the person at whose request it was recorded.

Indorse
time of
reception.

SEC. 131. He must also indorse upon each instrument,

Book and page. paper, or notice the time when, the book, and pages in which it is recorded, and must thereafter deliver it up, upon request of the party leaving the same for record, or to his order.

Must search records. SEC. 132. It shall be the duty of the Recorder, upon the application of any person, and upon the payment or tender of the fees therefor, to make searches for conveyances, mortgages, and all other instruments, papers, or notices recorded or filed in his office, and furnish a certificate thereof, stating the names of the parties to such instruments, papers, and notices, the date thereof, the year, month, day, hour, and minute they were recorded or filed, the extent to which they purport to affect the property to which they relate, and the books and pages where they are recorded. And it shall be further his duty to take and certify the acknowledgment of all instruments authorized by law to be acknowledged. All fees received under this section shall be paid into the County Treasury.

Neglect or refusal to record, or errors committed, or to keep index. SEC. 133. If any Recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record:

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same; or,

2. Records any instrument, papers, or notices, willfully or negligently, untruly, or in any other manner than is hereinbefore directed; or,

3. Neglects or refuses to keep in his office such indexes as are required by this article, or to make the proper entries therein; or,

4. Neglects or refuses to make the searches, and to give the certificate required by this article, or if such searches or certificates are incomplete and defective in any important particular affecting the property in respect to which the search is requested; or,

Liable for damages. 5. Alters, changes, or obliterates any records deposited in his office, or inserts any new matter therein, he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

Fees in advance. SEC. 134. He is not bound to record any instrument, or file any paper or notice, or furnish any copies, or to render any service connected with his office, until his fees for the same, as prescribed by law, are, if demanded, paid or tendered.

Books, etc., open for inspection. SEC. 135. All books of record, maps, charts, surveys, and other papers on file in the Recorder's office, must, during office hours, be open for inspection of any person who may desire to inspect them; and may be inspected without charge; and the Recorder must arrange the books of record and indexes in his office in such suitable places as to facilitate their inspection.

DISTRICT ATTORNEY.

Duties of District Attorney. SEC. 136. The District Attorney is the public prosecutor, and must:

1. Attend the Superior Court, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed, and for that purpose, when not engaged in criminal proceedings in the Superior Court, or in civil cases therein, on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

Duties of
District
Attorney.

3. Draw all indictments and informations, defend all suits brought against the State or his county, prosecute all recognizances forfeited in the Courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the State or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the County Treasurer.

5. On the first Monday of each month file, with the Auditor, an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the County Treasurer.

6. Give, when required, and without fee, his opinion, in writing, to county, district, and township officers, on matters relating to the duties of their respective offices. This section shall take effect from and after its passage.

SEC. 137. The District Attorney is the legal adviser of the Board of Supervisors. He must attend their meetings when required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal.

Legal
adviser of
Supervis-
ors.

SEC. 138. The District Attorney, except for his own services, must not present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another.

Must not
advocate
another's
claim.

COUNTY SURVEYOR.

SEC. 139. The County Surveyor must be a licensed land surveyor of the State, and must make any survey that may be required by the order of Court, the Board of Supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey; indorse thereon its proper number, a copy of which, and a fair and accurate plat, together with a certificate of survey, must, upon application, be furnished by him to any person, upon payment of the fees allowed by law.

Duties of
County
Surveyor.

SEC. 140. Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the Surveyor of any county in which any part of such land is situated, and on such application being made, the Surveyor must make the survey, which is as valid as though the lands were situated entirely within the county.

where
county line
is division
line.

Where
county line
is division
line.

True
meridian.

Assist
Surveyor-
General.

Maps.

To plat,
trace, etc.

Survey
roads, etc.

Advise
Super-
visors.

Office,
furniture,
etc.

Fees.

SEC. 141. When land, the title to which is in dispute before any Court, is divided by a county line, the Court making an order of survey may direct the order to the Surveyor of any county in which any part of the land is situated. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey.

SEC. 142. Each County Surveyor must, when required, aid and assist the Surveyor-General in making surveys within the county. When the County Surveyor is interested in any land, the title to which is in dispute, and a survey thereof is necessary, the Court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the County Surveyor would be entitled to for similar service.

SEC. 143. The County Surveyor shall copy, plat, or trace all maps filed for record in the office of the County Recorder of the county for which he shall be elected, and shall be ex officio Deputy County Recorder for said county for such purposes; *provided, however,* that all maps and plats filed by a licensed land surveyor, and such other maps and plats as are filed and are thereby made a record, are exempt from the provisions of this Act. The County Surveyor shall plat, trace, blue print, or otherwise make all county, township, road, district, Assessor's, and all other maps, for the county of which he is Surveyor. All such maps which shall be platted, traced, blue printed, or otherwise made as aforesaid, shall be filed in the County Surveyor's office, together with all data obtained by the County Surveyor from other sources, and the same thereafter shall become the property of the county.

SEC. 144. The County Surveyor shall make all surveys of county roads, and perform such other engineering work as the Board of Supervisors may direct. All such maps and field notes of surveys shall be filed in the office of the County Surveyor, and the same shall thereafter be and remain the property of the county. It shall be the duty of the County Surveyor to advise the Board of Supervisors regarding all engineering work, and to perform all engineering work for the county not otherwise provided for.

SEC. 145. The Board of Supervisors of each county shall provide, for the use of the County Surveyor, a suitable office, office furniture, heat, light, and care for the same, office and record books, and other necessary material. In lieu of fees, as now provided by law, the County Surveyor shall receive ten dollars per day for all work performed, and in addition thereto all expenses and transportation on work performed in the field.

SEC. 146. This Act, so far as it affects the office of County Surveyor, shall take effect and be in force from and after its passage.

COUNTY CORONER.

SEC. 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.

Duties of
County
Coroner.

SEC. 148. When an inquest is held by the Coroner, and no other person takes charge of the body of the deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

Burial of
body.

SEC. 149. It shall be the duty of the Coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the Coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

Coroner's
register.

SEC. 150. The Coroner must, within thirty days after an inquest upon a dead body, deliver to the County Treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the Treasurer, showing:

Must del-
iver to
County
Treasurer,
or proper
party, all
moneys.

1. The amount of money or other property belonging to the estate of the deceased person, which has come into his possession since his last statement.

Report of
disposition
of moneys.

2. The disposition made of such property.

SEC. 151. If the office of Coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any Justice of the Peace of the county, with the like authority, and subject to the same obligations and penalties as the Coroner.

Justice of
the Peace
may act.

SEC. 152. In the cases specified in section one hundred and eight, the Coroner must discharge the duties of Sheriff.

SEC. 153. The Assessor must perform such duties as are prescribed in title nine, part three, of the Political Code.

Assessor.

SEC. 154. The Tax Collector must perform such duties as are prescribed in title nine, part three, of the Political Code.

Tax Col-
lector.

SEC. 155. The School Superintendent must perform such

School
Superin-
tendent.
Public
Adminis-
trator.

duties as are prescribed in title three, part three, of the Political Code.

SEC. 156. The Public Administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three, of the Code of Civil Procedure.

Register of
Public
Adminis-
trator.

SEC. 157. It shall be the duty of the Public Administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him.

Consta-
bles.

SEC. 158. Constables must attend the Courts of Justices of the Peace within their townships whenever so required, and within their counties execute, serve, and return all processes and notices directed or delivered to them by Justices of the Peace of such county, or by any competent authority, and shall charge and collect for their services such fees as are allowed by law, except when in conflict with section one hundred and sixty-three of this Act, or as otherwise provided for in this Act.

Duties and
powers.

SEC. 159. All provisions of sections ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, except the fourth and sixth subdivisions of section ninety-three, apply to Constables, and govern their powers, duties, and liabilities.

Justices.

SEC. 160. Justices of the Peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

Monthly
salaries.

SEC. 161. The salaries of officers must be paid monthly from the County Salary Fund of the treasury, on the warrant of the Auditor.

Classifica-
tion of
counties.

SEC. 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 ninety, as follows, to wit:

All counties containing a population of two hundred thousand inhabitants and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred thousand and under two hundred thousand inhabitants shall belong to and be known as counties of the second class.

Counties containing a population of over ninety thousand and under one hundred thousand inhabitants shall belong to and be known as counties of the third class.

Counties containing a population of over forty-five thousand and under ninety thousand shall belong to and be known as counties of the fourth class. Classification of counties.

Counties containing a population of over forty thousand and under forty-five thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of over thirty-four thousand and under forty thousand inhabitants shall belong to and be known as counties of the sixth class.

Counties containing a population of over thirty-two thousand five hundred and under thirty-four thousand shall belong to and be known as counties of the seventh class.

Counties containing a population of over thirty-two thousand and under thirty-two thousand five hundred shall belong to and be known as counties of the eighth class.

Counties containing a population of over twenty-eight thousand and under thirty thousand shall belong to and be known as counties of the ninth class.

Counties containing a population of over twenty-five thousand and under twenty-eight thousand shall belong to and be known as counties of the tenth class.

Counties containing a population of over twenty-four thousand and under twenty-five thousand shall belong to and be known as counties of the eleventh class.

Counties containing a population of over twenty-three thousand and under twenty-four thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of over twenty thousand and under twenty-three thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of over nineteen thousand and under twenty thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of over eighteen thousand and under nineteen thousand shall belong to and be known as counties of the fifteenth class.

Counties having a population of over seventeen thousand nine hundred and under eighteen thousand shall belong to and be known as counties of the sixteenth class.

Counties having a population of over seventeen thousand five hundred and under seventeen thousand nine hundred shall belong to and be known as counties of the seventeenth class.

Counties having a population of over seventeen thousand and under seventeen thousand five hundred shall belong to and be known as counties of the eighteenth class.

Counties having a population of over sixteen thousand four hundred and under seventeen thousand shall belong to and be known as counties of the nineteenth class.

Counties having a population of over sixteen thousand and under sixteen thousand four hundred shall belong to and be known as counties of the twentieth class.

Counties having a population of over fifteen thousand seven

Classification
of
counties.

hundred and under sixteen thousand shall belong to and be known as counties of the twenty-first class.

Counties having a population of over fifteen thousand and under fifteen thousand seven hundred shall belong to and be known as counties of the twenty-second class.

Counties having a population of over fourteen thousand and under fifteen thousand shall belong to and be known as counties of the twenty-third class.

Counties having a population of over thirteen thousand five hundred and eighty and under fourteen thousand shall belong to and be known as counties of the twenty-fourth class.

Counties having a population of over thirteen thousand five hundred and under thirteen thousand five hundred and eighty shall belong to and be known as counties of the twenty-fifth class.

Counties having a population of over thirteen thousand and under thirteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.

Counties having a population of over twelve thousand five hundred and under thirteen thousand shall belong to and be known as counties of the twenty-seventh class.

Counties having a population of over twelve thousand one hundred and sixty and under twelve thousand five hundred shall belong to and be known as counties of the twenty-eighth class.

Counties having a population of over twelve thousand one hundred and thirty and under twelve thousand one hundred and sixty shall belong to and be known as counties of the twenty-ninth class.

Counties having a population of over ten thousand three hundred and under twelve thousand shall belong to and be known as counties of the thirtieth class.

Counties having a population of over ten thousand and eighty and under ten thousand three hundred shall belong to and be known as counties of the thirty-first class.

Counties having a population of over ten thousand and seventy and under ten thousand and eighty shall belong to and be known as counties of the thirty-second class.

Counties having a population of over ten thousand and thirty and under ten thousand and seventy shall belong to and be known as counties of the thirty-third class.

Counties having a population of over nine thousand nine hundred and under ten thousand shall belong to and be known as counties of the thirty-fourth class.

Counties having a population of over nine thousand eight hundred and under nine thousand nine hundred shall belong to and be known as counties of the thirty-fifth class.

Counties having a population of over nine thousand six hundred and under nine thousand eight hundred shall belong to and be known as counties of the thirty-sixth class.

Counties having a population of over nine thousand and under nine thousand six hundred shall belong to and be known as counties of the thirty-seventh class.

Counties having a population of over eight thousand five hundred and under nine thousand shall belong to and be known as counties of the thirty-eighth class. Classification of counties.

Counties having a population of over eight thousand and under eight thousand five hundred shall belong to and be known as counties of the thirty-ninth class.

Counties having a population of over seven thousand and under eight thousand shall belong to and be known as counties of the fortieth class.

Counties having a population of over six thousand four hundred and under seven thousand shall belong to and be known as counties of the forty-first class.

Counties having a population of over six thousand and under six thousand four hundred shall belong to and be known as counties of the forty-second class.

Counties having a population of over five thousand four hundred and under six thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of over five thousand and under five thousand four hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of over four thousand nine hundred and eighty and under five thousand shall belong to and be known as counties of the forty-fifth class.

Counties having a population of over four thousand nine hundred and thirty and under four thousand nine hundred and eighty shall belong to and be known as counties of the forty-sixth class.

Counties having a population of over four thousand and under four thousand nine hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of over three thousand seven hundred and eighty and under four thousand shall belong to and be known as counties of the forty-eighth class.

Counties having a population of over three thousand seven hundred and under three thousand seven hundred and eighty shall belong to and be known as counties of the forty-ninth class.

Counties having a population of over three thousand five hundred and under three thousand seven hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of over two thousand five hundred and under three thousand shall belong to and be known as counties of the fifty-first class.

Counties having a population of over two thousand and under two thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of over six hundred and under two thousand shall belong to and be known as counties of the fifty-third class.

SEC. 163. In counties of the first class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries fixed by law; *provided*, Salaries in counties of the first class.

Fees of
County
Clerk in
counties of
first class.

that the County Clerk shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees: For services performed by him upon the commencement of any action or proceeding (except probate proceedings), including the filing of all papers, and indexing, where the names of the plaintiff and defendants do not exceed six names in the aggregate, seven dollars and fifty cents. For indexing each additional name over six, ten cents. For the trial of causes, swearing the jury and witnesses, including the entry of judgment or decree in any action or proceeding, when the judgment or decree does not exceed ten folios, to be paid by the party moving the same, four dollars. For recording each folio in excess of ten folios, ten cents. For the entering and recording of any interlocutory decree, when the said decree does not exceed ten folios, one dollar. For recording each folio in excess of ten, ten cents. For services performed up to trial, in actions appealed from the Justice's Court, three dollars. For filing and indexing papers on transfer from the Superior Court of other counties wherein the names of the parties plaintiff and defendant do not exceed in the aggregate six, four dollars. For the transmission of files and papers on the granting of change of venue to the Superior Court of other counties (exclusive of express charges), three dollars. For the trial of cases appealed from the Justice's Court, including the swearing of witnesses and jury, and the entry of judgment, four dollars. For the dismissal of appeals from the Justice's Court, where said dismissal is entered on the minutes of the Court, four dollars. For administering and certifying oaths, except oaths administered at the trial of any cause, fifty cents. For taking and certifying acknowledgments, one dollar for each name. For certifying the official character of any official person, other than that of the Justice of Peace, attached to any summons, one dollar. For certifying to Justice of Peace and Clerk of the Justice's Court, fifty cents. For issuing commissions to take testimony, one dollar. For filing notice and undertaking on appeal to the Supreme Court, one dollar. For services performed in proceedings to perpetuate testimony, one dollar. For services performed in adoption cases, five dollars. For certificate to dismiss appeal, when prepared by the Clerk, two dollars and fifty cents; and when prepared and furnished by the attorney, one dollar. For certifying transcripts on appeal and exemplifications of record, besides the charges allowed for copying and comparing same, one dollar. For comparing transcripts and exemplifications of record, five cents for each folio. For filing transcript from Justice's Court, including docketing same and issuing execution thereon, three dollars. For satisfying judgment when entry is made on the margin of the record book by the attorney or judgment creditor, one dollar. For copies of papers, records, and files of his office, fifteen cents per folio of one hundred words each, and for each certificate thereto, fifty cents. For taking justification of sureties, each surety, fifty cents, and for taking testimony thereon, twenty cents a folio. For filing and indexing articles of incorporation,

two dollars and fifty cents, and for exemplifying same according to the Act of Congress, two dollars. For filing certificates of election of officers of incorporation, fifty cents. For recording medical certificates, one dollar. For recording dental certificates, one dollar. For filing and indexing certificates of copartnership, one dollar. For issuing marriage license, two dollars. For filing any bond or other instrument required by law to be filed in his office, other than that appertaining to a case in Court, one dollar; and for recording same, for each folio, twenty cents. For the entry of judgment by default, when the application is made to the Clerk, two dollars and fifty cents. For taking and certifying depositions, for each folio, twenty cents, besides five dollars for each day's attendance. For searching the files of each year, except for attorneys and suitors, one dollar. For filing the papers and issuing letters testamentary, or of administration, guardianship, or special administration, in any one case, three 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. For services up to and including the final settlement of the case, in which the value of the estate exceeds five thousand dollars and does not exceed ten thousand dollars, except as hereinafter provided, fifteen dollars. For services up to and including the final settlement of the case, in which the value of the estate exceeds ten thousand dollars and does not exceed twenty thousand dollars, except as hereinafter provided, twenty dollars. For services up to and including the final settlement of any case, in which the estate exceeds twenty thousand dollars and does not exceed fifty thousand dollars, except as hereinafter provided, twenty-five dollars. For services up to and including the final settlement of the case, in which the estate exceeds fifty thousand dollars and does not exceed one hundred thousand dollars, except as hereinafter provided, fifty dollars; and in cases where the value of the estate exceeds one hundred thousand dollars, the Clerk shall receive twenty dollars additional fees for each one hundred thousand dollars' valuation. The valuation herein mentioned to be ascertained from the inventories filed, and the fees herein provided to be collected at the time of filing such inventory. For recording any order or paper required by law to be recorded in any estate where the number of folios exceeds ten, for each folio exceeding ten, twenty cents.

Fees of
County
Clerk in
counties of
first class.

SEC. 164. In counties of the second 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 following salaries, to wit:

Salaries in
counties of
the second
class.

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.

Salaries in
counties of
the second
class.

5. The Treasurer, three thousand six hundred dollars per annum.

6. The Tax Collector, three thousand six hundred dollars per annum.

7. The District Attorney, four thousand 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, three thousand dollars per annum.

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.

Fees of
Justices of
the Peace.

13. Justices of the Peace, such fees as are now or may be hereafter 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, in townships having a population of more than thirty-five thousand, provide such Justices, or any of them, with an office and the necessary furniture and supplies for the Justice's Court.

Monthly
report.

Furniture
and sup-
plies.

Fees of
Consta-
bles.

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.

Fees of
Constables.

15. Supervisors, one thousand eight hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as Road Commissioners or Supervisors, not exceeding in the aggregate five hundred dollars per annum.

Super-
visors.

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 deposit 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.

Deposit
with
County
Clerk.

The County Clerk shall charge and collect the 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 of 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 taking justification thereto, twenty-five cents. For taking testimony on justification to undertaking or bond, for each folio, ten cents. For taking acknowledgment of an 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 to other Courts, including certificates of order of transfer, one dollar and fifty cents. For 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 services. For issu-

Fees, etc.,
to be
charged
and
collected
by
County
Clerk.

Fees, etc.,
to be
charged
and col-
lected by
County
Clerk.

ing 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 or 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 witnesses 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 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.

Fees to be
charged by
County
Recorder.

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 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.

Fees to be
charged by
County
Recorder.

17. The Board of Supervisors shall allow the several officers mentioned in this section (including Justices of the Peace and Constables) such deputy or deputies, assistant or assistants, clerk or clerks 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 clerk or deputy, the sum of one hundred dollars per month, and the salary of the deputy of any Constable, and the Clerk of any Justice of the Peace, not to exceed the sum of seventy-five dollars per month; *provided*, that the Board of Supervisors shall have the power to allow the County Clerk one chief deputy, at a salary to be fixed by said Board, not to exceed two hundred dollars per month; also one deputy, to act as Clerk of the Board of Supervisors, at a salary to be fixed by said Board, not to exceed one hundred and fifty dollars per month; also one register clerk, at a salary to be fixed by said Board, not to exceed one hundred and fifty dollars per month; also six clerks, to act as clerks of the departments of the Superior Court, at a salary to be fixed by said Board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the Board of Supervisors may allow the Sheriff an Under Sheriff, at a salary to be fixed by said Board, not to exceed two hundred dollars per month; *provided further*, that the Board of Supervisors may allow the Recorder one chief deputy, at a salary to be fixed by said Board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the Board of Supervisors may allow the Auditor 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 may allow the Assessor one chief deputy, at a salary to be fixed by the Board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the Board of Supervisors may allow the Treasurer one bookkeeper, 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 may allow the Tax Collector one chief deputy, at a salary to be fixed by said Board, not to exceed one hundred and twenty-five dollars per month; *provided*

Deputies.

Deputies. *further*, that the Board of Supervisors may allow the Superintendent of Schools one assistant, at a salary to be fixed by said Board, not to exceed one hundred and twenty-five dollars per month; *provided further*, that the Board of Supervisors may allow the District Attorney an assistant, at a salary to be fixed by the Board, not to exceed two hundred dollars per month; also one chief deputy, at a salary not to exceed one hundred and seventy-five dollars per month; also one deputy, at a salary not to exceed one hundred and fifty dollars per month; also two deputies, at a salary not to exceed one hundred dollars each per month, and no other or further assistant or deputy attorneys shall be allowed by said Board to said District Attorney; *provided*, that nothing herein contained shall be construed to prevent said Board from employing special counsel when, in the judgment of said Board, the interests of said county require it. All salaries provided for in this section, whether for principal, assistant, clerk, chief deputy, or deputy, shall in each case constitute a county charge. This section, and all parts thereof, shall apply to the present incumbents, and shall go into effect upon the passage of this Act.

Fees of
Sheriff in
counties
of second
class.

SEC. 164½. Sheriffs in counties of the second class shall receive the following fees, which shall be paid into the County Treasury and belong to the county, viz.: For serving a summons or complaint, or any other process by which action or proceeding is commenced, on each defendant, one dollar. For taking bond or undertaking in any case in which he is authorized to take the same, twenty-five 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 serving a subpoena, for each witness summoned, twenty-five 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; but no traveling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. He shall be allowed such further compensation for his trouble and expense, in taking and keeping 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. For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar; also, two dollars per day for each day while such ship, boat, or vessel is in the actual custody of the Sheriff; and such further necessary expenses incurred in serving the process, and resulting from such custody, as are supported by the oath of the officer making such service and allowed by the Court. For advertising property for sale on execution, or any judgment or order of sale, exclusive of the cost of publication, fifty cents. The fees herein allowed for the levy of an execution and for advertising, shall be col-

lected 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, inclusive of acknowledgment, three dollars, to be paid by the grantee. For serving a writ of possession or restitution, or putting any person entitled into possession of premises, and removing occupant, three dollars. For attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the County Treasury, three dollars. For holding each inquest or trial of right of property, to include all services in the matter, except mileage, three dollars. For making every arrest in a criminal proceeding, two dollars. For summoning a grand jury, five dollars. For summoning a trial jury in any case, three dollars; for each additional juror, twenty 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 action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on writ of habeas corpus, for each mile necessarily traveled, in going only, fifteen cents; or for traveling to serve any process in criminal cases, or for taking a prisoner from prison before a Court or magistrate, for each mile necessarily traveled, in going only, he shall receive ten cents per mile; for taking a prisoner from the place of arrest to prison, or before a Court or magistrate, for each mile necessarily traveled, in going only, fifteen cents per mile; for each additional prisoner, taken at the same time, five cents per mile; *provided*, that if any two or more papers be required to be served in the same suit or proceeding, at the same time and in the same direction, one mileage only shall be charged; *and provided also*, in serving a subpoena or venire, when two or more witnesses or jurors live in the same direction, traveling fees shall be charged only for the most distant; *and provided further*, that only one mileage per day shall be charged for taking a prisoner from prison before a Court or magistrate; *provided*, that in the county of Santa Clara the Sheriff shall be entitled to twenty cents per mile, going only, as traveling fees in civil cases. For all services in Justices' Courts, the same fees as are allowed to Constables. For delivering a prisoner at the State Prison, thirty cents per mile, one way, for the distance established by law from the county seat of his county to the prison; and for every additional prisoner taken at the same time, ten cents per mile. For delivering an insane person at the asylum, twenty cents per mile, one way, for the distance established by law from the county seat of his county to the asylum; and for every additional insane person taken at the same time, ten cents per mile. In case of sales of property on foreclosure of mortgage, or on execution, the Sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale, and a commission of one per cent upon the proceeds of the sale, which commission shall in no case exceed the sum of twenty-five dol-

Fees of
Sheriff in
counties
of second
class.

lars. Said commission shall be paid into the County Treasury and shall be the property of the county. This section shall go into effect immediately.

Third
class.

Salaries
of officers.

SEC. 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, thirteen thousand dollars per annum.
2. The Sheriff, fifteen thousand dollars per annum.
3. The Recorder, sixteen thousand dollars per annum.
4. The Auditor, forty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Auditor one Deputy Auditor, who shall be appointed by the Auditor of said county. The salary of the said Deputy Auditor herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the Auditor.

5. The Treasurer, six thousand dollars per annum, whose office hours shall be from nine o'clock A. M. till four o'clock P. M.

6. The Tax Collector, eight thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Tax Collector, a Deputy Tax Collector, who shall be appointed by the Tax Collector of said county. The salary of the Deputy Tax Collector herein provided for is hereby fixed at the sum of fifteen hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time and in the same manner, and out of the same fund, as the salary of the Tax Collector.

7. The Assessor, fourteen thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the Assessor, a Chief Deputy Assessor, who shall be appointed by the Assessor of said county. The salary of the Chief Deputy Assessor herein provided for is hereby fixed at the sum of two thousand one hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the Assessor; *provided further*, that in counties of this class there shall be five Deputy Assessors, who shall be appointed by the Assessor of said county, and who shall hold office from twelve o'clock meridian of the first Monday of March of each year, up to twelve o'clock meridian of the first Monday of July of each year. The salary of each of the said five Deputy Assessors herein provided for, is hereby fixed at the sum of one hundred dollars per month for each month during which they shall hold office as herein provided, which said salary shall be paid by said county at the same time, and in the same manner, and out of the same fund as the salary of the Assessor.

8. The District Attorney, six thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the District Attorney one

Chief Deputy District Attorney, who shall be appointed by the District Attorney of said county. The salary of the Chief Deputy District Attorney herein provided for is hereby fixed at the sum of two thousand one hundred dollars per annum, which said salary shall be paid by said county in equal monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the District Attorney. The traveling and other personal expenses of the District Attorney in criminal cases arising in the county, and all other expenses necessarily incurred by him in the prosecution of criminal cases, shall be a county charge, and shall be paid for by the county in the same manner as other county charges.

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 be hereafter allowed by law.

11. The Superintendent of Schools, four thousand five hundred dollars per annum; *provided*, that the office of such official shall be kept open the same as other public offices of the county.

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 be hereafter allowed by law. Each Justice of the Peace must keep a book, open for 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.

14. Constables, such fees as are now or hereafter may be allowed by law.

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 in attending sessions of the Board only two mileages shall be allowed for each month; claims for mileage shall be allowed as other claims against the county.

Sec. 166. In counties of the 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, nine 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, eight thousand dollars per annum.
4. The Auditor, four thousand dollars per annum.
5. The Treasurer, four thousand dollars per annum.

Salaries of
officers.

6. The Tax and License Collector, seven thousand dollars per annum for the combined office.

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.

Justices.

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 be paid more than two thousand dollars in any one year for services in criminal cases; *provided further*, that he shall obtain, for his own use and benefit, all fees collected by him in civil cases. All other fees collected by such Justice of the Peace, after deducting the civil fees, and the amount hereby allowed for his own services, shall be paid over to the County Treasurer of said county.

Consta-
bles.

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, for services in criminal cases.

Super-
visors.

15. Supervisors, twelve hundred dollars each per annum, and five hundred dollars per annum as Road Commissioners.

Fifth
class.

SEC. 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:

Salaries
of officers.

1. The County Clerk, six thousand dollars per annum.

2. The Sheriff, nine thousand dollars per annum, and such fees and mileage as are now or hereafter may be provided by law, for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a Court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping property seized under attachment or levied on under execution; *provided*, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the Court from which the writ issued under which the property was taken.

3. The Recorder, four thousand dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, three 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. Salaries of officers.
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.
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.
- SEC. 168. In counties of the sixth 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: Sixth class.
1. The County Clerk, three thousand dollars per annum. Salaries of officers.
 2. The Sheriff, six thousand five hundred 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, 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 Superintendent of Public Schools, two thousand five hundred dollars per annum.
 10. The Public Administrator, nine hundred dollars per annum.
 11. The Coroner, 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 hereby or may hereafter be allowed by law.
 14. Constables, such fees as are hereby or may hereafter be allowed by law.
 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. Each county and township officer shall be responsible on

Officers responsible for deputy. 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.

Assistant and Deputy District Attorneys.

17. In counties of this class there shall be an Assistant District Attorney and a Deputy District Attorney, 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. The salary of each of these 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. The Boards of Supervisors of counties of the sixth class are hereby empowered, immediately after the passage of this Act, to appoint as Emergency Clerks as many persons as in their judgment may be necessary to complete the unfinished and accumulated work in the offices and on the books and records of the various offices of counties of the sixth class, when such emergency exists, and such necessary clerical labor is absolutely necessary in the interests of public welfare; and the persons so appointed as Emergency Clerks shall not be paid to exceed one hundred dollars per month each for said services; and the said Emergency Clerks are not to be appointed except where the accumulated and unfinished work in the said various offices demands same, and when the said work cannot be completed without the services of such Emergency Clerks; and it shall be the duty of the Boards of Supervisors of counties of the sixth class to keep a list of the persons so appointed as Emergency Clerks, and on the first Monday of each and every month furnish to the County Auditor a list of the persons so employed and the amounts due to such Emergency Clerks; and it shall be the duty of the County Auditor, upon the first Monday of each and every month, to draw his warrant upon the County Treasurer, in favor of the persons appointed as Emergency Clerks whose names are contained in the list furnished to him by the Board of Supervisors, as herein provided, and it shall be the duty of the Treasurer of said county to pay the same, in the same manner as the salaries of the other officers of said county are paid.

Emergency Clerks.

Salary of clerks.

Auditor to draw warrants.

18. The following county and township officers shall charge and collect the following fees:

COUNTY CLERK.

Fees of County Clerk in counties of the sixth class.

On the commencement of any action or proceeding in the Superior Court, or an appeal thereto, including probate and insolvency proceedings, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars. On the appearance of any defendant, or any number of defendants answering jointly, to be paid upon filing the first

paper in the action by him or them, two dollars. For every additional defendant appearing separately, to be paid as above provided, one dollar. The foregoing fees shall be in full for all services rendered by such Clerk in a cause, to and including the making up of the judgment roll. One dollar of the amount paid on the commencement of each action or proceeding shall belong to and be paid into the Law Library Fund, as provided by law. On the filing of any notice of motion to move for a new trial in any civil action or proceeding, the party filing the same shall pay to the Clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, three dollars. The Clerk shall also charge and collect the following fees and compensation not above provided for: For a copy of any record, proceeding, or paper on file in the office of the Clerk relating to any civil action pending in said Court, where such copy is made by him, per folio, ten cents. For each certificate of the Clerk, under the seal of the Court, twenty-five cents. For filing each claim in probate or insolvency proceedings, fifteen cents. No fees shall be allowed or charged by the Clerk for services rendered in any criminal case. For services rendered by the Clerk, not in connection with civil actions or proceedings in Court, he shall charge and collect, for the benefit of the county, the following fees: For issuing each marriage license, one half to be paid to the County Recorder, two dollars. For recording the testimony upon examination of insane persons, when it is ascertained by the Judge of the Superior Court that the person committed has property sufficient wherewith to pay the expenses of his commitment, per folio, ten cents. For filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in Court, and official bonds and certificates of appointment, each, twenty-five cents. For issuing any license required by law, other than marriage licenses, one dollar. For examining and certifying to a copy of any paper, record, or proceeding prepared by another, and presented for his certificate, fifty cents. For making satisfaction of or credit on judgment, twenty-five cents. For receiving and filing remittitur from Supreme Court, fifty cents. For administering each oath, without certificate, except in any pending action or proceeding, ten cents. For taking any affidavit, except in pending actions or proceedings, and certifying same, twenty-five cents. For taking and approving each undertaking and the justification thereof, except in pending actions or proceedings, fifty cents. For searching records or files, for each year, fifty cents. For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents. For filing notices of appeal and appeal bonds, each, ten cents.

Fees of
County
Clerk in
counties of
the sixth
class.

SHERIFF.

For serving any process, writ, order, or paper required by law to be served by the Sheriff, fifty cents. For serving a writ of

Fees of
Sheriff,
sixth class.

Fees of
Sheriff,
sixth class.

attachment, execution, or order for the delivery of personal property, one dollar. For taking any bond or undertaking, fifty cents. For serving an attachment or execution on any ship, boat, or vessel, three dollars. For keeping and caring for property under attachment or execution, such sum as the Court may fix; *provided*, that no greater sum than two dollars per day shall be allowed to a keeper, when necessarily employed. For copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies. For advertising sale of property and posting notice, or furnishing notice for publication, each, fifty cents. For publication of notice in newspaper, such sum as he may be required to pay for such publication, not exceeding seventy-five cents per square for the first insertion, twenty-five cents for the second insertion, and fifteen cents for each insertion thereafter. For serving writ of possession or restitution, one dollar and fifty cents. For subpoenaing witness, including copy of subpoena, each, twenty-five cents. For summoning trial jury of twelve or less, two dollars; for each additional juror, fifteen cents. For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents; no constructive mileage to be allowed. For collecting money on execution, with or without levy, one per cent. For executing and delivering Sheriff's deed, one dollar and fifty cents. For executing and delivering certificate of sale, fifty cents.

RECORDER.

Fees of
Recorder,
sixth class.

For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents. For indexing every instrument, paper, or notice, for each name, ten 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, credit, or release on the margin of record, and indexing same, twenty-five cents. For searching the records of his office, for each year, fifty cents. For abstract of title, for each conveyance or incumbrance, twenty-five cents. For recording each map or plat, for each course, ten cents. For figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for filing and recording any map shall not exceed fifty dollars. For taking acknowledgment of any instrument, fifty cents. For recording marriage license and certificate, to be paid by the County Clerk, one dollar. For recording transcript and all services in estray cases, one dollar. For recording each mark or brand, seventy-five cents. For administering each oath or affirmation, and certifying the same, twenty-five cents. For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents.

The Clerk, Sheriff, and Recorder shall account for all fees in this section provided for, and pay the same to the County Treasurer on the first Monday of the month following their collection, as provided in this Act.

JUSTICES OF THE PEACE.

Justices of the Peace may for their own use collect the following fees, and no others: For filing each paper, five cents. For issuing each process, writ, order, or paper required by law to be issued, twenty-five cents. For entering every cause on the docket, and indexing same, fifty cents. For administering oath or affirmation, ten cents. For each certificate or affidavit, twenty-five cents. For entering final judgment, not exceeding two folios, fifty cents; each additional folio, ten cents. For taking and approving bond or undertaking, including the justification of sureties, fifty cents. For taking depositions, per folio, ten cents. For entering satisfaction of judgment, twenty-five cents. For copy of his docket or any file of his office, when required to make the same, per folio, ten cents. For certifying transcript on appeal and transmitting papers, fifty cents. For celebrating marriage and making return thereof to the record, five dollars. For all services in any criminal trial or proceeding, three dollars. For entering cause without process, fifty cents. For entering judgment by confession, one dollar. For entering every motion, rule, exception, or default, fifteen cents. For taking the acknowledgment of any deed or instrument, fifty cents. For all charges for transmitting papers on change of venue, one dollar. For holding inquest, when the Coroner fails to act, five dollars. For each mile necessarily traveled in going to place of inquest, fifteen cents. For directing or attending the interment of each body upon which he may have held an inquest, two dollars.

Fees of
Justices of
the Peace,
sixth class.

CONSTABLE.

For serving summons and complaint, for first party served, fifty cents; for each additional defendant served, twenty-five cents. For each copy of summons for service when made by him, twenty-five cents. For levying writ of attachment or execution, or executing order of arrest or for the delivery of personal property, one dollar. For serving writ of attachment or execution on any ship, boat, or vessel, three dollars. For keeping personal property, such sum as the Court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily employed. For taking bond or undertaking, fifty cents. For copies of writs and other papers, except summons, complaint, and subpœnas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies. For serving any writ, notice, or order, except summons, complaints, or subpœnas, for the first person, fifty cents; on each subsequent person, twenty-five cents. For writing and posting each notice of sale of property, twenty-five cents. For furnishing notice for publication, twenty-five cents. For serving subpœnas, each witness, including copy, twenty-five cents. For collecting money on execution, one and one half per cent. For executing and delivering certificate of sale, fifty cents. For executing and delivering Constable's deed, one dollar and fifty cents. For each mile actually

Fees of
Constable,
sixth class.

Fees of
Constable,
sixth class.

traveled within his township in the service of any writ, order, or paper, except a warrant of arrest, in going only, per mile, twenty-five cents. For traveling outside of his township to serve such writ, order, or paper, in going out, fifteen cents; *provided*, that a Constable shall not be required to travel outside of his township to serve any civil process, order, or paper; no constructive mileage allowed. For each mile traveled within his township in executing a warrant of arrest, both in going to and returning from place of arrest, fifteen cents. For each mile traveled out of his township, both going and returning from place of arrest, five cents; *provided*, that no warrant of arrest or other criminal process shall be served by any Constable out of his township, and mileage charged therefor, except such service be ordered, in writing, by the District Attorney of the county; *and provided further*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged. For arresting prisoner and bringing him into Court, one dollar. For summoning a jury, one dollar and fifty cents. *Provided*, that the Board of Supervisors may reject all bills presented to the county by Justices of the Peace and Constables for fees in criminal cases, in all cases of proceedings in which the District Attorney has not, in writing, authorized the issuance of the warrant of arrest.

County officers must, and township officers may, demand the payment of all fees in advance.

19. Jurors' and witness' fees shall be as follows:

JURORS' FEES.

Jurors'
fees, sixth
class.

For attending as a juror in the Superior Court, for each day's attendance, per day, two dollars. For attending Justice's Court, for each juror sworn to try the cause, per day, two dollars. For each mile actually traveled in attending Court as a juror, in going only, per mile, fifteen cents.

WITNESS' FEES.

Witness'
fees, sixth
class

For each day's actual attendance when legally required to attend upon the Superior Court, per day, one dollar and fifty cents; mileage actually traveled, one way only, per mile, fifteen cents. For each day's attendance upon Justice's Court, when legally required to attend, per day, one dollar; for each mile actually traveled, in going only, fifteen cents. Witnesses in civil cases may demand the payment of their fees and mileage for one day in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

Seventh
class.

SEC. 169. In counties of the 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, viz.:

Salaries
of officers.

1. The County Clerk, five thousand dollars per annum; *provided*, that the County Clerk shall appoint one Chief Deputy,

at a salary of one thousand two hundred dollars per annum, and two Court-room deputies, at a salary of nine hundred dollars per annum each, the salary of all of which three deputies shall be paid by said County Clerk out of said five thousand dollars compensation above named.

Salaries of
officers,
seventh
class.

2. The Sheriff, six thousand two hundred dollars per annum; *provided*, that the Sheriff shall appoint one Under Sheriff, at a salary of one thousand five hundred dollars per annum; three Deputy Sheriffs, at a salary of nine hundred dollars per annum each, the salary of which Under Sheriff and said three deputies shall be paid by said Sheriff out of said six thousand two hundred dollars compensation above named. The Sheriff shall also receive, as compensation 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, 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 writ of habeas corpus, or collecting taxes, in going only, twenty cents for each mile; *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, which distance shall, in all cases, be estimated by the most practicable route.

3. The Recorder, three thousand nine hundred dollars per annum; *provided*, that the Recorder shall appoint a Chief Deputy, at a salary of one thousand two hundred dollars per annum, and two copyists, at a salary of six hundred dollars per annum each, which salary of Chief Deputy and of said two copyists shall be paid by said Recorder out of said three thousand nine hundred dollars compensation above named.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, twelve hundred dollars per annum.

7. The Assessor, four thousand two hundred dollars per annum; *provided*, that the Assessor shall appoint eight Deputy Assessors, at a salary of three hundred dollars per annum each, all of which deputies' salaries shall be paid by said Assessor out of said four thousand two hundred dollars compensation above named.

8. The District Attorney, two thousand four 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. The Justices of the Peace, such fees as are now or may hereafter be allowed by law.

Fees of
Constable,
seventh
class.

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 hereafter be 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 an 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, for each mile necessarily traveled, to the most distant point where service is made, thirty cents; *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 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 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 each extra jurymen, over and above twelve, twenty-five cents. 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, to the most distant point within the Constable's own county, thirty cents;

provided, that when two or more persons, or two or more papers in the same case, are served at the same time, or in the same direction, or on the same trip, but one mileage shall be charged to the most distant point of service. For conveying a prisoner when under arrest, the necessary expense actually paid for the transportation of the prisoner. Constables shall not make any arrest, or serve any paper in a criminal case, on any person outside of their own county, without first obtaining the written consent and order of the District Attorney of their county to do and perform such service as aforesaid.

Fees of Constable, seventh class.

15. Supervisors, for all service required of them by law, or by virtue of their office, must be allowed six dollars per day, and thirty cents per mile in traveling from their place of residence to the Court-house; *provided*, that only one mileage must be allowed at each term; *and provided further*, that no Supervisor must be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the Board of Supervisors, or for any other cause; *provided*, that in no case shall the per diem of the Supervisors exceed eight hundred dollars each in one year.

Super-
visors.

16. The provisions of this section relating to the mileage of Sheriff shall go into effect immediately.

The Board of Supervisors shall have power to levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads in the several road districts, in proportion to the amount collected from such districts.

Special
road fund.

SEC. 170. In counties of the eighth 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:

Eighth
class.

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, 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.

Salaries
of officers.

13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that no Justice of the Peace

Justices.

Justices.

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, to be paid in monthly installments, not to exceed one hundred and twenty-five dollars in any one month; 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 said Justice, in criminal cases, in excess of one thousand five hundred dollars per annum, shall belong to and be the property of the county in which such Justice exercises his jurisdiction. All warrants of arrest must be issued by the Justice in whose township the offense has been committed, unless the applicant for such warrant, by proper affidavit, to be filed with the Justice to whom application is made therefor, show, to the satisfaction of such Justice, reasonable cause why such warrant should be issued by a Justice without the township in which the offense was committed.

Constables.

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, to be paid in monthly installments, not to exceed one hundred and twenty-five dollars in any one month; 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 per annum, shall belong to and be the property of the county in which such 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 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 the 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 Board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer.

Supervisors.

15. The Supervisors, six dollars per day for each day employed, together with twenty-five cents per mile traveling from their residence to the county seat; they shall also each receive, for services as Road Commissioner, the sum of five hundred dollars per annum.

Fees of County Clerk.

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 and 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 in his office.

Fees
belong to
county.

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 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. And he shall charge ten cents, and no more, for indexing each name in any document or paper filed 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, except fees received by him for all copies or certified copies of any record or file in his office, which fees for such copies or certified copies he shall collect and receive for his own use and benefit. He shall make abstracts of mortgages, deeds of trust, contracts, or other obligations by which debts are secured on real estate, for the Assessor, as required by law, and shall receive therefor such compensation as, in the opinion of the Board of Supervisors, is just and reasonable.

Recorder's
fees.

Fees
belong to
county.

17. The Recorder may appoint a Chief Deputy, at a salary of one hundred and twenty-five dollars per month; an Indexing Deputy, at a salary of one hundred dollars per month; and a Comparing Deputy, at a salary of one hundred dollars per month. He may also appoint such copyists as are necessary to properly perform the duties of his office, at a compensation not to exceed six cents per folio for each and every folio copied; and the Auditor shall draw his warrant, monthly, in favor of such copyists, upon an affidavit filed by each copyist so employed verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the Recorder that it is correct; *provided*, that whenever such copyist is appointed, notice of such appointment shall be immediately filed with the Auditor of the county, and no warrant shall be drawn in favor of such copyist until such notice is filed.

Chief
Deputy
Recorder.
Other
deputies.

18. The County Clerk may appoint two deputies at a salary of one hundred and twenty-five dollars per month each, and two deputies at a salary of one hundred dollars per month each, one deputy at a salary of seventy-five dollars per month, and a copyist at a salary of sixty dollars per month, which salaries shall be paid by the county.

County
Clerk's
deputies.

19. Parties commencing actions in the Superior Court, except in probate cases, shall deposit seven dollars and fifty cents with the Clerk thereof, and upon the appearance in the action

Deposit
with
County
Clerk.

Deposit
with
County
Clerk.

of the defendant or defendants, he or they must deposit two dollars and fifty cents with the Clerk, which amount shall constitute the Clerk's fees in full in such action, and the whole thereof must be paid into the County Treasury, and in no case shall any rebate be made by the Clerk. The fee for filing petition for letters of administration, testamentary, or guardianship shall be seven dollars and fifty cents, to be paid to the Clerk upon the filing thereof. When the inventory and appraisal is offered for filing, and it appears therefrom that the value of the estate exceeds five thousand dollars, the Clerk shall demand and receive fifty cents for each and every one thousand dollars in excess of five thousand dollars; which said fees shall constitute the Clerk's fees in full in such action, and the whole thereof must be paid into the County Treasury, and in no case shall any rebate be made by the Clerk. In all actions now pending, in which a deposit has been made with the Clerk by the plaintiff or defendant, the same shall constitute the fees in such action, and be in full of all Clerk's fees therein.

Sheriff's
assistants.

20. The Sheriff may appoint one Under Sheriff at a salary of one hundred and fifty dollars per month; three deputies, at a salary of one hundred dollars per month each, and a jailer, at a salary of eighty-five dollars per month. The Sheriff shall collect and receive, for his own use and benefit, all fees and charges for serving process within his county when the action or matter from whence such process originated is pending without his county.

Assistant
District
Attorney.

21. The District Attorney may appoint one Assistant District Attorney, at a salary of two thousand dollars per annum, and two Deputy District Attorneys, at a salary of fifteen hundred dollars per annum.

Other
deputies

22. The Auditor, Treasurer, and Superintendent of Schools may each appoint one deputy, at a salary of one hundred dollars per month each.

Immigra-
tion.

23. The Board of Supervisors may appropriate from the General Fund of the county the sum of two thousand five hundred dollars each year, to aid in and carry on the work of inducing immigration thereto.

Provisions
take effect,
when.

24. All the provisions herein, relating to counties of this class, shall take effect from and after the date of the approval of this Act; *provided*, that nothing in this section shall affect in any manner the length of terms or the salaries fixed for present incumbents holding any of the said offices, nor shall this section affect in any manner the number of deputies nor the compensation thereof as allowed by law on the first day of January, eighteen hundred and ninety-three.

Shorthand
reporters.

25. All shorthand reporters appointed by magistrates to take down the testimony and proceedings had in threatened offenses, and at the preliminary examination of parties charged with offenses triable in the Superior Court, must present their claims for such services to the Board of Supervisors for allowance, and no Justice of the Peace or magistrate shall have the authority

to draw an order upon the County Auditor for a warrant for such services.

26. The officers mentioned in section fifty-seven of this Act, except as hereinafter provided, shall be elected in the year eighteen hundred and ninety-four, and every two years thereafter, and shall take office at twelve o'clock meridian, on the first Monday after the first day of January next succeeding their election; *provided*, that Supervisors, Assessors, and Superintendents of Schools shall be elected as hereinbefore provided in this Act. All officers elected under the provisions of this Act shall hold office until their successors are elected or appointed and qualified.

SEC. 171. In counties of the 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, viz.:

1. The County Clerk, two thousand seven hundred and fifty dollars per annum.

2. The Sheriff, three thousand six 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; and shall also receive his necessary expenses in all criminal cases.

3. The Recorder, two thousand five hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, two thousand five hundred dollars per annum.

6. The Tax Collector, eight hundred 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 may appoint one chief deputy, at a

County
Clerk's
deputies.

salary of one thousand two hundred dollars per annum; two Court-room deputies, at a salary of nine hundred dollars per annum each. The County Recorder, one deputy at a salary of one thousand two hundred dollars per annum, and two deputies at a salary of nine hundred dollars per annum each. The Treasurer may appoint one deputy at a salary of one thousand five hundred dollars per annum. The Assessor may appoint

Assessor.

one office deputy at a salary of one thousand two hundred dollars per annum, and fifteen deputies, to serve from the first Monday in March to the first Monday in July of each year, and shall each receive four dollars per day for each day they actually and necessarily attend to the duties of the office, and he shall also receive fifteen per cent of all amounts collected by him for poll taxes, and six per cent on personal property tax collected by him. The District Attorney may appoint an

District
Attorney.

Assistant District Attorney at a salary of fifteen hundred dollars per annum, and a Deputy District Attorney at a salary of nine hundred dollars per annum. The Sheriff may appoint an Under Sheriff, who shall receive a salary of one thousand five hundred dollars per annum; a clerk, who shall receive a salary of nine hundred dollars per annum; a Deputy Sheriff, who shall receive a salary of nine hundred dollars per annum; two bailiffs or Court-room deputies, each of whom shall receive a salary of nine hundred dollars per annum; two jailers, who shall receive a salary of nine hundred dollars per annum each.

Sheriff.

Election
of officers.

The officers named in section one hundred and seventy-one of this Act shall be elected in the year one thousand eight hundred and ninety-four, at the time provided by law, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of the expiration of the term of office of the Supervisors; *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 period, 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. 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. 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.

Compensation
of deputies.

Emergency
clerks.

The Boards of Supervisors of the counties of the ninth class are hereby empowered, immediately after the passage of this Act, to appoint as Emergency Clerks as many persons as in their judgment may be necessary to complete the unfinished and accumulated work in the offices, and on the books and records of the various offices of ninth class counties, when such

emergency exists, and such necessary clerical labor is absolutely necessary in the interest of public welfare; and the persons so appointed as Emergency Clerks shall not be paid to exceed one hundred dollars per month each for said services; and the said Emergency Clerks are not to be appointed, except where the accumulated and unfinished work in the said various offices demands same, and when the said work cannot be completed without the services of such Emergency Clerks; and it shall be the duty of the Board of Supervisors to keep a list of the persons so appointed as Emergency Clerks, and on the first Monday of each and every month furnish to the County Auditor a list of the persons so employed and the amounts due to such Emergency Clerks; and it shall be the duty of the County Auditor, upon the first Monday of each and every month, to draw his warrant upon the County Treasurer in favor of the persons appointed as Emergency Clerks whose names are contained in the list furnished to him by the Board of Supervisors as herein provided, and it shall be the duty of the Treasurer of said county to pay the same, in the same manner as the salaries of the other officers of said county are paid.

In counties of the ninth class, County Clerks shall collect, in advance, and pay into the County Treasury, for the benefit of the county, the following fees, to wit: For services performed by him on the commencement of an action or proceeding (except probate and insolvency proceedings) up to the time of the rendition of judgment, to be paid by the plaintiff, seven dollars. For entering judgment, by default or otherwise, including docketing, making up roll, and all other necessary entries, three dollars. For filing papers on appeal from Justices' Courts, including all necessary services up to judgment, five dollars. For filing papers on transfer from other Courts, including all services up to judgment, three dollars. For transferring files to other Courts, including all services, two dollars. For issuing execution, including filing same on return, and entering satisfaction or credit, one dollar. For filing notice of appeal to Supreme Court, including filing undertaking, one dollar. For filing transcript of judgment from Justice's Court, including docketing, issuing execution, filing same on return, and entering satisfaction or credit, one dollar. For receiving and filing remittitur, including filing cost bill and making the other necessary entries, one dollar. For issuing any writ, process, or certificate under seal, where the fee is not otherwise provided, fifty cents. For administering and certifying oaths, except oath administered at the trial of causes, for each name, fifty cents; *provided*, that nothing in this Act shall repeal the Act of the Legislature permitting County Clerks to take and certify affidavits for United States pension claimants.

Probate.—For filing petition for probate of will, or letters of administration with the will annexed, including all services to the filing of an inventory, eight dollars. For filing petition for letters of administration or guardianship, including all services up to the filing of an inventory, five dollars. For filing petition and other services in the matter of the adoption of a minor,

Emergency
clerks.Fees of
County
Clerk,
ninth
class.Probate
fees, ninth
class.

Probate
fees, ninth
class.

including the entry of the final order of adoption, five dollars. For all services in estates of deceased persons and guardianships from the filing of the inventory, including final discharge of executor, administrator, or guardian, the following fees, to wit: In any estate of the value of twenty-five hundred dollars, as shown by the inventory, two dollars; in any estate, the value of which is over twenty-five hundred dollars and less than twenty-five thousand dollars, as shown by the inventory, the sum of one dollar for each one thousand dollars or fraction thereof; in any estate of the value of twenty-five thousand dollars, and less than fifty thousand dollars, the sum of one dollar for each thousand dollars up to twenty-five thousand dollars, and fifty cents for each additional thousand dollars or fraction thereof; in any estate of the value of fifty thousand dollars or more, the sum of thirty-seven dollars and fifty cents for the first fifty thousand dollars, and twenty-five cents for each additional one thousand dollars or fraction thereof.

Insolvency
fees.

Insolvency.—For filing petition by debtor and all services up to and including final discharge of debtor, including filing claims (except mailing notices to creditors), fifteen dollars. For mailing notices to creditors, for each notice, ten cents. For filing creditors' petition, and all services upon the appointment of a receiver or assignee, five dollars. For filing and entering order appointing receiver or assignee, and all services up to and including final discharge of receiver or assignee, five dollars.

Miscellaneous
fees,
ninth
class.

Miscellaneous.—For taking depositions, per folio, twenty-five cents. For issuing commission to take testimony, one dollar. For certifying to depositions, one dollar. For taking acknowledgment or justifying sureties, each name, fifty cents. For taking and writing testimony of surety, per folio, twenty-five cents. For writing and certifying to copy of any record in his office (including comparing, exclusive of certificate), per folio, twenty cents. For comparing copy of any record in his office (when written by the party), per folio, ten cents. For certifying to copy of any record in his office, fifty cents. For filing and indexing articles of incorporation or certificate of copartnership, one dollar. For filing any paper or instrument, where the fee is not otherwise provided by law, twenty-five cents. For recording any instrument not included in an action or proceeding, per folio, twenty-five cents. For issuing marriage license, including the fee of the Recorder for recording same, two dollars. For registering dental certificate, one dollar. For recording physician's license, fifty cents. For any other services not herein enumerated, such fees as are now or may hereafter be provided by law.

The provisions of this section relating to fees shall take effect and be in force from and after its passage.

Tenth
class.

SEC. 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:

Salaries
of officers.

1. The County Clerk, six thousand one hundred dollars.
2. The Sheriff, nine thousand dollars.

3. The Recorder, eight thousand dollars.
 4. The Auditor, three thousand five hundred dollars.
 5. The Treasurer, three thousand two hundred dollars.
 6. The Tax Collector, six thousand five hundred dollars.
 7. The Assessor, nine thousand dollars.
 8. The District Attorney, five thousand dollars.
 9. The Superintendent of Schools, three thousand dollars.
 10. The Coroner, five hundred dollars.
 11. The Public Administrator, six hundred dollars.
 12. The Supervisors, eight dollars per day, and twenty cents mileage in going from their residences to the county seat.
 13. The Surveyor, such fees as are now or may hereafter be allowed by law.
 14. 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 a sum not exceeding ten dollars.
 15. 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, going one way, in the discharge of the duties of his office, and actual railroad fare for prisoners.
- SEC. 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. The County Clerk, three thousand dollars per annum.
 2. The Sheriff, eight thousand five hundred 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 ten cents per mile for every mile necessarily traveled in the performance of such duty.
 3. The Recorder, two thousand dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amounts shall be paid out of the County Treasury.
 4. The Auditor, two thousand dollars per annum.
 5. The Treasurer, two thousand dollars per annum.
 6. The Tax Collector, five 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 may hereafter 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.
 12. The Surveyor, such fees as are now or hereafter may be allowed by law.
 13. Constables, such fees as are now or hereafter may be allowed by law.

Salaries of officers, tenth class.

Eleventh class.

Salaries of officers.

Salaries of
officers,
eleventh
class.

14. Justices of the Peace, such fees as are now or hereafter may be allowed by law.

15. Supervisors, eighteen hundred dollars per annum for all services required of them as Supervisors and Road Commissioners. The provisions of this subdivision shall take effect January first, eighteen hundred and ninety-five.

16. The fees and compensations of Constables in criminal cases or proceedings to which the people of the State of California are or may be made parties, shall not exceed seventy-five dollars for any one month. All moneys in excess of this sum shall, by said Constable, be paid into the County Treasury, and the provisions of this subdivision shall not in any way be construed to affect present incumbents.

Deputies.

17. The County Clerk may appoint three deputies, who shall receive from the county a salary of one thousand and twenty dollars per annum, each.

18. The District Attorney may appoint one deputy, who shall receive from the county the salary of one thousand five hundred dollars per annum; also, one deputy, who shall receive from the county a salary of twelve hundred dollars per annum.

19. The Recorder may appoint one deputy, who shall receive from the county a salary of twelve hundred dollars per annum.

20. The Superintendent of Schools may appoint one deputy, who shall receive from the county a salary of one thousand and twenty dollars per annum.

21. The Assessor may appoint fourteen deputies for the months of March, April, and May, at a salary of five dollars per day. He may also appoint six deputies for the month of June, at a salary of five dollars per day.

Fees of
County
Clerk,
eleventh
class.

In counties of the eleventh class it shall be the duty of the County Clerk to collect in advance and pay into the County Treasury, in the cases hereinafter mentioned, the following fees, viz.:

1. In all civil actions, and all special proceedings of a civil nature, and for all informations filed by a citizen for the purpose of removing an officer:

(a) From the plaintiff or informer, on the commencement of every such action or proceedings, ten dollars; which shall be in full for all services to be performed by such Clerk to and including the entry, recording, and docketing of the judgment, and making up and filing the judgment roll.

(b) From the defendant in such cases, on his appearance, five dollars; which shall be in full for all like services.

(c) From the moving party, on filing notice of motion, for each motion to vacate or set aside any final order or judgment, except in probate cases, and for each motion for new trial, five dollars; which shall be in full for all services to be performed by such Clerk, to and including the entry of the order finally granting or denying such motion.

(d) From the appellant, on filing any notice of appeal to the Supreme Court from any order, judgment, or decree, ten dollars; which shall be in full for all services to be performed

by such Clerk thereon, to and including the filing of the remittitur from the Supreme Court on such appeal.

Fees of
County
Clerk,
eleventh
class.

2. In the matter of every estate and guardianship:

(a) From the petitioner, on filing each petition for letters testamentary, or of administration, or of guardianship of the person or estate of any minor, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing of the inventory and appraisement in the matter of such estate or guardianship.

(b) Upon the filing of such inventory and appraisement, before any further proceedings are had, the sum of one dollar for each and every thousand dollars of the appraised value of the estate of such minor or decedent; which shall be in full for all services to be performed by such Clerk in the matter of such estate or guardianship, to and including the filing, entry, and recording of the final decree of settlement and distribution therein, or the decree finally partitioning such estate; *provided*, that in all cases where the estate of any decedent shall be summarily distributed in the manner provided by section one thousand four hundred and sixty-nine of the Code of Civil Procedure of this State, ten dollars shall be in full for all services performed therein by such Clerk, to and including the final entry and recording of the decree summarily disposing thereof.

(c) On the filing of every petition for the removal of any executor, administrator, or guardian, or the filing of any objection to the probate of any will or testament, or to the appointment of any administrator, executor, or guardian, or the citation of any executor, administrator, or guardian to appear and answer concerning any matter touching such executorship, administratorship, or guardianship, from the person filing such petition, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing and entry of the order or decree finally determining the same.

(d) From the appellant, on filing any notice of appeal to the Supreme Court from any order or decree made in the matter of any estate or guardianship, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing of the remittitur from the Supreme Court on such appeal.

3. In case of any appeal to the Superior Court, or transfer of any case thereto:

(a) From the appellant, on receipt of any papers or transcript on appeal from any Justice's or inferior Court, the sum of five dollars; which shall be in full for all services of such Clerk, to and including the entry of final judgment, and making and filing of the judgment roll and remitting of any order of dismissal or affirmance required by law.

(b) From the moving party on the filing of the papers in any case transferred to the Superior Court from any Justice's or inferior Court, pursuant to any statute, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the entry of final judgment, and making and

Fees of
County
Clerk,
eleventh
class.

filing of the judgment roll, or the remitting of any order of dismissal or affirmance, or any order remanding such case to any lower Court.

(c) On the filing of the papers in every case for change of venue made to the Superior Court from the Superior Court of any other county, the sum of ten dollars; to be in full for all services to be performed by such Clerk, to and including the entry, recording, and docketing of the final judgment, and making up and filing of the judgment roll.

4. On the filing of any petition in insolvency:

(a) From the person so filing the same, the sum of ten dollars; which shall be in full for all services to be performed by such Clerk in the matter of such insolvency, to and including the order finally determining such matter.

(b) From the appellant, on the filing of any notice of appeal from any order or decree made in the matter of such insolvency, ten dollars; which shall be in full for all services to be performed by such Clerk, to and including the filing of the remittitur from the Supreme Court on such appeal.

5. No fees shall be charged in any criminal case, nor for any service performed upon any writ of habeas corpus, nor against the State or county, nor against any public officer suing in his own name on behalf of the State or county, pursuant to any statute or ordinance; *provided*, that where any action is commenced by such State or county, at the relation of any person not a public officer, the fees herein provided for shall be paid by such relator.

Additional
fees of
County
Clerk,
eleventh
class.

6. In addition to the fees hereinbefore provided for, such Clerk shall charge and collect the following fees:

(a) For the issuance of any execution, order of sale, or any other writ or process subsequent to the entry of judgment, except in the cases mentioned in the last subdivision, one dollar, which shall include the filing of such execution, order, writ, or process on return, and the entry of partial or entire satisfaction thereon.

(b) For the copying of any record or other document or paper, fifteen cents per folio.

(c) For each certificate, except in criminal cases, fifty cents.

(d) For each affidavit not made by a public officer pursuant to any statute, nor in the case of any action or proceeding, nor in pursuance of any registration or election law of this State, fifty cents.

(e) For taking testimony on the justification to any undertaking or bond, or the taking of any deposition, including the certificate thereto, twenty cents per folio.

(f) For taking the acknowledgment to any deed or other writing, one dollar for each person acknowledging the same.

(g) For issuing each marriage license, two dollars and fifty cents.

This Act shall take effect and be in force, so far as it relates to fees collected by the County Clerk, from and after its approval.

Twelfth
class.

SEC. 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. County Clerk, three thousand six hundred dollars per annum. Salaries of officers, twelfth class.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, three thousand two hundred dollars per annum; *provided*, that such Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees: For recording any instrument, notice, or paper 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 to six hundred and forty-nine words, seventy-five cents; from six hundred and fifty words to seven hundred and ninety-nine words, 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 filings 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 or 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 four hundred dollars per annum. Salaries of officers, twelfth class.
5. The Treasurer, two thousand four hundred dollars per annum.
6. The Tax Collector, three thousand 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.

Salaries of officers, twelfth class.

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.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Supervisors, each, the sum of six hundred dollars per annum, and actual mileage, not to exceed in any one year the sum of one hundred dollars. Each Supervisor shall receive for his services as Road Commissioner, twenty cents per mile, one way, for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not receive, in any one year, more than five hundred dollars. This provision, as far as it relates to the compensation of Supervisors as Road Commissioners, shall take effect immediately after the passage of this Act.

Reporter's salary.

The Board of Supervisors may, when requested by the Reporter of the Superior Court and recommended by the Judge thereof, allow such Reporter such monthly salary as may be deemed reasonable, but which shall not be less than sixty dollars (\$60), in lieu of the fees which now are or which hereafter may be allowed him by law as a charge against the county for attendance on said Superior Court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the County Auditor shall not draw his warrant for said salary except the Reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

Thirteenth class.

SEC. 175. In counties of the thirteenth 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 following fees and salaries, to wit:

Salaries of officers.

1. County Clerk, four thousand dollars per annum. And when a new Great Register of voters is ordered, he shall have five hundred dollars additional, which shall be in full for all services required in registering voters.

2. Sheriff, five thousand dollars per annum. The Sheriff shall appoint a jailer to take charge of the branch county jail, at a salary of six hundred dollars per annum, to be paid by the county.

3. Recorder, three thousand dollars per annum.

4. Auditor, two thousand dollars per annum, and six hundred dollars additional for the employment of an assistant.

5. Treasurer, two thousand dollars per annum.

6. Tax Collector, one thousand five hundred dollars per annum. He may also appoint one deputy, at a salary of one thousand dollars per annum, which shall be paid by the county.

7. Assessor, three thousand three hundred dollars per annum. He may appoint one deputy, at a salary of one thousand dollars per annum, to be paid by the county.

8. District Attorney, two thousand five hundred dollars per annum. Salaries of officers, thirteenth class.

9. Public Administrator, one thousand dollars per annum.

10. Coroner, such fees as are now or may hereafter be allowed by law.

11. Superintendent of Schools, one thousand five hundred dollars per annum.

12. Surveyor, such fees as are now or hereafter may be allowed by law.

SALARY OF COURT REPORTER.

The official Court Reporter, for all services required of him in the Superior Court, excepting for transcribing his shorthand notes into long hand, a salary of twelve hundred dollars per annum, to be paid monthly, as the salaries of county officers are paid. For transcribing his notes into long hand when required, twelve and one half cents for each folio, to be paid for, when completed, by the party in a civil action who directs the work to be done, but shall ultimately be taxed as costs in the action. In all criminal trials in the Superior Court where the Judge orders the notes transcribed, the same shall be paid from the County Treasury on order of the Court. When the services of the Reporter are demanded in any civil matter the Clerk shall collect, each day in advance, two dollars and fifty cents per day from each side to the controversy, and shall pay the same into the County Treasury on the first Monday of each month. At the conclusion of the trial or proceeding such Reporter's fees shall be taxed as costs in the same manner that other costs are taxed in such matter, trial, or proceeding.

13. Supervisors, each, seven hundred dollars per annum, without mileage; *provided*, that when required to go on business for the county, other than to attend the meetings of the Board, they shall be allowed their actual and necessary expenses. Supervisors.

14. Justices of the Peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. Each Justice must pay into the County Treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each Justice may receive for his Justices of the Peace.

Salaries of
Constables,
thirteenth
class.

own use such fees as are now or hereafter may be allowed by law, for all services performed by him in civil actions.

15. Constables, the following salaries, which shall be paid monthly as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand five hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand, sixty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each Constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law, for all services performed by him in civil actions.

FEEES OF OFFICERS.

Fees of
officers.

No fee shall be charged by any officer for administering and certifying the oath of office, for swearing pensioners and their witnesses, or filing and recording official bonds. The following fees shall be charged and collected by the officers hereinafter named, for services required to be performed by them by law, and such officers must pay such fees into the County Treasury, except such as they may by law be entitled to retain for their own use and benefit. All fees shall be payable in lawful money:

FEEES OF SHERIFF.

Fees of
Sheriff,
thirteenth
class.

For serving a summons and complaint, on each defendant, one dollar. For serving and levying an attachment or execution on property, executing an order of arrest, or order for the delivery of personal property, two dollars. For serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, three dollars. For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sums as the Court may order; *provided*, that not more than three dollars per day shall be allowed to a keeper. For taking bond or undertaking in any case he is authorized to take the same, one dollar. For copy of any writ, process, or other paper, when demanded, as required by law, for each folio, twenty cents. For serving every notice, rule, or order, one dollar. For advertising property for sale under execution, or under any judgment or order of sale, exclusive of cost of publication, one dollar. For serving a writ of restitution, or putting a person in possession of premises and removing the occupant, three dollars. For serving a subpoena, for each witness summoned, fifty cents. For traveling, to be computed in all cases from the Court-house, to serve any summons and

complaint, or notice, rule, order, subpoena, attachment on property, to levy an execution, to post notice of sale, to execute an order for the delivery of personal property, writ of possession or restitution (*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, one way only, thirty cents. For commissions in receiving and paying over money on execution or other process, when real or personal property has been levied on and sold, on the first one thousand dollars, three per cent; on all sums above that amount, two per cent. For commissions in receiving and paying over money on execution without levy, or when land or goods levied on shall not be sold, on the first one thousand dollars, one and one half per cent, and on all sums over that amount, one per cent. The fees herein allowed for the levy of an execution, costs of advertising, and percentage for making and 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 therein to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, three dollars and fifty cents. For executing a certificate of sale, exclusive of filing and recording the same, one dollar. For summoning a trial jury of twelve persons or less, four dollars. For conveying a prisoner when under arrest, the necessary expenses incurred in transportation. He shall also be allowed for the boarding of prisoners such sum as the Board of Supervisors may deem necessary.

Fees of Sheriff, thirteenth class.

FEES OF COUNTY CLERK SHALL BE:

For issuing marriage license, one half of which shall be paid to the County Recorder, two dollars. For filing articles of incorporation, fifteen cents, and for indexing each name therein, fifteen cents. For filing certificate of copartnership, fifteen cents, and for indexing each name therein, fifteen cents. For all certificates under seal, fifty cents. For issuing each bridge or ferry license, one dollar. For copy of any paper, order, ordinance, or franchise, per folio, twenty cents. For taking acknowledgment, for the first name, fifty cents, and for each additional name to same instrument, twenty-five cents. For searching records or files of each year, except for suitors or their attorneys, fifty cents. For recording papers required to be recorded, when not connected with any suit or proceeding, for each folio, fifteen cents, and for indexing the same, twenty cents. For filing all papers not herein enumerated to be kept by him, ten cents, and for indexing such papers, for each name, ten cents. For issuing each license not herein provided for, one dollar.

Fees of County Clerk, thirteenth class.

Deposit of Clerk's Fee Required.—No fee shall be charged or collected by the Clerk in probate and other civil matters, except as herein provided, and the fees hereinafter allowed shall be in full payment for all services rendered by him in each matter,

Deposit with Clerk.

Deposit
with
Clerk.

action, or proceeding, and no part of such fee shall ever be refunded, but the whole thereof shall be paid by the Clerk into the County Treasury. The fee in all probate matters shall be paid when the inventory and appraisal is filed, and shall be as follows, to wit: In estates valued at two thousand five hundred dollars, or less, five dollars; in estates appraised above two thousand five hundred dollars and less than five thousand dollars, ten dollars; in estates appraised at five thousand dollars and less than ten thousand dollars, fifteen dollars; in estates appraised at ten thousand dollars and less than twenty thousand dollars, twenty dollars; in estates appraised at twenty thousand dollars and less than thirty thousand dollars, thirty dollars; in estates appraised at thirty thousand dollars and less than forty thousand dollars, forty dollars; in estates appraised at forty thousand dollars and less than fifty thousand dollars, fifty dollars; in estates appraised at fifty thousand dollars and less than sixty thousand dollars, sixty dollars; in estates appraised at sixty thousand dollars and less than seventy thousand dollars, seventy dollars; in estates appraised at seventy thousand dollars and less than eighty thousand dollars, seventy-five dollars; in estates appraised at eighty thousand dollars and less than ninety thousand dollars, eighty dollars; in estates appraised at ninety thousand dollars and less than one hundred thousand dollars, eighty-five dollars; in all estates appraised at one hundred thousand dollars and over, ninety dollars.

Fees in
civil
actions,
thirteenth
class.

Fees in Civil Actions and Proceedings.—In all civil actions and proceedings in the Superior Court, the Clerk must require the fee to be paid by the plaintiff or party instituting the proceedings when the action or proceeding is commenced, and by the defendant when he appears, demurs, or answers. Such fees shall be as follows, to wit: In appeals from Justices' Courts, by appellant, five dollars; from the appellee, three dollars. In cases of insolvency, from insolvent or petitioners, fifteen dollars; from any one objecting, five dollars. On the change of venue from any other county, the person on whose behalf the change was made, when the papers are filed, seven dollars; the other party to such action, before trial, five dollars. In all other actions and proceedings not herein enumerated, from the plaintiff or party bringing the proceeding, ten dollars; from the defendant, five dollars. All fees for services when not rendered in connection with any suit or proceeding in the Superior Court, shall be collected by the Clerk at the time the services are rendered. All fees herein allowed shall be paid by the Clerk into the County Treasury on the first Monday of each month, and the Clerk shall designate in his statement to the Treasurer the amount thereof which belongs to the Law Library Fund.

FEEES OF RECORDER.

Fees of
Recorder,
thirteenth
class.

For recording every instrument, paper, or notice, each folio, fifteen cents. For indexing every instrument, paper, or notice, each name, fifteen cents. For copies of any record or paper, each folio, fifteen cents. For every instrument for record, and

making the necessary entries on such instrument, fifteen cents. For each certificate under seal, fifty 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, 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 to, fifty cents. For recording each plat or map, each course, ten cents. For figures or letters on plats or maps, per folio, twenty-five cents; *provided*, that the fees for recording any town plat shall not exceed one hundred dollars. For taking acknowledgment, including seal, first signature, fifty cents; for each additional signature, twenty-five cents. For recording marriage licenses and certificate, to be paid by the Clerk, one dollar. For recording transcript and all other services in estray cases, one dollar. For each mark or brand, one dollar. For administering each oath or affirmation, twenty-five cents. For indexing and keeping each paper not required to be recorded, twenty-five cents. For all services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for similar services.

Fees of
Recorder,
thirteenth
class.

JURORS.

Grand and trial jurors in the Superior Court shall receive two dollars per day; for each mile necessarily traveled in coming from their homes to the Court-house, thirty cents. Jurors excused by the Court for more than two days at one time shall be entitled to the same mileage on their return as on their first appearance. If a juror be excused on his own request before being called into the jury-box on any day, he shall not be entitled to per diem for that day. All allowances to jurors, when to be paid by the county, shall be made by the Court, and shall be certified by the Clerk to the County Auditor, who shall draw his warrant for the amount due each juror according to such certificate, and such warrants shall be paid by the Treasurer out of the General Fund of the county.

Jurors'
fees,
thirteenth
class.

WITNESS' FEES.

Witnesses in criminal cases in the Superior Court shall receive the same per diem and mileage as are now allowed, or may hereafter be allowed, by law to witnesses in civil cases, and shall be paid by the county in the same manner as allowances to jurors; *provided*, witnesses coming from another county shall be entitled to mileage for the distance necessarily traveled within the county where the trial is held; *provided further*, that such witnesses as come from other counties in obedience to a subpoena, shall have their actual and necessary expenses incurred outside of the county, paid.

Witness'
fees,
thirteenth
class.

This section, so far as it relates to Court Reporters, Constables, Justices, jurors, witnesses, and deposit to Clerk for civil and probate cases, shall take effect and be in force from and after its passage.

SEC. 176. In counties of the fourteenth 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:

First—The County Clerk, two thousand five hundred dollars per annum.

Second—The Sheriff, three thousand five hundred dollars per annum. The Sheriff shall also receive for his own use and benefit, the fees, commissions, and mileage for the service of all papers whatsoever issued by any Court of the State outside of his county.

Third—The Recorder, two thousand dollars per annum.

Fourth—The Auditor, six hundred dollars per annum.

Fifth—The Treasurer, two thousand dollars per annum.

Sixth—The Tax Collector, fifteen hundred dollars per annum.

Seventh—The Assessor, two thousand five hundred dollars per annum; *provided*, that the Assessor may appoint four deputies for the months of March, April, May, and June of each year, at a salary of one hundred dollars per month each, payable in the same manner and at the same times that the salary of the Assessor is paid.

Eighth—The District Attorney, two thousand dollars per annum.

Ninth—The Coroner, such fees as are now or may hereafter be allowed by law.

Tenth—The Public Administrator, such fees as are now or may hereafter be allowed by law.

Eleventh—The Superintendent of Schools, eighteen hundred dollars per annum, and his necessary traveling expenses in visiting the various schools within his county, not to exceed four hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.

Twelfth—The Surveyor, such fees as are now or may hereafter be allowed by law.

Thirteenth—Justices of the Peace, such fees as are now or may hereafter be allowed by law.

Fourteenth—Constables, such fees as are now or may hereafter be allowed by law.

Fifteenth—Supervisors, nine hundred dollars per annum, which shall be in full compensation for all services rendered as Supervisor or Road Commissioner, including mileage.

The following fees are allowed to the officers hereinafter named, for the performance of services required of them by law, as hereinafter 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 by law is entitled to receive the fees collected for his own use and benefit. All fees shall be paid in gold or silver coin of the United States:

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 ten dollars, to cover costs to time of judgment, and from the defendant, three 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 sums 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 of the subsequent proceedings, for the first folio, fifty cents; for each subsequent folio, twelve 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, ten cents. For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, twenty cents. For calling and swearing every jury on voir dire, fifty cents. For calling and swearing every jury to try cause, fifty cents. For receiving and entering each verdict of a jury, fifty 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-five cents. For entering satisfaction or credit on judgment docket, fifty cents. For administering every oath or affirmation, and certifying the same, twenty-five cents. For copy of any proceeding, record, or paper, per folio, fifteen cents. For every certificate under seal, fifty 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, and taking justification thereto, fifty cents. For taking testimony on justification to undertaking or bond, 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, fifteen cents. For filing and entering papers on transfer of cases from other Courts, including indexing, two dollars. For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, two dollars. For searching records or files of each year, except

Fees of
County
Clerk,
fourteenth
class.

Fees of
County
Clerk,
fourteenth
class.

for suitors or their attorneys, twenty-five cents. For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents. For writing and posting each notice required, twenty-five cents. For recording papers required by law to be recorded, for each folio, fifteen cents; for indexing same, ten cents. For issuing each marriage license, one half to be paid to the County Recorder, two dollars. For recording the testimony and commitment upon the 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, twenty-five cents; for indexing same, for each name, twenty-five cents. For issuing any license required by law, one dollar. For all service 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, five 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, twenty dollars; estates of over fifty thousand dollars, thirty dollars. For all services in the estates and guardianship of minor heirs, the same fees as are allowed in the estates of deceased persons. 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.

FEEES OF RECORDER.

Fees of
Recorder,
fourteenth
class.

For recording every instrument, paper, or notice, for each folio, twelve cents. For indexing every instrument, paper, or notice, ten cents for each name indexed. For copies of any record or paper, per folio, twelve cents. For filing every instrument for record and making the necessary entries thereon, twenty-five cents. For each certificate under seal, fifty 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, fifty cents. For searching records or files in his office, for each year, when required, fifty cents. For abstracts of title, for each conveyance or incumbrance certified, fifty cents. For recording every plat or map, for each course, six 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 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 all other services in estray cases, seventy-five cents. 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, fifty cents. For all other services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for like services. All fees and charges received or collected by such Recorder shall belong to and be the property of the county, and paid into the treasury thereof, except fees received by him for all copies or certified copies of any record or file of his office, which fees for such copies or certified copies he shall collect and receive for his own use or benefit. He shall also receive from the county for making abstract of mortgages, deeds of trust, contracts, or other obligations by which debts are secured on real estate, for the Assessor, as required by law, ten cents for each mortgagee or grantee, which shall be full compensation for making such abstract. From and after the passage of this Act he may also appoint such copyists as are necessary to properly perform the duties of his office, at a compensation not to exceed six cents per folio for each and every folio copied, and the Auditor shall draw his warrant monthly in favor of such copyists, upon an affidavit filed by each copyist so employed, verifying the number of folios copied by him, to which verified statement shall be attached a certificate of the Recorder that it is correct; *provided*, that whenever such copyist is appointed that a notice of such appointment must be immediately filed with the Auditor of a county; *and provided further*, that such appointment must be filed with the Auditor before he can draw any warrant in favor of such copyist.

Fees of
Recorder,
fourteenth
class.

FEES OF THE SHERIFF.

For serving a summons or complaint, or any other process by which an action or proceeding is commenced, on every defendant, one dollar. For traveling in making such service, per mile, in going only, to be computed in all cases from the Court-house of the county, thirty cents; *provided*, that if any two or more papers required to be served in the same suit at the same time, and in the same direction, one mileage only shall be charged. For taking bonds or undertaking in any case in which he is authorized to take the same, one dollar. For copy of writs, process, or other paper when demanded by law, for each folio, twenty cents. For serving every notice, rule, or order, fifty cents. For serving a subpoena, for each witness summoned, fifty cents. In traveling, per mile, in serving each subpoena or venire, in going only (but when two or more witnesses or jurors live in the same direction traveling shall be charged only for the most distant), thirty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, and with traveling fees as on a summons, one dollar and fifty cents; but no traveling fee shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may

Fees of
Sheriff,
fourteenth
class.

Fees of
Sheriff,
fourteenth
class.

be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. For serving an attachment on any ship, boat, or vessel, or proceeding to enforce any lien thereon created by law, one dollar and fifty cents. For making and posting notices and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in newspaper, one dollar. For commissions for receiving or paying over money on execution or process when lands or personal property has been levied on, advertised, and sold, on the first one thousand dollars, two per cent, and all sums above that amount, one per cent. For commissions for receiving or paying over money on execution without levy, or when the lands or goods levied on shall not be sold, two per cent on the first thousand dollars, and one per cent on all over that sum. The fees herein allowed for the levy of an execution, and for advertising, or making or collecting the money on an execution shall be collected from the defendant by virtue of such execution in the same manner as the sum therein directed to be made. For drawing and executing every Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, three dollars. For serving a writ of possession or restitution, putting any person entitled into possession of premises and removing the occupant, five dollars. For travel in the service of any process not hereinbefore mentioned, for each mile necessarily traveled, in going only, thirty cents. He shall also be allowed such further compensation for his trouble and expense in taking possession of property under attachment, or execution, or other process and of preserving the same, as the Court from which the writ or order may issue shall certify to be just and reasonable. For all services in Justices' Courts, the same fees as are allowed to Constables in like cases. The Sheriff shall be entitled to the actual expenses incurred by him while traveling on criminal business outside of the county, other than the conveyance of prisoners to the State Prison. 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.

FEEES OF JUSTICES OF THE PEACE.

Fees of
Justices of
the Peace.

For all services required to be performed by him before trial, two dollars. For each writ of attachment or replevin, two dollars. For the trial of all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, and issue of execution thereon, three dollars. For each hour actually occupied by the trial of each cause, twenty-five cents. In all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars. For certificate and papers of appeal, one dollar. For copies of papers or docket, per folio, fifteen cents. For issuing a search warrant, to be paid by the

party demanding the same, fifty cents. For celebrating a marriage and returning a certificate thereof to the County Recorder, three dollars. For taking depositions, per folio, fifteen cents. For administering an oath and certifying the same, twenty-five cents. For issuing a commission to take testimony, fifty cents. 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 the posting of estrays, including the transcript for the Recorder, two dollars. In all cases before Justices of the Peace, when the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two 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. All fees of Justices of the Peace, including those on trial and those on appeal, must be paid before the Justice shall be compelled to forward any papers on appeal. For all services appertaining to the Coroner's office, which the Coroner is unable to attend to, the Justice of the Peace shall receive the same fees as are allowed the Coroner for similar services.

Fees of
Justices of
the Peace,
fourteenth
class.

Criminal Cases.—For all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars. When the actual trial or examination of a criminal case shall exceed six hours, fifty cents per hour for each additional hour actually engaged in the trial or examination.

Fees in
criminal
cases.

CONSTABLES' FEES.

For summoning a jury before a Justice of the Peace, including mileage, two dollars. For making sale of estrays, the same fees as for sales on execution. For serving summons in civil cases, for each defendant, fifty cents. For traveling in making such services, per mile, in going only, thirty cents; *provided*, that if any two or more papers are required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged. For taking bonds or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any paper when demanded or required by law, per folio, twenty cents. For serving a subpoena, for each witness, fifty cents. For serving a notice, rule, or order, fifty cents. For traveling, per mile, for serving extra venire or subpoena (but when two or more live in the same direction, fees shall be charged only for the most distant), thirty cents. For serving an attachment, for levying an execution, for executing an order of arrest, for executing an order for delivery of personal property, one dollar and fifty cents, and mileage, if the same does not accompany summons. For making and posting notices of sale and advertising property for sale on execution or order of sale, one dollar. Commission for receiving or paying over money on execution or process, when property has been sold on process, first one thousand dollars, two per cent; over,

Constables'
fees, four-
teenth
class.

one per cent. . For drawing or executing a deed, three dollars. Grantee pays for this and also acknowledgment of same. For traveling in service of any process not mentioned, in going only, thirty cents.

Fees in
criminal
cases.

Criminal Cases.—Subpœnaing witnesses, twenty-five cents. Arresting prisoner, two dollars. Mileage going to make an arrest, in going only, twenty cents. Mileage taking prisoner to Court from place of arrest, in going only, twenty cents. Mileage taking prisoner from place of arrest, in going only, twenty cents. Mileage taking prisoner from jail to Court, in going only, twenty cents. Summoning jury in Justice's Court, including mileage, two dollars; for each additional juror on extra venire, including mileage, twenty cents. Mileage subpœnaing witnesses, twenty cents. Mileage when more than one prisoner is taken at the same time, for each additional prisoner, fifteen cents. Only one mileage is to be charged per day for taking prisoner from prison and before Court or magistrate. In serving subpoena or venire, when two or more jurors live in the same direction, mileage is to be charged only for the most distant. Constables shall not make any arrest or serve any paper in a criminal case on any person outside of their own county, without first obtaining the written consent and order of the District Attorney of their county to do and perform such service as aforesaid.

FEEES OF CORONER.

Fees of
Coroner,
fourteenth
class.

For summoning a jury of inquest, two dollars. For swearing a jury, forty cents. For issuing subpoenas, twenty-five cents for each witness. For issuing a warrant of arrest, forty cents. For each mile necessarily traveled in going to the place of the dead body, twenty cents. For swearing each witness, twelve cents. For taking down testimony, per folio, twelve cents.

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 that purpose, at the same compensation as is now allowed to stenographers in the Superior Court of this State; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of the witness or witnesses giving such testimony; *provided*, that such stenographer shall receive twelve cents a folio for transcribing such testimony, and in such case the Coroner shall receive no fee for the taking down or transcribing of such testimony.

FEEES OF PUBLIC ADMINISTRATOR.

Fees of
Public
Admin-
istrator.

The Public Administrator shall receive four per cent of the amount of each estate administered upon by him, which percentage shall be the only compensation allowed for his services.

The provisions of this Act respecting the fees of County Clerk, Recorder, Sheriff, County Surveyor, Coroner, Public Administrator, Justices of the Peace, and Constables of counties of the fourteenth class, shall take effect immediately.

SEC. 177. In counties of the fifteenth class, the county officers shall receive as compensation for the services required of them by law, the following salaries: Fifteenth class.

1. The County Clerk, three thousand six hundred dollars per annum. Salaries of officers.

2. The Sheriff, four thousand five hundred dollars per annum. The Sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions, and 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 six 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, one thousand five hundred dollars per annum.

7. The Assessor, three thousand dollars per annum.

8. The District Attorney, one thousand eight 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 six hundred and fifty dollars per annum.

12. The Surveyor, such fees as are now or hereafter may 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 hereafter may be allowed by law.

15. The Supervisors, each the sum of six dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat at each session of the Board, but not to exceed in the aggregate six hundred dollars per annum, exclusive of mileage.

SEC. 178. In counties of the sixteenth 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: Sixteenth class.

1. The County Clerk, three thousand six hundred dollars per annum. Salaries of officers.

2. The Sheriff, seven 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, two thousand five hundred dollars per annum.

4. The Auditor, one thousand five hundred dollars per annum.

5. The Treasurer, two thousand four hundred dollars per annum.

Salaries
of officers,
sixteenth
class.

6. The Tax Collector, one thousand five hundred dollars per annum.

7. The Assessor, four thousand dollars per annum.

8. The District Attorney, two thousand four hundred 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 may be hereafter 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 be hereafter allowed by law.

13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, or Road Commissioners, nine hundred dollars each per annum, and mileage when acting as Road Commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year. The Board of Supervisors may, when requested by the Official Reporter of the Superior Court, and recommended by the Judge thereof, allow such Reporter such monthly salary as may be deemed reasonable, but which shall not be less than (\$50) fifty dollars, in lieu of the fees which now are or which hereafter may be allowed him by law, as a charge against the county for attendance on said Superior Court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the County Auditor shall not draw his warrant for said salary, except the Reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

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 by law is 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.

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 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 boat, ship, 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 bonds 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 notices 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 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, one per cent; on all sums above that amount, one half of 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 half of one per cent, and one fourth 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 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.

Fees of
Sheriff,
sixteenth
class.

FEES OF COUNTY CLERK.

Fees of
County
Clerk,
sixteenth
class.

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 ten dollars, to cover costs to time of judgment, and from the defendant, three 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 sums 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 of the subsequent proceedings, for the first folio, fifty cents; for each subsequent folio, twenty-five 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, fifty cents. For filing each paper, twenty-five cents. For entering every motion and order, rule, default, discontinuance, dismissal, or nonsuit, fifty cents. For calling and swearing every jury on voir dire, fifty cents. For calling and swearing every jury to try cause, fifty cents. For receiving and entering each verdict of a jury, fifty cents. For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents. For 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, fifty cents. For administering every oath or affirmation, twenty-five cents. For certifying the same, twenty-five cents. For copy of any proceeding, record, or paper, per folio, twenty cents. For every certificate under seal, fifty cents. For issuing every commission to take testimony, one dollar. For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), twenty-five 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, twenty-five cents. For receiving and filing every remittitur from Supreme Court, and accompanying papers, one dollar. For taking and approving each undertaking or bond, fifty cents. For taking justification thereto, fifty cents. For taking testimony on justification to undertaking or bond, for each folio, twenty-five 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, twenty cents. For filing and entering papers on transfer of cases from other Courts, three dollars. For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, two dol-

lars. 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 and fifty cents. For writing and posting each notice required, fifty cents. For each notice for publication, in addition to the cost of publication, fifty cents. For recording papers required by law to be recorded, for each folio, twenty-five 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, twenty-five cents. For filing all papers to be kept by him not required to be recorded, twenty-five cents; for indexing same, for each name, twenty-five 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 fifteen hundred dollars or less, three 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 fifteen cents for each paper filed, and twenty-five 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 two dollars, 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. The provisions of this Act respecting the fees of County Clerk shall take effect immediately.

Fees of
County
Clerk,
sixteenth
class.

FEEES OF RECORDER.

For recording every instrument, paper, or notice, for each folio, twenty cents. For indexing every instrument, paper, or notice, twenty-five cents for each name indexed. For copies of any record or paper, per folio, twenty cents. For filing every instrument for record, and making the necessary entries thereon, twenty cents. For each certificate under seal, fifty 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, fifty cents. For searching records or files in his office, for each year, when required, fifty cents. For

Fees of
Recorder.

Fees of
Recorder,
sixteenth
class.

abstracts 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, fifty 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 stray cases, one dollar. For recording each mark or brand, seventy-five 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, fifty 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. The provisions of this Act respecting the fees of County Recorder shall take effect immediately.

FEEES OF CORONER.

Fees 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 JUSTICES OF THE PEACE.

Fees of
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 warrants, 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 of 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 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 transmitting the transcript and papers, shall receive, in addition 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.

Fees of
Justices of
the Peace,
sixteenth
class.

FEES OF CONSTABLES.

For serving summons in civil cases, for each defendant, fifty cents. For summoning a jury before a Justice of the Peace, 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. In all criminal cases: For making every arrest, two dollars and mileage. For summoning a jury of twelve persons or less, two dollars and mileage. For serving a subpoena, fifty cents for each person so served. For every mile necessarily traveled in executing any warrant of arrest, serving subpoena, bringing up a prisoner on habeas corpus, taking a prisoner to jail by order of any Court (*provided*, that when, in the same action, any two or more persons are served at the same time, or in the same direction, but one mileage shall be charged to the most distant point), thirty cents per mile, going only. For conveying a person when under arrest, the necessary expense actually paid for transporting. The provisions of this Act respecting the fees of Constables shall take effect immediately.

Fees of
Constables.

FEES OF INTERPRETERS.

Fees of interpreters.

Interpreters and translators shall be allowed such compensation for their services as the Courts shall allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

FEES OF WITNESSES AND JURORS.

Fees of witnesses and jurors.

Each person subpoenaed as a juror, or a witness in behalf of the people, whether before the Superior Court, grand jury, referee, or commissioner, shall be entitled to pay at the rate of two dollars per day for each day's attendance; and for mileage, at the rate of twenty-five cents per mile necessarily traveled, in going only. No person shall be obliged to testify in a civil action unless his fees shall have been paid, or tendered, or shall not have been demanded at the time he was subpoenaed. No fees shall be allowed to any witness in any criminal action or proceeding, on the part of the defendant, except in a Court of record, or before a grand jury, and then only upon the certificate and order of the Judge of the Superior Court, who shall first be satisfied, by the oath or affidavit of the witness, that he resides out of the county, or that he is so poor as not to be able to bear his own expense. Each person who is subpoenaed to serve as a witness or juror in a civil case before a Justice of the Peace or Superior Court shall receive two dollars per day for each day actually in service as such witness or juror, and also twenty-five cents for each mile traveled, in going only.

FEES OF PUBLIC ADMINISTRATORS.

Fees 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.

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 OTHER FEES ALLOWED.

No other 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.

When fees are payable.

TABLE OF FEES.

Every officer herein specified shall prepare and set up in his office a plain table of 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, upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered, with cost, by any person, before any Justice of the Peace of the same county.

Table of fees.

EXECUTION FOR FEES.

If any Clerk, Sheriff, Justice of the Peace, or Constable shall not receive 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.

Execution for fees.

COST 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.

Costs of publication.

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,

Folio.

and when there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

MILEAGE.

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.

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 refuses or neglects 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.

Oaths. 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.

Completion of 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 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 service, which may be recovered in any Court of competent jurisdiction.

NO OTHER COMPENSATION.

No other compensation. None of the officers mentioned in this Act shall receive any other compensation whatever, for any service that is now or may be hereafter required of them in the discharge of their respective offices.

FEE BOOK.

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 service 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 NEGLIGENCE.

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. Penalty for neglect.

SEC. 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 dollars per annum. Salaries of officers.
2. The Sheriff, four thousand five hundred dollars per annum.
3. The Recorder, two thousand four hundred dollars per annum.
4. The Auditor, five 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, 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, five hundred dollars per annum, and ten cents per mile mileage in traveling to and from their respective residences to the county seat.
16. All persons residing in the counties of the seventeenth class, attending as witnesses before the Superior Court in criminal cases, shall be paid by the County Treasurer, upon the order of the Judge of the Superior Court, the sum of one dollar and fifty cents per day for the time actually in attendance, and mileage at the rate of ten cents per mile, one way only. The District Attorney may show, by competent evidence, that a

witness was not subpoenaed in good faith, and the rules of Court and practice in civil actions relating to striking out cost bills and the items therein shall apply; and if the Court should find that a witness was not subpoenaed in good faith and for the purpose of giving material testimony, no compensation whatever shall be given such witness.

Eighteenth class.

SEC. 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:

Salaries of officers.

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 may be hereafter 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, for all services required of him by law, or by virtue of his office, the sum of six 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.

Nineteenth class.

SEC. 181. In counties of the nineteenth class, the county officers shall receive as compensation for all services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries of officers.

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.

Salaries of
officers,
nineteenth
class.

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.
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; *provided, however*, that there shall be and there hereby is allowed to the County Clerk one Deputy County Clerk, at a salary of five hundred dollars per annum; *provided further*, that there shall be and there hereby is allowed to the County Recorder one Deputy County Recorder, at a salary of five hundred dollars per annum. Said Deputy County Clerk and Deputy County Recorder shall be appointed by the Board of Supervisors, and their salaries shall be paid in equal monthly installments out of the same fund and in the same manner as other county officials are paid.

Sec. 182. In counties of the twentieth class, the officers shall receive as compensation for the services required of them by law, or by virtue of their office, or as ex officio officers, the following salaries, to wit:

Twentieth
class.

1. County Clerk, four thousand dollars per annum. The County Clerk and ex officio Clerk of the Superior Court shall collect and pay in to the County Treasurer, for the use and benefit of the county, the following fees, to wit: For services performed by him on the commencement of an action or proceeding, including the filing and indexing of all papers or including the rendition, entry, and docketing of judgment, five dollars (\$5). For issuing each execution or final process, fifty cents (50). For each day engaged in a jury trial, two dollars and fifty cents (\$2 50). For filing, indexing, and entering papers

Salary of
Clerk.

Fees of
Clerk.

Fees of
Clerk,
twentieth
class.

on transfer of papers from other Courts, up to and including the rendition, entry, and docketing of judgment, three dollars (\$3). For administering and certifying oaths or other papers, except oaths administered during the trial to jury and witnesses, and to claimants to bills against counties, fifty cents (50). For taking and certifying depositions, per folio, ten cents (10). For taking acknowledgments, one dollar (\$1); and for each name above one, fifty cents (50). For services performed in cases appealed from Justices' Courts, up to and including the rendition, entry, and docketing of judgment, three dollars (\$3). For filing, docketing, and issuing execution on transcript of judgment from other Courts, one dollar (\$1). For filing execution on returns and satisfying judgment, fifty cents (50). For copies of all papers, exclusive of certificate, per folio, ten cents (10). For filing and indexing articles of incorporation, two dollars (\$2). For filing and indexing certificates of copartnership, one dollar (\$1). For issuing marriage license, two dollars (\$2). For filing any paper other than herein provided for, ten cents (10). For comparing copies of papers or transcripts when not prepared by Clerk, per folio, two cents (2). For filing the papers and issuing letters of administration, or guardianship, or special administration in any case, two dollars (\$2). 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 (\$1,000), no further fees shall be charged; where the value of the estate does not exceed one thousand five hundred dollars (\$1,500), an additional three dollars (\$3); where the value of the estate does not exceed three thousand dollars (\$3,000), five dollars (\$5); and for each additional one thousand dollars (\$1,000) in value above three thousand dollars (\$3,000), and not exceeding ten thousand dollars (\$10,000), one dollar (\$1); and for each one thousand dollars (\$1,000) in value of all estates of ten thousand dollars (\$10,000) as shown by the inventory, to be collected by the Clerk upon the filing of the inventory, two dollars (\$2) for each one thousand dollars (\$1,000).

Salary of
Sheriff.

2. Sheriff, five thousand five hundred (\$5,500) dollars per annum. The Sheriff shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each person, fifty cents (50). For levying an attachment on property, or levying an execution or order for the delivery of personal property, fifty cents (50). For the trouble and expense of taking and keeping possession of and preserving and moving property under attachment, execution, or other process, such sum as the Court may order; *provided*, that no more than two dollars and fifty cents (\$2 50) per diem shall be allowed to a keeper. For serving any notice, rule, or order, fifty cents (50). For advertising property for sale on execution or other process, the cost paid by him for publication. For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, one dollar (\$1). For

Fees of
Sheriff.

serving a subpoena, on each witness, fifteen cents (15). For traveling to serve any paper, for each mile necessarily traveled, in going only, to place of service, per mile, twenty cents (20); *provided*, that if any two or more papers be required to be served 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 commissions for receiving and paying over money on execution or other process, on the first one thousand dollars (\$1,000), one per cent, and all above that sum, one half per cent. For drawing and executing a Sheriff's deed, to include the acknowledgment, two dollars (\$2). For executing a certificate of sale, exclusive of the filing and recording, fifty cents (50).

Fees of Sheriff, twentieth class.

3. Recorder, two thousand five hundred dollars (\$2,500) per annum. The Recorder shall collect and pay in to the County Treasurer, for the use and benefit of the county, the following fees, to wit: For recording any document, for each folio, eight cents (8). For copies of any document, for each folio, eight cents (8). For indexing every document, per name, five cents (5). For any certificate under seal, fifty cents (50). For every entry of satisfaction of mortgage on the margin of the record, twenty-five cents (25). For searching records and files of his office, for each year, five dollars (\$5). For taking and certifying acknowledgments, one dollar (\$1) for first name, and for each additional name, fifty cents (50). For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents (25). For recording each mark or brand, fifty cents (50). For administering and certifying oaths, each, fifty cents (50). For recording marriage license, nothing.

Salary of Recorder.

Fees.

4. Auditor, one thousand eight hundred dollars (\$1,800) per annum, and one clerk at a monthly salary of not exceeding fifty dollars (\$50).

Salaries of officers, twentieth class.

5. Treasurer, one thousand eight hundred dollars (\$1,800) per annum.

6. Tax Collector, two thousand dollars (\$2,000) per annum.

7. Assessor, four thousand dollars (\$4,000) per annum.

8. District Attorney, one thousand five hundred dollars (\$1,500) per annum.

9. Coroner, such fees as are allowed by law.

10. Public Administrator, such fees as are allowed by law.

11. School Superintendent, one thousand five hundred dollars (\$1,500) per annum.

12. Surveyor, such fees as are allowed by law.

13. Justices of Peace, such fees as are allowed by law.

14. Constables, the same fees as are herein directed to be collected by the Sheriff for like services, and as follows, to wit: For summoning a jury, one dollar (\$1). For making an arrest in criminal cases, two dollars (\$2). For traveling to serve any paper, document, warrant of arrest, or process, for each mile necessarily traveled, in going only, to place of service, twenty (20) cents; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged to the most distant point to

Fees of Constables.

complete said service. No other fees or allowances shall be allowed.

Super-
visors.

15. Supervisors, five hundred dollars (\$500) per annum, and mileage at the rate of ten cents (10) per mile in traveling to and from his residence to county seat; *provided*, that no more than one mileage for one session of the Board shall be allowed, and the additional sum of two hundred dollars (\$200) each per annum, for their services as Road Commissioners.

Jurors.

16. Grand and trial jurors shall receive two dollars (\$2) per day for attendance upon all Courts of record, and ten cents (10) mileage per mile, one way, from the place of their residence to the county seat. Jurors and witnesses in civil cases, in Justices' Courts, shall receive the same compensation and mileage as in Courts of record.

The provisions of this section, so far as it relates to fees, shall be in effect from and after the passage of this Act.

Twenty-
first class.

SEC. 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:

Salary and
fees of
Clerk.

1. The County Clerk, two thousand five hundred dollars per annum. The County Clerk shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: Upon the commencement of any action or proceeding, except probate and insolvency proceedings, criminal actions, and cases where the county is plaintiff or petitioner, the Clerk shall collect from the party instituting the suit, the sum of five dollars, which sum shall be in full for all services to and including entry and docketing of judgment, except for certified copies of papers, and per diem. For issuing execution or other final process, fifty cents. For each day's attendance on the Court when engaged in the trial of a cause (one half to be paid by each party, and taxed as costs), three dollars; *provided*, that where more than one cause is tried on the same day, or less than one day consumed in the trial of any cause, the Court may apportion the amount to be paid. For copies of any record, proceeding, or paper, ten cents per folio. For comparing copies of any record, proceeding, paper, or transcript, where not prepared by Clerk, for each folio, two cents. For each certificate, fifty cents. For taking justification of surety on bond or undertaking, twenty-five cents per name. For each affidavit, fifty cents; *provided*, that no fee shall be charged for affidavit or certificate to claim for United States pension, nor to claim against the county, nor for administering oath of office. For all services performed in any cause transferred from another Court, or in any cause appealed from Justices' Court, the same fees as in an action commenced in the Superior Court. For taking depositions, twenty cents per folio. For taking acknowledgments, fifty cents per name. For filing and docketing transcript of judgment, one dollar. For satisfying or crediting judgment, fifty cents. For filing articles of incorporation, one dollar. For indexing articles of incorporation, fifteen cents per name. For filing and indexing certificate of copartnership, one

dollar. For issuing marriage license, two dollars. For searching records or files, except for litigants or attorneys, for each year, fifty cents. For filing remittitur from Supreme Court, one dollar. For filing papers, and all services in probate cases, to and including issuance of letters testamentary, administration, guardianship, or of special administration, in any case, two dollars. For all other services in probate cases, to and including the final settlement of the case where the estate does not exceed one thousand dollars, no further fee shall be charged; but for each additional thousand dollars, or fractional part thereof, not exceeding ten thousand dollars, one dollar; and for each one thousand dollars in value of all estates of ten thousand dollars and upward, two dollars, to be determined by the inventory and appraisement returned, and collected upon the filing thereof. In insolvency proceedings the Clerk shall collect from the petitioner in voluntary insolvency, upon filing his petition, as follows: If the liabilities do not exceed one thousand dollars, ten dollars; if the liabilities exceed one thousand dollars and are less than five thousand dollars, fifteen dollars; if the liabilities exceed five thousand dollars, one dollar for each thousand dollars, or fractional part thereof above five thousand dollars, the amount to be determined by the schedule of indebtedness filed by the petitioner. In involuntary insolvency the Clerk shall collect five dollars, and the same fees as in voluntary insolvency, to be paid by the assignee out of the estate, in preference to all other expenses and claims; *provided*, that if the insolvent shall, in involuntary insolvency, petition for his discharge, the Clerk shall collect, upon filing such petition, the sum of ten dollars; and *provided further*, that no cost of publication shall be paid out of the fees above specified. In all cases the Clerk shall collect, in addition to the fees hereinabove specified, the sum of one dollar for the County Law Library Fund.

Salary and
fees of
Clerk,
twenty-
first class.

2. The Sheriff, six thousand dollars per annum. The Sheriff shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, for each person served, fifty cents. For levy of attachment, execution, or order for delivery of personal property, one dollar. For serving every notice, rule, or order, fifty cents. For advertising property for sale under execution or other process, the cost of publication. For serving a writ of possession or restitution, two dollars. For serving subpoena, for each witness, twenty-five cents. For traveling to serve any paper, for each mile necessarily traveled, in going only, to the place of service, twenty cents; *provided*, that if any two or more papers be required to be served 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 commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all above that sum, one half of one per cent. For all copies, ten cents per folio. For comparing copies not prepared by Sheriff,

Salary and
fees of
Sheriff.

Salary and fees of Sheriff, twenty-first class. for each folio, two cents. For drawing and executing a Sheriff's deed, to include the acknowledgment, two dollars and fifty cents. For executing a certificate of sale, exclusive of filing and recording, one dollar.

In addition to the salary hereinabove provided, the Sheriff shall collect and retain, as compensation for his own use, as follows: For expense in taking and keeping possession of and preserving and moving property under attachment, execution, or other process, such sum as the Court shall order; *provided*, that not more than two dollars per day shall be allowed for a keeper's fee. For serving any warrant of arrest, two dollars. For every mile necessarily traveled, in going only, in executing any warrant of arrest, twenty cents per mile. For taking prisoner before magistrate or to jail, the actual cost of transportation; *provided*, that all fees in criminal cases shall be a county charge, and presented to the Board of Supervisors for their allowance, and paid upon their order.

Salary and fees of Recorder. 3. The Recorder, two thousand eight hundred dollars per annum. The Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: For recording every instrument, paper, notice, or document, fifteen cents per folio. For indexing, ten cents per name. For copy of any record or document, fifteen cents per folio. For each certificate under seal, fifty cents. For satisfying mortgage on margin of record, twenty-five cents. For searching records and files in his office, for each year, one dollar. For abstracts of title, for each conveyance or incumbrance certified, one dollar, and for each year one dollar. Comparing copy of any paper or any document when not made by Recorder, two cents per folio. For recording every plat or map, for each course, five cents. For figures and letters on plats or maps, per folio, fifty cents. For taking and certifying acknowledgments, fifty cents per name. For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents. For recording each mark or brand, fifty cents. For recording transcript and all other services in stray cases, one dollar. For recording transcript of judgment, fifty cents. No fee shall be charged for recording official bonds.

Salaries of officers. 4. The Auditor, fifteen hundred dollars per annum. 5. The Treasurer, one thousand five hundred dollars per annum.

6. The Tax Collector, one thousand five hundred dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum.

8. The District Attorney, one thousand five hundred dollars per annum.

9. The Coroner, such fees as now are 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 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 shall be allowed to charge and collect for their own use the following fees, and no more: In each civil case of the plaintiff upon filing his complaint, the sum of three dollars, which shall be in full for all services in the case, to and including entry of final judgment in the docket. For copy of any paper, docket, or order, per folio, ten cents. For each certificate, twenty-five cents. For entering satisfaction of, or credit on judgment, twenty-five cents. For issuing execution or other final process, twenty-five cents. For making up and transmitting papers on appeal, one dollar. For all services in posting estrays, one dollar. In cases where the venue shall be changed, the Justice to whom the cause is transferred shall be entitled to charge and receive the sum of three dollars, to be paid by the moving party. In services pertaining to the Coroner's office, the same fees as the Coroner. For celebrating marriage and returning certificate thereof to the Recorder, five dollars. For service in any criminal case, whether on examination or trial, each case, three dollars; *provided*, that no Justice of the Peace shall receive more than one hundred and twenty-five dollars in any one month for service in criminal cases, and the affidavit to his claim against the county shall so state.

Fees of
Justices of
the Peace.

14. Constables shall be allowed to charge and collect, for their own use, fees as follows: For summoning a jury of twelve or less, one dollar; for each additional jurymen, ten cents. For making sales of estrays, the same fees as for sales on execution. For traveling to serve any warrant of arrest, summons, notice, rule, order, or subpoena, for each mile necessarily traveled, in going and returning, fifteen cents per mile; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged, to the most distant point to complete such service and return. For taking prisoner before a magistrate or to jail, the actual cost of transportation; *provided*, that in no case shall a Constable, together with his deputies, receive for services in vagrancy cases, for any one month, an amount in excess of the sum of thirty dollars; *and provided further*, that no Constable shall receive, together with his deputies, for services in criminal cases for any one month, an amount in excess of the sum of one hundred and twenty-five dollars, and his claim against the county shall so state. For all other services, the same fees as are allowed the Sheriff for like services.

Constable.

15. Supervisors, five hundred dollars each per annum, and twenty cents per mile for each mile necessarily traveled, in going only, from his residence to the county seat, and the additional sum of one hundred dollars each per annum for their services as Road Commissioners.

Supervisors.

16. All shorthand reporters appointed by magistrate to take down the testimony and proceedings in threatened offenses, and at the preliminary examination of parties charged with offenses triable in the Superior Court, must present their claims for such services to the Board of Supervisors; and no Justice of the Peace

Shorthand
reporters.

or magistrate shall have the authority to draw an order upon the County Auditor for a warrant for such services. Such reporter shall be entitled to compensation as follows: For each day's service in taking down testimony and proceedings, ten dollars; for each folio of transcribed testimony and proceedings, twenty cents.

17. This section shall take effect immediately, except such provisions as affect the salaries of the present incumbents.

Twenty-second class.

SEC. 184. In counties of the twenty-second 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 following fees and salaries, to wit:

Salaries of officers.

1. The County Clerk, three thousand seven 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 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 may hereafter 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 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, such fees as are now or may hereafter be allowed by law.

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. Constable's fees allowed by the General Fee Bill of eighteen hundred and seventy; *provided*, that the amount allowed by the Board of Supervisors for services in criminal actions and proceedings other than felonies, shall not exceed seventy-five dollars for any one quarter.

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 Court-house.

16. The officers named in section one hundred and eighty-four of this Act, except three Supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election, nor the expiration of the terms of Supervisors.

17. The provisions of subdivision fourteen of this section shall apply to present incumbents.

Sec. 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: Twenty-third class.

1. The County Clerk, two thousand five hundred dollars per annum. Salaries of officers.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, one 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, one thousand dollars per annum.

7. The Assessor, two thousand five hundred 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; *provided*, the Superintendent of Schools may, with the consent of the Board of Supervisors, employ a deputy for such time as said Board shall deem necessary, to enable the Superintendent to visit the schools of his county, as provided for by law. Said deputy shall receive from the county a salary, to be fixed by said Board, not exceeding one hundred dollars per month, nor to exceed in any one year three hundred dollars.

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. The Supervisors, each, the sum of six dollars per day, for actual service, together with mileage at the rate of twenty cents per mile, in going only, from their residence to the county seat, at each session of the Board.

Sec. 186. In counties of the twenty-fourth class, the county officers shall receive as compensation for the services required of them, or by virtue of their office, the following salaries, to wit: Twenty-fourth class.

1. The County Clerk, three thousand dollars per annum; *provided*, that such Clerk shall collect, in advance, 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 Salary and fees of Clerk.

Salary and fees of Clerk, twenty-fourth class.

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 or dismissal, two dollars and fifty cents. For trial of causes, swearing the jury and witnesses, including the entry of judgment, when the judgment does not exceed ten folios, five dollars; 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, and each certificate under seal, fifty cents. For taking and certifying depositions, twenty cents per folio. For taking acknowledgments, first name, fifty cents; for each additional name, twenty-five cents. 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 receiving and filing every remittitur and accompanying papers from Supreme Court, fifty cents. 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, fifteen cents per folio, exclusive of charges for certifying. For filing and indexing articles of incorporation, two dollars. For exemplifying 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 recording medical and dental certificates, one dollar. For filing and indexing certificates of copartnership, fifty cents. For issuing marriage license, two dollars, one dollar of which he shall pay to County Recorder for recording same. For filing any bond, except official bond, or other instrument required by law to be filed in his office, fifteen cents; and when recording the same, when required by law, ten cents per folio. For certificates to dismiss appeal, when prepared by the Clerk, two dollars and fifty cents; and when provided or furnished by attorney or party, fifty cents. For comparing copies of papers or transcripts to be certified, five cents per folio only where instruments equal or exceed ten folios. For filing papers and issuing letters testamentary, or of administration, guardianship, or special administration, and all services up to and including the final settlement of the case, in which the value of the estate does not exceed three thousand dollars, except as hereinafter provided, five dollars; and two dollars 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 fifteen, for each folio exceeding ten, fifteen 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. Pension and naturalization papers free.

2. The Sheriff, four thousand three hundred 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 a 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 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, 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, to the point of service, twenty cents. For commissions for receiving and paying over money on execution or other process, one per cent. For 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 by the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing

Salary and
fees of
Sheriff,
twenty-
fourth
class.

and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, three dollars. For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

Salary and
fees of
Recorder,
twenty-
fourth
class.

3. The Recorder, three 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 an instrument, 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 making, in the several indexes required, all the entries required of the filing and recording of any instrument, or paper, or notice, for every such instrument, paper, or notice, twenty-five cents. For any certificate under seal, fifty 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, fifty cents; for each additional name, twenty-five 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, twenty-five cents. For all other services not herein enumerated, the same fees as are now or hereafter may be allowed.

Salaries
of officers.

4. The Auditor, fifteen hundred dollars per annum.

5. The Treasurer, two thousand dollars per annum.

6. The Tax Collector, fifteen hundred dollars per annum.

7. The Assessor, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be five field Deputy Assessors, who shall be appointed by the Assessor of said county, and who shall hold office from twelve o'clock meridian of the first Monday in March of each year, up to twelve o'clock meridian of the first Monday of July of each year. The salary of each of the said five Deputy Assessors herein provided for, is hereby fixed at the sum of one hundred dollars per month, to include horse hire and traveling expenses, for each month during which they shall hold office as herein provided, which said salary shall be paid by said county at the same time, and in the same manner, and out of the same fund, as the salary of the Assessor.

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. Superintendent of Schools, one thousand eight hundred dollars per annum. Salaries of officers, twenty-fourth class.

12. The Surveyor, such fees as are now or hereafter may be allowed by law.

13. Justices of the Peace shall receive such fees as are now or hereafter may be allowed by law.

14. Constables shall receive such fees as are now or hereafter may be allowed by law.

15. Supervisors, five hundred dollars each per annum, and mileage at the rate of twenty cents per mile, in going to and from the place of meeting of the Board; *provided*, that not more than four mileages in any one month shall be allowed.

16. The provisions of this section, so far as it relates to fees, shall take effect and be in force from and after the passage of this Act.

SEC. 187. In counties of the twenty-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: Twenty-fifth class.

1. The County Clerk, three thousand two hundred and fifty dollars per annum. Salaries of officers.

2. The Sheriff, five thousand dollars per annum, and such mileage as is now allowed.

3. The Recorder, three thousand two hundred and fifty 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, one thousand eight hundred dollars per annum.

7. The Assessor, three thousand two hundred and fifty 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, 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, three hundred dollars per annum as Supervisors, and three hundred dollars per annum as Road Commissioners.

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.

Twenty-sixth class. SEC. 188. In counties of the twenty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of office, the following salaries, to wit:

- Salaries of officers.
1. The County Clerk, two thousand five hundred dollars per annum.
 2. The Sheriff, four thousand five hundred dollars per annum.
 3. The Recorder, one thousand six hundred dollars per annum.
 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, two thousand five hundred 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, sixteen hundred and fifty 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 during the session of the Board, and not to exceed in the aggregate four hundred dollars per annum, together with ten cents a mile in traveling to and from their respective residences to the county seat; *provided*, that mileage shall be allowed only once for each session.

Twenty-seventh class. SEC. 189. In counties of the twenty-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:

- Salaries of officers.
1. The County Clerk, three thousand five hundred 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, fifteen hundred 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, 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. Salaries of officers, twenty-seventh class.

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.

SEC. 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, two thousand four hundred dollars per annum; *provided*, that all fees received by him from all sources whatever, in his official capacity, shall be paid by him into the County Treasury. Salaries of officers.

2. The Sheriff, six thousand dollars per annum.

3. The Recorder, eighteen hundred dollars per annum; *provided*, that all fees received by him from all sources whatever, in his official capacity, shall be paid by him into the County Treasury.

4. The Auditor, six hundred dollars per annum.

5. The Tax Collector, one thousand dollars per annum.

6. The Treasurer, fifteen hundred dollars per annum.

7. The Assessor, two thousand four hundred 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, fifteen hundred dollars per annum, and his reasonable traveling expenses, incurred in visiting schools of the county, to be fixed and allowed by the Board of Supervisors, not to exceed the sum of five hundred dollars per annum; *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.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, five hundred dollars per annum, and mileage at the rate of twenty cents per mile, from his home to and from

the county seat, for the four regular quarterly meetings only, during each year.

16. Every person subpoenaed as a witness in a criminal case before the Superior Court, shall, subject to the discretion of the Judge thereof, be entitled to the same per diem and mileage as jurors in like case; *provided*, that such per diem to witnesses only be allowed for actual days' attendance.

Twenty-
ninth
class.

SEC. 191. In counties of the twenty-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:

Salaries
of officers.

1. County Clerk, eighteen hundred dollars per annum.
2. Sheriff, four thousand dollars per annum. The Under Sheriff, one thousand five hundred dollars per annum. The Sheriff shall also receive for his use and benefit, the mileage, fees, and commissions for the service of all papers whatsoever issued by any Court of the State outside of his county.
3. The County Recorder, two thousand six hundred dollars per annum.
4. The County Auditor, twelve hundred 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, one thousand two hundred dollars per annum, and such number of deputies as the Board of Supervisors may allow, to be paid, not exceeding five (\$5) dollars per day, from the General Fund of the county, on the order of the Board of Supervisors, for every day while actually engaged.
8. The District Attorney, one thousand eight hundred dollars per annum.
9. The Coroner, such fees as are now allowed or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now allowed or may hereafter be allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum, and necessary expenses for traveling, in visiting various schools in the county, to be allowed by the Supervisors of the county.
12. The Surveyor, such fees as are now allowed or may hereafter be allowed by law.
13. Constables, such fees as are now allowed or may hereafter be allowed by law.
14. Justices of the Peace, such fees as are now allowed or may hereafter be allowed by law.
15. Supervisors, five hundred dollars per annum, and ten cents per mile, mileage in going from residence to county seat.
16. No fees shall be charged by an officer for administering and certifying the oath of office, or filing or recording official bonds.
17. The following fees shall be charged by 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 re-

ceived into the treasury of the county, except where the officer is by law entitled to receive the fee collected for his own use and benefit. All fees shall be payable in gold and silver coin of the United States.

FEES OF COUNTY CLERK.

For issuing each marriage license, one half to be paid to the County Recorder, two dollars. For recording bonds, orders of the Court, and all other papers required by law to be recorded, for each folio, ten cents; for indexing the same, ten cents; for filing each paper, ten cents. For filing all papers to be kept by him, and not required to be recorded, ten cents; for indexing same, for each name indexed, ten cents. For issuing every writ or process, under seal, twenty-five cents, except the writ of habeas corpus. For issuing each subpoena, for one or more witnesses, twenty-five cents. For entering every motion, order, rule, default, or dismissal, twenty-five cents. For swearing every jury to try cause, twenty-five cents. For entering every final judgment, for first folio, twenty-five cents; for each subsequent folio, ten cents. For making and filing judgment roll, twenty-five cents. For entry of judgment on judgment docket, twenty-five cents. For entry of satisfaction or credit on judgment docket, twenty-five cents. For administering every oath or affirmation, twenty-five cents. For copy of any proceedings, 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 issuing every process or execution under seal, fifty cents. For copy of every decree or order of sale of property, for each folio, ten cents. For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents. For taking acknowledgment of deed, or other instrument, to include all writing and the seal, for the first name, fifty cents; for each name additional, twenty-five cents. For indexing every suit in the Register of Actions or Probate Register, twenty-five cents. For filing, indexing, and entering papers on transfer of cases, from other Courts, one dollar. For transmission of files or transfer of cases to other Courts, including certificates of order of transfer, one dollar. For issuing letters testamentary, or of administration, or of guardianship, twenty-five cents. For each notice of publication, exclusive of the cost of publication, twenty-five cents. For posting every notice, twenty-five cents. For recording wills or other papers required by law to be recorded, for each folio, ten cents; *provided*, that if upon the filing of the appraisalment of any estate, it appear that the whole estate is not of the value of one thousand dollars, no further Clerk fees shall be charged. For pension and original naturalization papers, no charge. For certificate of admission to practice in the Superior Court, two dollars and fifty cents.

Fees of
County
Clerk,
twenty-
ninth
class.

FEES OF SHERIFF.

Fees of
Sheriff,
twenty-
ninth
class.

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 fifty cents. For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sums as the Court shall order; *provided*, that no more than three dollars per diem shall be allowed for a keeper. For taking bond or undertaking in any case in which he is authorized to take the same, twenty-five cents. For copy of any writ, process, or any other paper, when demanded or required by law, for each folio, ten cents. 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, 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 property, to include all service in the matter, except mileage, two dollars. For serving a subpoena, for each witness summoned, fifty cents. For traveling, to be computed in all cases from the Court-house, to serve any summons and complaint, or any other process of any kind, or to post notice of sale, or in executing any writ of any kind (*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 shall be charged to the most distant points to complete such service), for each mile necessarily traveled, in going only, fifteen cents. For commissions for receiving and paying over money on execution, or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, one per cent; on all sums above that amount, one half of one per cent. For commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one per cent, and one fourth of one per cent on all over that sum. 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 said execution, in the same manner as the sum herein directed to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, two dollars. For executing a certificate of sale, exclusive of the filing and the recording of the same, one dollar. For all civil services in Justices' Courts, the same fees as are allowed to Constables for like services. For conveying a prisoner when under arrest, the necessary expenses of transportation.

FEES OF COUNTY RECORDER.

For recording every instrument, paper, or notice, for each folio, ten cents. For indexing every instrument, paper, or notice, ten cents for each name indexed. For copies of any record or paper, per folio, ten cents. For filing every instrument for record, and making the necessary entries thereon, ten cents. For each certificate under seal, twenty-five cents. For every discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing the same, and indexing same, fifty cents. For searching records or files in his office, for each year, when required, fifty cents. For abstract of title, for each conveyance certified, fifty cents. For recording every plat or map, for each course, ten cents. For figures and letters on plats or maps, per folio, fifty 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; each additional signature, twenty-five cents. For recording marriage licenses and certificates, to be paid by the Clerk, one dollar. For recording transcripts, and for all other services in estray cases, one dollar. For each mark and brand, and for indexing, fifty cents. For administering oath or affirmation, 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 other instruments.

Fees of Recorder, twenty-ninth class.

SEC. 192. In counties of the thirtieth 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:

Thirtieth class.

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.

Salaries of officers.

Salaries
of officers,
thirtieth
class.

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 Equalization, 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 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.

FEEES 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 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, 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 certifi-

County
Clerk's
fees,
thirtieth
class.

County
Clerk's
fees,
thirtieth
class.

cate 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.

Fees 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 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, 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. 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 exe-

ention, 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 (*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 executions 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
Sheriff,
thirtieth
class.

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 making, 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.

Fees of
Recorder.

SEC. 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 shall receive as compensation, twenty-five hundred dollars per annum.

FEEES 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 voir 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-five 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 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 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 on 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 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 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.

FEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defend-

Fees of
County
Clerk,
thirty-first
class.

Salary and
fees of
Sheriff.

Fees of
Sheriff,
thirty-first
class.

ant, 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 on 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 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. 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 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.

Salary and fees of Recorder, thirty-first class.

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.

4. The Auditor shall receive as compensation, one thousand five hundred dollars per annum.

Salaries of other officers.

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.

Fees of
Coroner,
thirty-first
class.

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 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.

Fees of
Justices of
the Peace.

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.

Fees of
Justices of
the Peace,
thirty-first
class.

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.

Fees of
Consta-
bles.

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.

SEC. 194. In counties of the thirty-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:

Thirty-
second
class.

1. The County Clerk, two thousand four hundred dollars per annum. The County Clerk shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: Upon the commencement of any action or proceeding, except probate and insolvency proceedings, criminal actions, and cases where the county is plaintiff or petitioner, the Clerk shall collect from the party instituting the suit, the sum of five dollars, which sum shall be in full for all services to and including entry and docketing of judgment, except for

Salary and
fees of
County
Clerk.

Fees of
County
Clerk,
thirty-
second
class.

certified copies of papers, and per diem. For issuing execution or other final process, fifty cents. For each day's attendance on the Court when engaged in the trial of a cause (one half to be paid by each party, and taxed as costs), three dollars; *provided*, that where more than one cause is tried on the same day, or less than one day consumed in the trial of any cause, the Court may apportion the amount to be paid. For copies of any record, proceeding, or paper, ten cents per folio. For comparing copies of any record, proceeding, paper, or transcript, where not prepared by Clerk, for each folio, two cents. For each certificate, fifty cents. For taking justification of surety on bond or undertaking, twenty-five cents per name. For each affidavit, fifty cents; *provided*, that no fee shall be charged for affidavit or certificate to claim for United States pension, nor to claim against the county, nor for administering oath of office. For all services performed in any cause transferred from another Court, or in any cause appealed from Justice's Court, to and including entry and docketing of judgment, five dollars. For taking depositions, twenty cents per folio. For taking acknowledgments, fifty cents per name. For filing and docketing transcript of judgment, one dollar. For satisfying or crediting judgment, fifty cents. For filing articles of incorporation, one dollar. For indexing articles of incorporation, fifty cents per name. For filing and indexing certificate of copartnership, one dollar. For issuing marriage license, two dollars. For searching records or files, except for litigants or attorneys, for each year, fifty cents. For filing remittitur from Supreme Court, one dollar. For filing papers and all services in probate cases, to and including issuance of letters testamentary, administration, guardianship, or of special administration, in any case, two dollars. For all other services in probate cases, to and including the final settlement of the case, where the estate does not exceed one thousand dollars, no further fee shall be charged; but for each additional thousand dollars, or fractional part thereof, not exceeding ten thousand dollars, one dollar; and for each one thousand dollars in value of all estates of ten thousand dollars and upward, two dollars, to be determined by the inventory and appraisement return, and collected upon the filing thereof. In insolvency proceedings the Clerk shall collect from the petitioner in voluntary insolvency, upon filing his petition, as follows: If the liabilities do not exceed one thousand dollars, ten dollars; if the liabilities exceed one thousand dollars and are less than five thousand dollars, fifteen dollars; if the liabilities exceed five thousand dollars, one dollar for each thousand dollars or fractional part thereof above five thousand dollars, the amount to be determined by the schedule of indebtedness filed with the petition. In involuntary insolvency the Clerk shall collect five dollars, and the same fee as in voluntary insolvency, to be paid by the assignee out of the estate, in preference to all other expenses and claims; *provided*, that if the insolvent shall, in involuntary insolvency, petition for his discharge, the Clerk shall collect, upon filing such petition, the sum of ten dollars;

and provided further, that no cost of publication shall be paid out of the fees above specified. In all cases the Clerk shall collect, in addition to the fees hereinabove specified, the sum of one dollar for the County Law Library Fund.

2. The Sheriff, four thousand dollars per annum. The Sheriff shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, for each person served, fifty cents. For levy of attachment, execution, or order for delivery of personal property, one dollar. For serving every notice, rule, or order, fifty cents. For advertising property for sale under execution or other process, the cost of publication. For serving a writ of possession or restitution, two dollars. For serving subpoena, for each witness, twenty-five cents. For traveling to serve any paper, for each mile necessarily traveled, in going only, to the place of service, twenty cents; *provided*, that if any two or more papers be required to be served 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 commission for receiving and paying over money on execution or other process, on the first one thousand dollars, one per cent; on all above that sum, one half of one per cent. For all copies, ten cents per folio. For comparing copies not prepared by Sheriff, for each folio, two cents. For drawing and executing a Sheriff's deed, to include the acknowledgment, two dollars and fifty cents. For executing a certificate of sale, exclusive of filing and recording, one dollar. In addition to the salary hereinabove provided, the Sheriff shall collect and retain, as compensation for his own use, as follows: For expense in taking and keeping possession of and preserving and moving property under attachment, execution, or other process, such sum as the Court shall order; *provided*, that not more than three dollars per day shall be allowed for a keeper's fee. For serving any warrant of arrest, two dollars. For every mile necessary to travel, in going only, in executing any warrant of arrest, twenty cents per mile. For taking prisoner before magistrate or to jail, the actual cost of transportation; *provided*, that all fees in criminal cases shall be a county charge, and presented to the Board of Supervisors for their allowance, and paid upon their order.

Salary and fees of Sheriff, thirty-second class.

3. The Recorder, one thousand eight hundred dollars per annum. The Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: For recording every instrument, paper, notice, or document, ten cents per folio. For indexing, ten cents per name. For copy of any record or document, ten cents per folio. For each certificate under seal, fifty cents. For satisfying mortgage on margin of record, fifty cents. For searching records and files in his office, for each year, one dollar. For abstracts of title, for each conveyance, incumbrance, certified, fifty cents. Comparing copy of any paper or any document when not made by Recorder, two cents per folio. For record-

Salary and fees of Recorder.

ing every plat or map, for each course, five cents. For figures and letters on plats or maps, per folio, fifty cents. For taking and certifying acknowledgments, fifty cents per name. For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents. For recording each mark or brand, fifty cents. For recording transcript and all other services in estray cases, one dollar. For recording transcript of judgment, fifty cents. No fee shall be charged for recording official bonds.

Salaries of
officers,
thirty-
second
class.

4. The Auditor, fifteen hundred dollars per annum.

5. The Treasurer, one thousand six hundred dollars per annum.

6. The Tax Collector, two thousand dollars per annum.

7. The Assessor, three thousand two hundred dollars per annum.

8. The 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. 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.

Fees of
Justices of
the Peace.

13. Justices of the Peace shall be allowed to charge, and collect for their own use, the following fees, and no more: In each civil case, of the plaintiff, upon filing his complaint, the sum of three dollars, which shall be in full for all services in the case, to and including entry of final judgment on the docket. For copy of any paper, docket, or order, per folio, ten cents. For each certificate, twenty-five cents. For entering satisfaction of, or credit on judgment, twenty-five cents. For issuing execution or other final process, twenty-five cents. For making up and transmitting papers on appeal, one dollar. For all services in posting estrays, one dollar. In cases where the venue shall be changed, the Justice to whom the cause is transferred shall be entitled to charge and receive the sum of three dollars, to be paid by the moving party. In services pertaining to the Coroner's office, the same fees as the Coroner. For celebrating marriage and returning certificate thereof to the Recorder, five dollars. For service in any criminal case, whether on examination or trial, each case, three dollars; *provided*, that no Justice of the Peace shall receive more than one hundred and twenty-five dollars in any one month for service in criminal cases, and the affidavit to his claim against the county shall so state.

Fees of
Constables.

14. Constables shall be allowed to charge, and collect for their own use, the fees as follows: For summoning a jury of twelve or less, one dollar; for each additional juryman, ten cents. For making sales of estrays, the same fees as for sales on execution. For traveling to serve any warrant of arrest, summons, notice, order, or subpoena, for each mile necessarily

traveled, ten cents per mile; *provided*, that if any two or more papers be required to be served at the same time and in the same direction, one mileage only shall be charged to the most distant point to complete such service and return. For taking prisoner before a magistrate or to jail, the actual cost of transportation; *provided*, that in no case shall a Constable receive for services in vagrancy cases, for any one month, an amount in excess of the sum of thirty dollars; and *provided further*, that no Constable shall receive, together with his deputies, for services in criminal cases for any one month, an amount in excess of the sum of one hundred and twenty-five dollars, and his claim against the county shall so state. For all other services, such fees as are collected by the Sheriff for like services.

Fees of Constables, thirty-second class.

15. Supervisors, six dollars per day for each day spent in the service of the county, and twenty cents per mile for traveling from residence to county seat.

Supervisors.

16. All shorthand reporters appointed by magistrate to take down the testimony and proceedings in threatened offenses, and at the preliminary examination of parties charged with offenses triable in the Superior Court, must present their claims for such services to the Board of Supervisors; and no Justice of the Peace or magistrate shall have the authority to draw an order upon the County Auditor for a warrant for such services. Such reporter shall be entitled to compensation as follows: For each day's service in taking down testimony and proceedings, ten dollars; for each folio of transcribed testimony and proceedings, twenty cents.

Shorthand reporters.

17. The provisions of this section shall take effect immediately, except where it affects the salaries or fees of the present incumbents.

Sec. 195. In counties of the thirty-third 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 following salaries, to wit:

Thirty-third 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 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 judgment by default, two dollars and fifty cents. For 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

Salary and fees of County Clerk.

Fees of
County
Clerk,
thirty-
third class.

administering and certifying oaths, except oaths administered at the trial to jury and witnesses, twenty-five cents. For taking and certifying depositions, twenty cents per folio. For issuing commissions to take testimony, fifty cents. 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 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 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.

Salary and
fees of
Sheriff.

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 attach-

ment 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 a 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 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, 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 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. 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 delivery, three dollars. For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

Fees
of Sheriff,
thirty-
third class.

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 instrument, 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 making, in the several indexes required, all the entries required of the filing and recording of any instrument, or 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

Salary and
fees of
Recorder.

Fees of
Recorder,
thirty-
third class.

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 hereafter may be allowed by law.

Salaries
and fees
of other
officers.

4. The Auditor, eighteen hundred 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. 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 shall receive such fees as are now or hereafter may be allowed by law.

14. Constables shall receive such fees as are now or hereafter may be allowed by law, except that the Constable's mileage shall not exceed thirty cents for each mile necessarily traveled, in going only, on the discharge of his duties; *and provided further*, that in no case shall a Constable receive for his services and mileage in misdemeanor cases for any one month an amount in excess of the sum of one hundred dollars; *and provided further*, that when any Constable serves any warrant of arrest out of his own county, in any case of misdemeanor, he shall be allowed only the actual and necessary expenses incurred by him in the service of such warrant beyond the limits of his own county, and that he shall not receive any mileage or fees for the distance traveled by him beyond the limits of his own county, in the service of such warrant.

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.

16. The Superintendent of Schools shall, immediately upon the passage of this Act, appoint one person of education and personal worth as Commissioner of Schools. It shall be the duty of said Commissioner, under such rules and regulations as said Superintendent of Schools may adopt, to assist in the per-

formance of his duties and in the disposition of the work of inspecting the schools of said county. The said Commissioner shall hold office for the term of two years from and after his appointment. He shall receive a salary of nine hundred dollars per annum, payable at the same time and in the same manner as the Superintendent of Schools. Before entering upon the discharge of his duties, he shall 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 Schools to the best of his ability. The said Superintendent of Schools shall have power to remove said Commissioner at any time by an order filed in the County Clerk's office, and the vacancy filled in the manner provided above.

17. The provisions of this section relating to Constables shall take effect and be in force from and after its passage, and shall apply to all officers affected thereby, who are now holding office.

SEC. 196. In counties of the 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, twenty-five hundred dollars per annum. Salaries of officers.
2. The Sheriff, five thousand dollars per annum.
3. The Recorder, two 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 dollars per annum.
7. The Assessor, three thousand dollars per annum.
8. The District Attorney, two 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 may be hereafter allowed by law.
11. The Superintendent of Public Schools, eighteen 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 may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Supervisors, six dollars per day, while employed, and mileage.
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 author-

Thirty-fourth class.

Salaries of officers.

Fees of County Clerk

Fees of
County
Clerk,
thirty-
fourth
class.

ized 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 and collected by such Recorder shall belong to and be the property of the county, and paid into the County Treasury thereof.

Be it also enacted, that if any County Clerk or County Recorder, in counties of the thirty-fourth class has, during the years eighteen hundred and ninety-one and eighteen hundred and ninety-two, charged and collected such fees and charges as are hereinbefore in subdivision sixteen of section one of this Act provided for, instead of the fees and charges which may have been otherwise provided for by law, then such fees and charges thus collected during said years are hereby legalized and declared to be valid, and a full discharge of all liability of such officers in the collection and of all persons in the payment of such fees and charges; *provided*, that in so far as it relates to the fees herein prescribed, this Act shall take effect from and after its passage.

Thirty-
fifth class-

SEC. 197. In counties of the thirty-fifth class, the county officers shall receive as compensation for the services required of them by law, the following salaries, to wit:

Salary and
fees of
County
Clerk.

1. The County Clerk (\$6,400) sixty-four hundred dollars per annum; *provided*, that all fees collected by him in the service of the county shall be paid into the County Treasury for the use of the county; *provided*, that parties commencing actions in the Superior Court, except in probate cases, shall deposit eleven dollars with said Clerk, and upon the appearance in the action of the defendant or defendants, he or they must deposit five dollars with said Clerk, which amounts shall constitute the Clerk's fees in full in said action, and the whole thereof must be paid into the County Treasury, and in no case shall any rebate be made by the Clerk; and the fees for the filing of petition for letters of administration, testamentary, or guardianship shall be fifteen dollars, to be paid to the Clerk upon the filing thereof.

When the inventory and appraisement is offered for filing, and it appears therefrom that the value of the estate exceeds three thousand (\$3,000), the Clerk shall, in addition to said deposit, demand and receive one dollar for each and every one thousand dollars in excess of three thousand dollars, which said fees shall constitute in full the Clerk's fees in such action or proceeding, and the whole thereof must be paid into the County Treasury, and in no case shall any rebate be made by the said Clerk.

2. The Recorder, fifty-five hundred (\$5,500) dollars per annum; and the said Recorder shall charge and collect in advance, for the use of the county, and pay into the County Treasury, the fees collected as now provided by law; *provided*, that for recording every instrument, paper, or notice, he shall so collect, for each folio, fifteen cents. For indexing every instrument, paper, or notice, for each name, fifteen cents. For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, and indexing same, fifty cents.

Salary and fees of Recorder, thirty-fifth class.

3. And the said Recorder shall keep a book, known as Record of Mining Claims, and shall keep therein a record of all mining claims in the county brought to him to be recorded. and all fees for such recording shall be paid into the County Treasury, for the use of the county.

4. The Auditor, (\$2,400) twenty-four hundred dollars per annum.

Salaries and fees of other officers.

5. The Treasurer, (\$2,400) twenty-four hundred dollars per annum.

6. The Tax Collector, (\$2,400) twenty-four hundred dollars per annum.

7. The Assessor, (\$6,500) six thousand five hundred dollars per annum.

8. The District Attorney, (\$2,000) two thousand dollars per annum.

9. The Sheriff, (\$8,000) eight thousand dollars per annum.

10. The Coroner, such fees as are now or may hereafter be allowed by law.

11. The Public Administrator, such fees as are now or may hereafter be allowed by law.

12. The Superintendent of Schools, twenty-four (\$2,400) hundred dollars per annum.

13. The Surveyor, such fees as are now or may hereafter be allowed by law.

14. Justices of the Peace, such fees as are now or may hereafter be allowed by law, except for filing each paper he shall receive twenty cents. For issuing any writ or process by which suit is commenced, twenty-five cents. For entering every cause upon his docket, forty cents. For entering any final judgment, for the first folio, fifty cents; for each additional folio, fifteen cents. For taking or approving any bond or undertaking directed by law, twenty-five cents. For taking depositions, per folio, fifteen cents. For a copy of a judgment, order, docket, proceeding, or paper in his office, for each folio, fifteen cents. For entering judgment by confession and only on affidavit, one dollar and fifty cents; and *provided further*, that, at the option of the Justice of the Peace, the plaintiff shall give a good and sufficient bond for the costs of suit, on application for warrant of arrest. The provisions of this subdivision shall take effect from and after the date of approval of this Act.

15. Constables, such fees as are now or may hereafter be allowed by law.

16. Supervisors, six dollars per day for each day while in service of the county, and thirty cents per mile for traveling from residence to county seat.

Thirty-sixth class.

SEC. 198. In counties of the thirty-sixth 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:

Salaries of officers.

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, one thousand 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, one thousand two hundred dollars per annum, and actual expenses when visiting the schools of his county.
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.
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 when serving as Road Commissioner, three dollars per day (*provided*, he shall not in any one year receive more than two hundred and fifty dollars), and twenty cents per mile for traveling from his place of residence to the county seat.

The Board of Supervisors may, when requested by the Official Reporter of the Superior Court, and recommended by the Judge thereof, allow said Reporter such monthly salary as may be deemed reasonable, but which shall not be less than fifty dollars, in lieu of the fees which now are or which hereafter may be allowed him by law as a charge against the county for attendance on said Superior Court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the County Auditor shall not draw his warrant for said salary except the Reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

Thirty-seventh class.

SEC. 199. In counties of the thirty-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:

Salaries of officers.

1. The County Clerk, two thousand 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, fifteen hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.

Salaries
of officers,
thirty-
seventh
class.

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 fee 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 Recorder, five dollars. For issuing a warrant of arrest, two

Fees of
Justices of
the Peace.

dollars. For trial or examination in criminal actions, three dollars. For taking bail after commitment, one dollar.

Con-
stables.

14. Constables, such fees as are now or may hereafter be allowed by law.

Supervis-
ors.

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.

16. The officers named in section one hundred and ninety-nine of this Act, except three Supervisors, shall be elected in the year eighteen hundred and ninety-four, and shall hold office for the period of four years from the first Monday in January thereafter; but this provision shall not change the time of election nor the expiration of the terms of Supervisors.

Thirty-
eighth
class.

SEC. 200. In counties of the thirty-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:

Salary and
fees of
County
Clerk.

I. The County Clerk, fifteen hundred dollars per annum. The County Clerk shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit: From the plaintiff or petitioner in all civil actions or special proceedings of a civil nature, and from the petitioner in all matters of estate and guardianship and insolvency proceedings, a sum not to exceed ten dollars, and from the defendants and respondents in the same matters, a sum not to exceed five dollars. Said sums are to be a deposit to be applied in the payment of costs, and when the same are exhausted a further deposit must be required by the Clerk. Any money thus deposited and remaining after judgment, and after the payment of all costs chargeable against the party who has deposited the same, shall, on demand, be returned to the party.

1. In civil actions, and all special proceedings of a civil nature, he shall charge and collect:

(a) For entering each suit on the Clerk's Register of Actions, and indexing the same, and making the necessary entries therein during the trial, one dollar.

(b) For issuing every writ under seal, fifty cents.

(c) For issuing each subpoena for one or more witnesses, twenty-five cents.

(d) For filing each paper, twenty-five cents.

(e) For entering every motion, rule, order, default, discontinuance, or dismissal, twenty-five cents.

(f) For calling and swearing every jury on the voir dire, fifty cents.

(g) For calling and swearing every jury to try cause, fifty cents.

(h) For receiving and entering each verdict of a jury, twenty-five cents.

(i) For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents.

(j) For making up and filing every judgment roll, to include certificate, one dollar.

(k) For each entry of judgment on judgment docket, twenty-five cents.

(l) For each entry of satisfaction of judgment, fifty cents.

(m) For taking every oath or affirmation requiring certificate, certifying to the same, fifty cents.

(n) For administering oath without certificate, twenty-five cents.

(o) For issuing every commission to take testimony, fifty cents.

(p) For issuing every execution or other final process under seal, one dollar.

(q) For issuing writ of attachment or of injunction, fifty cents.

2. In the matters of estate and guardianship, he shall charge and collect:

(a) For issuing letters testamentary, or of administration, or of guardianship, fifty cents.

(b) For all certificates under seal, fifty cents.

(c) For writing and posting notices when required, twenty-five cents each.

(d) For recording wills, and all other instruments required by law to be recorded, for each folio, twenty cents.

(e) For all other services, the same fees that are allowed for similar services in other matters herein provided.

Provided, that if upon the filing of the inventory and appraisalment of any estate it appears that the whole estate is not of the value of one thousand dollars, no further Clerk's fees shall be charged in the matter of such estate; *and provided further*, that if it appears from the inventory and appraisalment, filed in any estate, that such estate is of the value of one thousand dollars or more, and not of the value of ten thousand dollars, the Clerk shall charge and collect in the matter of any such estate one dollar for each one thousand dollars or fraction thereof. If the appraisalment shows the estate to exceed the value of ten thousand dollars, he shall charge and collect in the matter of any such estate one dollar for each one thousand dollars for the first ten thousand dollars, and fifty cents for each one thousand dollars over that sum, which shall be in full payment of all services rendered in the matter of such estate after filing the inventory and appraisalment.

3. In matters of insolvency proceedings he shall charge and collect the same fees that are allowed for similar services in other matters herein provided.

4. In all matters appealed from Justices' Courts, he shall collect a deposit of five dollars from the appellant, and a deposit of three dollars from the respondent, to be applied in the payment of costs, in the same manner, and to be subject to the same conditions as the deposits made by plaintiffs and defendants in matters originally commenced in the Superior Court. He shall charge and collect in such matters, for filing all papers on appeal, for such case, one dollar and fifty cents. For all subsequent services, and for all other services, the same fees that are allowed for similar services in actions and

Fees of
County
Clerk,
thirty-
eighth
class.

Fees of
County
Clerk,
thirty-
eighth
class.

proceedings originally commenced in the Superior Court, herein provided.

5. For all other services he shall charge and collect:

(a) For acknowledgment of deed or other instrument, including all writing and seal, for each name thereto, fifty cents.

(b) For copying any record, or other document, or other paper, twenty cents per folio.

(c) For issuing every license required by law, one dollar.

(d) For recording transcript of judgment in Justice's Court, fifty cents for the first folio, and twenty cents for each subsequent.

(e) For filing and entering papers on transfer of cases from other Courts, including the indexing of the same, two dollars.

(f) For transmission of files on transfer of cases to other Courts, including the certificate and order of transfer, one dollar and fifty cents.

(g) For searching the records and files for each year, except for suitors or their attorneys, fifty cents.

(h) For drawing an affidavit, deposition, or other matter for a suitor, per folio, twenty cents.

(i) For filing certificates of incorporation, and for indexing the same, two dollars and fifty cents.

(j) For filing all papers to be kept by him and not required to be recorded, to include indexing the same, fifty cents.

Salary and
fees of
Recorder.

II. The Recorder, fifteen hundred dollars per annum. The Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit:

(a) For copies of any records or papers, per folio, twenty cents.

(b) For recording any instrument, paper, or notice, when required, for each folio, twenty cents.

(c) For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents.

(d) For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, twenty-five cents.

(e) For every certificate under seal to copies of records or papers in his office, when required, fifty cents.

(f) For every entry of discharge of mortgage on margin of record, fifty cents.

(g) For searching records and files of each year in his office, when required, fifty cents.

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

(i) For recording town plats, for every course, fifteen cents.

(j) For figuring and lettering maps and plats, seventy-five cents per folio.

(k) For filing marriage license, together with the certificate of the officiating clergyman, priest, or officer performing the marriage ceremony, one dollar.

(l) For recording transcript, and all other services in estray cases, one dollar.

(m) For recording each mark or brand, fifty cents.

(n) For filing, indexing, and keeping every paper not by law required to be recorded, fifty cents.

(o) For recording mining claims and water rights, without regard to the number of folios therein contained, one dollar.

(p) For taking acknowledgment, including seal, for the first name, fifty cents; for each subsequent name, twenty-five cents.

(q) For all other services, the same fees that are allowed other county officers for similar services.

III. The Sheriff, three thousand five hundred dollars per annum; *provided*, said Sheriff shall be allowed one jailer, whose compensation shall be fifty dollars per month, to be paid out of the County Treasury as the salaries of other county officers are paid. The Sheriff shall collect and pay into the County Treasury, for the use and benefit of the county, the following fees, to wit:

Salary and fees of Sheriff, thirty-eight class.

(a) For serving summons and complaint, or any other process by which actions or proceedings are commenced, on each defendant, one dollar.

(b) For serving every notice, bill, or order, fifty cents.

(c) For serving a subpoena, for every witness summoned, fifty cents.

(d) For serving an attachment on property, or levying an execution, or executing an order for the delivery of property or order of arrest, two dollars.

(e) 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 notice of sale, to execute an order for the delivery of personal property, writ of possession or of restitution, to hold inquest or trial to 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, only one mileage shall be charged, and that to the most distant point), for each mile necessarily traveled, in going only, to the point of service, twenty-five cents.

(f) For taking bond and undertaking in any case in which he is authorized to take the same, two dollars.

(g) For copies of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents.

(h) For making and posting notices, and advertising property for sale on execution, or any judgment or order of sale, not to include the costs of publication, for each notice, fifty cents.

(i) For the trouble and expense of Sheriff's keepers, taking and keeping possession of and preserving property under attachment or execution or other process, an amount not exceeding three dollars per diem, which amount per diem shall be fixed by the Court in which the action is pending.

(j) For holding each inquest or trial of right of property, to include all services in the matter, except mileage, five dollars.

(k) For drawing and executing a Sheriff's deed, to include the acknowledgment thereof, to be paid for by the grantee before delivery, three dollars.

Fees of
Sheriff,
thirty-
eighth
class.

(l) For serving every writ of possession or restitution, putting person in possession of property, and removing occupant, five dollars.

(m) For executing a certificate of sale, and filing and recording the same, three dollars.

(n) For commissions for receiving and paying over money on execution or other process, where lands or personal property has been levied on, advertised, and sold, three per cent on the first one thousand dollars, and two per cent on all over one thousand dollars up to five thousand, and one per cent on all over five thousand dollars.

(o) For commissions for receiving and paying over money on execution or process, without levy, or where lands and goods levied upon shall not be sold, two per cent on the first one thousand dollars, and one per cent on all over that sum.

The fees herein allowed for the levy of an execution, costs of advertising, and commissions for making and paying over money on execution, shall be collected from the judgment debtor in the same manner as the judgment is collected.

Salaries
of other
officers.

IV. The Auditor, six hundred dollars per annum.

V. The Treasurer, twelve hundred dollars per annum.

VI. The Tax Collector, one thousand dollars per annum. The Tax Collector shall be allowed one deputy, to be appointed by said Tax Collector. The salary of said Deputy Tax Collector is hereby fixed at the sum of four dollars per day; *provided, however*, that said deputy shall not be allowed pay for more than one hundred days in any one year.

VII. The County Assessor, nineteen hundred dollars per annum. The County Assessor shall be allowed one deputy, to be appointed by said County Assessor. The salary of said deputy is hereby fixed at the sum of five dollars per day. Said deputy shall not be allowed pay for more than one hundred and twenty-five days in any one year.

VIII. The District Attorney, one thousand four hundred dollars per annum, and twenty-five dollars for every conviction in any Court, to the amount of five hundred dollars each year, and no more.

Fees of
Coroner.

IX. The Coroner, for his own use and benefit, the following fees, to wit:

(a) For general services in holding an inquest, ten dollars.

(b) For swearing a jury, fifty cents.

(c) For issuing a subpoena for one or more witnesses, twenty-five cents.

(d) For issuing a warrant of arrest, fifty cents.

(e) For each mile necessarily traveled in going to the place of a dead body, twenty-five cents; which fees in all inquests shall be paid out of the effects of the deceased, if any; if not, from the County Treasury.

(f) For swearing each witness, twenty-five cents.

(g) For taking down testimony, per folio, twenty cents.

(h) For directing and attending the interment of each body upon which an inquest has been held, two dollars.

(i) When acting as or in place of the Sheriff, the same fees that are allowed that officer for like services.

X. The Public Administrator, such fees as are now or may hereafter be allowed by law.

XI. The Superintendent of Schools, one thousand dollars per annum, and one hundred dollars for traveling expenses. The Supervisors may, in their discretion, allow him two hundred dollars additional for traveling expenses.

XII. The Surveyor, such fees as are now or may hereafter be allowed by law.

XIII. The Justices of the Peace shall receive, for their own use and benefit, the following fees, to wit:

(a) For filing each paper in civil actions, twenty-five cents.

(b) For issuing every writ or process by which suit is commenced, one dollar.

(c) For entering each suit on the docket, fifty cents.

(d) For issuing subpoenas, for one or more witnesses, twenty-five cents.

(e) For administering an oath or affirmation, twenty-five cents.

(f) For certifying to the same, twenty-five cents.

(g) For issuing writ of attachment for arrest or for delivery of property, one dollar.

(h) For entering every final judgment, for the first folio, one dollar; for every subsequent folio, twenty-five cents.

(i) For entering any motion, rule, order, twenty-five cents.

(j) For swearing a jury in either civil or criminal actions, fifty cents.

(k) For issuing an execution, fifty cents.

(l) For issuing supersedeas to an execution, fifty cents.

(m) For entering satisfaction of judgment, fifty cents.

(n) For issuing search warrants, to be paid for by the party demanding the same, one dollar.

(o) For issuing commission to take testimony, one dollar.

(p) For taking and approving any bond or undertaking directed by law to be taken or approved by him, fifty cents.

(q) For taking justification on bond, one dollar.

(r) For each day's service in criminal cases, either on trials or preliminary examinations, three dollars.

(s) For abstract of judgment, one dollar.

(t) For copy of judgment, order, proceeding, or paper in his office, for each folio, twenty cents.

(u) For taking depositions in either civil or criminal cases, per folio, twenty cents.

(v) For each certificate, fifty cents.

(w) For making up and transmitting transcript and papers on appeal, two dollars. All fees, including Constable's fees, must be paid before the Justice shall be compelled to forward any papers on appeal.

(x) In all 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 of the transcript and papers, shall receive three dollars, which

Fees of
Justices of
the Peace,
thirty-
eighth
class.

Fees of
Justices of
the Peace,
thirty-
eighth
class.

shall be paid before the papers are transmitted, and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

(y) For taking an acknowledgment to any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

(z) For all services connected with the posting of estrays, including the transcript for the Recorder, three dollars.

(A) For celebrating marriage, and returning certificate to Recorder, five dollars.

(B) For hearing and accepting a complaint in criminal actions, two dollars.

(C) For issuing a warrant of arrest, two dollars.

(D) For taking bail after a commitment, two dollars.

Fees of
Constables.

XIV. Constables shall receive for their own use and benefit the following fees, to wit:

1. In civil cases, the same fees that are allowed the Sheriff for like services.

2. In criminal cases he shall receive:

(a) For making every arrest, two dollars.

(b) For summoning a trial jury, two dollars and fifty cents.

(c) For every mile necessarily traveled, in going only, in executing a warrant of arrest, serving a subpoena, taking a person before a magistrate or to prison, and for traveling in the performance of all other duties in criminal cases (*provided*, that in serving any process or traveling to perform any other duty, two or more duties or services are required to be made or performed in the same matters, at the same time and in the same direction, only one mileage shall be charged, and that to the most distant point), for each mile necessarily traveled, twenty-five cents.

(d) For each day's attendance on Justice's Court during the trial or preliminary examination in criminal cases, two dollars.

Super-
visors.

XV. Supervisors shall receive four hundred dollars per annum, which sum shall include all traveling expenses from their respective residences to the county seat.

Fees of
jurors.

XVI. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, and twenty-five cents per mile in traveling from their residence to the place of trial. No juror, who shall be summoned and excused from serving on his own motion, shall receive per diem, but mileage only; nor shall any mileage be paid to any juror who shall live within two miles of the Court-house. In civil cases, the party in whose favor a verdict is entered, before the same be entered, shall pay the jury fees, but the same may be recovered as costs from the party losing the case; *provided*, that the Clerk of Courts of record shall keep an account of all moneys received for trials by each juror during the term; and if the sum so received by each juror shall not amount to two dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is entitled to receive pay, which shall be paid out of the County Treasury as other county dues. If in any trial in a civil case the jury be for any cause discharged with-

out finding a verdict, the fees of the jury shall be paid by the party demanding the jury, and if the jury is ordered by the Court of its own motion, then, in case of disagreement, the fees of the jury shall be paid by the plaintiff; but in either event the party so paying such fees may recover them as costs if he afterwards obtains judgment; and until they are paid no further proceeding shall be allowed in the action, and in default of so paying said fees for ten days after the same should have been paid, the Court may, in its discretion, order the complaint or answer of the party so in default to be stricken from the files. When jurors are attending before the Superior Court, while the Court is engaged in the trial of criminal cases, and they are, by the Court, for any cause, excused from attendance on the Court for more than three days, they shall not receive per diem for such time, but shall be allowed mileage for the distance from their respective homes to the county seat, one way only, whether such jurors choose to remain in the county seat during such time, or to return to their homes. Where jurors are excused from attendance on the Court for less than three days, they shall be allowed per diem only during such time, and no mileage, whether they choose to return to their homes or remain in the county seat. The provisions above, so far as they are applicable, shall extend to and apply to civil proceedings in Justices' Courts. Jurors in Justices' Courts shall, however, receive per diem only while sitting as jurors in the trial of a civil case, and shall be allowed mileage but once in any one case.

Fees of jurors, thirty-eighth class.

XVII. Witnesses shall receive the following fees: For attending in any civil suit or proceeding, before any Court of record, referee, commissioner, or Justice of the Peace, for each day while in attendance at the Court, two dollars. For traveling to the place of the trial, twenty-five cents for each mile necessarily traveled. No person shall be obliged to attend or 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; *provided, however*, that whenever it appears to the satisfaction of the Judge of the Superior Court, by the oath or affidavit of any witness who has attended before the Superior Court or grand jury, in any criminal action or proceeding, that such witness resides outside of the county, or that he is so poor as not to be able to bear his own expenses, said Judge, by an order subscribed by him, shall direct the Auditor of the county to draw a warrant on the County Treasury, in favor of said witness, for a reasonable sum, to be specified in said order, as the expenses of said witness. No person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his residence to the place of trial.

Witness fees.

XVIII. Interpreters and translators shall be allowed such compensation for their services as the Judge of the Court before which the services have been rendered shall allow, to be taxed and collected in the same manner that other costs are collected; but the same shall not exceed three dollars per day.

Interpreters and translators.

TABLE OF FEES.

Table of
fees.

Every officer herein specified shall prepare and set up in a conspicuous place in his office, for the inspection of all persons, a plain table of fees allowed to such officer. Said notice shall be posted within two months from the time that this Act goes into effect. If any officer shall neglect or refuse so to put up such table of fees as required, he shall forfeit five dollars for each day that he so neglects the same.

FEES—WHEN PAID.

Fees—
when pay-
able.

The fees herein allowed shall be payable in advance or at the time that the service is rendered, and any officer, when not otherwise expressly provided by law, may refuse to perform any service in any action or proceeding (criminal proceedings excepted) in which there are any fees due from the person applying, until such fees are paid. And if any Clerk, Sheriff, Justice of the Peace, Constable, or other officer shall not receive any fees due to him, or to his office, for services rendered in any action or proceeding, he shall have execution therefor in his own name against the party from whom such fees are due, to be issued from the Court in which such action is pending.

NO FEES ON OATH OF OFFICE AND OFFICIAL BONDS.

No fees shall be charged by any officer for administering and certifying the oath of office, or filing or recording or certifying official bonds.

Thirty-
ninth
class.

SEC. 201. In counties of the thirty-ninth 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 following salaries, to wit:

Salary and
fees of
County
Clerk.

1. The County Clerk, twenty-four hundred 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 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 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 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 when 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 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 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.

Fees of
County
Clerk,
thirty-
ninth
class.

2. The Sheriff, fifty-five hundred dollars per annum; *provided*, Salary and fees of Sheriff. 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

Fees of
Sheriff,
thirty-
ninth
class.

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 a 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 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, 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 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. 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 by 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 delivery, three dollars. For executing a certificate of sale, exclusive of the filing and recording of the same, one dollar.

Salary and
fees of
Recorder.

3. The Recorder, one thousand eight hundred 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 instrument, 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 making, in the several indexes required, all the entries required of the filing and recording of any instrument, or 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 or 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 hereafter may be allowed.

Fees of Recorder, thirty-ninth class.

4. The Auditor, eighteen hundred dollars per annum.
5. The Treasurer, sixteen hundred dollars per annum.
6. The Tax Collector, twelve hundred dollars per annum.
7. The Assessor, three thousand 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.

Salaries and fees of other officers.

10. The Public Administrator, such fees as are now or hereafter may be allowed by law.

11. 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 shall receive such fees as are now or hereafter may be allowed by law.

14. Constables shall receive such fees as are now or hereafter may be allowed by law, except that the Constable's mileage shall not exceed thirty cents for each mile necessarily traveled, in going only, on the discharge of his duties; *and provided further*, that in no case shall a Constable receive for his services and mileage in misdemeanor cases, for any one month, an amount in excess of the sum of one hundred dollars; *and provided further*, that when any Constable serves any warrant of arrest out of his own county, in any case of misdemeanor, he shall be allowed only the actual and necessary expenses incurred by him in the service of such warrant beyond the limits of his own county, and that he shall not receive any mileage or fees for the distance traveled by him beyond the limits of his own county, in the service of such warrant.

15. Supervisors, six dollars per day for each day while in service of the county, and mileage at the rate of twenty cents per mile for traveling from residence to county seat.

16. The provisions of this section relating to Constables shall take effect and be in force from and after its passage, and shall apply to all officers affected thereby who are now holding office.

SEC. 202. In counties of the fortieth 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:

Fortieth class.

Salaries
of officers,
fortieth
class.

1. The County Clerk, one thousand six hundred dollars per annum.

2. The Sheriff, two thousand five hundred dollars per annum; *provided, however,* that the Board of Supervisors shall allow to the Sheriff his necessary expenses for pursuing criminals, and he shall receive and retain for his own use the fees now allowed by law for transacting any criminal business without the boundaries of his county; but no fees shall be received by him for services rendered in his own county.

3. The Recorder, thirteen hundred dollars per annum.

4. The Auditor, one thousand dollars per annum.

5. The Treasurer, one thousand two hundred dollars per annum.

6. The Tax Collector, one thousand dollars per annum.

7. The Assessor, fifteen hundred dollars per annum, with commission for collecting poll and personal property tax.

8. The District Attorney, one thousand dollars per annum, with traveling expenses, when on official business.

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, eight 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, a per diem of five dollars; *provided,* that it do not exceed three hundred dollars per annum, with mileage at the rate of ten cents per mile.

16. All persons residing in the county who shall be subpoenaed before a Superior Court as witnesses in any criminal case, shall receive the same fees and be paid in the same manner as trial jurors before the Superior Court. This subdivision shall take effect immediately.

Forty-first
class.

SEC. 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:

Salaries
of officers.

1. The County Clerk, one thousand six 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, twelve hundred dollars per annum.

6. The Tax Collector, five hundred dollars per annum.

7. The Assessor, two thousand dollars per annum.

8. The District Attorney, one thousand six hundred dollars per annum.

9. The Coroner, such fees as are now or may hereafter be allowed by law. Salaries of officers, forty-first class.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Superintendent of Schools, one thousand six 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 his duties; *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, five 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.

SEC. 204. In counties of the forty-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: Forty-second class.

1. The County Clerk, one thousand five hundred dollars per annum. Salaries of officers.

2. The Sheriff, three thousand five hundred dollars per annum.

3. The Recorder, one thousand dollars per annum.

4. The Auditor, nine 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.

Forty-third class.

SEC. 205. In counties of the forty-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:

Salaries of officers.

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, 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, 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, three dollars per day; *provided*, that he in no one year receives more than two hundred and fifty dollars 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.

Official Reporter.

The Board of Supervisors may, when requested by the Official Reporter of the Superior Court, and recommended by the Judge thereof, allow said Reporter such monthly salary as may be deemed reasonable, but which shall not be less than twenty-five dollars, in lieu of the fees which now are or which hereafter may be allowed him by law as a charge against the county for attendance on said Superior Court, reporting criminal cases tried therein, and transcribing the same when required; *provided*, that the County Auditor shall not draw his warrant for said salary except the Reporter shall first file with him a certificate that all such transcription ordered to the date thereof has been duly completed and filed.

Forty-fourth class.

SEC. 206. In counties of the forty-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:

Salaries of officers.

1. The County Clerk, one thousand three hundred dollars per annum.
2. The Sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.
3. The Recorder, four hundred dollars per annum.

4. The Auditor, three hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, three hundred and fifty dollars per annum.
7. The Assessor, sixteen hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum, and necessary traveling expenses, to be allowed by the Board of Supervisors.
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 and twenty-five dollars per annum, and his necessary traveling expenses, to be allowed by the Board of Supervisors.
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 may hereafter be allowed by law.
14. Constables, such fees as are now collected by Sheriff for similar services.
15. Supervisors, five dollars per diem for each day they hold sessions (not to exceed the sum of five hundred dollars in any one year), and twenty cents per mile for each mile necessarily traveled in going from his residence to and returning from the county seat; *provided*, that only one mileage shall be allowed at each time.
- SEC. 207. In counties of the forty-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, one thousand five hundred dollars per annum.
2. The Sheriff, two thousand five hundred dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, four hundred dollars per annum.
5. The Treasurer, eight hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, one thousand five hundred dollars per annum.
8. The District Attorney, one thousand two 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, seven 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.

Salaries
of officers,
forty-
fourth
class.

Forty-fifth
class.

Salaries
of officers.

Salaries
of officers,
forty-fifth
class.

14. Constables, such fees as are now or hereafter may be allowed by law.

15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from his home going to and from the county seat, at each sitting of the Board of Supervisors.

Forty-
sixth
class.

SEC. 208. In counties of the forty-sixth 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:

Salaries
of officers.

1. The County Clerk, one thousand five hundred dollars per annum.

2. The Sheriff, three thousand dollars per annum.

3. The Recorder, one thousand two 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, three hundred dollars per annum.

7. The Assessor, one thousand five hundred dollars per annum.

8. The District Attorney, one 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, six 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, eight dollars per day; the aggregate amount of each Supervisor not to exceed three hundred dollars per year.

Forty-
seventh
class.

SEC. 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:

Salaries
of officers.

1. The County Clerk, fifteen hundred dollars per annum.

2. The Sheriff, three thousand dollars per annum.

3. The Recorder, eight hundred dollars per annum.

4. The Auditor, two 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 five 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, six hundred dollars per annum. Salaries of officers, forty-seventh class.

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, six dollars per day, the aggregate amount to be paid each Supervisor not to exceed three hundred dollars per year each, and twenty-five cents per mile for each mile necessarily traveled in going to the county seat to attend sessions of the Board.

SEC. 210. In counties of the forty-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: Forty-eighth class.

1. The County Clerk, twelve hundred dollars per annum. Salaries of officers.

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, six 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 the 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.

Forty-ninth class.

SEC. 211. In counties of the forty-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:

Salaries of officers.

1. The County Clerk, one thousand two hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, four hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, one thousand two 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, seven 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, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from places of residence to county seat, at each sitting of the Board.

Fiftieth class.

SEC. 212. In counties of the fiftieth 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:

Salaries of officers.

1. The County Clerk, one thousand six hundred dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, eight hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, one thousand two hundred dollars per annum, including deputy, at the option of the Board of Supervisors, at a salary not exceeding one hundred dollars per month.
8. The District Attorney, nine hundred 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 may be hereafter allowed by law.
11. The Superintendent of Schools, four 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 may be hereafter allowed by law. Salaries of officers, fiftieth class

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, six dollars per day (not exceeding three hundred dollars per annum) 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 Supervisors, when acting as Road Commissioners, shall receive three dollars per day for each day actually employed in the discharge of the duties of their office as such Commissioners; *provided further*, that such per diem shall not exceed three hundred dollars per annum; *provided*, that in so far as this section relates to the pay of Road Commissioners, the provisions of this Act shall take effect immediately upon its passage.

SEC. 213. In counties of the fifty-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: Fifty-first class.

1. The County Clerk, twelve hundred dollars per annum. Salaries of officers.
2. The Sheriff, one thousand two hundred dollars per annum.
3. The Recorder, nine hundred dollars per annum.
4. The Auditor, three hundred dollars per annum.
5. The Treasurer, twelve hundred dollars per annum.
6. The Tax Collector, twelve 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 may hereafter 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.

SEC. 214. In counties of the fifty-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: Fifty-second class.

1. The County Clerk, one thousand two hundred dollars per annum. Salaries of officers.
2. The Sheriff, two thousand six hundred dollars per annum.
3. The Recorder, six hundred dollars per annum.

Salaries
of officers,
fifty--
second
class.

4. The Auditor, two hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The District Attorney, nine hundred dollars per annum.
8. The Assessor, nine hundred dollars per annum, including a deputy, at the option of the Board of Supervisors, at a salary not exceeding one hundred dollars per month.

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 hundred and forty 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. The Constables, such fees as are now or may hereafter be allowed by law.

15. The Supervisors shall not receive over three hundred dollars per annum, and shall be paid six dollars for each day actually 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.

Fifty-third
class.

SEC. 215. In counties of the fifty-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:

Salaries
of officers.

1. The County Clerk, five hundred dollars per annum.
2. The Sheriff, five hundred dollars per annum.
3. The Recorder, three hundred dollars per annum.
4. The Auditor, two hundred dollars per annum.
5. The Treasurer, three hundred dollars per annum.
6. The Tax Collector, three hundred dollars per annum.
7. The Assessor, three hundred dollars per annum.
8. The District Attorney, three hundred 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 may be hereafter allowed by law.

11. The Superintendent of Schools, one 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 may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Supervisors, five dollars per diem for their actual services, and mileage at the rate of twenty cents per mile from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the

Board; and provided further, that Supervisors, when acting as Road Commissioners, shall receive three dollars per diem, such per diem not to exceed the total sum of fifty dollars per annum; provided, that in so far as this section relates to the pay of Road Commissioners, the provisions of this Act shall take effect immediately upon its passage.

SEC. 216. 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 road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section one thousand nine hundred and one of the Political Code; provided, however, that in counties of the second class the percentage received by the Assessor on poll taxes and personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which, in counties of the other classes, is allowed to the Assessor as compensation, shall be paid by him into the County Treasury, and no part thereof shall be retained by him as compensation, and all expenses in collecting the same shall be paid by the county; 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, if not otherwise provided for in this Act; 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 executions, to be paid out of the fees collected in the action.

In any county of 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, there must be and there hereby is allowed to the Sheriff of such county, because of such increase in the number of Judges, one additional deputy, to be appointed by the

Full compensation.

Assessors' fees.

Sheriff's allowance.

Conveying prisoners and insane.

Deputies may be allowed.

Sheriff, for each additional Judge elected or appointed; and also there must be and there hereby is allowed to the County Clerk of such county, because of such increase in the number of Judges, one additional deputy, to be appointed by the County Clerk, to act as Court-room Clerk, and one additional deputy, to be appointed by the County Clerk, to act as Register Clerk, for each additional Judge elected or appointed; *provided*, there must be but one such additional Register Clerk where two additional Judges are elected or appointed, and but two such additional Register Clerks where three or more additional Judges are elected or appointed. The compensation to be paid all Deputy Sheriffs and Deputy Clerks hereunder shall be one hundred and twenty-five dollars per month, and the same shall be paid monthly out of the County Treasury of such county, in the same manner and at the same time other county officials are paid; *provided*, that in counties of the second class the compensation of such Deputy Sheriffs hereunder shall be three dollars per day. 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; *and provided, however*, that the provisions of this Act allowing a deputy or deputies to Clerks and Sheriffs of counties 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, shall take effect from and after the passage of this Act; *provided further*, that the provisions of this Act allowing District Attorneys their traveling and other expenses, necessarily incurred in the prosecuting of criminal cases arising in their county, shall take effect from and after the passage of this Act; *provided further*, that the provisions of this Act allowing the Assessor five (\$5) dollars per hundred names of persons returned by him as subject to military duty, shall take effect from and after the passage of this Act.

Compensation of deputies.

Present incumbents not affected.

State charges.

Military roll.

FEEES TO BE PAID INTO THE COUNTY TREASURY.

All fees to be paid into the County Treasury.

SEC. 217. All salaried officers of the several counties of this State shall charge, and collect for the use of their respective counties, and pay into the County Treasury on the first Monday in each month, the fees now or hereafter allowed by law in all cases, except the percentage hereinbefore allowed such

officers, and excepting also such fees as are a charge against the county.

FEE BOOK.

SEC. 218. Each of the officers authorized to receive fees Fee book. under the provisions of this Act must keep a fee book, open to the public inspection during office hours, in which must be entered, at once and in detail, all fees or compensation of whatever nature, kind, or description collected or chargeable. On the first Monday of each and every month, the officer must add up each column in his book to the first day of the month, and set down the totals. On the expiration of the term of such officer, he must deliver all fee books kept by him to the County Auditor.

STATEMENT OF FEES.

SEC. 219. The fees and compensation collected and charge- Monthly statement of fees. able for the county in each month shall be paid to the County Treasurer on the first Monday in the following month, and must be accompanied by a statement of the aggregate amount thereof, as shown by the fee book, duly verified by the officer making such payment. The affidavit shall be in the following form: Affidavit. "I, A B, County Clerk (or other officer, as the case may be), do swear that the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies and assistants, for the month of —, A. D. —, and that said fee book shows a full amount received or chargeable in said month, and since my last monthly payment; and neither myself nor, to my knowledge or belief, any of my deputies or assistants have rendered any official service, except for the county, which is not fully set out in said fee book, and that the foregoing statement thereof is true and correct."

The Treasurer shall file and preserve in his office said statements and affidavits.

SALARY FUND.

SEC. 220. For the purpose of paying the salaries provided Salary fund. for in this Act, all fees directed to be paid into the County Treasury shall be set apart therein as a separate fund, to be known as the Salary Fund, to be applied to the payment of said salaries. Should the amount received from such source be insufficient, it shall be the duty of the County Treasurer from time to time to transfer to said fund from the General Fund of the county such sums as may be necessary to pay said salaries as they become due.

SALARIES—HOW PAID.

SEC. 221. The salaries of such officers named in this Act as are entitled to salaries shall be paid monthly out of the County Salaries, how paid. Treasury; and it shall be the duty of the Auditor, on the first Monday of each and every month, to draw his warrant upon

the County Treasurer in favor of each of said officers for the amount of salary due him under the provisions of this Act for the preceding month; *provided, however*, that one half of the annual salary of the Assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and the remaining one half in equal monthly installments for the remaining eight months of the year. The Treasurer shall pay said warrants on presentation out of the Salary Fund of the County Treasury.

STATEMENT OF FEES MUST PRECEDE WARRANT FOR SALARY.

Statement of fees must precede warrant.

SEC. 222. The Auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with the certificate of the County Treasurer, showing that he has made the statement and settlement for that month required in this Act.

OFFICIAL SERVICES AND FEES.

Fees must be tendered first.

SEC. 223. The officers mentioned in this Act are not in any case, except for the State or county, to perform any official services, unless upon the prepayment of fees prescribed for such services, except in cases on habeas corpus and for naturalization, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

ACCOUNT AND RECEIPT FOR FEES.

Must receipt for fees.

SEC. 224. 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 in treble the amount so paid.

POSTER OF FEES OF JUSTICES.

Poster of Justices' fees.

SEC. 225. It shall be the duty of each Justice of the Peace to prepare, and keep posted in a conspicuous place in his office, a plain and legible statement of the fees allowed by law to Justices of the Peace and Constables, upon pain of forfeiting, for failure so to do, fifty dollars, to be recovered, with costs, by any person, before any other Justice of the Peace of the county.

ILLEGAL FEES.

Illegal fees.

SEC. 226. The Board of Supervisors, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, must declare his office vacant.

SERVICES PERFORMED BY SUCCESSOR.

SEC. 227. It shall be the duty of all officers in this Act named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, which it was his duty to perform, he shall be liable to pay to his successor the full value for such services.

Services performed by successor.

NO FEES ON HABEAS CORPUS.

SEC. 228. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus or naturalization, nor for administering or certifying the oath of office.

No fees for habeas corpus.

SEC. 229. Accounts for county charges of every description must be presented to the Board of Supervisors, to be audited as prescribed in this Act.

SEC. 230. The following are county charges:

What are county charges.

1. Charges incurred against the county by virtue of any of the provisions of this Act.
2. The traveling and other personal expenses of the District Attorney, incurred in criminal cases arising in the county, and all other expenses necessarily incurred by him in the prosecution of criminal cases.
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 salaries of Constables for services rendered in criminal cases in counties where they receive a salary for such services, and the fees of Constables in like cases when not salaried therefor.

COST OF CRIMINAL ACTIONS ON REMOVAL.

SEC. 231. When a criminal action is removed before trial, the costs accruing upon such removal and trial shall be a

When criminal action is removed for trial.

charge against the county in which the indictment or information was found.

COSTS ON REMOVAL—HOW CERTIFIED AND PAID.

How costs
of removal
are certified
and
paid.

SEC. 232. The Clerk of the county to which such action is removed shall certify the amount of costs allowed and certified by the Court to the Auditor of his county, and such Auditor shall audit the same and draw his warrant therefor upon the treasury of the county from which such action was removed; and such Auditor shall forward to said Treasurer and Auditor of the county from which said action was transferred, as aforesaid, a certified copy of the total amount of costs allowed by the Court, giving each item as certified to him by the County Clerk and the Court, and the Auditor receiving such certified copy of said costs allowed shall enter the same in his book as a charge against the treasury of his county; and the County Treasurer of the county from which said action was removed must, immediately upon presentation, pay said warrant out of the General Fund of said county; or, if at the date of presentation there is not sufficient money in the said General Fund to pay the same, he must indorse upon said warrant "Not paid for want of funds," and said warrant must be registered, and shall draw interest at the same rate, and be paid in the same manner, as though it had been drawn by the Auditor of the county where the indictment was found.

SEC. 233. Any provision of this Act creating a county office, unless otherwise provided, in any county, shall not (except for election purposes) take effect prior to the first Monday after the first day of January, eighteen hundred and ninety-five.

PRESENT INCUMBENTS.

This Act
not to
affect
present in-
cumbents.
Exception.

SEC. 234. The provisions of this Act, unless otherwise herein provided, so far as it relates to the compensation and salaries of all officers named, shall not affect the present incumbents; *provided*, that when the salary of any such officer, or fees in lieu of such salary, is not now fixed by law, the same shall, as to such officer, take effect immediately.

New
counties.

SEC. 235. Counties created or organized after the passage and approval of this Act shall immediately come under and be governed by its provisions, so far as the same are applicable thereto; *provided*, that when the population of any existing county shall have been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank first assumed hereunder, it shall be the duty of the Board of Supervisors of such county to designate, by order, the class to which such county has been reduced by reason thereof, and such county shall thereafter enter the list of such class; *provided further*, that the salary of county officers, the salaries of their deputies, clerks, or assistants, and the number of such deputies, clerks, or assistants, shall in no way be affected by reason of such division of the county or order of the Board of

Supervisors for the term for which they were elected and shall have qualified; *provided further*, that in all newly created counties, for the purpose of fixing the salaries and fees of county and township officers, the Board of Commissioners appointed to organize said new county, and if no Commissioners be appointed, then the Board of Supervisors of said new county, shall classify said new county according to the population classification of this Act.

SEC. 236. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 237. This Act shall, except as herein otherwise provided, take effect on the first Monday after the first day of January, eighteen hundred and ninety-five. Takes effect.

CHAPTER CCXXXV.

An Act to pay the claim of John McGrath against the State of California, and making an appropriation therefor.

[Approved March 25, 1893.]

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, to pay the claim of John McGrath against the State of California. Claim of John McGrath.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said John McGrath for the sum of four thousand dollars, and the State Treasurer is hereby authorized and directed to pay the same, and the direction herein is hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said John McGrath shall make and deliver to the Controller, upon the receipt of said warrant, a release of all his claims against the State of California.

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

CHAPTER CCXXXVI.

An Act to pay the claim of John H. Van Saun against the State of California, and making an appropriation therefor.

[Approved March 25, 1893.]

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

Claim of
John H.
Van Saun.

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of John H. Van Saun against the State of California.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said John H. Van Saun for the sum of three thousand dollars, and the State Treasurer is hereby authorized and directed to pay the same.

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said John H. Van Saun shall make and deliver to the Controller, upon the receipt of said warrant, a release of all his claims against the State of California.

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

CHAPTER CCXXXVII.

An Act to pay the claim of Maurice Sheehan against the State of California, and making an appropriation therefor.

[Approved March 25, 1893.]

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

Claim of
Maurice
Sheehan.

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Maurice Sheehan against the State of California.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said Maurice Sheehan for the sum of three thousand dollars, and the State Treasurer is hereby authorized and directed to pay the same; and the direction herein is hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said Maurice Sheehan shall make and deliver to the Controller, upon the receipt of said warrant, a release of all his claims against the State of California.

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

CHAPTER CCXXXVIII.

An Act to pay the claim of Abraham Winans against the State of California, and making an appropriation therefor.

[Approved March 25, 1893.]

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

SECTION 1. The sum of three (3) thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of Abraham Winans against the State of California. Claim of Abraham Winans.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said Abraham Winans for the sum of three thousand dollars, and the State Treasurer is hereby authorized and directed to pay the same.

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said Abraham Winans shall make and deliver to the Controller, upon receipt of said warrant, a release of all his claims against the State of California.

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

CHAPTER CCXXXIX.

An Act to pay the claim of I. N. Brock against the State of California, and making an appropriation therefor.

[Approved March 25, 1893.]

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

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of I. N. Brock against the State of California. Claim of I. N. Brock.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of said I. N. Brock for the sum of one thousand dollars, and the State Treasurer is hereby authorized and directed to pay the same.

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said I. N. Brock shall make and deliver to the Controller, upon receipt of said warrant, a release of all his claims against the State of California.

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

CHAPTER CCXL.

An Act to amend "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.

[Approved March 25, 1893.]

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

SECTION 1. The above entitled Act is hereby amended so as to read as follows:

Bound-
aries may
be changed
and land
excluded.

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 districts nor such exclusion of lands from the district shall impair or affect its organization, or its right 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 said district was and may become liable or chargeable, had such change of its boundaries not been made or had not such land been excluded from the district.

Effect of
changed
boundaries
or exclu-
sion of
territory.

Section 2. The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district may jointly or severally file with the Board of Directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded, and shall describe the boundaries thereof, and also the lands of such petitioner or 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 the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

Petition
for exclu-
sion of
territory.

Petition
must be
acknowl-
edged.

Section 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 who 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.

Notices to be published or posted.

Contents of notice.

Time to show cause.

Section 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 evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down in shorthand, and a record made thereof and filed with the Board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said Board, 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 said 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. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

Hearing of petition, and objections thereto.

Failure to answer petition deemed as assent given.

Expense of notice, by whom paid.

Section 5. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the Board deem it not for the best interests of the district that the lands, or some portion thereof, mentioned in the petition should be excluded from the district, the Board shall order that said petition be denied as to such lands; but if the said Board deem it for the best interests of the district that the lands mentioned in the petition,

Duty of Board if evidence fail to sustain petition.

Allegations of petition proven, duty of Board.

Proviso in relation to certain lands which can not be irrigated.

Town lots and blocks not to be excluded.

Holders of outstanding bonds may give assent in certain cases.

Assent to be recorded.

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, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the Board to, and it shall forthwith make, an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; *provided*, that it shall be the duty of said Board to so order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom which cannot be irrigated from, or which are not susceptible to, or would not, by reason of being permanently devoted to uses other than agricultural, horticultural, viticultural, or grazing, be directly benefited by the actual irrigation of the same from a common source, or by the same system of works with the other lands of said district, or from the source selected, chosen, or provided, or the system adopted for the irrigation of the lands of said district, or which are already irrigated, or entitled to be irrigated from another source or by another system of irrigation works; but no lands included within the limits of any city or town, or which shall have been subdivided into town lots or blocks, shall be excluded under the provisions of this Act, and no lands irrigated or entitled to be irrigated from another source, or by another system of irrigation works, shall be excluded under the provisions of this Act from any district organized before the passage of this Act.

Section 6. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said Board, or the decree of the Superior Court as hereinafter provided, may be excluded from the district, and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. 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 copy thereof, certified by the Secretary of said Board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the County Recorder of the county wherein said lands are situated.

Section 7. (Repealed.)

Section 8. (Repealed.)

Section 9. In the event the said Board of Directors shall exclude any lands from said district upon petition therefor, or in the event any lands be excluded from the said district by a

decree of Court, as hereinafter provided for, upon receipt of a certified copy of a decree so made, it shall be the duty of the Board of Directors to make an entry in the minutes of the Board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the Board may cause a survey to be made of such portions of the district as the Board may deem necessary; and a certified copy of the entry in the minutes of the Board excluding any land, whether after or without said decree of exclusion, 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 land of the district; but said district, notwithstanding such exclusion, 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.

Duty of Directors upon receipt of certified copy of decree.

Certified copy of decree to be recorded.

Section 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, or the decree of the Superior Court as provided in 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.

When office of Director becomes vacant. Vacancy, how filled.

Section 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.

Directors, number of.

Election precincts.

Section 12. A guardian and 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.

Duty of guardian, executor, or administrator, in relation to petition.

Section 13. Nothing in this Act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said

Excluded lands not exempt from certain obligations.

lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said irrigation district the same as though said petition for its exclusion had never been filed, or said order or decree of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of said irrigation district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the Board of Directors of said district of the petition for the exclusion of said lands from the said district; *provided*, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

Excluded lands not answerable in certain cases for debts, etc.

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

CHAPTER CCXLI.

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, providing for the abandonment of operations by irrigation districts, and for their disorganization upon the discharge of all outstanding obligations, and dividing irrigation districts into classes for the purposes of this Act.

[Approved March 25, 1893.]

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

Districts to be classified.
First class.

SECTION 1. For the purposes of this Act, irrigation districts are divided into three classes, as follows: The first class shall include all those districts whose area, at the time of their organization, comprised less than one hundred and forty thousand acres; the second class shall include all those districts whose area, at the time of their organization, comprised over one hundred and forty thousand acres and less than one hundred and sixty-five thousand acres; the third class shall include all those

Second class.
Third class.

districts whose area is over one hundred and sixty-five thousand acres; and no district of the first or third class, having a bonded indebtedness, shall be entitled to take advantage of the provisions of this Act. Whenever a petition is presented to the Board of Directors of an irrigation district in this State, organized under the provisions of "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, commonly known as the Wright Law, and entitled to disorganize under this Act, signed by a majority of the assessment payers within said district, whose names appear upon the last preceding assessment roll of said district, asking for the abandonment of further operations by the district, the Board of Directors of said district shall call a special election as provided in other cases for holding special elections in irrigation districts, at which the question of such abandonment of further operations by the district shall be submitted; *provided*, that no district shall take advantage of the provisions of this Act if the total amount of the bonds of the district issued and sold before the presentation of such petition to said Board exceeds two fifths of the total assessed valuation of all the real property in the district, according to the last assessment roll of the county before the organization of the district.

Bonded indebtedness.

Petition to be presented to Directors.

Wright Law.

Special election to be called.

Certain districts excepted.

Sec. 2. At such election the ballots used shall have written or printed thereon the words "Abandonment of operations—Yes," or "Abandonment of operations—No," and if three fifths of the votes cast at such election shall be in favor of such abandonment of operations, then and in that event the Board of Directors shall enter upon their records the fact that said election has been held, and that three fifths of the electors of said district voting at said election have voted at said election to abandon further operations by the district; and thereafter no further moneys shall be expended or indebtedness incurred or created or property acquired by said district for the construction or completion of any system of irrigation works, and no taxes or assessments shall thereafter be levied or collected by or in said district for the purpose of the further construction or completion of said work, and no bonds of said district shall ever thereafter be issued or sold or otherwise disposed of; and any lands which may have been bought in by the district for delinquent assessments, and the title to which still remains in the district, shall revert to the owner thereof at the time of such sale; *provided*, all assessments for the non-payment of which the said lands were sold, be paid to the Treasurer of the district within thirty days after such vote to abandon further operations by the district. The question of abandoning operations by any irrigation district shall not be submitted to a vote of the people of such district oftener than once in two years.

Form of ballots.

Must be three-fifths vote.

Abandonment of proceedings.

No further bonds to be issued.

Question of abandonment not to be submitted oftener than once in two years.

Sec. 3. The Board of Directors of said district shall sell and dispose of all the property of said district as soon after such vote to abandon further operations as it can be done without sacri-

Directors to sell property of district.

Shall advertise.	ficing any of said property; but no property shall be sold without notice to the creditors of such district by advertisement in such newspapers as will best bring the proposed sale to the notice of the creditors, such newspapers to be designated by the Board of Directors, and such notice to be given personally or by mail when possible. Such notice shall describe the property offered
Contents of notice.	for sale, and fix a time and place where offers or bids for such property will be received, and such notice shall be so given not less than four weeks prior to the time so fixed for receiving such offers or bids. No lands bought in by the district for delinquent assessments shall be sold until thirty days after such vote to abandon further operations. The title to any of the property
Title vests, where.	of said district sold by said Board shall not vest in the purchaser thereof until notice of such sale shall have been given by said Board by publication thereof for four successive weeks
Publication of notice.	in a newspaper published in each of the counties in which any of the lands of said district are situated; or if there is any such county in which no newspaper is published, then by posting such notice in three or more conspicuous places in such county and within such district. Said notice shall contain a description
Contents of notice.	of the property sold, the price offered, and terms of sale, and fix a time and place within said district for hearing any objections which may be made to such sale by any one interested in said district. Any such objection may be filed in
Objections to be filed.	writing with such Board or the Secretary thereof at any time after publication of said notice and prior to the day set for such hearing. If no such objections are filed, or if no increased offer
Conveyance.	for said property be made as hereinafter provided, the Board shall confirm said sale and execute a conveyance of the property sold to the purchaser thereof. Such conveyance shall not be executed until the purchase price shall have been paid in full
May be sold on installment.	in cash, and sales of personal property shall be for cash only, but sales of real property may be for part cash and part deferred payments bearing interest at the legal rate, and in case of part deferred payments, said Board of Directors may, on receipt
Duty of Board when objections filed.	of the cash payment, execute an agreement for a conveyance of said property whenever the purchase price thereof shall have been paid in full according to the terms of sale. If any objections be filed to such sale as hereinbefore provided, said Board
Bid may be increased ten per cent.	may vacate and refuse to confirm said sale; and if objections thereto be so made by a majority of the taxpayers of said district whose names appear on the last preceding assessment roll thereof, said Board must vacate and refuse to confirm said sale.
Sale not to impair certain liens.	If any person shall at or prior to said hearing make or file with the said Board or the Secretary thereof a written offer to pay, for said property, at least ten per cent more than the price named
	in said notice of sale, accompanied by a certified check for ten per cent of the price so offered, then said Board shall confirm said sale to such increased bidder, and if more than one such increased bid be received, then to the person offering the highest amount. The sale of any of the real property of said district
	by said Board of Directors, as hereinbefore provided, shall not affect or impair the lien of any outstanding bonds of said district

upon such real property. Such sale shall only be of the interest of said district in such property, subject to the lien thereon of any bonded indebtedness of said district.

SEC. 4. The Board of Directors of said district shall apply all moneys of said district on hand at the time of such vote to abandon further operations, or thereafter realized from the sale of the property thereof, after payment of the legal and necessary expenses of the district, salaries of its officers, necessary incidental expenses, and accrued interest on the legally incurred and bona fide existing debt of said district, to the payment of any outstanding indebtedness of said district then due, and any moneys thereafter remaining shall be immediately applied to the redemption of the outstanding bonded indebtedness of said district, or invested in the manner provided in section thirty-four of said Wright law.

Moneys,
how to be
applied in
payment.

SEC. 5. The obligations of irrigation districts which have voted to abandon further operations shall be governed by the same laws as apply to those of all other irrigation districts, and to the same extent as though said vote to abandon further operations had never been taken, and shall be paid and discharged in the same manner and under the same laws as the obligations of other irrigation districts which have not voted to abandon further operations are paid and discharged; and all laws governing the affairs of irrigation districts within this State shall apply to and govern irrigation districts which have voted to abandon further operations, to the same extent as though said vote had never been taken, except where it is otherwise expressly provided in this Act.

Obliga-
tions of
irrigation
districts.

SEC. 6. Whenever all the property of such irrigation district shall have been disposed of, and all the indebtedness and obligations thereof, if any there be, including the bonds and all accrued interests thereon, shall have been paid and discharged, and thirty days shall have expired after such vote to abandon further operations, the Directors of said district shall file in the Superior Court of the county wherein the lands of said district or a portion thereof are situated, a petition setting forth the facts that the electors of said district have voted to abandon further operations by the district as required by this Act, and that all the property of said district has been disposed of, and all its indebtedness and obligations, if any there may have been, including the bonds and all accrued interests thereon, have been paid and discharged, and praying that a decree be made and entered by said Court disorganizing said district. On the entry of such decree, said Board and all the officers of said district shall deliver over to the Clerk of said Court all books, papers, records, and documents belonging to said district, or in their possession, or under their control as officers thereof, and the Treasurer of the district shall pay over to the Treasurer of the county wherein said petition is filed, any balance of moneys of said district remaining in his hands, and each assessment payer in said district shall be entitled to receive such proportion thereof as he shall have contributed to the total amount of assessments collected by said district.

On final
abandon-
ment, duty
of Direct-
ors and
of Court.

All books.
papers,
records,
etc., to be
delivered
to Clerk
of Court.

Duty of Court on filing of petition.

SEC. 7. Upon the filing of said petition with the Clerk of said Superior Court, the Judge thereof must make an order directing that any person interested in said irrigation district may, at a time and place specified, not less than eight nor more than twelve weeks from the time of making such order, appear and show cause, if any there be, why a decree of said Court should not be made disorganizing said irrigation district. A

Copy to be published.

copy of said order shall be published at least three successive weeks before the time appointed for the hearing of said petition in a newspaper to be designated by the Court, in each of the counties in which any of the lands of said district are situated; or if there is any such county in which no newspaper is published, then in a newspaper published in an adjoining county, to be designated by the Court. The affidavit of the proprietor, foreman, or chief clerk of any newspaper in which such notice is published shall be competent proof of such publication.

Proof of publication.

Hearing of petition.

SEC. 8. At or before the time set for the hearing of said petition, any person may show cause, if any he have, why the said petition should not be granted, and may then and there join issue of law or fact, or both, upon said petition. Said proceeding shall be governed by the rules governing civil actions. If upon the hearing of said petition by said Superior Court the aforesaid facts required to be alleged in said petition are proven by competent evidence, it shall be the duty of said Superior Court to make findings in accordance with such allegations and proof, and to enter a judgment and decree disorganizing said irrigation district. The petition, order fixing time and place of hearing same, with proof of the publication thereof, objections thereto, if any, findings, and decree of disorganization, shall constitute the judgment roll in said proceeding; and from the judgment an appeal may be taken to the Supreme Court, as from a judgment of the Superior Court in civil actions. Said decree of disorganization shall be filed in the office of the County Clerk, and recorded in the office of the County Recorder of each of the counties wherein any of the lands of said irrigation district are situated.

Decree disorganizing district.

Judgment roll, what constitutes.

Decree to be recorded.

SEC. 9. This Act shall take effect immediately.

CHAPTER CXXLII.

An Act making appropriations for the support of the government of the State of California for the forty-fifth and forty-sixth fiscal years.

[Approved March 25, 1893.]

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

General Appropriation Bill, forty-fifth and forty-sixth fiscal years.

SECTION 1. The following sums of money are hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the support of the government of the State of California for the forty-fifth and forty-sixth fiscal years:

For per diem and mileage of Lieutenant-Governor and Senators, twenty-one thousand five hundred dollars. Legisla-
ture.

For per diem and mileage of Assemblymen, forty-two thousand dollars.

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

For pay of officers and clerks of the Assembly, eight thousand five hundred dollars.

For contingent expenses of the Senate, twelve thousand dollars.

For contingent expenses of the Assembly, eighteen thousand dollars.

For salaries of Justices of Supreme Court, eighty-four thousand dollars. Supreme
and
Superior
Courts.

For State's portion of salaries of Judges of Superior Courts, three hundred and seven thousand dollars.

For salary of Clerk of Supreme Court, six thousand dollars.

For salaries of Deputy Clerks of Supreme Court, twenty-one thousand six hundred dollars.

For salary of Reporter of Decisions of Supreme Court, five thousand dollars.

For salary of Deputy Reporter of Decisions of Supreme Court, four thousand eight hundred dollars.

For salaries of Secretaries of Supreme Court, nine thousand six hundred dollars.

For salaries of Bailiffs and performing the work of Porters 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 Supreme Court, seven hundred dollars.

For expenses of Supreme Court, under section forty-seven, Code of Civil Procedure, thirty-eight thousand dollars.

For salary of Phonographic Reporter of Supreme Court, six thousand dollars.

For salary of Librarian, Supreme Court Library, two thousand four hundred dollars.

For postage and contingent expenses of the Supreme Court Commissioners, two hundred dollars.

For salary of Governor, twelve thousand dollars.

For salary of Private Secretary to Governor, eight thousand dollars. Governor's
office.

For salary of Executive Secretary to Governor, five thousand two hundred dollars.

For salary of Stenographer to Governor, three thousand two hundred dollars.

For pay of Messenger to Governor, two thousand four hundred dollars.

For special contingent expenses (secret service), Governor's office, five thousand dollars, exempt from provisions of section six hundred and seventy-two of Political Code.

For postage, expressage, telegraphing, and contingent expenses, Governor's office, two thousand dollars.

Board of
Examin-
ers.

For salary of Secretary to Board of Examiners, six thousand dollars.

For salary of Assistant Secretary to Board of Examiners, three thousand six hundred dollars.

For salary of Clerk to Board of Examiners, three thousand two hundred dollars.

For pay of Porter to Board of Examiners, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, Board of Examiners, six hundred dollars.

Secretary
of State's
office.

For salary of Secretary of State, six thousand dollars.

For salary of Deputy Secretary of State, four thousand eight hundred dollars.

For salary of Bookkeeper, Secretary of State's office, four thousand dollars.

For salaries of Clerks, Secretary of State's office, nine thousand six hundred dollars.

For pay of Porter, Secretary of State's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, Secretary of State's office, two thousand five hundred dollars.

For contingent and traveling expenses, Secretary of State's office, five hundred dollars.

For salaries of two Special Clerks, Secretary of State's office, under section four hundred and twenty-two, Political Code, to be expended during forty-sixth fiscal year, one thousand dollars.

Con-
troller's
office.

For salary of Controller, six thousand dollars.

For salary of Deputy Controller, four thousand eight hundred dollars.

For salary of Bookkeeper, State Controller's office, four thousand dollars.

For salaries of Clerks, State Controller's office, sixteen thousand dollars.

For pay of Porter, State Controller's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, State Controller's office, one thousand dollars.

For contingent and traveling expenses, State Controller, one thousand five hundred dollars.

Treasurer's
office.

For salary of Treasurer, six thousand dollars.

For salary of Deputy Treasurer, four thousand eight hundred dollars.

For salary of Bookkeeper, State Treasurer's office, four thousand dollars.

For salary of Clerk, State Treasurer's office, from January to July of each year, one thousand six hundred dollars.

For salaries of Watchmen, State Treasurer's office, four thousand eight hundred dollars.

For pay of Porter, State Treasurer's office, nine hundred and sixty dollars.

For postage, expressage, telegraphing, contingent and traveling expenses, State Treasurer, six hundred dollars.

For salary of Attorney-General, six thousand dollars.

For salaries of Deputies Attorney-General, fourteen thousand four hundred dollars. Attorney-General's office.

For salary of Clerk, Attorney-General's office, three thousand two hundred dollars.

For salary of Stenographer, Attorney-General's office, three thousand six hundred dollars.

For pay of Porter, Attorney-General's office, nine hundred and sixty dollars.

For postage, expressage, telegraphing, and contingent expenses, Attorney-General's office, one thousand dollars.

For traveling expenses, Attorney-General, one thousand dollars.

For costs and expenses of suits wherein the State is a party in interest, six thousand dollars.

For expenses of the Attorney-General in tax suits and other suits in United States Courts, two thousand dollars.

For office rent of Attorney-General in San Francisco, nine hundred and sixty dollars.

For salary of Surveyor-General, six thousand dollars.

For salary of Deputy Surveyor-General, four thousand eight hundred dollars. Surveyor-General's office.

For salaries of Clerks, Surveyor-General's office and Register State Land Office, twelve thousand eight hundred dollars.

For pay of Porter, Surveyor-General's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, Surveyor-General's office, one thousand dollars.

For contingent expenses, Surveyor-General's office, four hundred dollars.

For purchase of and copying maps, 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 land, fifteen hundred dollars.

For salary of Superintendent of Public Instruction, six thousand dollars. Superintendent of Public Instruction's office.

For salary of Deputy Superintendent of Public Instruction, four thousand eight hundred dollars.

For salary of Clerk, Superintendent of Public Instruction's office, three thousand two hundred dollars.

For clerical assistance in Superintendent of Public Instruction's office, in distributing State school books, three thousand two hundred dollars.

For pay of Porter, Superintendent of Public Instruction's office, nine hundred and sixty dollars.

For postage, expressage, and telegraphing, Superintendent of Public Instruction's office, one thousand four hundred dollars.

For contingent and traveling expenses, Superintendent of Public Instruction, two thousand two hundred and fifty-five dollars.

- State Librarian. For salary of State Librarian, six thousand dollars.
For salary of two Deputy State Librarians, seven thousand four hundred dollars.
For salary of Porter, State Librarian's office, two thousand four hundred dollars.
- Adjutant-General's office. For salary of Adjutant-General, six thousand dollars.
For salary of Assistant Adjutant-General, four thousand eight hundred dollars.
For pay of Porter, Adjutant-General's office, two thousand four hundred dollars.
For postage, expressage, and telegraphing, Adjutant-General's office, six hundred dollars.
For care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, one thousand eight hundred dollars.
- National Guard. For armory rents and other expenses of the National Guard, two hundred and fifteen thousand one hundred and eighty dollars.
For expenses of encampment, National Guard of California, thirty-six thousand dollars, exempt from the provisions of section four of this Act.
For purchase and repairs of uniforms, National Guard of California, forty thousand dollars, exempt from the provisions of section four of this Act.
For target practice, National Guard of California, six thousand dollars.
For hospital supplies, five hundred dollars, exempt from the provisions of section four of this Act.
- Naval Battalion. For armory rents and other expenses, Naval Battalion, nine thousand six hundred dollars.
For target practice, Naval Battalion, four hundred dollars.
For uniforms, Naval Battalion, two thousand six hundred and forty dollars, exempt from the provisions of section four of this Act.
For allowance, headquarters Naval Battalion, seven hundred and twenty dollars.
For annual allowance, Naval Battalion, two thousand dollars.
For encampments, Naval Battalion, one thousand six hundred dollars, exempt from the provisions of section four of this Act.
- Additional infantry companies. For uniforms, five additional infantry companies, three thousand three hundred dollars, exempt from the provisions of section four of this Act.
For armory rents and other expenses, five additional infantry companies, twelve thousand dollars.
For annual allowance, five additional infantry companies, two thousand five hundred dollars.
For encampments, five additional infantry companies, two thousand dollars, exempt from the provisions of section four of this Act.
For allowance to brigade and regimental headquarters, five additional infantry companies, one thousand five hundred dollars.

For harness for Light Battery "B," Fourth Brigade, one thousand dollars.

For salary of Superintendent of State Printing, six thousand dollars. State Printer and printing office.

For support of State Printing Office, including pay of employés, etc., two hundred and fifty thousand dollars, exempt from provisions of section four of this Act.

For compiling and printing the index to all the laws of California, eighteen hundred and fifty to eighteen hundred and ninety-three, eight thousand dollars.

For salary of Secretary to State Board of Health, five thousand dollars. State Board of Health.

For salary of Attorney to State and San Francisco Boards of Health, six thousand dollars.

For traveling and contingent expenses of the State Board of Health, three thousand dollars.

For salary of Insurance Commissioner, six thousand dollars. Insurance Commissioner.

For salary of Deputy Insurance Commissioner, three thousand six hundred dollars.

For salaries of Railroad Commissioners, twenty-four thousand dollars. Railroad Commissioners.

For salary of Secretary to Board of Railroad Commissioners, four thousand eight hundred dollars.

For salary of Bailiff, Railroad Commissioners, two thousand four hundred dollars.

For fuel, lights, postage, expressage, and incidental expenses, Railroad Commissioners, one thousand dollars.

For traveling expenses, etc., Railroad Commissioners, five hundred dollars.

For pay of Stenographer, Railroad Commissioners, one thousand dollars.

For office rent, Railroad Commissioners, two thousand and forty dollars.

For salaries of members of the State Board of Equalization, twenty-four thousand dollars. State Board of Equalization.

For salary of Clerk to State Board of Equalization, four thousand eight hundred dollars.

For pay of Porter, State Board of Equalization, nine hundred and sixty dollars.

For postage, expressage, etc., State Board of Equalization, seven hundred and fifty dollars.

For salary of Guardian Yosemite Valley, three thousand dollars. Yosemite Valley.

For traveling expenses of Yosemite Valley Commissioners, three thousand dollars.

For care of Yosemite Valley, twenty thousand dollars.

For care of Mariposa Big Tree Grove, five thousand dollars.

For support of Insane Asylum at Stockton, four hundred and five thousand dollars. Asylums.

For support of Insane Asylum at Napa, four hundred thousand dollars.

Asylums. For support of Insane Asylum at Agnews, two hundred and seventy thousand dollars.

For support of Deaf, Dumb, and Blind Asylum at Berkeley, one hundred and ten thousand dollars.

For support of Home for Adult Blind, fifty thousand dollars.

For support of Home for Feeble-Minded Children, one hundred thousand dollars.

For support of Mendocino Asylum, seventy thousand dollars.

For support of Southern California Hospital for Insane and Inebriates, sixty thousand dollars.

For transportation of insane, fifty thousand dollars.

For transfer of patients from the State Insane Asylum at Agnews, Napa State Asylum for the Insane, and the State Insane Asylum at Stockton, to the Southern California State Asylum for Insane and Inebriates, at San Bernardino, and the Mendocino Asylum at Ukiah, three thousand dollars, to be expended under the direction of the State Board of Examiners, who are hereby authorized to have said patients transferred so that the number remaining in the State Insane Asylum at Stockton shall be reduced to fifteen hundred, at the Napa State Asylum for the Insane to thirteen hundred, and at the State Insane Asylum at Agnews to nine hundred.

Prisons. For support of State Prison at San Quentin, three hundred thousand dollars.

For support of State Prison at Folsom, two hundred and twenty thousand dollars.

For transportation of prisoners to the State Prisons, and children committed to the Whittier Reform School and Preston School of Industry, seventy thousand dollars.

For completion of officers' and guards' building and convicts' dining-room, Folsom State Prison, ten thousand dollars.

For support of Whittier Reform School, one hundred and sixty thousand dollars.

For support of Preston School of Industry, seventy thousand dollars.

Normal Schools. For support of State Normal School at San José, ninety thousand dollars.

For support of State Normal School at Los Angeles, forty-five thousand dollars.

For support of State Normal School at Chico, forty-four thousand dollars.

For care and improvement of grounds, purchase of scientific apparatus, and use of library and museum at San José Normal School, five thousand dollars.

For care and improvement of grounds, purchase of scientific apparatus, and use of library and museum at Los Angeles Normal School, five thousand dollars.

For care and improvement of grounds, purchase of scientific apparatus, and use of library and museum at Chico Normal School, five thousand dollars.

Labor Commissioner. For salary of the Commissioner, Bureau of Labor Statistics, six thousand dollars.

For salary of the Deputy Commissioner, Bureau of Labor Statistics, three thousand six hundred dollars. Labor Commissioner.

For stationery and contingent expenses, Bureau of Labor Statistics, eight hundred dollars.

For salary of assistants and traveling expenses, Bureau of Labor Statistics, eight thousand dollars.

For uses of the State Board of Horticulture, twenty thousand dollars. Horticulture.

For salary of the Secretary to State Board of Horticulture, four thousand two hundred dollars.

For salary of Clerk to the Secretary State Board of Horticulture, one thousand two hundred dollars.

For salary of Clerk to the Publishing and Quarantine Bureau, State Board of Horticulture, four thousand two hundred dollars.

For uses of the State Board of Viticulture, thirty thousand dollars. Viticulture.

For restoration and preservation of fish, twenty thousand dollars. Fish.

For support and maintenance of State hatcheries, fifteen thousand dollars.

For costs and expenses of suits for violation of fish laws, etc., four thousand dollars.

For pay of employes of State Capitol building and grounds, fifty-nine thousand six hundred and eighty dollars. Capitol building and grounds.

For salaries of policemen, Capitol grounds, seven thousand two hundred dollars.

For repairs to Capitol building and furniture, and purchase of carpets and furniture, and construction of an elevator, twenty-five thousand dollars, exempt from the provisions of section four of this Act.

For stationery, fuel, light, supplies, etc., Legislature and State officers, twenty thousand dollars.

For lighting the Capitol building grounds, two thousand four hundred dollars.

For water for Capitol building, one thousand two hundred dollars.

For water for Capitol grounds, two thousand four hundred dollars.

For purchase of implements, hose, etc., Capitol grounds, five thousand dollars.

For payments of rewards offered by the Governor, five thousand dollars. Rewards.

For payments of rewards offered by the Governor, illegal voting, five thousand dollars.

For payment of rewards for arrest and conviction of highway robbers, five thousand dollars.

For arresting criminals without the State, ten thousand dollars.

For traveling expenses of State Board of Education, seven hundred dollars. State Board of Education.

For purchase of ballot paper, five thousand dollars. Ballot paper.

Mining
Bureau.

For the support of the Mining Bureau, including salaries, fifty thousand dollars, sixty per cent of said sum to be expended for geological field work and scientific research.

Mineral
Cabinet.

For uses of Trustees of Mineral Cabinet, five hundred dollars.

Advertis-
ing.

For official advertising, three thousand dollars.

Hastings
College of
the Law.

For payment of interest on one hundred thousand dollars to Hastings College of the Law, fourteen thousand dollars.

For rent of rooms for Hastings College of the Law, two thousand four hundred dollars.

Burial
Grounds.

For care of State Burial Grounds, two hundred dollars.

Marshall
monu-
ment.

For salary of Guardian Marshall monument and grounds, one thousand two hundred dollars.

State Agri-
cultural
Society.

For aid to State Agricultural Society, forty thousand dollars; *provided*, that the State Agricultural Society create and maintain a Statistical Department for the annual collection, compilation, and distribution of statistics relating to the products and resources of the State.

District
Agricult-
ural
Societies.

For aid to District Agricultural Society Number One, seven thousand dollars.

For aid to District Agricultural Society Number Two, seven thousand dollars.

For aid to District Agricultural Society Number Three, four 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, six thousand dollars.

For aid to District Agricultural Society Number Seven, three thousand five hundred dollars.

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, four thousand five hundred 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, three 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 five hundred dollars.

For aid to District Agricultural Society Number Eighteen, six thousand dollars.

District
Agricul-
tural
Societies.

For aid to District Agricultural Society Number Nineteen, four thousand dollars.

For aid to District Agricultural Society Number Twenty, four thousand five hundred dollars.

For aid to District Agricultural Society Number Twenty-one, six 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, five 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.

For aid to District Agricultural Society Number Thirty, four thousand dollars.

For aid to District Agricultural Society Number Thirty-one, four thousand dollars.

For aid to District Agricultural Society Number Thirty-two, three thousand five hundred dollars.

For aid to District Agricultural Society Number Thirty-three, three thousand dollars.

For aid to District Agricultural Society Number Thirty-four, four thousand five hundred dollars.

For aid to District Agricultural Society Number Thirty-five, four thousand dollars.

For aid to District Agricultural Society Number Thirty-six, four thousand dollars.

For aid to District Agricultural Society Number Thirty-seven, three thousand dollars.

For aid to District Agricultural Society Number Thirty-eight, four thousand dollars.

For aid to District Agricultural Society Number Thirty-nine, three thousand dollars.

For aid to District Agricultural Society Number Forty, five thousand dollars.

For aid to District Agricultural Society Number Forty-one, three thousand dollars.

For aid to District Agricultural Society Number Forty-two, three thousand dollars.

For aid to District Agricultural Society Number Forty-three, three thousand dollars.

Provided, that no moneys appropriated for agricultural societies shall be drawn, used, or paid for racing or speed contests.

Citrus
Fairs.

For the purpose of holding Citrus Fairs, ten thousand dollars; 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.

How
money is
to be dis-
bursed.

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 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 employés, the purchase of material 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.

Biennial
statement.

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.

SEC. 4. Not more than one half of the respective appropriations made under this Act shall be expended during the forty-fifth fiscal year, unless the same has been expressly authorized in this Act.

Deficien-
cies in
appropri-
ations not
permitted.

SEC. 5. The officers of the various Departments, Boards, Commissions, and Institutions for whose benefit and support appropriations are made in this Act, are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the State Board of Examiners be first obtained, and a certificate, in writing, duly signed by every member of said Board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be

created against the State in violation of the provisions of this section shall be absolutely null and void, and shall not be allowed by said State Board of Examiners, nor paid out of any State appropriations; *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.

Liab. on
official
bond.

SEC. 6. No money appropriated in this Act shall be used to renew or pay for the renewal of any insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the State Printing Office and its contents, and the Pavilion of the State Agricultural Society.

CHAPTER CCXLIII.

An Act making an appropriation to pay Cyrus Lyon the sum of one thousand dollars for the capture of Anastacio Garcia, in 1855.

[Approved March 25, 1893.]

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

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of Cyrus Lyon, for the capture of Anastacio Garcia, in the year eighteen hundred and fifty-five.

Claim of
Cyrus
Lyon.

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

SEC. 3. This Act shall take effect immediately upon its passage.

CHAPTER CCXLIV.

An Act providing for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

[Approved March 25, 1893.]

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

Verified
petition to
be filed.

SECTION 1. That where any territory has been or shall be excluded from any city or municipal corporation, the Superior Court of the county in which such city or municipal corporation is situate shall, upon a verified petition of any ten taxpayers residing in such city or municipal corporation, or in the territory excluded, made for the purpose of adjusting the amount of the indebtedness of such city or municipal corporation existing at the time of the exclusion of such territory due from the excluded territory, and stating the facts of such exclusion and the amount of such indebtedness, cause notice to be given by publication thereof in a newspaper published in such city or municipal corporation, or in a newspaper published in the county in which such city or municipal corporation is situated, for ten days, stating the substance of such petition, and the time and place that the same shall be heard by said Superior Court, which time of hearing shall be at least fifteen days after the filing of such petition, or at any time thereafter to which such hearing may be continued by the Court.

Publica-
tion.

Time of
hearing.

Answer
to petition.

Any person, corporation, or taxpayer interested in such city or municipal corporation, or in such excluded territory, or in the adjustment and settlement of such indebtedness, may demur or answer said petition. The rules of pleading and practice provided by the Code of Civil Procedure, which are not in conflict with the provisions of this Act, are hereby made applicable to the special proceedings herein provided for. The persons so demurring or answering said petition shall be the defendants to said special proceedings, and the signers of the petition shall be the plaintiffs.

Laws gov-
erning.

Duty of
Court.

Upon the hearing of such special proceedings, the Court shall have power to determine the amount due from such excluded territory to the city or municipal corporation from which it was excluded, as its proportion of the indebtedness of such city or municipal corporation existing at the time such territory was excluded. In fixing the amount due from such excluded territory, the said Court must ascertain and find the purposes for which the said indebtedness was created; the manner and place in which the proceeds of said indebtedness were expended; the value of the property belonging to the said city or municipal corporation at the time of such exclusion; the assessed

Manner
of fixing
amount by
Court.

value of the property situate in said city or municipal corporation at the time the city assessment was made immediately preceding such exclusion, and the assessed value of the excluded territory as shown by such city assessment. If the value of the property belonging to said city or municipal corporation, and which remains within the boundaries thereof after such exclusion, should exceed the value of city or municipal property situated in such excluded territory, and also exceed the pro rata portion of the indebtedness of the city or municipal corporation due from such excluded territory, as shown by said assessment, the Court shall find and adjudge that there is nothing due from such excluded territory. After such finding is made, and judgment rendered by the Court, such excluded territory shall not be subject to the payment of any such indebtedness, and all property belonging to such city or municipal corporation remaining within its boundaries shall belong exclusively to it.

Findings
of Court.Judgment
of Court
and its
effect.

If the Court finds, after deducting the value of the city or municipal property from the value of that in the excluded territory, and the pro rata portion of the indebtedness to be borne by such excluded territory, a balance due from such excluded territory, it shall render judgment accordingly, and the amount of such judgment shall be collected and paid in the same manner and at the same time that the assessment is levied for, and the collection of the annual municipal taxes is made upon the property remaining in such city or municipal corporation for any payment on account of such indebtedness; *provided, however*, that any such territory excluded from any city or municipal corporation may, at any time, tender to the legislative body of such city or municipal corporation the amount for which such excluded territory is liable on account of such indebtedness; and after such tender is made the authority of such city or municipal corporation to levy and assess taxes on such excluded territory shall forever cease.

Judgment
in case
Court finds
excess.Duty in
relation to
excluded
territory.

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

Takes
effect.



CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.



CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER I.

Assembly Joint Resolution No. 2, relative to the mining and river interests of the State.

[Adopted January 10, 1893.]

WHEREAS, The interests of the State of California demand an immediate solution and satisfactory adjustment of the hydraulic mining and river interests in this State; and whereas, two State conventions, composed of representatives of all industries therein, have so agreed; be it

Mining
and river
interests
of State.

Resolved by the Assembly of the State of California, the Senate concurring, That the Congress of the United States be hereby urged to speedily enact the measure known as Caminetti's House Bill No. —, relating to hydraulic mining and river improvements in the State of California, or some other measure which, in the judgment of that honorable body, will serve the purposes set forth in said Act.

Urging
passage of
Caminetti
Bill.

Resolved, That the Governor is hereby requested to affix his official signature to this resolution, and cause a certified copy thereof to be forwarded by telegraph to our Representatives and Senators in Congress.

Governor
to tele-
graph.

CHAPTER II.

Senate Joint Resolution No. 3, relative to defining "options" and "futures."

[Adopted January 13, 1893.]

WHEREAS, It is urged by individuals and by all farmer organizations of the country, that trading, dealing, or doing business on a system known as futures and options is greatly to the injury of the producers of the State of California and of the United States, and more particularly to the "cereal" producers; and by such trading and manipulation of a fictitious volume of products, vast quantities of the same are made to appear which have no existence in fact, thereby directly and greatly injuring and impoverishing a great class of our most worthy citizens, and indirectly depressing the entire business of the country; therefore, be it

Option and
Future
Bill.

Urging
passage of
Washburn
Anti-Op-
tion Bill.

Resolved by the Senate of the State of California, the Assembly concurring, That we favor the immediate passage of H. R. 7845, known as an Act defining options and futures, imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, otherwise known as the Washburn Anti-Option Bill; and be it further

Resolved, That we urge our Senators and Representatives in Congress to use every honorable means to procure the immediate passage of said bill, and to its enactment as a law of the land.

Governor
to transmit
copies.

Resolved, That upon the adoption of the foregoing preamble and resolutions, it shall be the duty of the Governor to immediately transmit a copy of the same to each of our Representatives in Congress, to the presiding officer of each house, and to the President at Washington.

CHAPTER III.

Senate Concurrent Resolution No. 3, relative to the investigation of the Home for the Care and Training of Feeble-Minded Children, at Glen Ellen, Sonoma County.

[Adopted January 25, 1893.]

Governor's
recommen-
dation.

WHEREAS, The Governor of this State, in his first biennial message presented to the Legislature of the State of California, has recommended that the Legislature investigate the Home for the Care and Training of Feeble-Minded Children, located at Glen Ellen, in Sonoma County of this State, as fraud has been charged in connection with the construction of some of the new buildings; therefore, be it

Committee
to be ap-
pointed.

Resolved, the Senate and the Assembly concurring, That a committee of six, three to be appointed from each house, investigate said charges, and that the committee be appointed as follows: The Chairmen of the Committees of Public Buildings other than Prison Buildings, of each house, be appointed on said committee, and that the Chairmen of said committees appoint two members each from their respective committees; and that the committee thus constituted is hereby empowered, authorized, and instructed to send for such persons and papers as such committee in their discretion may deem necessary to conduct a thorough investigation into said charges, and that the Chairman of the committee is hereby empowered to employ the services of a stenographer to take down and transcribe the testimony taken before the committee, should, in his judgment, one be required.

To send for
persons
and papers.

To employ
a stenog-
rapher.

CHAPTER IV.

Assembly Constitutional Amendment No. 8.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section one of article two thereof, relative to the right of suffrage.

[Adopted January 28, 1893.]

The Legislature of the State of California, at its thirtieth session, commencing on the second day of January, Anno Domini one thousand eight hundred and ninety-three, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that section one of article two of the Constitution of the State of California be amended so as to read as follows:

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 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, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his name, shall ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect.

Qualifications of voters.

Must be able to read and write.

Exceptions to the educational provision.

CHAPTER V.

Substitute for Senate Joint Resolutions Nos. 1 and 2, relative to the construction of the Nicaragua Canal.

[Adopted January 30, 1893.]

WHEREAS, The construction of the Nicaragua Canal would be of great and infinite value to the people of the Pacific Coast, and especially to the people of the State of California, as it would afford greater protection to this coast in time of war,

Nicaragua Canal.

Nicaragua
Canal.

open new lines of trade and commerce in time of peace, tend to cheapen transportation to foreign and Atlantic seaboard markets, build up new enterprises everywhere within our State and largely tend to maintain old ones, greatly increase our population, and thus enhance our wealth and multiply our resources; and whereas, there is now pending in the Congress of the United States a bill providing for the use of the credit of the United States in the construction of the Nicaragua Canal, and which bill prescribes, among other things, that the United States shall own absolutely more than eighty per cent of all of the stock of the Nicaragua Maritime Canal Company, previously organized under an Act of Congress of the United States, and that the President of the United States shall appoint not less than ten of the fifteen Directors of said company, and that the United States engineers shall direct or control the work of construction of said canal, and after constructed, that the United States, by reason of its ownership thereof, shall fix the tolls thereon; now, therefore, be it

Senators
instructed.

Resolved by the Senate of the State of California, the Assembly thereof concurring, That our Senators in Congress be instructed and our members of the House of Representatives of the United States be requested, to earnestly support the passage of this measure; and be it further

Owner-
ship.

Resolved, That we favor the absolute ownership and control of the said Nicaragua Canal by the United States Government, if within the power of said Government to so own and control the same.

Governor
to tele-
graph.

Resolved, That his Excellency the Governor is hereby requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

CHAPTER VI.

Senate Joint Resolution No. 11, relative to the increase and equalization of the pay of letter carriers.

[Adopted January 30, 1893.]

Pay of let-
ter carriers.

WHEREAS, A bill was introduced in the House of Representatives of the United States by Representative Amos F. Cummings, on the fifth day of January, eighteen hundred and ninety-two, entitled "A bill to increase and equalize the pay of letter carriers," to the effect following, to wit: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that after June thirtieth, eighteen hundred and ninety-three, the pay of letter carriers in cities where free delivery has been or may be established, for the first year of service shall be six hundred dollars, for the second year of service shall be eight hundred dollars, for the third year of service shall be one

thousand dollars, and for the fourth year of service, and thereafter, the pay of letter carriers shall be twelve hundred dollars per annum. All Acts or parts of Acts inconsistent with this Act are hereby repealed." And whereas, the principles of this bill are manifestly just and proper, and meet the approval of all people of the United States; therefore, be it

Provisions
of letter
carriers'
bill.

Resolved by the Legislature of the State of California, That it cordially approves of the purpose and language of said bill, and requests the passage of such a bill by the Congress of the United States, as a laudable, just, and worthy measure, productive of a good public policy.

Passage of
bill urged.

Resolved, That attested copies of this resolution be forwarded to the California delegation in Congress, with the request that such bill receive its vote and earnest support.

Copies to
be for-
warded.

CHAPTER VII.

Senate Concurrent Resolution No. 2, approving the charter of the City of Sacramento, in Sacramento County, California, which was voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on May 17, 1892.

Charter of
City of Sac-
ramento.

[Adopted February 7, 1893.]

WHEREAS, The City of Sacramento, in Sacramento County, 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 an election duly held in said city on December seventh, eighteen hundred and ninety-one, in accordance with law and with 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 said Board of Fifteen Freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, and did, in so submitting such charter, also present for the choice of the voters two alternative propositions, hereinafter referred to, to be voted on separately without prejudice to the other provisions of such charter, which said charter, including said alternative propositions, was, on March fifth, eighteen hundred and ninety-two, signed in duplicate by a majority of the members of said Board of Freeholders, and was on said last named day returned, one copy thereof to the Mayor of said city, and the other copy thereof to the Recorder of Deeds of the County of Sacramento (within which county said city is situated); and whereas, such proposed charter, with the alternative propositions pre-

Popula-
tion.

Free-
holders.

Charter
submitted.

Publica-
tion of
charter and
proposi-
tions.

Special
election.

Result of
election.

sented therewith, was then published in two daily papers of general circulation in said city, to wit: in "The Evening Bee" and in "The Daily Record-Union," in each instance for more than twenty days, such publication having been in each instance commenced within twenty days after the completion of said proposed charter; and whereas, said charter, with said two alternative propositions presented therewith, was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said city, to wit: by the Board of Trustees thereof, to the qualified electors of said city, at a special election, previously duly called, and thereafter held in said city on May seventeenth, eighteen hundred and ninety-two; and whereas, the returns of said election were duly canvassed by said Board of Trustees of the City of Sacramento, at its meeting held on May twenty-third, eighteen hundred and ninety-two, and said Board of Trustees found as the result of said canvass, and did duly determine and declare, that there were cast at said election fifteen hundred and seventy-eight votes in favor of said charter, and seven hundred and forty-one votes and no more against said charter, and that there were also cast at said election fourteen hundred and twenty-one votes in favor of Alternative Proposition Number One and against Alternative Proposition Number Two, and five hundred and seventy-six votes against Alternative Proposition Number One and in favor of Alternative Proposition Number Two, which were presented with said charter; and that said charter and Alternative Proposition Number One, presented therewith, had both been duly ratified and adopted by a majority of the qualified electors of said city voting at such election, and that Alternative Proposition Number Two, presented with said charter, had been defeated and rejected by a majority of the qualified electors of said city voting at such election; and whereas, at such election a majority of the qualified electors of said city voting thereat did vote in favor of and did ratify and adopt such charter, and (to constitute section two hundred and thirty of the charter) said Alternative Proposition Number One, presented therewith; and whereas, a majority of the qualified electors of said city voting at such election did defeat and reject Alternative Proposition Number Two, presented with such charter; and whereas, said charter, as so ratified, together with said Alternative Proposition Number One, presented therewith, and likewise ratified and adopted, and to become section two hundred and thirty of such charter, is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of said State; and whereas, said charter, with the two alternative propositions presented therewith, is in words and figures following, to wit:

CHARTER FOR THE CITY OF SACRAMENTO.

ARTICLE I.

OF BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation, now existing, known as the City of Sacramento, shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Sacramento, 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 Sacramento, and sell, convey, 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. Rights.

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 Sacramento, are hereby declared to be vested in said City of Sacramento. Rights of Property.

SEC. 3. The said City of Sacramento shall continue to have, hold, use, and enjoy all public buildings belonging to the City of Sacramento, and lands, wharves, waters, property, real and personal, rights of property, rights of action, suits, actions, moneys, revenues, 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. Liabilities.

SEC. 4. Suits, actions, and proceedings may be brought in the name of the City of Sacramento 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 Sacramento, 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 Sacramento. Suits and actions.

BOUNDARIES OF THE CITY.

SEC. 5. The boundaries of the City of Sacramento are as follows: Beginning at the junction of the center of the channel Boundaries.

Bound-
aries.

of the American River with the center of the channel of the Sacramento River as it existed on the twenty-sixth day of May, A. D. eighteen hundred and fifty-one, and running thence down the center of the channel of the Sacramento River to a point opposite the south line of Y Street, as laid down on the official map or plan of the City of Sacramento, on file in the office of the County Recorder of the County of Sacramento; thence easterly on a straight line and along the south line of Y Street to the east line of Thirty-first Street, as laid down on said map; thence northerly along the east line of Thirty-first Street to the north line of A Street (if produced to Thirty-first Street); thence westerly along the north line of A Street to the east line of Twenty-second Street; thence along the east line of Twenty-second Street to the north line of B Street north; and thence westerly along the north line of B Street north to the center of the bed or channel of the American River as it existed on the twenty-sixth day of May, A. D. eighteen hundred and fifty-one; and thence down the center of the channel of said American River as it existed on the twenty-sixth day of May, A. D. eighteen hundred and fifty-one, to the place of beginning.

DIVISION INTO WARDS.

Wards.

SEC. 6. The City of Sacramento is hereby divided into nine wards, numbered consecutively from one to nine inclusive, as follows:

All that portion of the city lying north of the center of K Street and west of the center of Sixth Street shall constitute the First Ward.

All that portion of the city lying south of the center of K Street and west of the center of Fourth Street shall constitute the Second Ward.

All that portion of the city lying south of the center of K Street, east of the center of Fourth Street, and west of the center of Seventh Street, shall constitute the Third Ward.

All that portion of the city lying north of the center of K Street, east of the center of Sixth Street, and west of the center of Tenth Street, shall constitute the Fourth Ward.

All that portion of the city lying north of the center of K Street, east of the center of Tenth Street, and west of the center of Sixteenth Street, shall constitute the Fifth Ward.

All that portion of the city lying south of the center of K Street, east of the center of Seventh Street, and west of the center of Eleventh Street, shall constitute the Sixth Ward.

All that portion of the city lying south of the center of K Street, east of the center of Eleventh Street, and west of the center of Nineteenth Street, shall constitute the Seventh Ward.

All that portion of the city lying north of the center of K Street and east of the center of Sixteenth Street shall constitute the Eighth Ward.

All that portion of the city lying south of the center of K Street and east of the center of Nineteenth Street shall constitute the Ninth Ward.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SEC. 7. The legislative power of the City of Sacramento shall be vested in a Board of Trustees, who shall hold office for the term of four years, subject to the exception stated in the next section. Each member of the Board of Trustees shall be a qualified elector, at least twenty-five years of age, and shall have been a citizen of this State and an inhabitant of the city for at least three years, and of the ward which he represents for at least one year next before the day of his election. Board of Trustees.

SEC. 8. The Board of Trustees shall consist of nine members—one member from each ward, who shall be elected by the qualified electors of such ward. Of the members of the Board of Trustees first elected under this charter, the members from the First, Third, Fifth, Seventh, and Ninth Wards shall hold their office for four years, and the members from the Second, Fourth, Sixth, and Eighth Wards shall hold their office for only two years. At each election thereafter members of the Board of Trustees shall be elected to succeed those whose terms are about to expire. Number.

SEC. 9. Any vacancy occurring in the office of Trustee shall be filled by appointment by the Mayor, and the person so appointed by him shall possess the qualifications hereinbefore prescribed for members of said Board, and shall hold office until the election and qualification of a Trustee to fill the vacancy, which election shall take place at the next succeeding municipal election, and the Trustee so elected shall hold office for the remainder of the unexpired term. Vacancy.

SEC. 10. The Board of Trustees shall meet on the first Monday after the first day of January next after the election of its members shall have been officially declared, and shall hold regular meetings on each Monday thereafter. If the time of a regular meeting falls on a holiday, such regular meeting shall be held on the following day. Special meetings may be called by the Mayor, the President of the Board, or three members of the Board of Trustees. Six members of the Board shall constitute a quorum, and the affirmative vote of five members shall be necessary for the passage of an ordinance or the final transaction of any business; but a less number than six may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Board may prescribe. Meetings.
Special meetings.
Quorum.

SEC. 11. The Board of Trustees shall elect one of its members President immediately after the organization of the Board following each election. The President so elected shall hold such office for two years. The Board of Trustees 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 seven of its members. The Board shall also have the power to compel the attendance of witnesses and the production of all President.
Powers of Board.

papers relating to any business before that body, and may punish disobedience of its subpoena, or contemptuous or disorderly conduct committed in its presence, by fine not exceeding fifty dollars, or imprisonment not exceeding ten days, or by both such fine and imprisonment.

Oaths and affirmations.

SEC. 12. The President of the Board, and the Chairman of each committee thereof, shall have the power to administer oaths and affirmations relating to any business brought before the Board or under consideration by any committee thereof.

Amended ordinances.

SEC. 13. No ordinance shall be revised or amended by reference only to its title, but when any ordinance is amended, the section or sections thereof so amended shall be reenacted at length as amended.

One subject.

SEC. 14. 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.

Yeas and nays.

SEC. 15. No proposed ordinance shall be adopted except by vote taken by yeas and nays, and the names of the members voting for and against the same shall be entered in the minutes.

How ordinances shall be passed.

SEC. 16. No ordinance shall be passed except by bill. Every bill, after it has passed the Board, shall be signed by the President thereof, and every bill which shall have passed the Board, and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Board, or file the same with the City Clerk, 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.

Signature of Mayor.

Effect of not signing.

Action of Trustees on bill returned by Mayor.

SEC. 17. When a bill is returned without the approval of the Mayor, the Board shall, within fifteen days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than six members, it shall take effect as if the Mayor had approved the same. If the bill shall fail, on being so considered, to receive six affirmative votes, it shall then be finally lost. The vote shall be taken by yeas and nays, and the result shall be entered in the minutes of the Board.

When ordinances take effect.

SEC. 18. No ordinance passed by the Board shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

Redistricting.

SEC. 19. The Board of Trustees shall, in the year nineteen hundred, and every tenth year thereafter, redistrict the city into nine 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.

Publication of ordinances.

SEC. 20. The Board of Trustees 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 ordinances without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication. The Board 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. The Board shall also, at the end of each year, except the years above provided for, cause to be published in pamphlet form all ordinances passed during said year.

SEC. 21. The enacting clause of all ordinances shall be in these words: "The Board of Trustees of the City of Sacramento ordain as follows." Enacting clause.

SEC. 22. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, or 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 fuel, gas, electric lights, or any other illuminating material at a higher rate than is charged to any other consumer. Length of time for contracts.

SEC. 23. No contract calling for the payment of more than one hundred dollars shall be effective unless authorized by vote of the Board of Trustees. When any contract shall be so authorized it shall, before it becomes effective, be presented to the Mayor for his approval; and the Mayor shall return the same to the Board, or to the Clerk thereof, within five days after receiving it. If he shall sign the same, it shall then become a contract; but if he shall disapprove it, he shall state his objections thereto in writing. If the proposed contract is not returned with such approval or disapproval within said five days, it shall become valid as if he had approved the same. When a proposed contract is returned without the approval of the Mayor, the Board of Trustees shall, within ten days thereafter, proceed to consider and vote on the same. If it is again authorized by an affirmative vote of not less than six members, it shall become a valid contract of the city the same as if the Mayor had signed it, and not otherwise. The votes shall be taken by yeas and nays, and the result shall be entered in the minutes of the Board. Requisites of contracts for payment of money.

SEC. 24. Every officer of the city shall, at the end of each month, make, in writing, and furnish to the Board of Trustees, a full and detailed statement, upon oath, of all moneys received or disbursed by him, and of his other official transactions during said month. He shall also make like statements at such other times as the Board of Trustees may require. Monthly financial statement.

SEC. 25. The Board of Trustees shall have power: Powers of Board.
First—To try, and by majority vote of all the members of the Board to remove from office, appointees against whom charges have been preferred; and by not less than seven affirmative votes to remove any appointee at any time when in the judgment of the Board the public service will be improved thereby. To remove appointees.

Second—To make by-laws and ordinances not repugnant to By-laws and ordinances.

the Constitution of the United States or of the State of California, or any of the provisions of this charter.

Levy and collect taxes.

Third—To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for State or county purposes, which taxes shall not exceed one per cent per annum upon the assessed value of all property, for a General Fund.

Real estate.

Fourth—To sell, use, lease, control, improve, and take care of the real estate and personal property of the city; *provided, however,* that said Board shall have no power to mortgage or hypothecate any property of said city for any purpose.

Streets and alleys.

Fifth—To lay out, extend, alter, or close streets and alleys, provide for the grading, draining, cleaning, repairing, widening, lighting, or otherwise permanently improving the same, and for the construction, repair, regulation, and preservation of sidewalks, bridges, drains, curbs, gutters, and sewers, and to prevent or remove obstructions thereto or to any part thereof, and to provide for the numbering of houses.

Fire Department.

Sixth—To organize, regulate, and maintain a Fire Department; also, to organize, regulate, and maintain a Police Department.

Gun-powder.

Seventh—To regulate or exclude the landing and storage of gunpowder and other combustible materials.

Nuisances.

Eighth—To determine what are nuisances, and prevent and remove the same.

Acid works, slaughter houses, etc.

Ninth—To regulate the maintenance of acid works, slaughter houses, wash houses, 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.

Tax on theaters, etc.

Tenth—To fix and collect license tax on, and to regulate theaters, melodeons, balls, concerts, dances, and all theatrical or melodeon performances, and performances of any kind for which an admission fee is charged, or which may be held in any house where wines or liquors are sold, circuses, shows, billiard tables, bowling alleys, and all exhibitions and amusements; to fix and collect a license tax on all taverns, hotels, restaurants, saloons, bar-rooms, bankers, brokers, gold-dust buyers, manufacturers, livery stable keepers, express companies, and persons engaged in transmitting letters or packages, railroad and stage and steamboat companies or owners, whose principal place of business is in said city, or who shall have an agency therein; to license and regulate auctioneers; to license, tax, regulate, prohibit, or suppress all tipling houses, dram

Taverns, saloons.

shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, and sheds; to prohibit and suppress all dog fights, prize fights, cock fights, bear or bull or badger baits; also, to prohibit or suppress all gaming and all gambling or disorderly houses; also, to regulate, prohibit, or suppress all houses of ill-fame; also, to fix and collect a license tax upon all lawful professions, trades, or business, not heretofore specified, having regard in such case to

Auctioneers.

Peddlers.

Gambling.

Lawful professions.

the amount of business done by each person, firm, or association thus licensed.

Eleventh—To provide and maintain all public buildings, parks, squares necessary or proper for the use of the city. Parks.

Twelfth—To provide and maintain a Labor Bureau, and to thereby assist worthy persons in obtaining employment. Labor Bureau.

Thirteenth—To provide and maintain a morgue. Morgue.

Fourteenth—To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within said city. Riots.

Fifteenth—To provide for the formation of a chain-gang for persons convicted of crimes, vagrancy, or other misdemeanors, and for their proper employment for the benefit of the city. Chain-gang.

Sixteenth—To establish and regulate markets. Markets.

Seventeenth—To provide for conducting elections, establishing election precincts, and appointing the necessary election officers. Elections.

Eighteenth—To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit levee dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of, berth, landing, stationing, and removing of steamboats, sail vessels, rafts, and all other watercraft; to fix the rate of speed at which steamboats may run along the waterfront of the city; to fix, alter, and change the route of any railroad in the city, and regulate the speed at which the cars may run within the city limits, or any portion thereof. Waterfront.

Nineteenth—To examine, either in open session or by committee or commission, books, papers, vouchers, reports, and statements of the several officers, or of any other person having custody, care, management, collection, disbursement, or control of any moneys or property belonging, appertaining, or appropriated to the city, or either of its funds, trusts, or uses. Examination of reports of officers.

Twentieth—To license hackney coaches, cabs, omnibuses, drays, and other vehicles used for hire, and to regulate their stands and rates of fare, and to license or suppress runners for steamboats, taverns, or hotels. License cabs, etc.

Twenty-first—To examine and liquidate all accounts against the city, and to allow or reject the same or any part thereof, as found legal or illegal. Accounts against city.

Twenty-second—To make appropriations, examine and audit, reject or allow, the accounts of all officers or other persons having the care, management, collection, or disbursement of any money collected for, belonging, appertaining, or appropriated to the city or any of its uses or trusts, and to determine, allow, and pay the salary, fees, or percentage which such officer or other person may by law be entitled to receive, except as otherwise herein provided; to make contracts and agreements for the use and benefit of the city, such contracts and agreements in all cases to specify the fund or funds out of which payment for the same is to be made, and that the same shall be paid out of the moneys appropriated to such fund or funds for the fiscal year. In no case shall a liability be created, or a warrant drawn against any fund, beyond the actual amount of money existing Appropriations.
Creation of liabilities.

in such fund wherewith to meet the same; *provided, however,* should the Board, or a majority thereof, contract or create any debt against the city contrary to the provisions of this charter, such debt, claim, or obligation shall be null and void as against the city or any of its funds; but every Trustee voting in favor of the contracting or creation of any such illegal debt shall be held personally responsible, jointly and severally, for the entire debt so created or contracted, and shall be deemed guilty of a malfeasance in office, and upon conviction shall be removed therefrom.

Ferries
and
bridges.
Ceme-
teries.

Twenty-third—To license ferries and bridges under the law regulating the granting of such license.

Twenty-fourth—To control, enlarge, and improve or abolish the cemeteries heretofore belonging to the city, and to create other cemeteries, and to sell, or lease lots therein; to control and regulate interments, and prohibit them within the city limits.

Fire limits.

Twenty-fifth—To establish fire limits and prevent the erection of wooden buildings therein; to regulate the construction of buildings, sheds, awnings, and signs.

Water
supply.

Twenty-sixth—To provide for supplying the city with water, and to regulate the sale and distribution thereof; *provided, however,* the city shall always have and control the distribution of water within the city limits, and collect the water rates therefor, and shall not grant or lease the right of distribution or the collection of water rates to any person, firm, or corporation; but the city may contract for a supply of water, to be furnished for a term not exceeding twenty years, with any person, firm, or corporation, or may purchase, lease, or hold its own water supply, either within or without the city limits; *provided, however,* no contract for furnishing the city with water shall be made, unless approved by a vote of two thirds of the electors voting at any general or special election at which the proposition may be submitted.

Street
lighting.

Twenty-seventh—To provide for lighting the streets, alleys, public buildings, and public grounds, and to construct, purchase, lease, own, control, maintain, and operate a system of lighting by artificial gas, natural gas, electricity, or other means of illumination.

City
Prison.

Twenty-eighth—To provide and maintain a City Prison, and to provide for the care, feeding, and clothing of the city prisoners.

Sidewalks.

Twenty-ninth—To make real estate in said city liable for the construction of sidewalks, crossings, and all other street improvements adjacent thereto, and provide for the forced sale thereof for such purposes.

Pound.

Thirtieth—To prevent or regulate the running at large of any animals; to establish a pound, and to authorize the destruction, sale, or impounding of any animals found running at large.

Regulation
of steam
boilers.

Thirty-first—To regulate or prohibit the use of steam boilers, the location of telegraph, telephone, electric light, and other

poles and wires, and the construction of entrances to cellars and basements from sidewalks.

Thirty-second—To regulate the entrances 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. Exit from theaters.

Thirty-third—To regulate and control the construction and maintenance of, and to grant to railroad corporations the right to construct and maintain, subject to control by the Board, pipes, tubes, conduits, signal bells, warning signs, wires, and other electric, telegraph, and mechanical appliances, in, along, over, under, and across the streets; *provided*, that said appliances shall be so constructed and placed as not to interfere with the fire alarm system, nor with the extinguishing of fires, nor with the free use of the sidewalks and streets. Also, to require railway companies either to station flagmen or to place sufficient warning signals or signal bells on such street crossings as may in the judgment of the Board be necessary. Railroad construction and regulation.

Thirty-fourth—To grant franchises permitting any person, 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 such street shall not be unnecessarily obstructed thereby; *and provided further*, that any such franchise shall be granted only after notice published for thirty days in a daily newspaper published in the city, and by ordinance passed by the affirmative votes of not less than six members of the Board, and upon 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. Railroad franchises.

Thirty-fifth—To grant franchises for a term not exceeding twenty-five years for the construction and operation of street railways on and along the streets of the city, upon the following terms, viz.: Whenever the Board of Trustees shall determine that a franchise to construct and operate a street railway along and upon any of the streets of the city should be granted, the Board shall, after such determination, cause notice to be published for ten days in a daily newspaper published in the city, specifying the route over and along which it is determined to grant such franchise, and shall offer to grant the same to the person, company, or corporation that shall agree to pay to the City of Sacramento, at the expiration of five years after the franchise is granted, and thereafter semi-annually, the largest per centum of the gross receipts of such road; *provided*, that all grants of franchises for street railways shall be upon condition that single fares on such roads shall not exceed five cents, and that only such rails as are of the most approved pattern shall be made use of in the construction of the road. The Board may, in the granting of such franchise, impose such further regulations and restrictions in the use thereof as to the Board may appear expedient, and the Board may also reject any and all Street railways.
Conditions.

bids, and refuse to grant any franchise for the proposed route; *provided further*, that the Board shall not grant any franchise for the construction of a street railway, except upon condition that at least one per cent of the gross receipts of such railway shall be paid to the city each year after the expiration of five years from the granting of the franchise.

Repair of streets.

Thirty-sixth—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.

Stagnant water.

Thirty-seventh—To require, upon such notice as the Board may direct, any lots, or portions of lots, within the city, which may be covered with stagnant water a portion of the year, to be filled up to such level or grade as will prevent the same from being so covered, and to assess the cost of such filling upon such real estate, and provide that it shall be a lien thereon.

Rules to govern appointees.

Thirty-eighth—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 impose additional duties upon those whose duties are stated; 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.

Fees.

Fines and penalties.

Thirty-ninth—To prescribe fines, forfeitures, and penalties for the breach of any ordinance, and for the violation of any provision of this charter; but no penalty shall exceed the amount of five hundred dollars, or six months' imprisonment, or both such fine and imprisonment.

Attorney for city officials.

Fortieth—To authorize the Mayor to employ, in addition to the City Attorney, an attorney at law, at a salary not to exceed fifteen hundred dollars a year, and whose duty it shall be to advise the city officials and attend to all civil suits and other matters in which the city may be legally interested.

Power to make rules.

Forty-first—To make all rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested in the Board by this charter or by general laws.

General powers.

Forty-second—To make and enforce all such other local, police, sanitary, and other regulations as are not in conflict with general laws or of the provisions of this charter.

ARTICLE III.

EXECUTIVE DEPARTMENT.

OF THE MAYOR.

Mayor.

SEC. 26. There shall be a Mayor, who shall be the chief executive officer of the city. He shall be elected by the qualified voters of the City of Sacramento at each general municipal election, and his term of office shall be two years. He shall be at least twenty-six years of age, and shall have been a citizen of the State and a resident and qualified elector of the city for the five years next preceding the day of his election.

Term.

Qualifications.

SEC. 27. 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 Board of Trustees, 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 Board of Trustees information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interest. He shall see that the laws of the State, the provisions of this charter, 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, and report fully thereon, in writing, to him at least once in every year, and to enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, must be suspended from office by the Mayor, and may be removed for malfeasance in office. He shall have a general supervision over all 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. 28. The Mayor shall be duly notified by the City Clerk of all special meetings of the Board of Trustees, and of the time and place of all regular or special meetings of the standing or special committees thereof, and shall have the right and privilege of being present at all such meetings.

SEC. 29. He shall, at least once a month, together with the President of the Board of Trustees and the City Attorney, count the cash in the City Treasury, and see that it corresponds with the books of the Treasurer and Auditor, and report the result of such count to the Board of Trustees.

SEC. 30. 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

Mayor's
Duties.Notice of
special
meetings.Counting
the cash.Contracts
and agree-
ments.

Super-
vision of
all officers.

Power of
suspension
or expul-
sion.

Mayor pro
tempore.

Appoint-
ment of
certain
officers.

Mayor can
not hold
any other
office.

Mayor's
Clerk.

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 (except a member of the Board of Trustees) for a dereliction, neglect, or non-performance of duty, and shall report the same to the Board of Trustees. If the Board, after a hearing, by affirmative vote of at least five members, 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 Board of Trustees. 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 so to do shall be cause for the removal of such officer or employé, as in case of malfeasance in office.

SEC. 31. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Board of Trustees 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 Board of Trustees, assembled for the purpose. A member of the Board of Trustees, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 32. The Mayor, by and with the consent of the Board of Trustees, shall appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law. When a nomination is made to the Board action shall be taken thereon by the Board, in not less than five nor more than fifteen days thereafter; and in case the officer nominated is not confirmed, the Mayor shall within ten days thereafter nominate another, and may continue doing so until the place is filled. No member of the Board of Trustees shall ever suggest, request the appointment of, appoint, or nominate any officer, clerk, or employé to any place in the city government, except to fill a vacancy in the office of Mayor, elect the President of the Board of Trustees, City Clerk, and necessary election officers.

SEC. 33. The Mayor shall not, during the term for which he shall have been elected, hold any other office or be a member of any Board or Commission connected with the Federal, State, or city government, except as in this charter otherwise provided. Nor shall he ever receive from the city, for any cause or reason, any other or greater compensation than the salary allowed him by this charter as Mayor.

SEC. 34. The Mayor may, when necessary, 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. 35. There shall be a City Clerk, who shall be a qualified elector of the city, and shall be elected by the Board of Trustees. He shall have the custody of and be responsible for the corporate seal, and 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 Board of Trustees and keep a record of its proceedings; he shall keep separate books, in which, respectively, he shall record all ordinances, 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 and receipts for water rates, and perform such other duties as are or shall be imposed upon him by this charter or by ordinance; he shall devote his entire time to the duties of his office; 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.

Sec. 36. The term of office of the City Clerk shall be two years.

CITY AUDITOR AND ASSESSOR.

Sec. 37. There shall be a City Auditor, who shall be ex officio City Assessor, and who shall be elected by the qualified voters of the city at each general municipal election. He shall have been a citizen of the State and a resident and qualified elector of the city for at least two years next before his election. 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. As Auditor, he shall number and keep a record of all demands approved by him, showing the date of approval, amount, and name of original holder, the number, on what account, and out of what fund payable. It shall be his duty to be constantly acquainted with the exact condition of the treasury. 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 written order of the City Treasurer directing him to issue a receipt 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 and receipts for water rates. He shall, on the first Monday of each month, or oftener if required, report in writing to the Mayor, and likewise to the Board of Trustees, the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which

Duties of
City
Auditor.

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 sources from which the city's revenues were derived, and how expended. He 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 verified by the oath of the claimant or some one in his behalf, and 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 if so, out of what fund, and that there is sufficient money in such fund with which to pay the same. 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 Board or other body which originally authorized it; then if it is allowed by a majority vote of all the members of the Board or other body authorizing it, and approved by the Mayor, it shall be audited in the same manner as if it had not been rejected; *provided*, the said 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 out of the fund on which it is drawn 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 his 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 Board of Trustees; 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 Board of Trustees. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business without charge, and shall perform such other duties as are imposed upon him by law or this charter.

SEC. 38. 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 inspection. List of officials.

SEC. 39. The City Auditor and Assessor may appoint a deputy, who shall be a qualified elector of the city, and who shall possess the powers and may perform the duties pertaining to the offices of his principal. Deputy.

SEC. 40. The City Assessor shall be allowed, during the months of March, April, May, and June of each year, such number of additional deputies, to be paid by the city, not exceeding one for every ten thousand inhabitants, or fraction thereof, as may be necessary to carry the work of assessment forward promptly to completion. The salaries of such deputies shall not exceed three hundred dollars each for the entire time employed. Deputies for Assessor.

SEC. 41. The term of office of the Auditor shall be two years. Term.

CITY TREASURER.

SEC. 42. There shall be a City Treasurer, who shall be elected by the qualified voters of the city at each general municipal election. He shall have been a citizen of the State and a resident and qualified elector of the city for at least five years next before his election. 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 thirty-seven hereof. He shall issue to any person paying money into the City Treasury an order to the City Auditor, directing the City Auditor to issue a receipt to such person, which order shall contain a statement of the amount paid into the City Treasury, the name of the person paying the same, and the fund to which the same is applied. He shall make a report at the close of business each Saturday to the Auditor, showing all moneys received during the week, together with the number of each order for a receipt given by him therefor, and from whom received, and to what fund applied. Whenever the city shall provide a proper vault and safes for the keeping of the city money, the Treasurer shall keep said moneys in said vault, and he shall not thereafter, under any circumstances, deposit with 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 Board of City Treasurer. Duties.

Trustees shall provide suitable vaults and safes for the use of the Treasurer. It shall be in the power of the Board of Trustees, by ordinance, at any time to require the City Treasurer to devote his entire time to the duties of his office.

Term. SEC. 43. The term of office of City Treasurer shall be two years.

CITY COLLECTOR.

City Collector. SEC. 44. There shall be a City Collector, who shall be elected by the qualified voters of the city at each general municipal election. He shall have been a citizen of the State and a resident and qualified elector of the city for at least five years next before his election. It shall be the duty of the City Collector to receive and collect all city taxes, general and special; he shall also collect all city licenses, water rates, harbor dues, cemetery receipts, and such other branches of the city revenue not otherwise herein provided for as the Board of Trustees may by ordinance direct, and pay the same over to the City Treasurer weekly. The time and manner of collection of licenses shall be provided by the Board of Trustees.

Duties.

Duties. SEC. 45. Whenever any person required by any city ordinance to take out a license shall fail, neglect, or refuse to take out such license and pay therefor in the manner and at the time in such ordinance provided; or if any person so required to take out any license shall transact, do, or carry on any business, trade, or occupation, without having first procured the requisite license for such trading or carrying on, the City Collector shall report such delinquent to the City Attorney, who shall at once bring suit, in the name of the city, against the delinquent; and in such case the City Collector or City Attorney may make the necessary affidavit, as in other cases, for an attachment, and a writ of attachment shall issue, upon the filing of the affidavit, against the property of such delinquent, without an undertaking being filed by or on behalf of the city; and in such action the sum of fifteen dollars shall be included in the judgment as liquidated damages, together with the original debt and costs of the action; *provided, however*, nothing in this section shall authorize the Court, officer, or any other person whomsoever to make any claim or charge against the city for any services rendered in or about any such action; *and provided further*, that in any such suit no witness for the plaintiff shall be entitled to demand or receive any witness fees or mileage in advance, nor shall any witness be entitled to charge or receive any fees or mileage whatever, unless the same are made as costs out of the defendant; *and provided further*, that if judgment is rendered for the defendant, it shall be general and without costs; *and provided further*, that any person who shall commence or continue to do, transact, or carry on any business, trade, profession, or calling, for which a license may by any ordinance be required to be taken out, without first procuring such license, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be

imprisoned for not less than five nor more than fifty days. Upon the trial of any criminal action provided for by this section, the defendant shall be deemed not to have procured the proper license unless he either produces it or proves that he did procure it; but he may plead in bar of the criminal action a recovery against him and the payment by him, in a civil action, of the proper license money, damages, and costs.

Duties of
City
Collector.

SEC. 46. All billiard tables, bar fixtures, tenpin alleys, pins and balls, furniture, crockery, glassware, liquors, and chattels of every kind used in transacting or carrying on or doing the business of a drinking saloon, bar, restaurant, billiard saloon, tenpin alley, tavern, eating house, ball-room, dance house, theater, or circus, where by ordinance such business is required to be licensed, shall, without reference to the actual ownership of such property, be liable for, and may be taken in attachment or on execution for, the license money due on the business in which they are allowed to be used; and every dray, cart, wagon, carriage, hack, omnibus, or other vehicle required by ordinance to be licensed, together with the horse or horses commonly used thereon, shall, without reference to the actual ownership of such property, be liable for, and may be taken in attachment or on execution for, the license money due on such dray, cart, wagon, carriage, hack, omnibus, or other vehicle. There shall be added to every license not obtained within five days after the same becomes due and payable, the sum of one dollar, which shall become a part of the license, and be paid into the treasury in the same manner as other revenues.

SEC. 47. The City Collector shall be allowed one deputy and one or more clerks, not to exceed three in number, as the Board of Trustees may determine, except as herein otherwise provided. Such deputy and all such clerks shall be appointed by the City Collector, and shall retain their positions during the term of office of the City Collector appointing them, unless sooner removed by the City Collector or the Board of Trustees, as in this charter provided for the removal of any appointee, when in the judgment of said Board the public service will be improved thereby. If at any time, by reason of the growth of the city and a large increase of population, the duties of the City Collector's office become too arduous to be performed in a thorough manner with the maximum force herein provided for, then the Board of Trustees may allow one or more additional clerks, as in the judgment of said Board the increased duties of the Collector's office demand. Such additional clerks shall not receive a greater compensation for service than twelve hundred dollars per annum.

Deputy
Collector,
and clerks.

SEC. 48. The term of office of the City Collector shall be two years.

Term.

CITY ATTORNEY.

SEC. 49. There shall be a City Attorney, who shall be elected by the qualified voters of the city at each general municipal election, and who shall have been an elector of the city for at least two years next before his election, and shall be an attor-

City
Attorney.

Duties of City Attorney. ney and counselor at law, duly admitted to practice by the Supreme Court of this State, and whose term of office shall be two years, and until his successor is elected and qualified. It shall be his duty to prosecute on behalf of the people all criminal cases before the Police Court and the City Justices of the Peace, and all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested; *provided*, the Board of Trustees shall have control of all litigation of the city, and may direct an attorney selected by the Mayor to take charge thereof, or to assist the City Attorney therein. The City Attorney shall give his advice or opinion to the Mayor, Board of Trustees, Board of Education, or other city officers, whenever required to do so, and do such other things appertaining to his office as by the Board of Trustees or Mayor may be required of him. He shall approve the form of all bonds given to, and all contracts made with, the city. He shall, when required by the Board of Trustees or any member thereof, draft any and all proposed ordinances for the city.

ARTICLE IV.

JUDICIAL DEPARTMENT.

Police Court to be held by Justice of the Peace. SEC. 50. All the powers, jurisdiction, and authority which, prior to the adoption of this charter, have been exercised by the Police Judge and the Police Court of the City of Sacramento, or either of them, shall hereafter be vested in and exercised by the City Justice of the Peace, or if there be more than one such City Justice, then by the one to be designated by the Mayor; and it is hereby made the duty of said City Justice, in addition to the duties otherwise required of him by law, to hold a Police Court in said city. Said City Justice and the Court so held by him shall have, in addition to the civil jurisdiction conferred by law upon Justices' Courts, jurisdiction of the following public offenses committed within the city, and which shall be prosecuted in the name of the people of the State of California:

Jurisdiction of Police Court.

First—Petit larceny.

Second—Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the same a felony.

Third—Breaches of the peace, riots, routs, affrays, committing a wrongful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

Fourth—Of all proceedings for the violation of any ordinance of the city or of any provision of this charter.

Fifth—The examination of persons charged with the com-

mitting of any offense to be prosecuted by indictment or information.

Sixth—Such other criminal jurisdiction as is, or may hereafter be, conferred by law upon Police Courts, Justices' Courts, or Justices of the Peace; and in the exercise of his jurisdiction he may punish persons guilty of contempt of Court, and may issue warrants of arrest, subpoenas, venire, writs, executions, attachments, and all other processes necessary and proper.

SEC. 51. In all cases in which the Justice is a party, or in which he is interested, or related to either party by consanguinity or affinity within the third degree, and in case of his sickness, absence, or inability to act, any Justice of the Peace of the county of Sacramento may, at the request of the Mayor, act in the place and stead of said City Justice. Who may act in his stead.

SEC. 52. Said City Justice holding the Police Court shall have a clerk, to be designated the Clerk of the Police Court, who shall be appointed by the Mayor, by and with the consent of the Board of Trustees, and his term of office shall be two years. The Clerk shall keep a record of the proceedings of, and issue all process ordered by the City Justice or by said Police Court, and receive and pay weekly into the City Treasury all fines imposed by said Court. He shall each month render to the Auditor, and also to the Board of Trustees, an exact and detailed account, in writing, upon oath, of all fines imposed and collected, and of all fines imposed and uncollected, and of all other moneys collected on behalf of the city, since his last report, which said report shall be certified to by the City Justice. He shall prepare bonds and justify bail, when the amount has been fixed by the Justice, in cases where the bail does not exceed two hundred dollars, and he may administer oaths. The Clerk shall remain at the court-room of said Court during business hours, and during such reasonable time thereafter as may be necessary for discharging his duty. Clerk.
Duties of Clerk of Police Court.

SEC. 53. The city shall furnish a suitable court-room for said City Justice, at which he shall remain from nine A. M. to twelve M., and from one P. M. to five P. M.; and shall also furnish the necessary dockets and blanks for the use of said Court. Said Court shall always be open, except upon non-judicial days, and also on such days for such purposes as are by law required of other Courts of the State on such days. Court-room.

SEC. 54. Said Court shall be considered a Court of record, and shall have a seal, to be furnished by the city. Certified transcripts of the dockets, files, records, or any papers, process, or proceedings of said Court made by the Clerk thereof, under seal of said Court, shall be received in evidence in any Court of this State; and all warrants and process 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 in the State. Court of record.

SEC. 55. In all cases where said Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offense triable therein, the Court may Sentences, if imprisonment.

sentence the offender to be imprisoned in the city jail, if there be one, or in the county jail, and in addition to imprisonment may sentence offenders to labor in the chain-gang, or at other labor, for the benefit of the city.

Commitments to Whittier or Preston Schools.

SEC. 56. The said Court, and the Justice thereof, shall have power to commit any offender under eighteen years of age, duly convicted, to the Preston School of Industry or to the Whittier Reform School, or to any other reformatory institution for juvenile offenders that may at any time be provided by law.

Regulations governing the Justice of the Peace.

SEC. 57. The Police Court and the City Justice shall be governed in their proceedings by the provisions of law regulating proceedings before Justices' Courts, Justices of the Peace, and Police Courts, except so far as the same are added to or modified by this charter, and such Police Court may be treated and considered as a Justice's Court whenever necessary to sustain and uphold the jurisdiction thereof, or of any proceedings had therein; and all provisions of law relating to Justices of the Peace and to Justices' Courts are hereby made applicable to said Police Court, and nothing in the title of the Court or of any papers or proceedings therein, shall affect the question of jurisdiction; and said Court and the said Justice shall have all the powers and jurisdiction now or hereafter conferred by law upon Justices' Courts, Police Courts, or Justices of the Peace, and shall charge and receive, for the benefit of the city, like fees for services.

Continuation of cases.

SEC. 58. All actions and proceedings pending and undetermined, either in the City Justice's Court or in the Police Court of the City of Sacramento, as said Court existed prior to the taking effect of this charter, shall be proceeded with, heard, tried, and determined in the Police Court herein provided for, before said City Justice of the Peace, the same as if such actions and proceedings had been originally commenced therein.

No additional salary.

SEC. 59. The City Justice of the Peace who shall hold the Police Court shall not be entitled by reason thereof to any new or additional salary or compensation, but the salary allowed him by law as City Justice of the Peace shall be in full for all services performed by him in holding such Police Court, and he shall account for and pay to the city all costs and fees by him collected; *provided, however*, that if, at any time, the law providing for payment of a salary to said City Justice is repealed, the Board of Trustees may by ordinance provide for the payment by the city of a salary to said Justice, not exceeding two thousand dollars a year.

SEC. 60. Any and all Acts by which a Clerk of the Police Court of this city is provided, shall not be considered as applicable to the City of Sacramento after this charter takes effect.

ARTICLE V.

DEPARTMENT OF PUBLIC WORKS.

Records and properties of Surveyor, Street Superintendent, etc.

SEC. 61. The Board of Trustees 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 the City Surveyor, Superintendent of Streets, and Superintendent of Waterworks, or kept by or in the possession of any other officer, and pertaining to any public buildings or public works of the city.

SEC. 62. The Board shall have charge and superintendence of all public work of every kind not otherwise controlled by general law to be done for the city, and also of furnishing all material and supplies for public use, except as otherwise provided in this charter. It shall be the duty of the Board to vigilantly inspect all parts of the city, and cause to be done from time to time such work as it shall deem necessary or proper.

SEC. 63. There shall be a City Surveyor, who shall be a qualified elector, and shall be appointed by the Mayor, by and with the consent of the Board of Trustees, and whose term of office shall be two years, and who 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 any general law of the State of California. He shall keep a public office within the city, as provided by the Board of Trustees, and shall keep therein the records of his office and all maps, plats, surveys, and certificates pertaining thereto, with an index for easy reference. All such records, maps, plats, surveys, and certificates, including monuments, shall be considered the property of the city, and shall be turned over to his successor in office.

SEC. 64. There shall be a Superintendent of Streets, who shall be a qualified elector, and shall be appointed by the Mayor, by and with the consent of the Board of Trustees, and whose term of office shall be two years, and whose duty shall be to see that the laws, ordinances, orders, and regulations relating to sewers, drains, levees, streets, alleys, and highways are fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of all sewers and drains, and keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, sewers, levees, 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 the city, as provided by the Board, and shall keep therein the

Board of
Public
Works.

City
Surveyor.

Office.

Superin-
tendent of
Streets.

Duties.

records of his office, and a register of all streets, alleys, sewers, and drains, and all improvements and repairs made thereon, with an index for easy reference. Should he fail to see the laws, ordinances, and regulations relating to the public streets and highways carried into execution, 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. All registers, records, books, contracts, plats, diagrams, and all papers and documents belonging to his office, shall be delivered to his successor in office.

How public work shall be done.

SEC. 65. All public work authorized by the Board to be done and not within the provisions of the general law of the State of California operating thereon, shall be done under written contract, except as hereinafter provided. Before awarding any such contract for doing any work for the city, the Board shall cause notice to be posted conspicuously in its office, and published not less than ten days in a daily newspaper published in the city, inviting sealed proposals for the contemplated work, and in case the estimated cost of the work exceeds five thousand dollars, to be so posted and published for not less than twenty days; except that any repair or improvement not exceeding an estimated cost of one hundred dollars may be made by the Board under written contract, or otherwise, without advertising for sealed proposals; *provided, however*, that should there be imminent danger to the city from inundation, the Board may, in its discretion, contract for the immediate repair of its levees without such notice, posting, or publication.

Proposals.

SEC. 66. All proposals shall be made upon printed forms, to be prepared by the Board, and furnished gratuitously upon application. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the Clerk of the Board, 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, such bids shall be rejected.

How bids are received.

SEC. 67. 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, before the expiration of 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 City Clerk 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 Clerk. Before adjourning the Board shall compare the bids with the record made by the City Clerk, 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 Clerk 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 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 Clerk 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. The Board shall have no power to relieve from or remit such forfeiture.

Awarding contracts.

Rejection of bids.

Check to be held.

SEC. 68. 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.

Collusion of bidders.

SEC. 69. 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 modifications 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 the President thereof and by the other contracting party. All contracts shall be signed in duplicate, one of which, with specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with 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 Clerk 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 City Clerk 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

Drawing of contracts.

Surety on bonds.

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, and there are more than two sureties thereon, they may state in their affidavit that they are severally worth amounts less than that expressed in the bond, if the whole amount be the 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. The Board may extend said time, but in no event for 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 Board shall not pay or allow to him any compensation for any work done by him under said contract beyond such sum as, in the judgment of the Board, the work done is actually worth to the city, less the detriment suffered by the city by such loss of time in the completion of the work.

Failure of contractor.

System of levees, canals, etc.

SEC. 70. The Board of Trustees is hereby authorized to adopt, establish, and maintain a system of levees, canals, and drainage, and to construct and maintain the works necessary thereto; and to repair, maintain, construct, and control all levees, canals, and other works necessary to the protection of the city. The Board of Trustees is hereby declared to be the legal representatives and successors of the Board of Supervisors of the County of Sacramento, and of the Board of Levee Commissioners of the City of Sacramento, in all matters pertaining to the Sacramento Drainage Canal, and in all matters pertaining to any canal or drains for the drainage of the city, and in all matters pertaining to the levees in the city, and in all matters pertaining to all the levees, canals, and other works which said city has adopted or constructed, or shall hereafter adopt or construct, as part of its system of levees or drainage; and the Board of Trustees shall, in addition to the other powers granted to them, also have power to dredge, or in any other manner deemed expedient to keep clear the channels of the Sacramento and American Rivers adjacent to the city, and to build any dam, boom, weir, wharf, jetty, or other works, either in the County of Yolo or in the County of Sacramento, or in part in either of said counties, as in the opinion of said Board may be necessary to keep the channel of the Sacramento River in front of the city free and open for the navigation of first-class steamboats; and said Board may cut or dig any canal, ditch, slough, or outlet in either of said counties, and may use all other means and appliances whatever that may be necessary to keep the Sacramento River navigable in front of the city, to provide proper drainage for the city, and to guard any and all lands within said city from inundation. The purposes for which any and all the works in this section mentioned are or are to be constructed, are hereby declared public uses, and the City of Sacramento is hereby authorized to proceed, at any time, under the provisions of the statutes for that purpose, to condemn for

such use any and all property necessary to the construction and maintenance of such works; *provided, however*, no system or plan for any of the work in this section authorized to be performed shall be adopted by said Board which will cost over twenty thousand dollars, unless such plan shall be first submitted to and ratified by a vote of the electors of said city; *and provided further*, that if any plan is adopted involving the expenditure of more than twenty thousand dollars, the money required to carry out such plan shall be raised either by the issuance of bonds, or by direct taxation, as the electors at such election may determine.

SEC. 71. The City of Sacramento may make such contracts with any swamp land, levee, or reclamation district now in existence, or hereafter to be formed, or with any person or body politic or corporate, whereby each may be compelled to contribute its proper quota towards any works necessary to be constructed outside of said city. If any levee, or any system of drainage projected, constructed, maintained, or kept in repair by said city, shall be beneficial to any levee, swamp land, or reclamation district, such district shall contribute its just quota to the payment of the expense of such construction, maintenance, and repair. The amounts to be paid, respectively, by said city and said districts shall be fixed by the agreement of the respective Boards of Trustees of said city and districts. In case the Boards of Trustees cannot agree, the Superior Court of said county must, on the petition of said city, appoint a Commission of not more than three persons, who shall have power to determine:

First—Whether the levee or drain is beneficial to such swamp land, reclamation, or levee district; and if so, then,

Second—The proportion of the cost of constructing and maintaining such levee or drain which such district ought to pay.

The proportion so fixed shall be conclusive on said city and district, and each must thereafter contribute to the construction, maintenance, and repair of such levee or drain, in the proportion fixed by such Commission.

ARTICLE VI.

REVENUE AND TAXATION.

SEC. 72. All property in the city not exempt under the laws of the State or of the United States, excepting property used exclusively for public schools, and such as may belong to the United States, the State, to Sacramento County, or to the city, is subject to taxation for municipal purposes. All taxable property must be assessed at its full cash value. Land and improvements thereon must be separately assessed. 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 an interest in the property affected thereby. In case of debts so secured, the value of the property, less the value of the security, shall be assessed and taxed to the owner of the

System of
levees,
canals, etc.

Pro rata
share of
expense of
district to
be paid by
city.

Property
subject to
taxation.

property, and the value of the security shall be assessed and taxed to the owner thereof, and the taxes so levied shall be a lien upon the property and security.

Assessment for taxes.

Sec. 73. The City Assessor must, between the first Mondays of March and July in each year, ascertain the names of all persons taxable, and of all property in the city subject to taxation, and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was, at noon on the first Monday of March next preceding; but no mistake in the name of the owner or supposed owner shall render the assessment invalid. In assessing solvent credits not secured by mortgage or trust deed, a reduction therefrom shall be made of debts due to bona fide residents of the State. The Assessor shall have power to, and he must, exact from each person a statement in writing, under oath, setting forth specifically all the real and personal property owned by such person, or in his possession, or under his control, at noon on the first Monday in March. If any person, after demand made by the Assessor, neglects or refuses to give, under oath, the statement herein provided for, or to comply with the other requirements of this charter relating to assessments and taxation, the Assessor must make an estimate of the value of the property of such person, and the value so fixed by the Assessor shall not be reduced by the Board of Trustees.

Unknown owners.

Sec. 74. If the owner or claimant of any property not listed by another person is absent or unknown, the Assessor must make an estimate of the value of such property. If the name of the absent owner is known to the Assessor, the property must be assessed in his name; if unknown, the property must be assessed to "unknown owners."

Willful concealment.

Sec. 75. Any property willfully concealed, removed, transferred, or misrepresented by the owner thereof, to evade taxation, must, upon discovery, be assessed at not exceeding ten times its value, and the assessment so made must not be reduced by the Board of Trustees. Any property discovered by the Assessor to have escaped assessment for the last preceding year, if such property is owned or controlled by the same person who owned or controlled it for such preceding year, may be assessed at double its value.

Assessment book

Sec. 76. The City Assessor must prepare an assessment book, with appropriate headings alphabetically arranged, in which must be listed all property within the city subject to taxation, which assessment book must be completed by the Assessor on or before the first Monday of July of each year. The Assessor shall also make a map book, showing a plan of the various blocks of the city, and mark thereon in each subdivision thereof the name of the person to whom it is assessed. As soon as completed, the assessment book, together with the map book and statements, must be delivered to the City Clerk, who must immediately give notice thereof, and of the time the Board of Trustees will meet to equalize assessments, by publication in a daily newspaper published in the city, and in the

meantime the assessment book must remain in his office for the inspection of all persons interested.

SEC. 77. The Board of Trustees must meet on the first Monday in July of each year to examine the assessment book and equalize the assessments. It must continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the third Monday in July. The Board has power, after giving notice in such manner as it may by rule prescribe, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of property and make it conform to the true value of such property in money. No reduction must be made in the valuation of any property unless the party affected thereby, or his agent, files with the Board a written application therefor, verified by his oath, and showing the facts upon which such reduction is claimed. No reduction must be made unless such person, or his agent, attends and answers, under oath, all questions relating to the value of the property. The Board may subpoena such witnesses and hear such other evidence in relation to the matter as it may deem proper.

Board of
Equaliza-
tion.

Reduc-
tions.

SEC. 78. During the session of the Board it may direct the Assessor to assess any taxable property that has escaped assessment, or to add to the amount, number, or quantity of property, when a false or incomplete list has been rendered, and to make and enter new assessments (at the same time canceling previous entries), when any assessment made by him is deemed by the Board so incomplete as to render doubtful the collection of the tax. The Clerk of the Board must record in a book kept for that purpose all changes, corrections, and orders made by the Board, and must enter upon the assessment book all changes and corrections so made, and must, on or before the first Monday in August, deliver the assessment book, so corrected, to the City Auditor.

Directions
to Assessor.

Clerk's
duties.

SEC. 79. The City Auditor, as soon as the assessment book is delivered to him by the Clerk, must proceed to add up the valuations and enter the total valuation of each kind of property and the total valuation of all property on the assessment book, and must, before the third Monday in August, report a statement thereof, in writing, to the Board of Trustees.

Duty of
City
Auditor.

SEC. 80. The Mayor, City Collector, and City Auditor shall constitute a Board of Estimate, of which Board the Mayor shall be Chairman and the Auditor shall be Secretary. It shall be the duty of said Board of Estimate, on or before the second Monday in August of each year, to prepare and transmit to the Board of Trustees, accompanied by estimates and reports from the various departments of the city government, an estimate of the probable necessities of the city government for the next ensuing fiscal year, giving the amount required to meet the Sinking and Interest Funds for any and all valid outstanding debts, together with the amount needed for salaries and the probable wants of all the departments of the city government in detail, and showing specifically the necessities of each of the several specific funds to be provided for in the treasury. The

Board of
Estimate.

What the
estimate
must show.

What the estimate must show.

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, water rates, harbor dues, and all other sources of revenue, exclusive of taxes upon property, and shall give an estimate of what amount will be required to be levied and collected by tax upon all property in the city subject to taxation, in order to meet the necessities of such fiscal year. If such estimate shall show that an increased amount will be required in any specific fund over the amount required for such fund for the pending fiscal year, such estimate shall also state the reasons why such increase will be required. The salaries pertaining to the respective offices held by them shall be in full compensation for all services performed by the members of said Board of Estimate.

No extra salary.

General Fund.

SEC. 81. The Board of Trustees shall establish a General Fund, and may also, before fixing the rate of the annual city tax, by ordinance establish such special and separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditure, as may be necessary, which special funds shall not be diverted to any other purposes than that for which they have been specifically created, except of balances in excess at the end of the fiscal year.

Rate of taxes to be fixed.

SEC. 82. The Board of Trustees must, on or before the first Monday in September in each year, by ordinance, fix the rate of taxes to be levied, and levy the taxes for general municipal purposes upon all property subject to taxation in the city, and shall also at the time of making such levy, levy such direct special taxes for the special and separate funds created or provided for as shall be necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the levy for the General Fund shall not exceed one dollar for each one hundred dollars upon the assessment book. Every tax has the effect of a judgment against the person, and every lien created by this charter has the effect of an execution levied against all property of the delinquent, and the judgment is not satisfied nor the lien removed until the taxes are paid, or the property sold therefor. Every tax due upon personal property is a lien upon the real property of the owner thereof, from and after twelve o'clock, noon, of the first Monday in March in each year. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements on real property assessed to others than the owner of the real property, is a lien upon the land and improvements, which several liens attach at twelve o'clock, noon, of the first Monday in March in each year.

Lien of taxes.

Computation of taxes.

SEC. 83. As soon as the Board of Trustees has fixed the rates of taxes for the year, the Auditor must compute and enter in a separate column in the assessment book the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns showing the total amount of such taxes, and on or before the fourth Monday in September he must deliver said corrected and

completed assessment book to the City Collector, and charge the Collector with the full amount of the taxes levied.

SEC. 84. Upon the receipt by him of the assessment book the Collector must publish, for at least five days, a notice in some daily newspaper published in the city, specifying:

Duty of Collector.

First—That the taxes on all personal property secured by real property, and one half the taxes on all real property, will be due and payable at the office of the City Collector on the first Monday in October, and will be delinquent on the last Monday in November next thereafter, at six o'clock P. M., and that unless paid prior thereto fifteen per cent will be added to the amount thereof, and that if said one half be not paid before the last Monday in April next thereafter, at six o'clock P. M., an additional five per cent will be added thereto; that the remaining one half of the taxes on all real property will be payable on or after the first Monday in January next thereafter, and will be delinquent on the last Monday in April next thereafter, at six o'clock P. M., and that unless paid prior thereto five per cent will be added to the amount thereof.

Must advertise time of payment of taxes, etc.

Second—That all taxes may be paid at the time the first installment is due and payable.

SEC. 85. The City Collector must mark the fact and date of payment, or partial payment, as the case may be, in the assessment book, opposite the name of the person assessed. He must also give a receipt to the person making the payment.

Payment and receipts.

SEC. 86. On the last Monday in November of each year, at six o'clock P. M., all taxes then unpaid, except the last installment of the real property taxes, are delinquent, and thereafter the Collector must collect an addition of fifteen per cent thereon; *provided*, that if they are not paid before the last Monday in April next succeeding, at six o'clock P. M., he shall also collect an additional five per cent thereon. On the last Monday in April of each year, at six o'clock P. M., all the unpaid portions of the remaining one half of the taxes on real property are delinquent, and thereafter the Collector must collect an addition of five per cent thereon; *provided, however*, that the entire tax on real property may be paid at the time the first installment is due; *and provided further*, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of said personal property is made.

When taxes are delinquent.

SEC. 87. On the third Monday in December of each year, the City Collector must attend at the office of the Auditor with the assessment book, and the Auditor must carefully examine the same, and if satisfied that the statements there appearing of taxes due and unpaid are correct, he must foot up the amount of all taxes so due and unpaid, and must settle with him for the taxes paid, and require from him the Treasurer's receipt therefor.

Settlement with the Auditor.

SEC. 88. On the third Monday in May of each year, the Collector must attend at the office of the Auditor with the assessment book, and must furnish and deliver to the Auditor at said time a complete "delinquent list" of all persons and

Delinquent list.

property then owing taxes, in which list must be set down, in numerical or alphabetical order, all matters and things contained in the assessment book and relating to delinquent persons or property. The Auditor must carefully compare the "delinquent list" with the assessment book, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the amount of taxes so remaining unpaid and credit the Collector therewith, and must settle with him for the taxes and percentages therein collected since the December settlement, and require from him the Treasurer's receipt therefor. After such settlement with the Collector the Auditor must charge the Collector with the amount of taxes due on the "delinquent list," with five per cent added thereto, and within three days thereafter deliver said "delinquent list," duly certified, to such Collector.

Delin-
quent list
to be pub-
lished.

SEC. 89. On or within five days before or after the first Monday in June of each year, the 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 the taxes on real estate, where the real estate is liable therefor or the several taxes are due from the same person. The expense of the publication shall be a charge against the city. The Collector must append to and publish with the delinquent list a notice that unless the taxes delinquent, with the costs and percentages, are paid, the real property upon which such taxes are a lien will be sold at public auction, at a time and place designated in the notice. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place of sale must be in front of the County Court-house of Sacramento County. The publication must be made once a week for three successive weeks in some daily newspaper, or supplement thereto, published in the city. A copy of the publication, with the affidavit of the Collector attached thereto that it is a true copy of the same, that the publication was made in a newspaper, or supplement thereto, published in the city, and the date of each appearance, shall be filed with the City Auditor, which affidavit shall be prima facie evidence of all the facts stated therein.

Time of
sale.

Cost of
preparing
lists.

SEC. 90. The City Collector must collect, in addition to the taxes and percentages due on the delinquent list, fifty cents on each tract of land separately assessed, as costs for preparing the list.

Public
sale of ad-
vertised
property.

SEC. 91. On the day fixed for the sale, or on some subsequent day to which he may postpone it (of which he must give notice by at least one publication in a daily newspaper published in this city), the Collector, between the hours of ten o'clock A. M. and three P. M., must sell at public auction the property advertised, commencing at the head of the list, and continuing in the order published until completed. 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. 92. The owner or person in possession of any real estate offered for sale for taxes 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 he 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, the smallest portion of the interest, and pay the taxes, percentages, and costs due, including fifty cents for the duplicate certificate of sale, shall be the purchaser. But in case there is no purchaser in good faith for the same on the first day 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 property assessed shall be struck off to the City of Sacramento as the purchaser, and the duplicate certificate delivered to the City Treasurer and filed by him in his office; and in such case the Collector shall make an entry "sold to the city" on the assessment book opposite the tax, and he shall be credited with the amount thereof in his settlement with the Auditor.

Owner may designate part to sell.

When sold to City of Sacramento.

SEC. 93. If the purchaser does not pay the taxes, percentages, and costs before ten o'clock A. M. of the following day, the property, on the next sale day, before the regular sale, must be resold for the taxes and costs, and the bid of the person refusing to make payment shall not be received on the sale of any other property on the list.

Re-sale.

SEC. 94. Before delivering any certificate of sale, the Collector must enter in a book a description of the land sold, the date of sale, purchaser's name, and amount paid, and regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate, which book must be delivered to the Auditor. Such book must be open to public inspection, without fee, when not in actual use. After receiving the amount of taxes, percentages, and costs, the Collector must make out and sign, 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, the name of the purchaser, and specifying the time when the purchaser will be entitled to a deed. One copy of such certificate shall be delivered to the purchaser, and the other shall be filed in the office of the City Auditor; and upon the filing of such certificate 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.

Book of sales.

Certificate of sale.

Penalty.

SEC. 95. Redemption of the property sold may be made by the owner or any party in interest within twelve months from the date of the sale. Redemption must be made in gold or silver coin, and when made to the Treasurer, he must credit the amount to the person named in the Collector's certificate, and pay it on demand to him or his assignee.

Redemption.

SEC. 96. On presentation of the receipt of the purchaser, or of the Treasurer, for his use, of the total amount of redemption

Re-deemed."

money, the Auditor 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.

Deed to purchaser.

Sec. 97. If the property is not redeemed, the Collector, or his successor in office, must make to the purchaser, or his 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. Such deed, duly acknowledged, is prima facie evidence of the regularity of all the proceedings had from the assessment by the Assessor up to and inclusive of the execution of the deed, and that the grantee named in the deed is owner of the property described therein. The deed conveys to the grantee the absolute title to the lands described therein as of the date of the expiration of the period of redemption, free of all incumbrances, except the lien for taxes which may have attached subsequent to the sale. If property sold to the City

Deed to city.

of Sacramento for non-payment of taxes is not redeemed, the Collector, or his successor in office, must make to the city a deed of the property, the same as in the case of other purchasers; in such case the former owner may repurchase such property from the city at any time within three years next after the issuance of the deed, upon paying to the city five times the amount of the purchase price paid by the city therefor, together with any other taxes and assessments unpaid thereon; and in the event of such repurchase, the Mayor shall execute a deed at the expense of the purchaser, conveying to him the interest of the city in and to such property. If the property is not repurchased within three years, it shall, at such time as the Board of Trustees direct, be sold at auction to the highest bidder, after at least ten days' notice by publication in some daily newspaper of the city, and the proceeds of the sale shall belong to the city, and be paid into the treasury.

Sold at auction.

Taxes on personal property.

Sec. 98. The City Collector shall, after the first Monday in February in each year, collect the taxes due on personal property, except where real estate is liable therefor, by seizure and sale at public auction of any personal property owned by the delinquent. The sale must be made after five days' notice, given by publication, or by posting in three public places in the city, and must be of a sufficient amount to pay the taxes, percentages, and costs. For seizing or selling personal property, the Collector may charge in each case the sum of three dollars costs. On payment of the price bid, the delivery of the property, with a bill of sale, vests the title in the purchaser. All excess over the taxes, percentages, and costs, of the proceeds of any property so sold must be returned to the owner, and until claimed must be deposited in the City Treasury for his benefit. The unsold portions of the property seized may be left at the place of sale at the risk of the owner.

Sale of the property.

Final settlement of Collector.

Sec. 99. The City Collector must, on the second Monday of July of each year, attend at the office of the City 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 book, and when taxes have been paid must note the fact in the appropriate column in the assessment book. The Auditor must then administer to the Collector an oath, to be written and subscribed on the delinquent list, that every person and all property assessed on the delinquent list, on which taxes have been paid, has been credited in the list with such payment, and that the taxes not marked "paid" have not been paid, and that the Collector has not been able to discover any property of the persons liable to pay the same out of which to make the collection. The Auditor must then foot up the amount of taxes unpaid, and credit the Collector therewith, and have a final settlement with him; and the delinquent list must remain on file in the Auditor's office. Interest must be collected on all such delinquent taxes at the rate of two per cent per month from the time delinquent until paid.

Final settlement of Collector.

Sec. 100. Any taxes, percentages, or costs erroneously or illegally collected may, by order of the Board of Trustees, be refunded by the Treasurer.

Illegal collections returned.

Sec. 101. The City Assessor, between the first Monday in March and the first Monday in July in each year, must collect the taxes on all personal property. When the owner thereof has no real estate, or when, in his opinion, said taxes are not a lien on real property sufficient to secure the payment, he may enforce such collection by seizure and sale of any personal property owned by the person liable to pay the tax. Such seizure and sale shall be conducted in the same manner as provided to be done by the Collector by section ninety-eight hereof. The Assessor and Collector are governed, as to the amount of taxes so collected on personal property, by the rate of the previous year. When the rate is fixed for the year in which the collection is made, then if a sum in excess of the rate has been collected, the excess shall be repaid by the Treasurer to the person from whom it was collected, and if a sum less than the rate has been collected, the deficiency must be collected as are other taxes on personal property.

Collection of personal taxes.

Sec. 102. The Assessor must settle with the City Treasurer, and pay into the treasury weekly, the personal property taxes collected by him; and the Auditor must, as soon as the assessment book for the year comes into his hands, note opposite the name of each person from whom taxes have been so collected, the amount thereof, and as soon as the rate for the year is fixed, he must also note on the assessment book, in connection with the previous entry, the amount of excess or deficiency.

Weekly settlement with City Treasurer.

Sec. 103. Omissions, errors, or defects of form in the assessment book, or in the delinquent list, may, with the written consent of the City Attorney, be supplied or corrected by the Assessor at any time prior to the sale for delinquent taxes. In the assessment, advertisement, and sale for taxes, initial letters, abbreviations, and figures may be made use of, and no assessment, or act relating to the assessment or collection of taxes, is illegal on account of informality, nor because the same was not completed within the time designated.

How errors are corrected.

Taxes assessed prior to adoption of charter.

SEC. 104. All taxes assessed before this charter takes effect must be collected at the time provided for and under the laws in force at the time the assessment was made, and all such taxes shall be valid and collectible the same as if this charter had not been adopted.

Taxes not to be diverted from special funds.

SEC. 105. Nothing in this charter shall ever be construed as permitting or authorizing any portion of the taxes levied and collected for the respective special funds, which the Board of Trustees are authorized to establish, to be made use of in payment of any indebtedness of the city which existed prior to January first, eighteen hundred and eighty-eight, nor shall the total amount of taxes collected and made use of in any one year in payment of any indebtedness of the city which existed prior to January first, eighteen hundred and eighty-eight, ever exceed fifty-five cents on each one hundred dollars upon the assessment book.

Limit of taxation.

Power to create indebtedness.

SEC. 106. Should the Board of Trustees at any time deem it necessary for the interest and protection of the city at large, or any portion thereof, or the property or health of the citizens thereof, or any other matter or thing, the object of which would be to advance the interest of the city, to contract and create any debts or obligations against the city for materials furnished, and labor and services performed, without having the funds in the treasury to pay the same, the said Board may enter into contracts, and create debts or obligations, without interest, and are hereby empowered and authorized to levy and collect a special tax, annually or in one levy, to pay such debts and obligations so created, and provide the mode and manner of their payment; *provided*, that no such debts, obligations, or claims shall be contracted or created against the city without first having been voted upon by the qualified electors thereof, unless expressly provided by this charter. Notice shall be given of such elections, by publication for not less than two weeks theretofore, in some daily newspaper published in the city, in which notice the contemplated repairs or improvements, and the cost or estimated cost of the same, and the manner it shall be paid for, shall be distinctly stated. If two thirds of the votes cast at such election be in favor of the proposition named, then the Board shall be authorized to proceed with the work, and to create the liability against the city to the extent so voted for. For all debts and obligations so contracted and created, the said Board shall issue warrants therefor, under the seal of the city, and specifying therein the date of the election by which the issuance thereof was authorized, and the total amount of warrants then issued under and by virtue of such authority.

Notice of election on creating indebtedness.

ARTICLE VII.

BONDED INDEBTEDNESS.

How bonded indebtedness may be created.

SEC. 107. The Board of Trustees may contract bonded indebtedness as follows: Said Board shall, by order duly passed by yeas and nays, recorded in its journals of proceedings, spec-

ify the particular purpose for which the indebtedness is to be created, and the amount of bonds which is proposed to be issued. The Board shall then provide for submitting the question of the issue of said bonds to the qualified electors of the city, at a special municipal election, to be called by the Board for that purpose, and it shall be held, as nearly as possible, in conformity with the general laws of this State. Notice shall be given of such election by publication, for three weeks next prior thereto, in some daily newspaper published in the city, in which notice the amount of such bonds proposed to be issued, the term of years to run, the object for which the indebtedness is to be created, and the rate of interest to be paid, shall be distinctly stated. The ballots shall be printed: "For the issue of bonds—
Yes;" "For the issue of bonds—No." 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 Board 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 forty years to run, and bearing interest at a rate per annum not exceeding six per cent, payable semi-annually; 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 Sacramento, in the State of California, for value received, promises to pay to ———, or order, 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 Board of Trustees, has caused this bond to be signed by the Mayor of the city, countersigned by the President of the Board of Trustees, and attested by the City Auditor, with the corporate seal of said city hereto attached, this ——— day of ———, in the year ———.

—————, Mayor.
[Corporate Seal.] ———, President Board of Trustees.
Attest: ———, City Auditor.

And the interest coupons shall be in the form following, and signed by the City Auditor:

No. ———.

The Treasurer of the City of Sacramento, 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. ———.

—————, City Auditor.

SEC. 108. 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

Sale of
bonds.

all bonds delivered to him, and the proceeds thereof. The Treasurer shall then proceed to sell said bonds, for not less than par, together with any accumulated interest, under the direction of the Board of Trustees, and for the highest prices; 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 Board of Trustees shall have the power and must create and name the fund or funds of the city into which the moneys arising from the sale of bonds shall be paid. And before or at the time of issuing said bonds, the Board of Trustees shall, by ordinance, provide for the levy and collection of a tax, to be levied and collected each year at the same time and in the same manner as other city taxes, sufficient to pay the annual interest upon such bonds issued and outstanding, and not less than such proportionate part of the principal thereof as one year's time bears to the whole term for which such bonds are to run, and at or before the date of maturity of the bonds the whole amount collected therefor shall be sufficient to discharge the whole amount of the principal and interest. And the Board must annually thereafter levy such tax in sufficient amount to comply with the provisions of this section and the ordinance of the Board aforesaid; and the moneys arising from such levies shall be used for the payment of such bonds and interest coupons, and for no other purpose whatever. 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 such bonds, he shall publish, once a week for two weeks, in a daily newspaper published in the city, a notice to the effect that he is prepared to pay such bond or bonds (giving the number thereof), and that if same are not presented for redemption within thirty days after the first publication of such notice, the interest on such bonds will cease. He shall at the same time deposit in the Post Office a copy of such notice, inclosed in a sealed envelope, with the postage paid thereon, addressed to such owner or owners, as shown by the records thereof kept in the Treasurer's office. If such bond or bonds are not presented within the time specified in such notice, the interest thereon shall then cease, and the amount due be set aside for the payment of the same whenever presented. All redemptions of bonds shall be made according to priority in order of their issuance, beginning at the first number.

Levy of
tax to pay
off bonds.

Redemp-
tion of
bonds.

When
interest
ceases.

Refund-
ing.

SEC. 109. The Board of Trustees, by a vote of not less than seven members thereof, may, whenever they deem it for the public interest, refund any outstanding bonded indebtedness of the city by the issue of other bonds, in such form and under such conditions as may be prescribed by general laws of the State of California in force at the time of such issue; *provided, however,* that such new bonds shall not bear a greater rate of interest than five per cent per annum.

ARTICLE VIII.

EDUCATIONAL DEPARTMENT.

SEC. 110. The government of the common schools of the city shall be vested in a Board of Education, to consist of nine members, to be called School Directors, and who shall receive no compensation. One School Director shall be elected from each ward. Their terms of office shall be four years. Of the members of the Board of Education first elected under this charter, the members from the Second, Fourth, Sixth, and Eighth Wards shall hold their office for four years, and the members from the First, Third, Fifth, Seventh, and Ninth Wards shall hold their office for only two years. At each election thereafter, members of the Board of Education shall be elected to succeed those whose terms are about to expire. No person shall be eligible to the office of School Director unless he is at the time of his election a qualified elector of the ward from which he is elected.

Board of Education.

Must be an elector.

SEC. 111. The Board of Education shall meet on the first Monday after the first day of January next after the election of its members shall have been officially declared, and organize by electing one of their number President, whose term of office as President shall be two years. 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, any three of the members, or by the Superintendent. Six members of the Board shall constitute a quorum for the transaction of business, and the affirmative vote of five 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 yeas and nays 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 Mayor shall fill all vacancies occurring in the Board, until the next regular municipal election. All meetings of the Board shall be public. All elections held by it shall be viva voce.

Meetings.

Quorum.

Records.

SEC. 112. The powers and duties of the Board of Education are as follows:

Powers and duties.

First—To establish and maintain common schools, which shall include high, grammar, primary, and kindergarten departments; to change, or consolidate the same; to manage and control the school property; to establish school districts, and to fix and alter the boundaries thereof.

Maintain schools.

Second—To employ, pay, and dismiss teachers, janitors, 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. There shall be an annual election for teachers, at such time as the Board

Teachers and janitors.

- Tenure of office of teachers. may determine; *provided, however*, that no election or appointment of any teacher, janitor, or other employé shall constitute a contract, either as to the duration of the office or as to the amount of salary or compensation to be paid, but the Board shall always have the power to dismiss any or all teachers, janitors, or other employés, and to alter the amount of salary or compensation.
- Rules and regulations. *Third*—To make, establish, and enforce all necessary and proper rules and regulations for the government and progress of the common 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 (in addition to 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.
- Supplies. *Fourth*—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.
- Repairs. *Fifth*—To build, alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances.
- School lots. *Sixth*—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 the use and benefit of the common 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 Board of Trustees, 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.
- Census. *Seventh*—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.
- To sue and be sued. *Eighth*—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.
- Demands. *Ninth*—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.
- Legal incumbrances. *Tenth*—To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.
- Age of pupils. *Eleventh*—To prohibit any child under six years of age from attending the common schools (*provided*, in kindergarten classes

children of four years of age may be admitted), and to suspend or expel pupils for misconduct.

Twelfth—To dispose of and sell at public auction, upon not less than five days' notice by publication in a daily newspaper published in said city, 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. Sale of personal property.

Thirteenth—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. To manage property.

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

Fifteenth—To furnish books for the children of parents unable to furnish them. The books so furnished shall belong to the city, and shall be returned to the Superintendent at the close of each term. When to furnish books.

Sixteenth—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. Annual report to County Superintendent.

Seventeenth—To make a report, whenever required, directly to the State Superintendent of Public Instruction, of the textbooks used in the city schools. Report to State Superintendent.

Eighteenth—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. Visiting.

Nineteenth—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. Course of study.

Twentieth—The Board may provide departments for the training of pupils in the industrial and mechanical arts and domestic and commercial avocations, and shall have power to furnish such departments with necessary tools, apparatus, and appliances. Industrial and mechanical departments.

Twenty-first—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 common schools in the city. General duties.

SEC. 113. The City Auditor and City Treasurer shall keep a City School Fund, into which shall be paid all moneys appropriated to it under any law providing city school moneys, all moneys received from the State on account of the city's share of any apportionment of the State school moneys, and the city's portion of all county moneys collected or set apart for school purposes; and neither the Board of Trustees nor City Auditor shall allow any claim payable out of the City School Fund until after such claim shall have been audited and allowed by the Board of Education. City School Fund.

Report of receipts and expenditures.

SEC. 114. The Board of Education shall annually, on or before the first Monday in August, make and report to the Board of Trustees a statement in detail of the receipts and expenditures for school purposes in the city during the year then last past, and shall at the same time make and furnish a detailed statement of the probable amount of money that will be required during the current year, and the purposes for which it is required, and also an estimate of the amount that will be received by the city from the State and county for school purposes. Upon receiving the estimate of moneys needed, as provided herein, the Board of Trustees shall, at the time of levying other city taxes, levy a direct special school tax, which, after making proper allowances for delinquencies, will produce a sum that (taken with the estimated amount to be received from the State and county) will make the amount required by the Board of Education; *provided, however*, that the Board of Education shall not exact a levy to exceed twenty-five cents on the one hundred dollars, except upon affirmative vote of not less than seven members of said Board, and in any event the Board of Education shall not be authorized to exact a greater levy than thirty cents on the one hundred dollars. Nothing herein shall be construed as forbidding the Board of Trustees from levying a tax in excess of thirty cents on the one hundred dollars, when in their judgment the same is required for the use of the Common School Department.

Special school tax.

Limit of taxation.

Receiving bribes a felony.

SEC. 115. Any member or officer of the Board of Education who shall, while in office, accept any donation or gratuity in money, or of any valuable thing, either directly or indirectly, from any teacher, or candidate or applicant for a position as teacher, upon any pretense whatever, shall be guilty of a felony.

Must not be interested in contracts.

SEC. 116. Any School Director, officer, or other person connected with the School Department, or drawing a salary from the Board of Education, who shall 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, of the moneys derived from the Common School Fund, or raised by taxation, or otherwise, for the support of the common schools, shall be guilty of a felony.

Extraordinary expenditures.

SEC. 117. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and the Board of Trustees, 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 Board of Trustees 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.

SUPERINTENDENT OF SCHOOLS.

City Superintendent of Schools.

SEC. 118. The Board of Education shall, within ninety days after the organization of the Board, succeeding each municipal election, elect a City Superintendent of Common Schools, who shall be a man of good moral character, not less than thirty

years of age, and a practical educator. The term of office of the City Superintendent of Common Schools shall be two years, and until the election and qualification of his successor; *provided, however*, that he may be dismissed, and his office declared vacant, at any time by an affirmative vote of not less than seven members of the Board of Education. He shall devote his entire time to the duties of his office.

SEC. 119. The City Superintendent of Common Schools shall be the ministerial officer and Secretary of the Board of Education, and may explain his views and make recommendations upon any subject-matter whatever under discussion or consideration by the Board. He shall keep a true record of the proceedings of the Board, and a correct account of all expenditures allowed by it, and for what purpose, so that he can at any time make an exhibit, in aggregate and detail, of the outlays for each school. He shall be general custodian of all property, books, papers, and documents belonging to the Board, and shall have a general supervision over school houses and school property, and see that they are not wasted, injured, or destroyed. He shall grade the classes in the schools, and classify the pupils as to the grade of the school they shall attend, and, in connection with the teacher, as to which class or classes in such school, and shall issue all necessary permits for such attendance; *provided, however*, that no pupil shall be allowed to attend any public school in the city until the Superintendent shall be first satisfied that such child has been duly vaccinated. He shall, from time to time, recommend to the Board such alterations, additions, and changes in the grade of schools, course of study, text-books, and such other matters and things as he deems proper. He shall, in June of each year, make to the Board a full and detailed report of the progress of the schools since the last annual report, their present condition, the condition of the houses, lots, and furniture, the number of pupils taught in each—the kindergarten, primary, grammar, and high schools—and the cost per pupil, including all ordinary expenses, the amount paid respectively for teachers, rents, repairs, lands, buildings, fuel, furniture, stationery, etc. He may suspend or expel any pupil for misconduct or violation of rules, reporting such suspension or expulsion to the Board at its next meeting; *provided, however*, any party feeling aggrieved may appeal from the decision of the Superintendent to the Board, which may confirm or reverse his action. He shall have a general supervision and control of the teachers, and shall report to the Board any misconduct, want of ability, negligence, or inattention on the part of any of them; and he may suspend any teacher for such want of ability, negligence, inattention, or misconduct, and shall report such suspension to the Board at the next meeting thereof for final action. He shall have power to assign the teachers to such classes as in his judgment shall be to the best interest of the schools; *provided*, that in the high and grammar schools such assignments shall be made with the consent and advice of the Principals of such schools; and *provided*, that by a vote of six members the Board of Education may change any such

Term of office

Duties of Superintendent of Schools.

assignment. He shall see that none but authorized text-books are used, and that teachers and pupils faithfully perform their respective duties; and he shall do and perform such other duties, matters, and things as may be required of or imposed on him by the Board of Education. The Superintendent of Schools shall be allowed a clerk, to be appointed by himself.

Temporary
appointment
of
teachers.

SEC. 120. Whenever additional teachers are required to fill vacancies or to take charge of newly established classes, such teachers shall be appointed by the Board for six months, unless such appointment is sooner revoked by the Board. At the expiration of the period of appointment, the Board shall proceed to elect such appointed person or persons to the position, subject to subdivision second of section one hundred and twelve; *provided*, that such teacher presents to the Board a certificate of success, signed by the City Superintendent of Common Schools. But if such appointee fails to present such certificate to the Board, his or her position shall be declared vacant, and a new appointment shall be made in like manner.

Oath and
affirmations.

SEC. 121. The City Superintendent of Schools, and each member of the Board of Education, shall have power to administer oaths and affirmations in all matters connected with the department.

Office of
superintendent.

SEC. 122. The Board of Education shall provide the City Superintendent of Common Schools with a suitable office, which shall be kept open to the public.

ARTICLE IX.

POLICE DEPARTMENT.

Chief of
Police.

SEC. 123. There shall be a Chief of Police, who shall be a qualified elector of the city, not less than twenty-five years of age, and who shall be appointed by the Mayor, by and with the consent of the Board of Trustees, and his term of office shall be two years, and until his successor shall be appointed, confirmed, and qualified.

Powers of
Chief.

SEC. 124. The Chief of Police shall have command and control of the police force, subject to the general supervision of the Mayor. He shall have power to suspend any policeman for disobedience of any lawful order, for the violation of the rules of the department, neglect of duty, drunkenness, or misconduct as a policeman; and he shall, upon suspending a policeman, promptly certify the fact, with the cause thereof, to the Mayor, who shall forthwith report the same, in writing, together with the charges preferred against such policeman, to the Board of Trustees, and if such policeman be found guilty by the Board, he shall be dismissed from the police force.

Duties of
Chief.

SEC. 125. The Chief of Police shall observe, and cause to be observed and enforced, all laws and ordinances within the city, and shall see that all lawful orders and process of the Board of Trustees, Police Court, and Justices' Courts within the city are promptly executed. For the suppression of any riot, public tumult, disturbance of the peace, unlawful assembly, organized

resistance to the laws or public authorities in the performance of their duties, or in arresting persons for public offenses, he shall have the powers that are or may be hereafter conferred upon Sheriffs by any law, and all his lawful orders shall be promptly executed by the police officers. In addition to the powers and duties herein enumerated, the Chief of Police shall have such other powers, and perform such other duties pertaining to the Police Department, as may from time to time be conferred or imposed upon him by ordinance.

SEC. 126. The Chief of Police shall keep a public office, to Office. be provided by the Board of Trustees, which office shall be kept open, and at which he, or a police officer designated by him, shall be in attendance at all hours, day and night. The Chief of Police shall devote his entire time to the discharge of the duties of his office, and shall not absent himself from the city without urgent necessity, unless in pursuit of persons who have committed public offenses within the limits of the city. If such absence from the city be upon any other than business immediately connected with his office, except on vacation (and then only by written consent of the Mayor filed with the City Clerk), he shall forfeit his salary for the time of such absence, and the proper amount shall be deducted from his next salary warrant by the City Auditor. He shall designate one of the Detail for Police Court. policemen to attend constantly upon the Police Court, and to execute the orders and process thereof; but any policeman shall have authority to execute the orders and process of the Police Court and of the Court of the City Justice of the Peace.

SEC. 127. There shall be a Captain of Police, selected from Captain of Police. among the police force by the Mayor, by and with the consent of the Board of Trustees, and who, in the absence of the Chief of Police, shall have command and control of the police force, and who shall perform such other duties and have such other powers pertaining to the Police Department as shall be required of him by the Chief of Police or from time to time be imposed or conferred on him by ordinance of the Board of Trustees. The term of office of the Captain of Police shall be two years, and until his successor shall be appointed, confirmed, and qualified.

SEC. 128. In addition to the Chief and Captain of Police, Police force. there shall be a permanent police force, which shall consist of such number of policemen, not less than fifteen and not exceeding one for every one thousand inhabitants, as the Board of Trustees shall from time to time by ordinance authorize to be appointed. The policemen shall be appointed by the Mayor, by and with the consent of the Board of Trustees, and shall hold office during good behavior, unless removed for cause or for the improvement of the public service, as in this charter provided. The Chief of Police shall Jailers. appoint from the police force a day and a night jailer, who shall be termed Sergeants of Police. No person shall be appointed to any position on the police force of the city unless he shall be a man of good moral character and of good repute for honesty and sobriety, a citizen of the United States, and

Qualifications. a resident and elector of the city for at least one year next preceding his appointment. Nor shall any person be so appointed who has ever been convicted of a felony, or who is unable to understandingly read and write the English language, or who is deficient in health, strength, or courage; and except those in service on the police force at the time this charter takes effect, every appointee hereafter shall be not less than twenty-five years or more than forty-five years of age, and must, before being appointed present to the Mayor a certificate from the City Physician that the applicant is in sound health and free from any physical disability that would incapacitate him for the duties of a policeman.

Patrol system. SEC. 129. Whenever the Board of Trustees shall deem it expedient, a patrol system may be provided for the use of the Police Department, which system shall include horses, wagons, and all electric or other appliances necessary for the operation of such system.

Fitness the sole requisite. SEC. 130. Except as otherwise in this charter prescribed, the Mayor, in making appointments of members of the police force, shall be guided solely by the fitness of the applicant, and no person shall ever be appointed to, or removed from, the police force for or on account of partisanship, or for or on account of his political opinions. No member of the Police Department shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any officer, member, or employe in said department violating any of the provisions of this section shall forfeit his position.

Police not to participate in party politics. SEC. 131. No member of the police force shall be allowed to receive any money, gratuity, or compensation for any services he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, without the written consent of the Mayor, first filed with the City Clerk, and any member of the police force who shall violate this provision shall be at once removed from office. The members of the police force shall not follow any other profession, calling, or business, but shall devote their entire time to the performance of their official duties; nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except for the yearly vacation provided for by general law.

Not to receive reward. SEC. 132. The members of the police force shall promptly and fully obey, enforce, observe, and cause to be obeyed and enforced, all lawful orders of their superiors, and all rules and regulations of the Police Department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders, with or without a warrant, the suppression of all riots, affrays, and disturbances of the peace, in the abatement of public nuisances, and the enforcement of the laws and city ordinances. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all ordinances of the city, and with all laws of the State defining public offenses and regulating criminal proceedings.

No other calling permitted.

Duties of the police force.

Sec. 133. Whenever the Board of Trustees by resolution shall so direct, there shall be appointed by the Mayor, by and with the consent of the Board of Trustees, two policemen in each ward of the city, who shall be known as extra policemen. Such extra policemen shall be resident electors of the ward for which they are appointed, and be employed therein in some regular and steady occupation. Such extra policemen shall at all times be diligent in preventing and suppressing disturbances of the peace and in arresting public offenders, with or without warrant, and they shall, whenever called upon, aid the Chief and regular police officers in making arrests and quelling disturbances. They shall be under general control of the Chief of Police, and shall report their acts to him, but shall not be assigned to regular service, nor be required to do regular patrol duty. Such extra policemen shall hold office during the pleasure of the Board, and shall each receive at the rate of one hundred dollars a year for their services. No extra policeman shall act as a special policeman, nor shall he be permitted to ask or receive any pay or compensation from any source, for his services as policeman, other than the pay herein provided for.

Extra
police.

Sec. 134. In addition to the regular and extra police force, the Mayor may at times when very large numbers of people in addition to the permanent inhabitants congregate in the city, appoint not to exceed fifteen special policemen, to serve not to exceed two weeks, who shall receive the same compensation for their services as is paid to regular policemen. The Mayor may also, by and with the consent of the Board of Trustees, upon the petition of any person, firm, or corporation, appoint at any time a special policeman for special service, to be paid for by such person, firm, or corporation; *provided, however*, that the locality where such special policeman is to act shall be described in the warrant of appointment; *and provided further*, that no such appointment shall be made until the Board of Trustees, by affirmative vote of at least six members, authorize the appointment of a special policeman for such locality. The policeman so appointed shall not receive any pay from the city. All special policemen shall possess all the powers and discharge all the duties of regular policemen, and be under the direction and control of the Chief of Police, and be subject to and obey all rules and regulations of the Police Department. The term of office of any special policeman shall not extend beyond one year, nor shall such special policeman continue to act as such for a longer period than one year, unless reappointed.

Special
police.

Sec. 135. The Board of Trustees shall prescribe the badge of office and uniform to be worn by the members of the police force.

Badge and
uniform.

ARTICLE X.

FIRE DEPARTMENT.

Sec. 136. The Mayor shall have supervision over the Fire Department, and shall appoint, by and with the consent of the Board of Trustees, a Chief Engineer, Assistant Chief Engineer,

Officers of
the Fire
Depart-
ment.

Qualifica-
tions.

Superintendent of the Fire Alarm System, engineers of steam fire engines, drivers, hosemen, and all other officers, members, and employes of the Fire Department; and all officers and members shall retain their positions during good behavior, unless removed for cause, or for the improvement of the public service, as in this charter provided. No person shall be appointed to any position in the Fire Department unless he be a man of good moral character, and of good repute for honesty and sobriety, a citizen of the United States, and a resident of the city for at least two years next preceding his appointment. Nor shall any person be so appointed who has ever been convicted of a felony, or who is unable to understandingly read and write the English language, or who is deficient in strength, activity, and intrepidity; and, except those in service in the Fire Department at the time this charter takes effect, every appointee hereafter shall be not less than twenty-one years or more than forty years of age, and must, before being appointed, present to the Mayor a certificate from the City Physician that the applicant is in sound health, and free from any physical disability that would unfit him for such position.

Fitness of
applicant.

SEC. 137. The Mayor, in making appointment of officers, members, or employes of the Fire Department shall be guided solely by the fitness of the applicant, and no person shall ever be appointed to, or removed from, any position in the Fire Department for or on account of partisanship, or for or on account of his political opinions.

Mayor to
exercise
super-
vision.

SEC. 138. The Mayor shall exercise general supervision over the Fire Department, and see that the officers, members, and employes faithfully discharge their duties, and that the laws, ordinances, rules, and regulations relating thereto are carried into effect; report to the Board of Trustees any inefficiency, neglect of duty, or misconduct on the part of any officer, member, or employe in the department that may come to his knowledge; and he shall recommend to the Board the adoption of such ordinances, rules, and regulations as may be calculated to secure greater safety to life and property, and improve the discipline and efficiency of the Fire Department.

Duties of
Trustees in
this con-
nection.

SEC. 139. The Board of Trustees shall have full power and authority over the organization, government, and discipline of the Fire Department; prescribe the duties of the officers, members, and employes; prescribe the uniform and badge of office to be worn by them, and shall have control of all property and equipments pertaining to or belonging to the Fire Department. The said Board shall make all rules and regulations necessary to secure discipline and efficiency in the Fire Department, and any officer, member, or employe in said department guilty of violation of such rules and regulations, neglect of duty, disobedience of orders, absence without leave, or conduct injurious to the public peace or welfare, immoral conduct, or breach of discipline, shall be liable to punishment by reprimand, dismissal from the department, forfeiture of pay, or the withholding thereof, when found guilty of the offense charged, by the Board of Trustees, upon a trial held for that purpose; *provided*, that

not more than thirty days' pay shall be forfeited or withheld for one offense: *and provided further*, that by affirmative vote of seven members of the Board of Trustees, any officer, member, or employé of the Fire Department may be dismissed at any time, without trial, when, in the judgment of said Board, the public service or efficiency of the department will be improved thereby.

Duties of
Board of
Trustees.

SEC. 140. No officer, member, or employé in the Fire Department shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any officer, member, or employé in said department violating any of the provisions of this section shall forfeit his position.

Not per-
mitted to
take part
in politics.

SEC. 141. The Chief Engineer shall be the executive officer of the Fire Department, and it shall be his duty, and that of the Assistant Chief Engineer, to see that the laws, orders, rules, regulations, and ordinances concerning the department are observed and carried into effect, and he shall also attend to such duties as Fire Warden as may be prescribed by the Board of Trustees, and see that all laws, orders, regulations, and ordinances to secure protection against fire are enforced.

Chief
Engineer.

SEC. 142. The Chief Engineer shall be responsible for the discipline of all officers, members, or employés of the Fire Department, and may suspend any officer, member, or employé for incompetency, insubordination, misconduct, or for any violation of the rules and regulations of said department, and shall, upon such suspension, promptly certify the fact, with the cause thereof, in writing, to the Mayor, who shall forthwith, in writing, report the same, together with the charge preferred, to the Board of Trustees for their action.

Duties of
Chief.

SEC. 143. The Chief Engineer shall diligently observe the condition and workings of all the apparatus in use by the department, and report thereon, in writing, at least once in each month, to the Board of Trustees, and make such recommendations or suggestions relative thereto as may to him seem proper or necessary.

SEC. 144. The Chief Engineer shall make an annual report, in writing, to the Board of Trustees, on or before the first Monday in August of each year, showing, in detail, the cost of maintenance and operation of the department, with the casualties, fatalities, and conflagrations which have occurred, and a statement of supplies and apparatus received during the year past, and an inventory of all property of whatever kind and nature remaining and belonging to the department, and the condition thereof, together with a list of the probable supplies needed by the department, and an estimate of the amount of money necessary to meet the expenses of the Fire Department during the ensuing year, together with such suggestions and recommendations as may seem to him proper or expedient for the welfare and efficiency of said department.

Annual
report.

SEC. 145. The Board of Trustees shall furnish the Chief Horse and buggy.

Engineer with a horse and buggy, and provide for keeping the same.

Assistant
Chief.

SEC. 146. In the absence or inability of the Chief, the Assistant Chief Engineer shall attend to and perform all the duties of the Chief Engineer. The Assistant Chief Engineer shall have charge of the corporation house and custody of all apparatus, appurtenances, and supplies kept therein, and shall receipt for every article received, and keep a record of the same in a proper book to be kept for that purpose; and shall take a receipt for every article delivered by him to the department, and make a written report to the Chief Engineer once each month, or oftener if required, showing, in detail, such receipts and deliveries, and shall do and perform such other duties as pertain to his office. No article whatever shall be delivered from the corporation house to any officer, member, or employé, except upon an order signed by the Chief Engineer.

Power to
arrest.

SEC. 147. The Chief and the Assistant Chief Engineer, while in the discharge of their duties, shall be vested with all the powers of arrest and detention vested in police officers.

Power to
cut down
buildings.

SEC. 148. The Chief, or in his absence the Assistant Chief Engineer, may, during a conflagration, cause to be cut down, or otherwise removed, any building or structure when necessary for the purpose of checking such conflagration.

Fire engine
companies.

SEC. 149. Until otherwise provided by the Board of Trustees, there shall be attached to the Fire Department three steam fire engine companies, each to consist of one foreman, one assistant foreman, one engineer, one driver of engine, one driver of hose cart, and eight hosemen; also one hook and ladder company, to consist of one foreman, one driver, one tillerman, and five hook and ladder men; also a fire alarm system, to be under the immediate charge of a Superintendent. Nothing in this section shall be so construed as fixing permanently the number of men comprising each company, but the same may be increased or diminished at any time, and may apply to one only or to all the companies in the department, at the pleasure of the Board of Trustees.

Chief and
Assistant
to devote
entire
time.

SEC. 150. The Chief and Assistant Chief Engineer shall devote their entire time to the Fire Department, and shall not engage in any other occupation or business requiring their personal attention; and neither shall absent himself from the city without first obtaining permission from the Mayor, in writing, which permit must be filed with the City Clerk; and in no case shall both the Chief and Assistant be absent at the same time; *and it is further provided*, that the engineers of steam fire engines, and the drivers thereof, also the drivers of the hose carts and hook and ladder trucks, and tillermen, together with such other members or employés as the Board of Trustees may from time to time designate, shall devote their entire time to the duties of the department, and shall at all times, day and night, remain at the engine houses or stations, except when granted a leave of absence by the Chief Engineer.

Also
certain
employés.

Sleeping
rooms.

SEC. 151. There shall be provided suitable sleeping-rooms

in the several engine houses for the use of the permanent members of the department; and there shall be a general office in one of the department buildings, where the Chief and Assistant Chief Engineer and Superintendent of the Fire Alarm System shall make their headquarters daily during office hours, when not otherwise engaged in official duties.

SEC. 152. There shall also be attached to the Fire Department a fire alarm system, which shall be under the immediate charge of a Superintendent, who shall devote his entire time to the duties of his office. It shall be his duty to report to the Chief Engineer, in writing, at least once each month, the condition and workings of the system, and at any time, when such system is not in perfect working order, the Chief Engineer must be immediately and fully advised thereof. The Superintendent shall make such other reports and perform such other duties as may from time to time be prescribed by the Board of Trustees. All electric light or power, telegraph or telephone wires, erected or maintained in this city, shall be subject to the supervision and inspection of said Superintendent, and shall be located, laid, erected, and maintained only in such manner as may be approved by him, and so as not to endanger or interfere with the wires or apparatus of the fire alarm system.

SEC. 153. The Board of Trustees may, by ordinance and upon the recommendation of the Chief Engineer, enlarge the Fire Department by the purchase of chemical, electrical, steam, or other engines, hook and ladder trucks, hose carts, horses, hose, and other appurtenances or apparatus; purchase or erect other and necessary buildings; extend the fire alarm system, and increase the number of companies, officers, members, and employes, at any time, when in the judgment of said Board greater security against fire, loss of life and property demand it.

SEC. 154. Every claim against the Fire Department must be certified to by the Chief Engineer before being presented to the Board of Trustees for approval. The monthly payroll of the department shall be made up by the Chief, certified to by him, and presented to the City Auditor, who shall verify the same before passing it to said Board for approval.

ARTICLE XI.

WATERWORKS DEPARTMENT.

SEC. 155. The Mayor shall exercise general supervision over the Waterworks Department, and see that all employes in the department faithfully discharge their duties, and that the laws, ordinances, rules, and regulations relating thereto are observed. The Mayor shall appoint, by and with the consent of the Board of Trustees, a City Tapper, Assistant City Tapper, Chief Engineer, First Assistant Engineer, Second Assistant Engineer, three firemen, and such other employes as may be necessary to carry on the work of the department in an efficient manner. And all persons appointed to positions of a permanent character in the Waterworks Department shall retain such positions

during good behavior, unless removed for cause or for the improvement of the public service, as in this charter provided.

Qualifica-
tions.

SEC. 156. No person shall be appointed to any position in the Waterworks Department unless he be a man of good moral character, and of good repute for honesty and sobriety, a citizen of the United States, and a resident and elector of the city for at least two years next preceding his appointment. Nor shall any person be so appointed who has ever been convicted of a felony, or who is unable to understandingly read and write the English language, or who is deficient in health, strength, or activity.

Fitness of
applicant.

SEC. 157. The Mayor, in making appointment of engineers or other employés of the Waterworks Department, shall be guided solely by the fitness of the applicant, and no person shall be appointed to, or removed from, any position in said department for or on account of partisanship or his political opinions.

Not per-
mitted to
engage in
politics.

SEC. 158. No employé in the Waterworks Department shall take any part whatever in any political caucus or convention, nor be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any employé in said department violating any of the provisions of this section shall forfeit his position.

Power of
Trustees.

SEC. 159. The Board of Trustees shall have full power and authority over the organization, government, and discipline of the Waterworks Department, and shall have control of the waterworks and all other property pertaining or belonging thereto.

Rules and
regula-
tions.

SEC. 160. The Board of Trustees shall make such rules and regulations as may be necessary to secure efficiency in the Waterworks Department; and any employé guilty of violation of such rules and regulations, neglect of duty, or disobedience of orders, shall be liable to suspension, without pay, or dismissal from the department, when found guilty by the Board of Trustees of the offense charged, upon a trial held for that purpose.

Duties of
City
Tapper.

SEC. 161. The City Tapper shall, under control of the Board of Trustees, have charge of all water mains and pipes, stand pipes, tanks, gates, valves, fire hydrants, and taps, and shall supervise the laying, changing, or removal of all water mains, putting in taps, flushing hydrants and sewers, and shall perform such other duties as may, from time to time, be prescribed by the Board of Trustees. He shall keep a correct record of all alterations or additions made to the main pipes, gates, valves, taps, and fire hydrants, and all labor performed under his direction; and account for all material and tools received or used in his department, and make a written report covering same to the Board of Trustees on or before the eighth day of each month, together with such recommendations as to him may seem to be in the interest of the public service. He shall examine all claims against the city for material or tools used in his department, and said claims shall be first certified to by him before being presented to the Board of Trustees for approval. He shall make up the monthly payroll of his department, cer-

tify to same, and present it to the City Auditor, who shall verify the same before passing it to the said Board for approval.

SEC. 162. The Assistant City Tapper shall be under the control and direction of the City Tapper, and shall do and perform such duties as may be assigned to him, and assist the City Tapper in the performance of his duties; and in the absence or inability of the City Tapper the Assistant shall perform all the duties of this special department.

Assistant
City
Tapper.

SEC. 163. The Board of Trustees shall cause to be made (*provided*, the same does not exist at the time this charter takes effect) a complete and comprehensive map or chart of the city water-pipe system, showing the location of every main, lateral, and size of such main or lateral pipe, fire hydrant, house tap, air valve, blow-off, and other important features. Said map or chart shall be kept up, and made to show all the extensions, additions, or alterations made from time to time in the system. Said map or chart shall be carefully preserved, and be kept in the office of the Superintendent of Streets.

Map or
chart.

SEC. 164. The Board of Trustees shall furnish a horse and wagon for the use of the City Tapper, and provide for keeping the same.

Horse and
wagon.

SEC. 165. The Chief Engineer of the Waterworks, and the First and Second Assistant Engineers, shall be thorough engineers, with a practical knowledge of condensing engines and hydraulics.

Must be
thorough
engineers.

SEC. 166. The Chief Engineer shall devote his entire time to the duties of the Waterworks Department, and shall not engage in any other occupation or business requiring his personal attention, nor absent himself from the city without first obtaining permission from the Mayor, in writing, which permit must be filed with the City Clerk. He shall have charge of all the engines, boilers, pumps, and steam pipes of the city, and shall be responsible for their good and serviceable condition, and the maintenance of a supply of water in the city. He shall prescribe the duties of the Assistant Engineers, firemen, and all other employés in his department, and shall be responsible for the faithful performance of the respective duties assigned to them. The Chief Engineer shall report, in writing, to the Mayor any carelessness, disobedience, inefficiency, or inebriety on the part of any employé in the department, and may suspend any employé guilty of such misconduct or inefficiency, and shall immediately report, in writing, to the Mayor, any such suspension, together with the facts in connection therewith; and the Mayor will at once submit the same to the Board of Trustees for their action. The Chief Engineer shall keep a correct record of the service performed by the pumping machinery, the amount of fuel consumed, cost of supplies, repairs, and improvements, and report the same, in writing, on or before the eighth day of each month, to the Board of Trustees, and may add such suggestions and recommendations as may to him seem proper. The Chief Engineer shall examine all claims against his department, and said claims shall be certified to by him before being presented to the Board of Trustees for

Duties of
Chief.

Record.

Claims.

approval; and he shall make up the monthly payroll of his department, certify to the same, and present it to the City Auditor, who shall verify the same before passing it to said Board for approval.

Duties of
Assistants.

SEC. 167. The Assistant Engineers shall perform such duties as may be required of them by the Chief Engineer, and they shall be responsible to him for the acts of any employé that may be under their supervision, and shall report to the Chief any misconduct on the part of such employé. In the absence or inability of the Chief Engineer the First Assistant Engineer shall, under the direction of the Mayor, assume the duties of the Chief.

CITY WATER ASSESSOR.

Water
Assessor.

SEC. 168. The Mayor, by and with the consent of the Board of Trustees, shall each year appoint a City Water Assessor, who shall be a resident and elector of the city for at least two years next preceding his appointment. Said City Water Assessor shall, within ten days after his appointment, qualify and enter upon the discharge of the duties of his office. It shall be his duty to diligently and accurately ascertain the respective sums properly collectible for the use of city water from the several water takers, according to the rates established by the ordinance for that purpose then in force, and report the same to the City Collector, who shall accept such report as the minimum sums to be collected and make collections of water rates accordingly, and shall not have power to make reductions from the sums so reported, but may collect a greater sum whenever he shall discover that any sum so fixed is less than is properly collectible. Nor shall any reduction be made in any of the amounts to be collected as reported by the City Water Assessor, unless by order of the Board of Trustees. If the sum to be collected from any water taker has not been reported by the City Water Assessor, the City Collector shall collect in such case the proper amount for water rates in accordance with the ordinance, the same as if it had been reported by the City Water Assessor.

Duties.

ARTICLE XII.

HEALTH DEPARTMENT.

Board of
Health.

SEC. 169. There shall be a Health Department, under the management of a Board of Health. Said Board shall consist of five members, who shall be appointed by the Mayor, by and with the consent of the Board of Trustees. The President of the Board of Trustees shall be ex officio the President of the Board of Health, but without the right to vote, except in case of a tie, when he shall have the right to vote. Each member shall be a duly licensed physician in accordance with the laws of the State, and a qualified elector of the city for not less than two years. Those first appointed shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two

Term.

at the end of four years. They shall receive no compensation for their services, and their term of office shall be four years.

SEC. 170. Regular meetings of the Board of Health shall be held once a month, and special meetings when called by the President or any three members, and all meetings shall be public. Three members shall constitute a quorum for the transaction of any business. Meetings.

SEC. 171. Said Board of Health shall have supervision of all matters appertaining to the sanitary condition of the city and public institutions thereof, and full powers are hereby given to said Board over all questions of foul or defective drainage, and of the disinfection and sanitary cleaning of streets, alleys, cellars, cesspools, sewers, or nuisances of any description, and of low places within the city limits calculated to receive and retain unhealthy deposits. Duties.

SEC. 172. The Board of Health shall exercise a general supervision over, and be the custodian of, all the death and cemetery records now belonging to the city, and they shall cause to be kept, in books prepared for the purpose, complete records of all deaths, interments in all the city cemeteries, and births occurring in said city. They shall adopt such forms and regulations for the use of physicians, undertakers, and Superintendents of Cemeteries, as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city and prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and by the consent of the Mayor may establish a pesthouse and provide the necessary attendants and supplies therefor. Duties.

SEC. 173. The Board of Trustees of the City of Sacramento shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt, and all expenses necessarily incurred by the Board of Health in carrying out the provisions of law and of this charter shall be provided for by the Board of Trustees, who are hereby authorized and directed to make an appropriation therefor out of the General Fund. Expenses.

SEC. 174. The Board of Health, within two weeks from the time of its organization, shall elect a City Physician, who shall also act as Health Officer and Secretary of the Board of Health. Said City Physician shall not be a member of the Board of Health, and shall be an elector of the city, not less than thirty years of age, a licensed physician of not less than two years, and actually engaged in the practice of his profession therein. He shall hold his office during the pleasure of the Board of Health, and must see that the laws and ordinances of the city in relation to the public health, and the regulations and orders of the Board of Health, are properly enforced. He shall keep a full record of all the transactions of the Board of Health, as well as all records appertaining thereto, and by himself or his deputy issue all permits for burials or removals in any of the cemeteries belonging to the city, and no interments shall be made therein unless said Health Officer is City Physician. Duties.

satisfied of the correctness and reliability of the certificate of death presented for his inspection. He shall have the powers of a police officer, and shall make an extended annual report to the Board of Health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

Nurse. SEC. 175. The City Physician shall attend, when called upon, the indigent sick or wounded in the city, and shall have charge of any receiving hospital or dispensary established for the benefit of the sick poor, and, when deemed necessary by the Board of Health, he may employ a nurse to assist him in the care of the indigent sick or wounded.

Visits. SEC. 176. The City Physician, as Health Officer, shall visit once in each quarter all public buildings and school houses in said city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

Reports of contagious diseases. SEC. 177. The City Physician, as Health Officer, shall promptly report, in writing, to the City Superintendent of Common Schools, the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria, or any contagious disease. Said City Superintendent, when so notified, must refuse admittance to the common schools of any member of a household, one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted upon presenting a certificate from his or her attending physician, or from the Health Officer, that there is no longer any danger from contagion.

Exclusion of persons having contagious diseases. SEC. 178. When a case of contagious disease is reported to the Health Officer, he may visit the premises where the person is, and when satisfied that said disease exists, he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises.

Yellow flag. SEC. 179. The Health Officer may cause to be removed to a smallpox hospital any person in said city affected with smallpox. When a case of smallpox exists in any house and the person so affected is not moved to said hospital or pesthouse, the Health Officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

Quarantine. SEC. 180. The Health Officer shall vaccinate, free of charge, all persons applying to him.

Vaccination. SEC. 181. The Board of Health, within two weeks from the time of its organization, shall elect a Sanitary and Building Inspector, who must be a resident of the city for at least two years, and an elector therein, a man of fair education, and not under twenty-five years of age. Said Inspector shall be clothed with the powers of a police officer, receive his orders from the Health Officer, and hold his office during the pleasure of the Board of Health. His duty shall be to inspect and examine all nuisances, privies, vaults, cesspools, buildings, and low places

Sanitary and Building Inspector.

within the city limits, with a view to the enforcement of all the laws and regulations relating to sanitary matters, and to cause the arrest of, and vigorously prosecute, all persons violating any of said laws and regulations. It shall also be his duty to see that all buildings, balconies, porches, awnings, signs, and all fixtures appertaining to buildings are constructed in a safe and substantial manner and according to the requirements of law and city ordinances, and it shall also be his duty to cause the arrest of, and prosecute, all persons failing or refusing to comply with the law or ordinances in relation thereto. He shall report to the Health Officer each day his official acts.

SEC. 182. The Board of Health, within two weeks from the time of its organization, shall elect an Inspector of Plumbing and Drainage, who must be a skilled and practical plumber, an elector of the city, a resident therein for not less than two years, and not under twenty-five years of age. He shall hold his office during the pleasure of the Board of Health. The Board of Health may require him, before his election, to pass a satisfactory examination as to his qualifications.

Plumbing
Inspector.

SEC. 183. The duties of the Inspector of Plumbing and Drainage shall be:

Duties of
Plumbing
Inspector.

First—He shall number and file all plans and specifications accepted, and record the names of the owner, and architect and the location.

Second—He shall examine all plans and accompanying specifications, and if in accordance with the rules of the Board of Health, he shall issue a permit for the work to go on. Any plan or specification that, in his judgment, does not conform to the rules shall be by him presented to the Health Officer, and if not then approved it shall be returned to the parties presenting it, with a written notice explaining the corrections necessary in order to comply with the rules.

Third—He shall examine all plumbing work before the same is covered up or inclosed, and if found to be done in accordance with the rules and the plans and specifications filed, he shall issue a certificate to that effect; and upon the completion of any plumbing work he shall examine the same, and if found to conform to the rules of the Board of Health and the plans and specifications filed, he shall issue a final certificate.

Fourth—He shall make a monthly report to the Board of Health of the number of plans and specifications received, the number approved and rejected, the number of first and final examinations made, where and by whom the rules have been violated, and such other matters as may be required by the Board of Health.

Fifth—He shall immediately, upon knowledge of any infraction of the rules and regulations, report the same to the Health Officer.

SEC. 184. The Board of Health, with the consent of the Board of Trustees, may establish and maintain a City Dispensary and Receiving Hospital, with all proper appliances and appurtenances for the relief of the indigent sick of the City of Sacramento. The Board of Health may also provide for neces-

Dispensary and
Receiving
Hospital.

sary attendants for such poor applicants who are sick or wounded, and who cannot immediately be removed to the County Hospital without endangering their lives. Said Dispensary shall be the office of the City Physician and the Board of Health.

May administer oaths.

SEC. 185. Every member of the Board of Health and the Health Officer may administer oaths on matters connected with the Health Department.

ARTICLE XIII.

CITY FREE LIBRARY.

Library Directors.

SEC. 186. The City Free Library, heretofore presented to the city by the citizens thereof, shall be under the control and management of five Directors, who shall be known as the Board of Free Library Directors. They shall be appointed by the Mayor, by and with the advice and consent of the Board of Trustees, and shall receive no compensation.

Term.

SEC. 187. The terms of office of said Directors shall be for four years. The Directors first appointed shall so classify themselves by lot so that one shall go out of office in one year, one in two years, one in three years, and two in four years.

President.

SEC. 188. Said Directors shall, immediately after appointment, meet and organize by the election of a President from among their number, who shall hold such office for one year.

Powers and duties.

SEC. 189. The Board of Directors shall have power to maintain a free library and reading-room; 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 appoint a Librarian and Assistant Librarian, 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. They shall have power to purchase such books, periodicals, newspapers, magazines, maps, charts, and engravings as to them may seem proper, for the use of the library and reading-room, and shall have power to sell or exchange any duplicate copy of any book, paper, magazine, map, chart, or engraving that they may have on hand. They may fix the compensation of any employe of the Board of Directors other than the Librarian and Assistant Librarian.

Annual report.

SEC. 190. The Board of Free Library Directors shall annually, on or before the first Monday of August, make and report to the Board of Trustees a statement in detail of the receipts and expenditures for library purposes during the year then last past, and shall, at the same time, make and furnish a detailed statement of the probable amount of money that will be required during the current year, and the purposes for which it is required. The Board of Trustees shall not be bound by such estimate, but shall, at the time of levying other city taxes, levy a direct special tax, which, after making proper allowances for

Special library tax.

delinquencies, will produce a sum which, in the judgment of the Board of Trustees, shall be sufficient for library purposes. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year.

SEC. 191. The library and reading-room shall be forever free to the use of the residents of this city, and persons sojourning therein, always subject to such reasonable rules and regulations as the Board of Directors may adopt; and they may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules; and may extend the privileges and use of such library and reading-room to persons residing outside the city, upon such terms and conditions as they may from time to time prescribe. Library to be free.

SEC. 192. The City Auditor and City Treasurer shall keep a City Free Library Fund, into which shall be paid all moneys appropriated to it or received by the Board of Free Library Directors from donations or other sources, and neither the Board of Trustees nor City Auditor shall allow any claim paid out of the Free Library Fund until such claim shall have been audited and allowed by the Board of Free Library Directors; *provided*, that all sums of money received for fines imposed by the Board of Directors for violations of its rules may be retained by and disbursed upon the order of said Board. Library Fund.

ARTICLE XIV.

E. B. CROCKER ART GALLERY.

SEC. 193. The Art Gallery, now held by this city, shall always be known as the "E. B. Crocker Art Gallery." It shall be held, maintained, and conducted by the City of Sacramento according to the provisions of the deed presenting said Art Gallery to the city, executed by Margaret E. Crocker, dated May second, eighteen hundred and eighty-five, and recorded in book one hundred and fifteen, page two hundred and ninety-eight, of deeds, in the Recorder's office of the County of Sacramento, State of California. Crocker Art Gallery.

ARTICLE XV.

CITY CEMETERIES.

SEC. 194. There shall be a Superintendent of Cemeteries, who shall be appointed by the Mayor, by and with the consent of the Board of Trustees. He shall be a resident elector of the city for not less than two years next before his appointment. His term of office shall be two years. He shall give his entire time and attention to the discharge of the duties of his office. He shall not be interested in the care of any private lot or lots, or in any contract respecting any lot or lots, or improvements thereon, in said cemeteries. Superintendent of Cemeteries.

SEC. 195. The Superintendent of Cemeteries shall have the management, care, and control, subject to the general supervision of the Mayor, of all cemeteries owned or controlled by Duties.

the city, and he shall keep such records, make such reports, and perform such other duties in relation to the cemeteries, and in relation to interments and exhumations, as may be required of him by law, by this charter, by any ordinance or regulation of the Board of Trustees, or by the rules or regulations of the Board of Health.

Reports. SEC. 196. The Superintendent of Cemeteries of the city must report, in writing, to the Health Officer on each Monday the names of all persons who have been buried, removed, or exhumed within the respective cemeteries for the preceding week, and no Superintendent shall allow a burial or removal of a body without first having procured a permit therefor from the Health Officer.

Employés. SEC. 197. The Mayor shall appoint such employés as the Board of Trustees may deem necessary for the proper care of the cemeteries belonging to the city, and all employés so appointed shall be under the control and direction of the Superintendent, and he shall have power to suspend or discharge any such employés, subject to the approval of the Mayor.

ARTICLE XVI.

ELECTIONS.

Elections. SEC. 198. Elections to be held in said city for the purpose of electing officers thereof, and for all other purposes, shall be of two kinds:

First—General municipal elections.

Second—Special municipal elections.

General. SEC. 199. General municipal elections shall be held in the city on the first Tuesday after the first Monday in November of each odd numbered year, and shall be for the purpose of electing all officers made elective by the terms of this charter, and for other purposes in this charter provided. The first election under this charter shall be held on the first Tuesday after the first Monday in November, eighteen hundred and ninety-three.

First election.

Special. SEC. 200. Special municipal elections for all purposes shall be held on such days as shall be fixed by the Board of Trustees therefor.

How held. SEC. 201. All general and special municipal elections shall, in all respects, as nearly as may be, be held and conducted in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time, and the Board of Trustees shall make all the necessary arrangements for holding said elections in accordance therewith; and the canvassing and the declaring of the result of all elections by the Board of Trustees shall be in accordance with the provisions of said State laws.

Qualifications of electors. SEC. 202. The qualification of an elector at any election held in the city in pursuance of this charter shall be the same as those prescribed by the laws of this State for electors at any general election, in force at the time of such election.

SEC. 203. It shall be the duty of the Board of Supervisors

of the County of Sacramento, when Great Registers are being 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 and special municipal elections to be held or likely to be held in the City of Sacramento, and it shall be the duty of the County Clerk of said county to furnish such registers in sufficient number, when so required by the Board of Trustees of the city. The County Clerk, when so required, for the purposes of a general or special municipal election, shall furnish to the Board of Trustees of the city a supplemental list of all voters who have registered since the time of the last printed Great Register.

ARTICLE XVII.

OFFICIAL BONDS.

SEC. 204. Every officer of the city, the amount of whose bond is named in this section, and every other officer required to do so by the Board of Trustees, shall, before entering upon the duties of his office, and within twenty days after the mailing or delivery to him of his certificate of election or appointment, file his official bond, which bond shall be made payable to the City of Sacramento, be signed by at least two sufficient sureties, and be conditioned for the faithful performance of the duties of the office.

All official bonds, except those of members of the Board of Trustees, shall be approved or rejected by the Board of Trustees, by an order entered on the minutes, and by the indorsement of the word "approved," or the word "rejected," on the bond, with the date of the approval or rejection, signed by the President. The official bonds of members of the Board of Trustees shall be approved by the Mayor. The City Auditor shall be the legal custodian of all official bonds, except his own, which shall be deposited with the City Treasurer, and shall be responsible on his official bond for the safe-keeping of all such bonds intrusted to his charge.

The Board of Trustees 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 Board of Trustees 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 sureties on 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 shall be surety upon the official bond of any other officer or employé of the city.

Amounts
of bonds of
all city
officials.

The amounts in which the respective officers shall execute official bonds shall be as follows: Members of the Board of Trustees, five thousand dollars each; Mayor, twenty-five thousand dollars; City Clerk, ten thousand dollars; City Auditor, fifteen thousand dollars; City Assessor, twenty-five thousand dollars; City Collector, one hundred thousand dollars; City Treasurer, one hundred and twenty-five thousand dollars; City Attorney, five thousand dollars; City Superintendent of Common Schools, five thousand dollars; Clerk of Police Court, five thousand dollars; Chief of Police, ten thousand dollars; Captain of Police, five thousand dollars; Sergeants of Police and policemen, five hundred dollars each; Superintendent of Streets, ten thousand dollars; Chief Engineer of Fire Department, five thousand dollars; Assistant Engineer of Fire Department, two thousand five hundred dollars; Chief Engineer of Waterworks, five thousand dollars; City Tapper, five thousand dollars; City Water Assessor, five thousand dollars; City Physician, five thousand dollars; Superintendent of Cemeteries, two thousand dollars; Sanitary and Building Inspector, two thousand dollars; Inspector of Plumbing and Drainage, two thousand dollars; City Surveyor, five thousand dollars.

The official bond of any officer or employé of the city, other than those named in this section, shall be in such amount as the Board of Trustees shall fix.

ARTICLE XVIII.

SALARIES OF OFFICERS.

Salaries of
city offi-
cers and
employés.

SEC. 205. Each member of the Board of Trustees shall receive a salary of two hundred and fifty dollars a year, but there shall be deducted therefrom the sum of five dollars for each and every regular meeting of the Board which he shall fail to attend. The compensation of other officers and employés of the city shall be per annum as follows: Mayor, three thousand dollars; City Auditor and Assessor, twenty-four hundred dollars; City Collector, twenty-seven hundred dollars; City Treasurer, fifteen hundred dollars; City Clerk, fifteen hundred dollars; City Attorney, eighteen hundred dollars; City Superintendent of Common Schools, twenty-seven hundred dollars; City Physician, two thousand dollars; Superintendent of Streets, fifteen hundred dollars; Clerk of Police Court, twelve hundred dollars; Deputy City Auditor and Assessor, twelve hundred dollars; Deputy City Collector, fifteen hundred dollars; clerks of City Collector, each, one thousand dollars; Mayor's clerk, nine hundred dollars; clerk of City Superintendent of Common Schools, seven hundred and twenty dollars; Sanitary and Building Inspector, twelve hundred dollars; Inspector of Plumbing and Drainage, twelve hundred dollars; City Librarian, twelve hundred dollars; Assistant City Librarian, nine hundred dollars; Chief of Police, twenty-one hundred dollars; Captain of Police, fifteen hundred dollars; Sergeants of Police, each, twelve hundred dollars; other members of permanent police force,

each, ten hundred and eighty dollars; Chief Engineer of Fire Department, eighteen hundred dollars; Assistant Chief Engineer of Fire Department, twelve hundred dollars; Engineers of Fire Department, each, twelve hundred dollars; drivers, Fire Department, each, nine hundred dollars; foremen of fire companies, each, three hundred and sixty dollars; assistant foremen of fire companies, each, three hundred dollars; hosemen, each, two hundred and forty dollars; hook and ladder men, each, two hundred and forty dollars; tillermen, each, nine hundred dollars; Superintendent of Fire Alarm System, twelve hundred dollars; Superintendent of Cemeteries, twelve hundred dollars; Chief Engineer of Waterworks, eighteen hundred dollars; First Assistant Engineer of Waterworks, fourteen hundred and forty dollars; Second Assistant Engineer of Waterworks, thirteen hundred and twenty dollars; firemen of waterworks, each, nine hundred dollars; City Tapper, twelve hundred dollars; Assistant City Tapper, nine hundred dollars; City Water Assessor, nine hundred dollars. All such salaries shall be payable in equal monthly installments. The City Surveyor shall receive such fees for his services as may be allowed by the Board of Trustees.

Salaries
of city
officers and
employés.

SEC. 206. The salaries of all other officers, and compensation of all employés other than those named in the next preceding section, shall, except where otherwise expressly provided in this charter, be fixed by the Board of Trustees.

How other
salaries
are fixed.

SEC. 207. The Board of Trustees may at any time, by ordinance for that purpose, increase or decrease the compensation of officers and employés as herein fixed, except of members of the Board of Trustees and of the City Superintendent of Common Schools; *provided*, no such change in the amount of compensation of any office held for a definite term shall take effect during the term of the then incumbent of the office, and no such change in the amount of compensation of any office held during the good behavior of the incumbent shall take effect in less than six months from the passage of the ordinance; *and provided further*, that no increase shall be made in the compensation of any office, unless by affirmative vote of at least seven members of the Board of Trustees.

Increased
or de-
creased.

SEC. 208. The compensation of officers and employés of the Educational Department shall be paid out of the Common School Fund; of the Fire Department, out of the Fire Department Fund; of the Police Department, out of the Police Fund; of the City Free Library, out of the Library Fund, and of other officers and employés, out of the General Fund.

How paid.

ARTICLE XIX.

MISCELLANEOUS PROVISIONS.

SEC. 209. No grant of any franchise by the Board of Trustees shall have any validity 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

Validity of
franchises.

How forfeited.

exercise or enjoyment of the same; *provided*, that where condemnation of property is necessary, condemnation proceedings commenced and diligently prosecuted shall be deemed the exercise of the franchise. 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 said franchise, or the part thereof so in disuse, shall no longer be exercised or enjoyed. When, in the exercise of any franchise, use has been made in any way of any street or alley of the city, such street or alley shall be put in good repair, and all the materials and obstructions which have been placed therein in the exercise of such franchise shall be removed therefrom at the expense of the person or company who has held such franchise, whenever the franchise is abandoned or falls into disuse.

No salaried officer permitted to hold another office.

SEC. 210. 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 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 the County of Sacramento, shall be deemed thereby to have vacated the office held by him under the city government.

Not permitted to be interested in contracts payable by city.

SEC. 211. No member of the Board of Trustees, 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 Board, or any 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 rights or franchises granted, in violation of this section shall be absolutely void.

Cannot divide salary to gain office.

SEC. 212. No officer or employé of the city shall give, or promise to give, 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. No officer of the city shall, while in office, accept any donation or gratuity in money or any thing of value, either directly or indirectly, from any subordinate or employé, or from any candidate or applicant for any position under him. 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.

No donation from subordinates permitted.

SEC. 213. All books and records of every office and depart-

ment 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.

Books and records open to inspection.

Sec. 214. 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 City Collector shall be kept open until nine o'clock in the evening.

Business hours.

Sec. 215. No office shall be created, in addition to those provided by this charter, unless by ordinance regularly adopted by the Board of Trustees by not less than seven affirmative votes. Whenever in the judgment of the Board of Trustees no necessity exists for the continuation of any office created or provided for by this charter, said Board, by an ordinance for that purpose, adopted by not less than seven affirmative votes, may discontinue such office.

How offices are created or discontinued.

Sec. 216. 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 the Superintendent of Common Schools and 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, except as in this charter provided.

Officers must be citizens.

Sec. 217. 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 Board of Trustees, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within twenty 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 of malfeasance in office, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The Mayor, by and with the consent of the Board of Trustees, shall have the power to appoint suitable persons to fill vacancies in any office, except as in the charter provided. The appointee shall hold until the election and qualification of his successor.

Duties and compensation.

Absence or removal.

How vacancies are filled.

Sec. 218. All books, papers, plats, charts, records, files, stationery, furniture, tools, and appliances made or made use of by any officer or employé of the city in the performance of his official duties, shall be deemed and considered as belonging to the city, and shall be delivered to his successor in office, who

All books, etc., must be receipted for.

shall give duplicate receipts, in writing, therefor, one of which receipts shall be filed with the City Auditor.

No removal for political opinions.

SEC. 219. No officer or employé in any department of the city government shall be removed on account of his political opinions or affiliations.

Eight hours a day's work.

SEC. 220. Eight hours shall constitute a day's work in all labor performed by or under direction of the city or any officer thereof, and under any and all contracts and sub-contracts between the city or its officials and any person, company, or corporation, and it shall be a covenant in every contract made by or on behalf of the city for the performance of any work, whether such covenant is inserted therein or not, that eight hours shall constitute a day's work in the performance of such contract. This section shall not apply to the number of hours' service to be rendered each day by any officer or employé of the city in any office provided for by this charter.

Chinese.

SEC. 221. No Chinese shall ever be employed, either directly or indirectly, on any work of the city, or in the performance of any contract or sub-contract of the city, except in punishment for crime. Nor shall any provisions, supplies, materials, or articles of Chinese manufacture or production ever be used or purchased by or furnished to the city.

Moneys to be paid over.

SEC. 222. All fees and other moneys received or collected by any officer, agent, or employé of the city (except only such fees as the City Surveyor may be authorized by ordinance to collect), shall be paid by such officer, agent, or employé, each month (or oftener if required by this charter, or by order of the Board of Trustees), 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 or collected by him.

Notice of special meetings.

SEC. 223. Whenever special meetings are called of the Board of Trustees, Board of Education, or any other Board of the municipality, notice thereof shall be served on each member personally or by mail, addressed to his place of residence; if by mail, the notice, postpaid, 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.

Judicial notice of the charter.

SEC. 224. In all prosecutions for violation of any of the provisions of this charter, or for violation of any city ordinance, rule, resolution, or other regulation of the Board of Trustees, whether in the Court of original jurisdiction or in any appellate Court, it shall not be necessary to plead the contents of the same, but the Court before which the proceedings shall be pending shall take judicial notice of this charter, and of such ordinance, rule, resolution, or other regulation, and of the contents thereof; and in all civil actions to which the city, or any officer of the city, is a party, either plaintiff or defendant, the adoption and contents of any ordinance, rule, resolution, or other regulation of the Board of Trustees, may be proven prima facie

by the introduction of the original entry thereof on the records of the Board, a copy thereof 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 published, or purporting to have been published, by authority.

SEC. 225. 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 of office.

SEC. 226. All officers provided to be elected by this charter shall take office on the first Monday after the first day of January next after their election. The fiscal year shall commence on the first Monday after the first day of January.

When term of office begins

SEC. 227. All ordinances, rules, resolutions, and other regulations of the City of Sacramento, in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed. All offices of the city heretofore existing shall, unless expressly continued in force by this charter, cease to exist at the time this charter takes effect, and shall be supplanted by the offices herein provided for, and the incumbents of the offices so abolished shall surrender to the officers having like powers and duties, as provided by this charter, all moneys, bonds, contracts, books, accounts, records, files, furniture, and property of the offices so abolished. No business pending before any department or officer of the city at the time this charter takes effect shall be considered as lost, discontinued, or abandoned by reason thereof, but the same may be taken up, continued, transacted, and completed before the proper department or officer provided by this charter.

All ordinances, etc., to be continued in force.

Business to continue without interruption.

SEC. 228. The Board of Trustees of the present City of Sacramento shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

First election.

SEC. 229. For the sole purpose of the election of the officers directed by this charter to be elected by the people, this charter shall take effect immediately after its approval by the Legislature; and such election shall be managed and conducted in accordance with the general election laws of the State. For all other purposes this charter shall take effect on the first Monday after the first day of January, eighteen hundred and ninety-four.

When charter takes effect.

WHEREAS, The City of Sacramento, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the eighth day of December, eighteen hundred and ninety-one, at a regular election, and under and in accordance with the provisions of section eight, article eleven, of the Constitution of the State of California, did elect John W. Armstrong, Frederick Cox, N. Greene Curtis, Robert T. Devlin, Christopher Green, Thomas B. Hall, C. H. Hubbard, Matt F.

Preamble.

Preamble. Johnson, W. F. Knox, Jr., Hugh M. Larue, J. H. Roberts, G. L. Simmons, S. B. Smith, Harris Weinstock, and Clinton L. White a Board of Fifteen Freholders, to prepare and propose a charter for said city; be it known that in pursuance of said provision of the Constitution, and within a period of ninety days after such election, said Board of Fifteen Freholders has prepared and does propose the foregoing as and for the charter of the said City of Sacramento, and that in submitting and proposing such charter the Board of Fifteen Freholders, pursuant to said provision of the Constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, two alternative propositions, hereinafter stated and designated as Alternative Proposition Number One and Alternative Proposition Number Two, respectively, one only of which shall become a part of such charter.

Said alternative propositions shall be submitted for the choice of the voters at the same election at which the charter shall be submitted, and upon the ballots shall be printed: "For retaining the Commission—Yes," and "For retaining the Commission—No." All votes cast "For retaining the Commission—Yes" shall be counted for Alternative Proposition Number One, and all votes cast "For retaining the Commission—No" shall be counted for Alternative Proposition Number Two. Voters shall be entitled to vote for one only of said alternative propositions, and the alternative proposition receiving the greatest number of votes shall be thereby adopted and become a section of the charter, and shall be known and designated as section two hundred and thirty thereof. The said alternative propositions are as follows:

ALTERNATIVE PROPOSITION NUMBER ONE.

Alternative proposition number one.

SEC. 230. Nothing in this charter shall ever be construed as repealing, abrogating, nullifying, amending, or in any way or to any extent modifying or affecting an Act of the Legislature of the State of California, approved March twenty-fifth, eighteen hundred and seventy-two, entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento." Nor shall anything in this charter ever be construed as repealing, abrogating, nullifying, amending, or in any way or to any extent modifying or affecting an Act of the Legislature of the State of California, approved March ninth, eighteen hundred and eighty-seven, entitled "An Act to amend section six of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March twenty-fifth, eighteen hundred and seventy-two." Nor shall anything in this charter ever be construed as repealing, abrogating, nullifying, amending, or in any way or to any extent modifying or affecting an Act of the Legislature of the State of California, approved March nineteenth, eighteen hundred and eighty-nine, entitled "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 twenty-fifth, eighteen hundred and seventy-two." Any and all provisions of this charter in conflict with said Acts, or either of them, are and shall be null and void so far as the same are in conflict with said Acts, or either of them. Said Acts, and each of them, shall remain in full force and effect, and the "Board of Commissioners of the Funded Debt Sinking Fund of the City of Sacramento," as created and provided for in said Acts, shall continue in existence and have, possess, retain, and use all the powers and duties conferred upon said Board by said Acts, or either of them, and this charter shall, notwithstanding any provision inconsistent therewith or contrary thereto contained in it, always be taken and construed as subordinate to said Acts, and as ratifying and confirming said Acts as valid and as continuing them in full force and effect.

Proposition number one.

ALTERNATIVE PROPOSITION NUMBER TWO.

SEC. 230. Nothing in this charter shall ever be taken or construed as continuing in force an Act of the Legislature of the State of California, approved March twenty-fifth, eighteen hundred and seventy-two, entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento." Nor shall anything in this charter ever be taken or construed as continuing in force an Act of the Legislature of the State of California, approved March ninth, eighteen hundred and eighty-seven, entitled "An Act to amend section six of an Act entitled 'An Act to provide for the redemption of the funded indebtedness of the City of Sacramento,' approved March twenty-fifth, eighteen hundred and seventy-two." Nor shall anything in this charter ever be taken or construed as continuing in force an Act of the Legislature of the State of California, approved March nineteenth, eighteen hundred and eighty-nine, entitled "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 twenty-fifth, eighteen hundred and seventy-two." On the contrary, this charter hereby repeals said Acts, and each of them, and shall be taken and construed as being in conflict with, and as annulling and making void said Acts, and each of them, and said Acts shall not, nor shall either of them, continue in force, nor shall the "Board of Commissioners of the Funded Debt Sinking Fund of the City of Sacramento," as created and provided for in said Acts, continue in existence, or have any powers or rights, after this charter goes into effect, but on the first Monday after the first day of January, eighteen hundred and ninety-four, said "Board of Commissioners of the Funded Debt Sinking Fund of the City of Sacramento" shall surrender and transfer to the City of Sacramento, and deliver to the City Treasurer, all moneys, bonds, coupons, securities, books, accounts, claims, and other property held by said Board, pursuant to said Acts, or either of them, and thereupon the

Proposition number two.

functions of said Board shall terminate, and said Board shall cease to exist.

Names of
freehold-
ers.

In witness whereof, we have hereunto set our hands, at the City of Sacramento, State of California, this fifth day of March, one thousand eight hundred and ninety-two.

Done in duplicate.

JOHN W. ARMSTRONG.
FREDERICK COX.
N. GREENE CURTIS.
CHRISTOPHER GREEN.
C. H. HUBBARD.
THOMAS B. HALL.
MATT F. JOHNSON.
W. F. KNOX, JR.
H. M. LA RUE.
J. H. ROBERTS.
S. B. SMITH.
HARRIS WEINSTOCK.
CLINTON L. WHITE.

Attest: LINCOLN WHITE, Secretary.

Now, therefore, be it

Concur-
rent reso-
lution of
the Legis-
lature.

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for and concurring herein), That said charter (excluding Alternative Proposition Number Two, which was rejected by the qualified electors of said city, but including as a part of such charter, and to be known as section two hundred and thirty thereof, said Alternative Proposition Number One, which Alternative Proposition Number One, in submitting such charter, was also presented to and adopted and ratified by the qualified electors of said city) be and the same is hereby approved for and as the charter of the City of Sacramento.

CHAPTER VIII.

Senate Joint Resolution No. 15, relating to the construction by the United States Government of a deep-water harbor at San Pedro, on the coast of Los Angeles County.

[Adopted February 8, 1893.]

Deep-water
harbor at
San Pedro.

WHEREAS, The Board of Engineers appointed by the Secretary of War to inquire into and report upon the best point for the construction by the United States Government of a deep-water harbor on the coast of Southern California, and the necessities for such work, have reported in favor of San Pedro, on the coast of Los Angeles County, and also in favor of the necessity of such harbor being constructed; and whereas, it

will afford greatly needed facilities for ocean commerce to a large section of this State; therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That we instruct our Senators, and urgently request our Representatives in Congress from this State, that they use every means in their power to secure, at the session of Congress now in session, the passage of a bill appropriating the sum of at least five hundred thousand dollars, to begin the construction of such a deep-water harbor at San Pedro, on the seacoast of Los Angeles County, in this State, as is contemplated in the report of the Board of Engineers hereinbefore referred to; and be it

Urging appropriation of \$500,000.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress from this State a copy of these resolutions.

Copies to be forwarded.

CHAPTER IX.

Senate Joint Resolution No. 18, relative to break in Feather River.

[Adopted February 8, 1893.]

WHEREAS, A disastrous break in the Feather River levee, about seven miles above the junction of that river with the Sacramento, which is seriously threatening the immediate destruction of the navigability of that stream, from the fact that immediately below the break of said levee the water is rapidly shoaling from the drifting sands and debris, thereby building up a permanent bar, which, if not soon remedied, will cause this invaluable navigable stream to abandon its natural channel, thus forever destroying a great river for all commercial purposes; whereas, it is generally understood that there is now in the hands of the War Department one hundred and fifty thousand dollars, to be expended in the improvement and rectification of the Feather and the Yuba Rivers; and whereas, a pressing and urgent necessity now exists for the expenditure of some portion of the above mentioned one hundred and fifty thousand dollars, for the preservation of the said Feather River as a navigable waterway; therefore, be it

Break in Feather River.

Resolved by the Legislature of the State of California, That the Secretary of War is urgently requested to take immediate steps to preserve the navigability of said Feather River.

Secretary of War.

Resolved, That a copy of the foregoing preamble and resolutions be immediately forwarded by telegraph to the Secretary of War at Washington.

Telegraphing resolutions.

CHAPTER X.

Senate Joint Resolution No. 20, relative to the classification of clerks in first and second class Post Offices, and fixing the salaries of the same.

[Adopted February 9, 1893.]

Preamble. WHEREAS, A bill was introduced in the House of Representatives of the United States by Representative Wilson, of Missouri, during its present session, entitled "A bill for the classification of clerks in first and second class Post Offices, and fixing the salary of the same."

Passage urged. *Resolved by the Legislature of the State of California,* That it cordially approves of the purpose of said bill, and requests the passage of such a bill by the Congress of the United States, as a laudable, just, and worthy measure, productive of a good public policy.

Resolution to be forwarded. *Resolved,* That attested copies of this resolution be forwarded to the California delegation in Congress, with the request that such bill receive its vote and earnest support.

CHAPTER XI.

Senate Joint Resolution No. 16, relative to annexation of Hawaiian Islands.

[Adopted February 10, 1893.]

Annexation of Hawaiian Islands. WHEREAS, A crisis has arisen in the affairs of the Hawaiian Government, and a desire has been expressed by a large number of the citizens of that Government that their country should be annexed to, and become a part of, the United States; and whereas, a delegation of citizens of the Hawaiian Government is now on its way to the National Capital to secure such national legislation as will secure the result above suggested; and whereas, the interests of California and of our entire country would be enhanced by the annexation to our domain of the islands now comprised in the territory of the Hawaiian kingdom; therefore, be it

Congress urged to favor annexation. *Resolved by the Senate of California, the Assembly concurring,* That whenever the Hawaiian Government shall signify a desire that its territory should be annexed to, and become a part of, the territory of the United States, our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means at their disposal to bring about such a result upon such terms and conditions as may be most beneficial to the inhabitants of both countries; and further be it

United States should control. *Resolved,* That it is the sense of the people of the State of California that under no circumstances and under no conditions

should any power other than the United States of America ever be permitted to obtain any control or protectorate over the islands comprising the territory of said Hawaiian kingdom.

Resolved, That the Governor be requested to immediately telegraph these resolutions to our Senators and Representatives at Washington.

Governor
to tele-
graph reso-
lutions.

CHAPTER XII.

Senate Concurrent Resolution No. 5, relative to Golden Gate Park Commissioners.

[Adopted February 23, 1893.]

Resolved by the Senate, the Assembly concurring, That there be appointed by the President of the Senate and the Speaker of the Assembly, a committee of ten, five from each house, whose duty it shall be to visit the Golden Gate Park of the city of San Francisco, and to have a conference with the Board of Park Commissioners of that city, in respect to amending the present law regulating parks.

To visit
Golden
Gate Park.

CHAPTER XIII.

Senate Constitutional Amendment No. 14.

A resolution proposing to the people of the State of California an amendment to section three of article eleven of the Constitution of the State of California, relating to the formation of new counties.

[Adopted February 24, 1893.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, A. D. eighteen hundred and ninety-three, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section three of article eleven of the Constitution of the State of California be amended to read as follows:

Preamble.

Section 3. The Legislature, by general and uniform laws, may provide for the formation of new counties; *provided, however*, that 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.

Formation
of new
counties.

CHAPTER XIV.

Assembly Concurrent Resolution No. 14, relative to petitioning and requesting the Supreme Court of the United States to hear and determine the action, now before said Court, in which the State of California is plaintiff in error and the San Pablo and Tulare Railroad Company is defendant in error, being cause No. 1467 upon the docket of said Court, which action involves the validity of the provisions of the Constitution of this State, relative to the taxation of railroads operated in more than one county.

[Adopted March 1, 1893.]

Preamble. WHEREAS, The validity of the provisions of the Constitution of the State, relative to the taxation of railroads operated in more than one county, has, since the year eighteen hundred and eighty, been questioned by railroad corporations affected by the assessments of property made by the State Board of Equalization, pursuant to said provisions of the Constitution; and whereas, the State of California has steadily sought to obtain a judicial determination of the legal questions involved and has prosecuted several actions to final decision in the Supreme Court of the United States, without securing a decision reaching to the merits of the case, because of the introduction into the records of the cases heretofore decided, of local questions which were deemed by the Court to be sufficient to defeat the actions, and therefore precluding the Court, under its established rules of procedure, from deciding the questions of constitutional law presented in the record; and whereas, the record in cause number one thousand four hundred and sixty-seven, entitled *The People of the State of California, plaintiffs in error, vs. The San Pablo and Tulare Railroad Company, defendant in error*, appealed from the Circuit Court of the United States for the Northern District of California, presents to the consideration of the Court the single question of the alleged conflict of the Constitution of State of California with the Fourteenth Amendment to the Constitution of the United States, in reference to the taxation of railroads operated in more than one county, and said record is wholly free from any question involving the constitutionality of any statute of this State providing for the collection of taxes levied upon railroads operated in more than one county, or other question which would preclude the Court from deciding the constitutional question therein presented; and whereas, the said action against the San Pablo and Tulare Railroad Company was taken up to the Supreme Court of the United States upon writ of error from said Circuit Court, as a test case agreed upon between the then Attorney-General of the State and the chief counsel of the Southern Pacific Company (which company operates and controls said San Pablo and Tulare Railroad), pursuant to a promise and agreement made by the chief counsel of the Southern Pacific Company to and with the Judiciary Committee of the

Assembly of California, at its twenty-eighth regular session, Preamble. in the year eighteen hundred and eighty-nine, which committee, at the time of such promise and agreement, was engaged, by the direction of the Assembly, in an investigation of the subject of unpaid taxes due from the Southern Pacific system of railroads; and whereas, counsel of said company, in violation of said promise and agreement, have heretofore resisted the efforts of the State of California to secure the hearing of said San Pablo and Tulare Railroad case in the Supreme Court of the United States; and whereas, the importance of this case to the people of this State is paramount to any consideration hinging upon the amount of taxes involved in the said action, and if left undecided the constitutional question therein presented will stand as a menace to the integrity of our taxation system, for as the decision of the Circuit Court of the United States controls until reversed by the Supreme Court, in any subsequent appeal that may be taken in an action presenting the same issue, the State of California must necessarily enter the Supreme Court of the United States as the plaintiff in error, thus putting it in the power of the defendant railroad to prevent consideration of the case by tendering payment of all sums involved in the action and moving the Court for its dismissal; and whereas, the finances of the State and several counties have been disturbed, embarrassed, and depleted by the resistance of the Southern Pacific Company to the enforcement of the laws of the State for the taxation of railroads, and believing that we, as the representatives of the people of the State, have a right to address our petition to the Supreme Court of the United States, a coordinate branch of the government of the nation, requesting and praying the Court to hear and determine an action to which the State is a party, more especially when such action concerns the right of the State to the exercise of its highest power, that of taxation, so necessary to its life, order, stability, and strength, and to ask in the name of the people of the State that the case now properly before the Court be heard and determined upon the record which both parties to the action have deliberatively made for the determination of their respective rights; therefore, be it

Resolved by the Assembly, the Senate concurring, That the Attorney-General of the State be and he is hereby instructed to make, or cause to be made, application forthwith to the Supreme Court of the United States to advance upon its calendar, and to hear and determine the said action of "The People of the State of California vs. San Pablo and Tulare Railroad Company, number one thousand four hundred and sixty-seven," and upon such application being made, to present this memorial to said Court.

Instructions to
Attorney-
General.

Resolved, That this memorial be duly certified by the Governor of the State of California and furnished to the Attorney-General. Certificate.

CHAPTER XV.

Assembly Joint Resolution No. 7, relative to the election of United States Senators.

[Adopted March 2, 1893.]

Election of
U. S. Sena-
tors by
direct vote
of the
people.

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators are instructed and our Representatives 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 for the several States by the direct vote of the citizens thereof, instead of by 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 XVI.

Assembly Joint Resolution No. 9, relative to foreign immigration to the United States.

[Adopted March 2, 1893.]

Preamble
as to for-
eign immi-
gration.

WHEREAS, The experience of the past has shown that our laws are not sufficient to restrain the nations of Europe from making of America a dumping ground for the pauper and criminal classes of foreign lands; and whereas, there is now under consideration by Congress legislation designed to stop the influx of undesirable foreigners into the United States; now, therefore, be it

Senators
and Repre-
sentatives
requested
to advocate
prohibi-
tion.

Resolved by the Assembly of the State of California, the Senate concurring, That we instruct our Senators, and request our Representatives in Congress from this State, to advocate such measures of national legislation as will effectually put a stop to undesirable immigration, even to the extent, if found necessary, of prohibiting immigration altogether; and be it

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress, a copy of these resolutions.

CHAPTER XVII.

Assembly Joint Resolution No. 11, relating to a public building at Eureka.

[Adopted March 2, 1893.]

WHEREAS, At the city of Eureka, in the State of California, are located a United States Land Office, a United States Custom House, and a United States Post Office; and whereas, each of said public offices is located in a building not the property of the United States, notwithstanding the fact that these offices are now doing a large and constantly increasing business; therefore, be it

Preamble.

Resolved by the Assembly of the State of California, the Senate thereof concurring, That we instruct our Senators, and urgently request our Representatives in Congress from this State, that they use every means in their power to secure the passage of a bill by Congress appropriating a sufficient amount of money to erect a suitable public building at Eureka, California, to accommodate the business of the various public offices hereinbefore named; and be it

Public building at Eureka.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress from this State a copy of these resolutions.

CHAPTER XVIII.

Assembly Joint Resolution No. 17, relative to the examination or survey of the waters of the river system tributary to the bay of San Francisco.

[Adopted March 2, 1893.]

Resolved by the Assembly, the Senate concurring, That we urge upon Congress and most earnestly request, that they adopt and speedily pass the resolution introduced in the House of Representatives by Congressman A. Caminetti, on the nineteenth day of January, eighteen hundred and ninety-three, providing for the examination or survey of the navigability of the waters of the river system tributary to the bay of San Francisco, State of California, and in such manner as in said joint resolution set out; that the Governor of the State cause to be forwarded by telegraph to our Representatives in Congress, a copy of this resolution, and request that they present the same to the House and Senate.

Survey of the navigability of river system tributary to San Francisco Bay.

CHAPTER XIX.

Assembly Joint Resolution No. 19, relative to a public building at Visalia.

[Adopted March 2, 1893.]

Preamble. WHEREAS, At the city of Visalia, in the State of California, are located a United States Land Office and a United States Post Office; and whereas, each of said public offices is located in a building not the property of the United States, notwithstanding the fact these offices are doing a large and constantly increasing business; therefore, be it

Public building at Visalia. *Resolved by the Assembly of the State of California, the Senate thereof concurring,* That we instruct our Senators, and urgently request our Representatives in Congress from this State, that they use every means in their power to secure the passage of a bill by Congress, appropriating a sufficient amount of money to erect a suitable public building at Visalia, California, to accommodate the business of the public offices hereinbefore named; and be it

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress from this State, a copy of these resolutions.

CHAPTER XX.

Assembly Joint Resolution No. 10, relating to the refunding of moneys to certain settlers on Government lands in Fresno, Monterey, and San Benito Counties.

[Adopted March 3, 1893.]

Preamble relating to refunding moneys to certain settlers in Fresno and other counties. WHEREAS, The Congress of the United States did, by an Act approved July twenty-seventh, eighteen hundred and sixty-six (chapter two hundred and seventy-eight), grant certain lands in Monterey, Fresno, San Benito, and Merced Counties to the Southern Pacific Railroad Company to secure the construction of a railroad through said counties; and whereas, the Congress did at the same time fix the minimum price of the lands not included in the grant above referred to at two dollars and fifty cents per acre, and many of the settlers on these lands, in pursuance of the Act, did perfect their titles to the lands, paying therefor two dollars and fifty cents per acre; and whereas, the Congress did, by an Act approved September twenty-ninth, eighteen hundred and ninety (chapter ten hundred and forty), declare the grant to said railroad company forfeited, and the lands restored to the public domain, and subject to entry and purchase at the minimum price of one dollar and twenty-five cents per acre; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That we deem it a hardship for the General Government to retain the moneys of the settlers, or assigns, for benefits never secured; and be it further

Government retaining money.

Resolved, That our Senators and Representatives in Congress be urgently requested and instructed to use diligent means to secure the passage by Congress of an Act authorizing the proper authorities to pay back to the settlers above named all sums paid by them for lands in excess of the minimum price of one dollar and twenty-five cents per acre.

Passage of an Act to pay same back urged.

Resolved, That his Excellency the Governor be requested to furnish a copy of these resolutions to our Senators and Representatives in Congress.

CHAPTER XXI.

Assembly Constitutional Amendment No. 7.

A resolution proposing an amendment to the Constitution of the State of California, by adding a new section to article thirteen of the said Constitution, to be numbered section twelve and three fourths (12 $\frac{3}{4}$), relating to revenue and taxation.

[Adopted March 3, 1893.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its thirtieth session, commencing on the second day of January, A. D. eighteen hundred and ninety-three, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that article thirteen of said Constitution be amended by adding to said article a new section, to be numbered section twelve and three fourths, to read as follows:

Preamble relating to Article XIII of the Constitution.

Section 12 $\frac{3}{4}$. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation.

Fruit and nut-bearing trees and grapevines to be exempt from taxation.

CHAPTER XXII.

Assembly Constitutional Amendment No. 12.

A resolution proposing to the people of the State of California an amendment to section seventeen, article one, of the Constitution of the State of California.

[Adopted March 4, 1893.]

Preamble. *Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, A. D. one thousand eight hundred and ninety-three, two thirds of all the members elected to each house concurring, hereby propose that section seventeen of article one of the Constitution of said State be amended so as to read as follows:*

Who may acquire property in this State. Section 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 all property, other than real estate, as native born citizens; provided, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; and provided further, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise.*

CHAPTER XXIII.

Assembly Concurrent Resolution No. 18.

[Adopted March 6, 1893.]

Leave of absence for F. P. Boynton. *Resolved by the Assembly, the Senate concurring, That Frank P. Boynton, a member of the School Board of Pasadena School District, in Los Angeles County, be and he is hereby permitted leave of absence for the period of eight months from the fifteenth day of March, eighteen hundred and ninety-three.*

CHAPTER XXIV.

Assembly Concurrent Resolution No. 19.

[Adopted March 8, 1893.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California do, and it hereby does, extend congratulations to the Hon. A. Caminetti, Representative in Congress, upon the successful enactment of the bill commonly known as the Caminetti Bill, concerning mining and river interests in the State of California. Congratu-
lations to
Hon. A.
Caminetti.

Resolved further, That a copy of these resolutions be certified by the Clerk, and forwarded to the Hon. A. Caminetti.

CHAPTER XXV.

Senate Constitutional Amendment No. 17.

A resolution proposing to the people of the State of California an amendment to section seven, article eleven, of the Constitution of the State of California.

[Adopted March 11, 1893.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, A. D. one thousand eight hundred and ninety-three, two thirds of all the members elected to each house concurring, hereby propose that section seven of article eleven of the Constitution of said State be amended so as to read as follows: Preamble.

Section 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 prohibited to cities, shall be applicable to such consolidated government. Consolida-
tion of
city and
county
govern-
ments.

CHAPTER XXVI.

Senate Concurrent Resolution No. 10, relative to adjournment sine die.

[Adopted March 11, 1893.]

Final
adjourn-
ment.

Resolved by the Senate, the Assembly concurring, That the Legislature, thirtieth session, shall adjourn *sine die*, Tuesday, March fourteenth, eighteen hundred and ninety-three, at twelve o'clock p. m.

CHAPTER XXVII.

Assembly Joint Resolution No. 4, relating to the free and unlimited coinage of silver.

[Adopted March 11, 1893.]

Preamble. WHEREAS, For about eighty years prior to and immediately preceding the year eighteen hundred and seventy-three the Government of the United States maintained the free and unlimited coinage of silver, at the ratio of sixteen of silver to one of gold, without detriment to the interests of the country; and whereas, the demonetization of silver by the Act of eighteen hundred and seventy-three has, as we believe, proved detrimental to the agricultural, manufacturing, laboring, and all producing interests of the country, and to all borrowers of money, and advantageous only to the money-lending class; therefore, be it

Free and
unlimited
coinage of
silver.

Resolved by the Assembly of the State of California, the Senate concurring, That the Senators and Representatives in Congress from this State are hereby requested to use their utmost endeavors, by every proper means, to obtain, at the earliest day possible, the passage of an Act of Congress for the free and unlimited coinage of silver, at the legal ratio of sixteen to one; and be it

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of this resolution.

CHAPTER XXVIII.

Senate Constitutional Amendment No. 7.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section nine of article thirteen thereof, relative to the election of a State Board of Equalization.

[Adopted March 13, 1893.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, eighteen hundred and ninety-three, two thirds of all the members of each house concurring, hereby propose that section nine of article thirteen of the Constitution of the State be amended so as to read as follows:

Preamble.

A State Board of Equalization, consisting of one member from each Congressional District in this State, shall be elected by the qualified electors of their respective districts, at the first general election to be held after the adoption of this amendment, and at each general election every four years, 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 State Board of Equalization elected in eighteen hundred and ninety-four shall continue in office until their successors, as herein provided for, shall be elected and shall qualify.

A member of the State Board of Equalization for each Congressional district.

County Boards of Equalization.

Duties of each.

Election of members.

CHAPTER XXIX.

Senate Concurrent Resolution No. 9, relative to proceedings of Blaine Memorial.

[Adopted March 13, 1893.]

Memorial
in memory
of James
G. Blaine.

Resolved by the Senate, the Assembly concurring, That the State Printer be directed to print and bind, in appropriate style, five hundred copies of the proceedings of the Senate and Assembly, and of the joint memorial session of the Legislature, in respect to the memory of James G. Blaine, and that one copy thereof be transmitted to Mrs. Blaine, one copy to each of the representatives of this State in the Congress of the United States, and three copies be reserved for each member of this Legislature.

CHAPTER XXX.

Charter of
Grass Valley.

Senate Concurrent Resolution No. 11, approving the charter of the Town of Grass Valley, in Nevada County, California, which was voted for and ratified by the qualified electors of said town, at a special election held therein for that purpose, on February 28, 1893.

[Adopted March 13, 1893.]

Preamble.

WHEREAS, The Town of Grass Valley, in Nevada County, California, is now, and at all times herein referred to was, a city containing a population of more than three thousand five hundred and not more than ten thousand inhabitants; and whereas, at an election duly held in said city on December third, eighteen hundred and ninety-two, in accordance with law and with the provisions of amendment number fourteen to the Constitution of this State, a Board of Fifteen Freeholders, duly qualified, was duly elected in and by said city, which said Board of Fifteen Freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, signed in duplicate by a majority of the members of said Board of Freeholders, and was thereupon returned, one copy thereof to the President of the Board of Trustees of said city, and the other copy thereof to the County Recorder of the said County of Nevada; and whereas, such proposed charter was then published in one daily newspaper of general circulation in said city, to wit: in the "Daily Tidings," for the period of twenty days, and the first publication was made within twenty days after the completion of said charter; and within not less than thirty days after such publication said charter was duly submitted to the qualified electors of said city, at a special election duly called for that purpose; 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; and whereas, the said charter, so ratified, is in the words and figures following, to wit:

CHARTER OF THE CITY OF GRASS VALLEY.

ARTICLE I.

OF RIGHTS, LIABILITIES, AND BOUNDARIES.

SECTION 1. The municipal corporation known as the Town ^{Name.} of Grass Valley shall remain and continue a body politic and corporate, under the name and style of the City of Grass Valley, which shall succeed to and in which is hereby vested all the rights, privileges, property, and obligations of said Town of Grass Valley.

SEC. 2. Said city shall have perpetual succession; may sue ^{Powers of} and defend in all Courts and places, in all matters and proceed- ^{the City of} ings whatever; may have and use a common seal, alterable at ^{Grass Val-} ley. pleasure; may purchase, sell, let, lease, hold, and enjoy real and personal property within or without its boundaries, and especially all ditches, rights of way, reservoirs, water rights, and property of every description necessary or convenient to supply said city and its inhabitants with water, and for sewerage and drainage; may contract for water to supply said city and its inhabitants; construct, repair, manage, and maintain such ditches, reservoirs, aqueducts, and all works necessary in the distribution of such water; may levy and collect water rates, taxes on real and personal property, poll taxes, and licenses on all business therein; may determine what are nuisances, and prevent and remove the same; may construct, establish, and maintain drains and sewers; may determine and declare what are public uses and what property it is necessary to take for such purposes, and condemn the same under the provisions of section one thousand and one of Civil Code, and title seven, part three, of the Code of Civil Procedure of California, and such statutes of the State as relate to the exercise of the right of eminent domain, which are hereby made a part of this charter; may receive bequests, gifts, and donations of all kinds of property wherever situate, 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 the power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

SEC. 3. The channel of Wolf Creek through said city shall ^{Wolf Creek} be, and the right of way through the same is hereby, retained ^{channel.} to said city for purposes of sewerage and drainage, and it cannot alienate any part of the same, and may keep said channel free of all obstructions and nuisances.

SEC. 4. Said city shall only purchase such ditches and water ^{Water for} rights as may be necessary for fully supplying it and its inhabit- ^{city use.} ants with water.

BOUNDARIES.

Boundaries. SEC. 5. Said city shall comprise the southeast quarter, the south half of the northeast quarter, the southeast quarter of the northwest quarter, and the east half of the southwest quarter of section twenty-seven, township sixteen north, range eight east, Mount Diablo base and meridian, being the same territory as the Town of Grass Valley.

School district. SEC. 6. The school district of the City of Grass Valley shall consist of the territory of the city and also of all additional territory annexed thereto by the Board of Supervisors of Nevada County, under and subject to provisions of section one thousand five hundred and seventy-six of the Political Code.

DIVISION INTO WARDS.

Wards. SEC. 7. The Board of Trustees may, at their discretion, divide said city into wards.

ARTICLE II.

OF OFFICERS, ELECTIONS, AND COMPENSATION.

Board of Trustees and of Education. SECTION 1. The corporate powers and duties of the City of Grass Valley shall be vested in a Board of Trustees and a City Board of Education, to be elected by the qualified electors thereof, as hereinafter provided.

Powers of Trustees. SEC. 2. The Board of Trustees of the city shall have power: (a) To pass ordinances, not in conflict with the Constitution of this State or of the United States.

Real estate. (b) 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 the power to sell or convey any portion of the bed of Wolf Creek.

Water. (c) To contract for supplying water to said city and its inhabitants; acquire, construct, repair, manage, sell, lease, and let pipe-lines, aqueducts, reservoirs, and such other works as may be necessary or proper for supplying such water, and so fix water rates that the same will be equitable and each consumer assessed his fair proportion, according to the amount of water he actually consumes.

Dog licenses. (d) To impose and collect an annual license, not exceeding two dollars, on every dog permitted at any time to run at large.

Taxes. (e) To levy and collect taxes.

General licenses. (f) To license, for the purpose of regulation and revenue, all and every kind of business authorized by law and transacted or carried on in this city, and all shows, exhibitions, and lawful games carried on therein; to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

Public buildings. (g) To erect and maintain buildings for municipal purposes.

Railroads and tracks. (h) 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 and water pipes in the public streets, and vending gas and water in said city; and to permit the construction and maintenance of telegraph, electric, and telephone lines therein.

(i) 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 the sum of two hundred dollars, nor the term of imprisonment exceed three months.

Fines for violation of ordinances.

(j) To provide for the numbering of all buildings facing on the streets of said city.

Numbering buildings.

(k) To provide for the impounding of animals, including dogs, found running at large in said city; to appoint a poundmaster, and to fix his fees and charges.

Public pound.

(l) The Board of Trustees may regulate or exclude the storing of gunpowder and other combustible and explosive materials within the city limits, and establish fire limits.

Gunpowder.

(m) The Board of Trustees may employ a Surveyor and City Attorney whenever they deem the same necessary.

City Surveyor and Attorney.

SEC. 3. The enacting clause of all ordinances shall be as follows: "The Board of Trustees of the City of Grass Valley do ordain as follows." Every ordinance shall be signed by the President of the Board of Trustees and attested by the City Clerk.

Enacting clause of ordinances.

SEC. 4. All demands against the city shall be presented to and audited by the Board of Trustees, in accordance with such regulation as they may by ordinance prescribe; and upon the allowance of any such demand the Mayor of the city shall draw a warrant upon the Treasurer for the same, which warrant shall be countersigned by the Clerk and shall specify for what purpose the same is drawn and out of what fund it is paid.

How demands to be paid.

SEC. 5. Every act or thing done or being done within the limits of the city, which is or may be declared by law or by any ordinance of the city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

Nuisances.

SEC. 6. In the erection, improvement, and repair of all public buildings and works; in all street, sewer, and water work, and in furnishing any supplies or materials for the same, when the expenditure required for such operations exceed the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance; *provided*, that the Board of Trustees may reject all bids presented, and readvertise, in their discretion; *provided further*, that no Trustee shall be interested in any contract.

When public work must be done by contract.

SEC. 7. The violation of any ordinance shall be prosecuted in the name of the city, and may be redressed by civil action. Any person sentenced to imprisonment for the violation of an

Prosecution for violations of ordinances.

ordinance may be imprisoned in the jail of said city; or, if the Board of Trustees by ordinance shall so prescribe, in the county jail of the County of Nevada, in which case the expense of such imprisonment shall be a charge in favor of the county and against the city.

City Clerk. SEC. 8. The clerk of the Board of Trustees shall be denominated the City Clerk, and shall be empowered to administer oaths without charge in all matters concerning affairs of the municipality.

Board of Equalization. SEC. 9. The Board of Trustees shall sit as a Board of Equalization.

Ordinances to be voted on. SEC. 10. The Board of Trustees, on the petition of not less than fifty electors, must ascertain the sense of the electors of the city on any desired ordinance, by submitting the question involved thereon to a vote of the electors at any regular election.

How indebtedness contracted. SEC. 11. The Board of Trustees shall not contract any indebtedness on the credit of the city in excess of three thousand dollars, without the consent of two thirds of the qualified electors thereof voting thereon.

Board of Trustees. SEC. 12. The Board of Trustees shall consist of five members; *provided*, for each additional precinct an additional member shall be elected; one member to be elected from each election precinct now or which may be hereafter established in said city by the Board of Supervisors of Nevada County, and also one Trustee to be elected by the city at large, who shall be designated as the Mayor of the city. The Mayor shall be ex officio Chairman of the Board of Trustees, and shall have general supervision of all the affairs of the city. A full Board of Trustees shall be elected at the first election after the adoption of this charter, and thereafter at each general election. The President of the Board of Trustees of the Town of Grass Valley shall give notice of the first election held under this charter, and the Board of Trustees of the Town of Grass Valley shall appoint election officers therefor.

Board of Education. SEC. 13. The City Board of Education shall consist of seven members, one from each election precinct in the city which is now or may hereafter be established by the Board of Supervisors of Nevada County, and the balance, if any, to be elected by the city at large. The Board of Education shall elect one of their number as President.

Election of Board of Education. SEC. 14. The City Board of Education shall, after the first election under this charter, be elected at such times as is now or may be hereafter fixed by the general laws of this State for the election of Boards of School Trustees, and shall take, hold, and exercise their offices in conformity with the general school laws relating to Boards of School Trustees and school districts, subject, however, to this charter. A Board of Education, consisting of seven members, shall be elected at the first election after the adoption of this charter.

Term of office of members of Board of Education. SEC. 15. The notice of the first of such elections shall be given by the President of the Board of Trustees of the Town of Grass Valley, and thereafter by the President of the Board of

Education thereof. The election officers of the first election shall be appointed by the Board of Trustees, and of all subsequent elections by said Board of Education. Such elections in other respects shall conform to the general school laws of this State; *provided*, that the members of the Board of Education, at their first meeting after the first election, shall determine, by lot, which four of them shall go out of office at the expiration of the current school year, and which three of their number shall hold office for the term of two years. As so determined, four members of the Board first elected shall hold office for one year, and three members for the term of two years. After the expiration of such first term, the term of office for each member of the Board shall be two years. Should the residence of any member of the Board of Trustees or the Board of Education become detached from the precinct from which he was elected, by reason of a change of precinct boundaries, he shall only hold office until the next election; but the formation of a new precinct shall not otherwise affect or be affected by previous boundaries or elections.

SEC. 16. The Board of Trustees and the Board of Education shall, within fifteen days after their election, be convened, on written notice given respectively by the Mayor of the city and the President of the Board of Education, and shall each elect some person as Clerk. They shall, by by-laws or ordinances, fix the time and place for holding their stated meetings, and may be convened by their presiding officer at any time. They shall make such rules for their own government as they may deem proper. The Clerk of the Board of Trustees or the Board of Education must not be selected from their own number.

SEC. 17. At all meetings of the Board of Trustees or Board of Education, a majority shall constitute a quorum. Any smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board may previously ordain.

SEC. 18. The Board of Trustees and the Board of Education shall be judges, in the first instance, of the qualification, election, and returns of their own members, and the Board of Trustees shall likewise have jurisdiction to hear and determine contested elections of all other city offices; *provided*, that no decision of any Board shall prejudice the right of any elector of the city to contest the right of any person to any office herein provided for, in the Superior Court, as provided in title two, part three, of the Code of Civil Procedure of California.

SEC. 19. The provisions of the Civil Code and statutes of California relating to the violation of the election laws, the punishment and removal of public officers for misconduct or the violation of their duty, by proceedings had in the Superior Court or other competent tribunal, are hereby adopted in relation to officers elected or appointed to office under the provisions of this charter.

SEC. 20. Besides a Board of Trustees, there shall be chosen in and for the City of Grass Valley, at the first election held under this charter, to wit: A Marshal, a Treasurer, an Assessor,

Officers to be elected. and a Water Collector. The Marshal shall be Chief of Police of said city, and shall also be the collector of all taxes, licenses, and assessments levied by the Board of Trustees, or otherwise, under this charter. The Water Collector shall be ex officio Superintendent of Streets. All officers other than the members of the Board of Education shall take office at noon on the first Monday after the first day of January next succeeding their election, and shall hold their office for the term of two years; *provided*, that the first election of officers under this charter shall be held on the first day of May, eighteen hundred and ninety-three, and such officers shall take office on the tenth day of May, eighteen hundred and ninety-three, and shall hold office until the first Monday after the first day of January, eighteen hundred and ninety-five, except that the members of the Board of Education shall take office on the tenth day of June, eighteen hundred and ninety-three. All officers shall severally qualify within ten days after their election, and in case of failure so to do, the Board of Trustees may declare the office vacant, and appoint their successor.

Appointed officers. SEC. 21. All appointed officers may be removed at the pleasure of the Board of Trustees, who shall prescribe the powers and duties, and fix the compensation of all officers not herein fixed, and shall fill all vacancies. The presiding officer of each Board shall have the right to vote in the selection of every appointee.

Duty of Marshal and Water Collector. SEC. 22. It shall be the duty of the Marshal and Water Collector to devote their entire time to their respective offices.

Official oath and bond. SEC. 23. All officers, before entering upon their duties, shall take the oath of office required by general laws of public officers, and shall file bonds for the faithful performance of their duties, to be approved by the Board of Trustees, in such sums as the Board may regard proper. If from any cause any of such bonds shall have become insufficient, in the opinion of the Board, they may require of such officer an additional bond, and for failure to comply with such order for a period of ten days, the office shall become vacant.

When elections are to be held. SEC. 24. All elections for members of the Board of Trustees, Marshal, Treasurer, Assessor, and Water Collector shall, after eighteen hundred and ninety-three, be held simultaneously with the general elections throughout the State, beginning with the general election of eighteen hundred and ninety-four, and the Election Board selected by the Board of Supervisors for the various precincts of the City of Grass Valley shall ex officio constitute the Board of Election to conduct elections provided for by this charter; *provided, however*, that a separate ballot-box shall be provided for the ballots cast under this charter; *and provided further*, that until the Board of Trustees otherwise ordain, in all elections held under this charter a compliance with the election law of this State as it existed on the first day of January, eighteen hundred and eighty-nine, including the provision relating to nominations, election proclamations, and ballots, shall be deemed sufficient; *provided further*, that the Board of Trustees shall give previous public notice of every election other than school elections for a period not less than

Election laws.

Notice of elections.

ten days, and that the returns of such elections shall be made to the Board of Trustees, who shall issue certificates of election to the persons having the highest number of votes for each office voted for; *and further provided*, that ordinary white paper may be used for ballots. All ballots shall be uniform, and printed on paper furnished by the Board of Trustees of the city, at cost.

Ballot
Paper.

SEC. 25. No person shall be declared elected to any office who is not a resident and qualified elector of the city or precinct from which he is elected.

Qualifica-
tion of
office hold-
ers.

SEC. 26. The Mayor shall, on the first day of April and October of each year, make out a correct statement of all moneys received and expended, from whom, and for what purpose received, and to whom and for what purpose paid out, during the six months next preceding, and shall cause such statement, within the next ten days thereafter, to be posted in one or more public places in each precinct in said city. If the Mayor shall neglect to make and cause such statement to be published, he shall forfeit for every such neglect the sum of one hundred dollars, to be recovered by suit in any Court of competent jurisdiction. The President of the Board of Education shall publish a like statement at the close of each school year. Within ninety days after the first election held under this charter, the Board of Trustees shall adopt a code of by-laws and ordinances thereunder, and shall print the same in pamphlet form. No further publication shall be necessary to render such ordinances valid, and any elector may procure a copy thereof from the Clerk of the Board at actual cost of printing. Thereafter no ordinance shall take effect until published by being posted for ten days in each precinct in said city, or published for five days in some newspaper printed in said City of Grass Valley, as the Board of Trustees may elect. An order entered in the minutes of the Board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting. All printing shall be done at a rate to be fixed by the Board of Trustees.

Semi-
annual
statements
of the
Mayor

Of Presi-
dent of the
Board of
Education.

Ordi-
nances to
be printed.

Publica-
tion of
ordi-
nances.

SEC. 27. The Marshal, Treasurer, Assessor, and Water Collector shall be subject to the order of the Board of Trustees, and in case of malfeasance in office, failure or neglect of duty, may be suspended or removed by a vote of the majority of the members of the Board of Trustees; *provided*, that no officer shall be removed until after charges have been preferred against him and a trial be had before the Board.

Malfeas-
ance in
office.

SEC. 28. Any Justice of the Peace residing in and having his office within the limits of the city shall have jurisdiction to try all cases involving the violation of any ordinance ordained under this charter, and shall have such further authority in relation to such ordinances as is given him by the Penal Code of this State in relation to misdemeanors; *provided, however*, that in all cases an appeal shall lie from his decision to the Superior Court of Nevada County in like manner as in criminal cases. Any Justice of the Peace performing such services shall receive such fees therefor as the Board of Trustees may ordain. Every Constable, Sheriff, Deputy Sheriff, and policeman resid-

Jurisdi-
ction of
Justices of
the Peace.

Appeal.

Fees.

ing in the city is authorized to make arrests and serve process under such ordinances, and shall receive therefor such fees as the Board of Trustees may ordain.

COMPENSATION OF OFFICERS.

- Compensation of officers. SEC. 29. The compensation of no officer shall be increased or diminished during the term for which he is elected.
- SEC. 30. No member of the Board of Education shall receive any compensation whatever.
- SEC. 31. No member of the Board of Trustees shall receive any compensation in excess of fifty dollars per annum.
- Marshal. SEC. 32. The Marshal shall receive such salary as the Trustees may determine, not exceeding the sum of fifty dollars per month, and such fees as License and Tax Collector as may be fixed by the Board of Trustees.
- Assessor. SEC. 33. The Assessor shall receive such compensation, not exceeding two hundred dollars per annum, together with five per cent on such personal property tax as he actually collects, as the Board of Trustees may determine.
- Water Collector. SEC. 34. The Water Collector shall receive such salary as the Trustees may determine, not exceeding the sum of one thousand dollars per annum, in full for all services.
- City Clerk. SEC. 35. The City Clerk shall receive such salary as the Board of Trustees may determine, not exceeding the sum of twenty-five dollars per month.
- Clerk of Board of Education. SEC. 36. The Clerk of the Board of Education shall receive such salary as the Board of Education may determine, not exceeding the sum of twelve dollars per month.

ARTICLE III.

REVENUE AND TAXATION.

- Sources of revenue. SECTION 1. The revenue of the City of Grass Valley, other than for school purposes, shall be derived from the following sources, viz.:
- Poll tax. (a) A road poll tax, to be levied annually by the Board of Trustees of said city on all male inhabitants thereof over twenty-one years and under fifty-five years of age, which may equal but shall never exceed three dollars per individual per annum; *provided*, the Board of Trustees may exempt the members of any authorized fire company or exempt firemen of the City or Town of Grass Valley from said tax.
- Property tax. (b) A property tax, to be levied by the Board of Trustees of said city upon all property within said city at twelve o'clock m. on the first Monday of March of each year, which may equal but shall never exceed fifty cents on each one hundred dollars of the valuation of such property.
- Licenses. (c) Such licenses as the law of this State, or this charter shall allow said city to levy or collect.
- SEC. 2. The present provisions of the Political Code of California, providing a revenue for State and county purposes, in

so far as the same may be applicable to the assessment and equalization for taxation, levy and collection of all taxes, and sales of property for delinquent taxes in said city, and licenses levied and provided for by any ordinance of said city, are hereby adopted and extended to all matters arising out of said assessment, levy, and collection, and are especially made a part of the charter, the word "City Assessor" being substituted in all cases where "County Assessor" is in said Code mentioned; the words "Board of Trustees of the City of Grass Valley" substituted wherever the words "Board of Supervisors" occur; the words "Board of Equalization of the City of Grass Valley" being substituted wherever the words "Board of Equalization" occurs therein, and the word "Marshal" being substituted wherever the words "County Treasurer," "Treasurer," or "Tax Collector" occurs therein.

Provisions of the Political Code to apply to assessment and collection of taxes.

SEC. 3. All taxes shall be a lien on the property taxed, and all personal property tax shall be a lien on the real property belonging to the owner of said personal property, from twelve o'clock M. of the first Monday of March of each year.

Lien of taxes.

ARTICLE IV.

FIRE DEPARTMENT.

SECTION 1. The Fire Department, and all fire apparatus, and the purchase thereof, shall be under the management and control of the Board of Trustees.

Fire Department.

SEC. 2. The Fire Department shall consist of the three fire companies now existing, and such other companies as may be hereafter organized. A Chief Engineer (who shall be ex officio Fire Marshal), two Assistant Engineers, and as many members in each company as the Board of Trustees may determine.

Companies and officers.

SEC. 3. The members of the Fire Department shall elect their own officers and members; *provided*, that the Board of Trustees shall have power to admit newly organized fire companies of fifteen or more members into the Fire Department.

Members.

SEC. 4. The Board of Trustees shall suspend or remove (for cause) any officer or member from the Fire Department, and fix and enforce penalties for the violation of any rules or regulations made for the government of the Fire Department.

Removals and penalties.

ARTICLE V.

BOARD OF HEALTH.

SECTION 1. There shall be a Board of Health, which shall consist of five members, who shall be appointed by the Board of Trustees, two of whom must be physicians in active practice and graduates of some reputable medical college. They shall hold office during the pleasure of the Board of Trustees.

Board of Health.

SEC. 2. The City Clerk shall be ex officio Clerk of the Board of Health. The Mayor shall be ex officio President of the Board of Health, but not entitled to vote, except in case of a tie, when he shall have a right to vote. Any member failing to qualify

Officers.

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.

Powers and duties.

SEC. 3. 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 town; may act in a summary manner in cases of contagious diseases; must exercise a general supervision over the death records of the town, and may adopt such forms and regulations, not inconsistent with law and the ordinances of the Board of Trustees, 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.

Health Officer.

SEC. 4. The Board may appoint, when deemed advisable, by and with the consent of the Board of Trustees, a Health Officer, who shall be the executive officer of the Board.

SEC. 5. Any member of the Board of Health and the Health Officer may administer oaths on business connected with the Health Department.

Powers of Board in regard to privy vaults, cesspools, etc.

SEC. 6. Whenever it is reported to the Mayor by the Board of Health that there exists on any premises any privy vault, cesspool, or filth deposit which, in the opinion of such Board of Health, is injurious to the health of the neighborhood, and which the owner or occupant has failed to have cleansed or removed for five days after notice so to do from any member of the Board of Health, the Mayor shall order the same to be cleansed or removed, and the expense of so doing shall thereupon become a lien on such premises and a charge against such owner or occupant so notified, to be collected in any Court of competent jurisdiction, together with cost of suit.

ARTICLE VI.

SEWERS.

Sewers.

SECTION 1. The Board of Trustees may by ordinance provide for the construction of any sewer at the cost, in whole or in part, of the owners of the real property affected or benefited thereby.

Law of 1883 applicable.

SEC. 2. The provisions of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations of the State of California," approved March thirteenth, eighteen hundred and eighty-three, and all amendments thereto, are hereby adopted, so far as not inconsistent with the provisions of this charter, and made a part hereof, and all the provisions of the general laws of California relating to cities, and not in conflict with this charter, are hereby adopted and made a part hereof; *provided always*, that no sewers shall be constructed on the assessment plan except the consent, in writing, of the owners of two thirds of the property to be affected thereby be first filed with the Board of Trustees; and *further provided*, that no bonds shall ever be issued

Two thirds must consent.

by said city until the question of the issuance of such bonds shall have been submitted to the voters of said city at a special election called for that purpose, and no bonds shall ever be issued unless consented to by two thirds of the voters voting at such election. The call for such election must specify the general route of the proposed sewers, the amount proposed to be raised, and the general character of the work.

Bonds.

ARTICLE VII.

STREETS, WATER, AND DRAINAGE.

SECTION 1. The Trustees shall have power to lay out, open and keep open, alter, grade, regulate, and repair the streets, alleys, and sidewalks of the city, and sprinkle and light the same; to provide for, construct, regulate, and keep in repair a system of sewerage and drainage for the city, and provide for the making of street crossings where they may deem proper; to construct bridges where necessary, and provide for the protection of the same.

Powers of Trustees as to streets, sidewalks, sprinkling, etc.

SEC. 2. The Board of Trustees may, by ordinance, declare the necessity of the construction or repair of the sidewalks of the city, and prescribe the character thereof; and when such ordinance is passed the owner or occupant of the lot may proceed to do the work specified in front of such lot or part of lot so owned or occupied, under the direction and control of the said Board of Trustees, and within such time as may be specified in such ordinance. Whenever such work shall not be done by such owner or occupant within the time prescribed, said Board of Trustees may levy an assessment upon all such lots where such work has not been done, sufficient in amount to defray the expense of such work, which assessment shall be levied and collected by suit in the same manner and under the same provisions of law whereby city taxes now are or may be hereafter collected; and every such assessment shall become and hereby is declared to be a lien upon said lots, severally to attach at the date of the publication of any such ordinance.

How public work on sidewalks may be done.

SCHEDULE.

SECTION 1. Should any provision of this charter in relation to elections or the election of officers, or the organization of the government of the city, from any cause, prove inoperative or be adjudged invalid, the Board of Trustees are empowered to remedy the same and supply the defect by the adoption of such measures or ordinances as they may deem best adapted thereto, consistent with the general scope of this charter.

Inoperative or invalid provisions to be supplied by Trustees.

SEC. 2. All special Acts relative to the incorporation of the Town of Grass Valley, or the formation of the school district of Grass Valley, are hereby repealed, so far as they relate to any territory of the City of Grass Valley.

Repeal of old laws.

SEC. 3. All ordinances of the Town of Grass Valley shall remain in effect as the ordinances of the City of Grass Valley,

Old ordinances made effective.

until amended or repealed by the Board of Trustees, so far as such ordinances are consistent with this charter.

Actions to
be brought
in name of
city.

SEC. 4. All actions under this charter shall be brought in the name of the City of Grass Valley, and every violation of any ordinance enacted under this charter may be denominated a misdemeanor.

Present
officers to
continue.

SEC. 5. On the adoption of this charter all the present officers of the Town of Grass Valley and of the Grass Valley School District shall continue to hold like offices of the City of Grass Valley until their successors are elected and qualified under the provisions of this charter.

This charter shall take effect immediately on its approval by the Legislature of the State of California, as provided by law.

Be it known, that the Town of Grass Valley, containing a population of more than three thousand five hundred and less than ten thousand inhabitants, on the third day of December, eighteen hundred and ninety-two, at a special election held under and in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, did elect the undersigned a Board of Fifteen Freeholders, to prepare and propose a charter for said town, 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 Town of Grass Valley.

In witness whereof, we have hereunto set our hands and seals this twenty-first day of January, A. D. eighteen hundred and ninety-three.

Done in duplicate.

JAMES M. LAKENAN, President.
A. BURROWS.
EDWARD COLEMAN.
GEORGE FLETCHER.
JOHN GLASSON.
WILLIAM GEORGE.
SAMUEL GRANGER.
E. JAMIESON.
W. C. JONES.
CHARLES W. KITTS.
WM. JOS. MICHELL.
THOMAS OTHET.
WILLIAM R. THOMAS.
THEO. H. WILHELM.

Attest: W. D. HARRIS, Secretary.

Now, therefore, be it

Charter
approved.

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for and concurring therein), That said charter as presented to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole for and as the charter of said Town of Grass Valley.

CHAPTER XXXI.

Senate Concurrent Resolution No. 12, approving the charter of the City of Napa, in Napa County, California, which was voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on March 9, 1893.

[Adopted March 13, 1893.]

WHEREAS, The City of Napa, in Napa County, California, is now, and at all times herein referred to was, a city containing a population of more than three thousand five hundred, but less than ten thousand; and whereas, at an election held in said city on December thirty-first, eighteen hundred and ninety-two, in accordance with law and 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 said Board of Fifteen Freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, which said charter was, on the fourteenth day of January, eighteen hundred and ninety-three, signed in duplicate by a majority of the members of said Board of Fifteen Freeholders, and was on said last mentioned day returned, one copy thereof to the President of the Board of Trustees of said city, and the other copy thereof to the Recorder of Deeds of the County of Napa (within which county said city is situated); and whereas, such proposed charter was then published in one daily paper of general circulation, in said city, to wit: in the Napa "Daily Register," 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, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said city, to wit: by the Board of Trustees thereof, to the qualified electors of said city, at a special election, previously duly called, and thereafter held in said city on March ninth, eighteen hundred and ninety-three; and whereas, the returns of said election were duly canvassed by said Board of Trustees of the City of Napa, at its meeting held on March ninth, eighteen hundred and ninety-three, at eight o'clock p. m. of that day and after said election, and said Board found as the result of said canvass, and did duly determine and declare, that there were cast at said election four hundred and twenty-four votes in favor of said charter, and two hundred and seventy votes against said charter, and no more; and that said charter had been duly ratified and adopted by a majority of the qualified electors of said city voting at such election; and whereas, at such election a majority of the qualified electors of said city voting thereat did vote in favor of and did ratify and adopt such charter; and whereas,

Preamble. said charter so ratified is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and whereas, said charter is in the words and figures following, to wit:

CHARTER FOR THE CITY OF NAPA.

Prepared and proposed by the Board of Fifteen Freeholders, elected December thirty-first, eighteen hundred and ninety-two, in pursuance of the provisions of section eight of article eleven of the Constitution of the State of California.

Name and powers of said corporation.

SECTION 1. The corporation now existing and known as the City of Napa shall continue and be a body politic and corporate, and by that name shall be known and have perpetual succession to sue and defend in all matters, suits, and proceedings in all Courts and places; to make contracts; purchase, take, hold, and lease real and personal property within its corporate limits, for the use of said corporation, and to lease, sell, and dispose of the same, and may adopt and use a corporate seal and alter the same at pleasure.

Boundaries.

SEC. 2. The boundaries of said city shall be as follows: Commencing at the northwest corner of Spencer's Addition, on Lincoln Avenue; thence eastwardly along the center of said avenue to Trancas Street; thence southerly along the center of said street to its intersection with Lawrence Street, in Cornwell's Addition; thence at right angles eastwardly to Napa River; thence down said river to the center of First Street; thence along the middle of the county road eastwardly and southerly to the south line of East Napa; thence along said south line of East Napa westwardly to the center of Napa River; thence down said river to the south line of Napa Abajo; thence along said line westwardly to the southwest corner of said Napa Abajo; thence northerly to the southeast corner of Eaton's land; thence along the south line of said Eaton's land westwardly to the Sonoma road; thence northerly along the center of said road to the Browns Valley road; thence along the center of said Browns Valley road westwardly to Ornduff's southeast corner; thence along Ornduff's east line northerly to the center of Napa Creek; thence down said creek eastwardly to the west line of Spencer's Addition; thence northerly to the place of beginning.

SEC. 3. Said city shall be divided into five wards, numbered and described as follows:

FIRST WARD.

First ward.

Beginning at the point of intersection of the center lines of Oak Street and Grant Avenue, in the City of Napa; thence westerly along the center line of Oak Street to its intersection with the center line of Franklin Street; thence northerly along

the center line of Franklin Street to the center line of Pearl Street; thence down the center line of Pearl Street to the center line of Coombs Street; thence northerly along the center line of Coombs Street to the center of Napa Creek; thence down the thread of said creek to the center line of Brown Street; thence southerly along the center line of Brown Street and Grant Avenue to the point of beginning.

SECOND WARD.

Beginning at the intersection of the center lines of Oak and Franklin Streets; thence along the center line of Oak Street^{Second ward.} westerly to the western boundary of the City of Napa; thence along the said western boundary northerly to the center line of First Street; thence westerly along the center line of First Street to the western boundary of the City of Napa; thence northerly along said western boundary to the center of Napa Creek; thence down the thread of said Napa Creek to its intersection with the center line of Coombs Street; thence along the center line of Coombs Street southerly to the center line of Pearl Street; thence along the center line of Pearl Street westerly to the center line of Franklin Street; thence along the center line of Franklin Street southerly to the place of beginning.

THIRD WARD.

Beginning at the intersection of the center lines of Oak and Franklin Streets; thence along the center line of Oak Street^{Third ward.} easterly to the center line of Grant Avenue; thence along the center line of Grant Avenue northerly to the intersection of the center line of Brown Street; thence southerly along the continuation of the center line of Brown Street to the center line of Napa River; thence down the center of Napa River southerly to the southerly limit of the City of Napa; thence westerly along said southerly limit to the southwest corner of Napa Abajo; thence northerly and westerly, following said limit, to a point in the center line of Oak Street extended; thence easterly along the center line of Oak Street to the place of beginning.

FOURTH WARD.

Beginning at the intersection of the center line of Pearl Street, with the center line of Napa Creek; thence easterly along the center line of Pearl Street to the center of Napa River; thence down the thread of Napa River to the center line of First Street; thence along the center line of First Street to the county road which is the eastern limit of the City of Napa; thence southerly along said county road to the southerly line and southeast corner of East Napa; thence along said southerly line of East Napa westerly to the center of Napa River; thence up the center of Napa River to its intersection with the continuation of the center line of Brown Street; thence along said center line of Brown Street northerly to the place of beginning.

FIFTH WARD.

Fifth ward. Beginning at the intersection of the center line of Pearl Street with the center line of Napa Creek; thence easterly along the center line of Pearl Street to the center line of Lawrence Street; thence northerly along the center line of Lawrence Street to the center line of Trancas Street; thence north along the center line of Trancas Street to the center line of Lincoln Avenue; thence westerly along the center line of Lincoln Avenue to the easterly line of York Street, in Spencer's Addition; thence southerly along the easterly line of York Street and the continuation thereof to the center of Napa Creek; thence down the thread of said creek to the place of beginning.

From each of which said wards one member of the Council, in Section 4 hereinafter named, shall be elected.

City Council.

SEC. 4. The corporate powers of the City of Napa shall be vested in a City Council composed of five members, one of whom shall be elected by each ward in said city, from among its qualified electors, otherwise competent, and a Mayor, who shall be elected at large.

Officers of the city.

SEC. 5. The officers of said city shall be a Mayor, who shall hold office for two years and until his successor is elected and qualified; a City Council, composed of five members, as provided in Section 4, who shall hold office for four years and until their successors are elected and qualified; a City Marshal; a City Treasurer; a City Assessor; a City Clerk; a City Tax Collector; a City Attorney; a City Engineer; and a City Superintendent of Streets, all of whom shall hold office for two years and until their successors are elected and qualified.

Elections.

An election shall be held every two years, by the qualified electors of the city, on the first Monday in May, for the election of two or three members of the City Council, a Mayor, an Engineer, who shall be ex officio Superintendent of Streets, a City Clerk, who shall be ex officio Treasurer and Tax Collector, a Marshal, who shall be ex officio Assessor and License Tax Collector.

First election.

SEC. 6. The first election under this charter shall be held on the first Monday in May, 1893, at which time a full Council shall be elected, two of whom shall hold office until the first Monday in June, 1895, and until their successors are elected and qualified, and three of whom shall hold office until the first Monday in June, 1897, and until their successors are elected and qualified; and the Council so elected at said first election shall decide by lot the two members that shall hold office until the first Monday in June, 1895, and they shall also decide by lot the three that shall hold office until the first Monday in June, 1897. Said officers shall take office at 12 o'clock noon on the first Monday of June next after their election or appointment.

Qualifications of electors.

SEC. 7. All elections shall be held in accordance with the general election laws of the State of California, so far as the same may be made applicable; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the County of Napa, enrolled upon the Great Register thereof.

and shall have resided in such city and in the voting precinct in which he offers to vote for at least thirty days next preceding such election. The Council shall give such notice of each election as may be prescribed by ordinance, shall appoint Boards of Election and fix their compensation, and establish and change election precincts and polling places; *provided*, that no part of any ward shall be attached to any other ward, or part thereof, in forming election precincts. At all elections the last printed Register of the County of Napa shall be used, and any elector whose name is not upon such printed Register shall be entitled to vote, upon producing and filing with the Board of Election a certificate, under the hand and official seal of the County Clerk of the County of Napa, showing that his name is registered and uncanceled upon the Great Register of said county; *provided*, he is otherwise entitled to vote.

Duties of Council in elections.

Great Register.

SEC. 8. No person shall be eligible to hold any office in the City of Napa, whether filled by election or appointment, unless he is a resident and elector therein, and shall have resided in such city for one year next preceding the date of such election or appointment. And no person shall be eligible to the office of Councilman who has not resided in such city for one year, and in the ward from which he is selected at least six months next preceding his election, and he must continue a resident of such ward during the term of his office, and if he fail to so continue a resident of such ward his office shall, by reason thereof, immediately become vacant. In case of a vacancy arising from any cause in any of the offices made elective by this charter, the City Council shall order and give notice of an election to fill such vacancy, unless the unexpired term of such office shall be less than one year, in which case the Council shall, if necessary, fill said office by appointment.

Eligibility to hold office.

Vacancies.

SEC. 9. The City Council shall appoint a City Attorney, who shall be an attorney at law, and all non-elective officers provided for in this charter, and may remove them for cause and put others in their place.

City Attorney.

SEC. 10. The compensation of the officers of said city shall be as follows: The Mayor and Councilmen shall receive no compensation for their services except when sitting as a Board of Equalization, when they shall receive not to exceed \$5 per day each for each day actually so employed, which shall not exceed in the aggregate \$15 each. The Assessor, Treasurer, Marshal, Clerk, Collector, City Attorney, Engineer, and Superintendent of Streets, such sums per annum as the Council may determine; *provided*, that the annual compensation so allowed the said officers shall not exceed the following sums, to wit: The Clerk and ex officio Tax Collector and Treasurer, not to exceed \$800 per annum; the Marshal and ex officio Assessor and License Collector, not to exceed \$500 per annum, and such fees and commissions as shall hereinafter be provided for; the City Attorney, not to exceed \$500 per annum, and such fees and commissions as shall hereinafter be provided for; the City Engineer and ex officio Superintendent of Streets, not to exceed \$300 per annum,

Compensation of city officers.

and such fees as may be provided by ordinance and the laws of the State of California.

Meetings
of Council.

SEC. 11. The City Council shall, by ordinance, fix the times and places of holding their regular meetings, and may at any time be convened by the Mayor, who shall call a meeting of the Council whenever requested, in writing, by two or more of its members.

Rules
governing
meetings
of Council.

SEC. 12. At all meetings of the Council a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Council previously, by ordinance, may have prescribed. The Mayor shall preside at all meetings of the Council, but shall be entitled to no vote. In the absence of the Mayor at any meeting of the Council, if three members be present, they may choose one of their number as presiding officer of such meeting. No ordinance shall be legal or valid unless passed by the votes of at least three members of the Council and approved by the Mayor; *provided*, if the Mayor shall, for any cause, fail or refuse to approve such ordinance before the next regular meeting of the Council, such ordinance may be put upon its final passage, and if it receives four votes of the Council in favor of its adoption, it shall become a valid and legal ordinance without such approval. The Council may establish rules for their own proceedings; provide for the punishment of disorderly conduct in their presence on the part of a member or other person; shall keep a journal of their proceedings, in which shall be entered the ayes and nays taken on every question acted upon by them, and their proceedings shall be public.

How ordi-
nances are
passed.

Journal to
be kept.

Oath of
office.

Bonds.

New
bonds.

Ordi-
nances to
be pub-
lished.

Judicial
cogni-
zance.

SEC. 13. All officers of the corporation, before entering upon the duties of their office, shall take the oath prescribed in the Constitution, and the Marshal, Assessor, Treasurer, Collector, Engineer, and Superintendent of Streets shall give bonds for the faithful performance of their duties, payable to the corporation by its corporate name, to be approved by the Council, in such penal sum as shall have been prescribed by ordinance; *provided*, that the Treasurer shall give one bond only, which shall cover all his duties as both Treasurer and Tax Collector, and the City Engineer shall give one bond only, which shall cover all his duties as both Engineer and Superintendent of Streets. If from any cause such bonds shall at any time become insufficient, in the opinion of the Council, they may require any officer to furnish such new or additional bonds as they may deem necessary.

SEC. 14. The City Council shall cause to be published for one time in some newspaper in the City of Napa, all ordinances, certified by the Clerk, which shall have been passed by the Council and approved by the Mayor, or which shall have been passed over his disapproval, or refusal or failure to approve, and no ordinance shall be enforceable until ten days after its publication. It shall not be necessary in any action, civil or criminal, to plead or prove the organization or existence of the corporation of the City of Napa, nor the passage, existence, or

validity of any ordinance thereof, and all Courts shall take judicial cognizance thereof, without proof, unless their validity is assailed, when the burden of proof shall be on the party assailing the same.

Sec. 15. Should any Councilman remove from the ward in which he was elected, or any other officer remove from the city, or should any officer refuse or neglect to qualify within ten days after his election, or, if a bond is required of him, neglect or refuse for said time to give bond, his office shall become and be declared vacant by the Council.

When
office is
vacant.

Sec. 16. The Council shall, in the months of March and September in each year, cause to be made out and published in some newspaper in the city, a full and correct statement, certified and signed by the Mayor, of all moneys received, and to whom and for what purpose expended, during the six months next preceding such statement.

Statement
of receipts
and ex-
penditures
to be pub-
lished.

Sec. 17. The City Council shall have power: To pass ordinances not in conflict with the Constitution and laws of this State or of the United States; to manage and take care of the property and finances of the city; to establish, build, and repair bridges; to establish, lay out, alter, keep 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 and enforce conformity thereto; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and cross-walks therein, or upon any part thereof, and generally to manage and control all such bridges, streets, lanes, alleys, squares, highways, and places; to establish, construct, and maintain drains and sewers; to establish and regulate a Fire Department, and provide such means, engines, apparatus, measures, or materials for the prevention or extinguishment of fires, as they may deem necessary to protect the city from fire; to provide the streets and city buildings with artificial lights and water necessary for their proper use; 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, and they shall impose such restrictions and conditions upon the location and construction of gas, electric light, and water works and pipes, wires, and poles as shall secure the least possible public or private inconvenience, and they shall provide for the enforcement of such restrictions and conditions; to contract for lighting the streets and public buildings of the city with gas, electricity, or other artificial lights, and for sprinkling the improved streets of the city—any street that has been graded, curbed and graveled, macadamized or paved, being an improved street within the meaning of this clause—no such contract to be for a longer period than one year, and the same shall be let

Powers
of City
Council.

Fire De-
partment.

Gas or
water.

Telegraph
and
telephone
lines.

Street
sprinkling.

to the lowest bidder, only after notice calling for bids for such lighting or sprinkling has been given for at least five days in some daily newspaper published in the City of Napa; to improve the rivers and streams flowing through the City of Napa; to widen, straighten, and deepen the channels thereof and remove obstructions therefrom; to build, alter, improve, keep in repair, and control the waterfront of said city; to build, alter, improve, and keep in repair wharves, and to fix the rates of wharfage and transit, levy dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of, berths, landing, stationing, and removing of steamboats, sailing vessels, rafts, and all other water crafts, and to fix the rate of speed at which steamboats may run along the waterfront of the city; to establish fire limits, with proper regulations; to license, for purposes of regulation and revenue, all and every kind of business transacted or carried on in said city, and all circuses, shows, exhibitions, and lawful games carried on therein, to fix the rates of license upon the same and provide for the collection thereof, by suit or otherwise; 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; to levy and collect annually a tax upon all property, real and personal, in said city, which shall be apportioned as follows: A tax for "General Fund," not to exceed forty cents on each one hundred dollars of taxable property, and a tax for a "Street Fund," not to exceed thirty-five cents on each one hundred dollars of taxable property, said "Street Fund" to be used exclusively for repairing and sprinkling improved streets, and a tax for a "Sewer Fund," not to exceed ten cents upon each one hundred dollars of taxable property, said "Sewer Fund" to be used exclusively for the constructing, repairing, and flushing sewers, and to prescribe the manner of making assessments and collecting such tax; taxes so levied shall become a lien upon the real estate chargeable therewith, from the first Monday in March preceding the levy and until paid, and such lien shall take precedence of all mortgages and other liens, except the lien for State and county taxes; to impose and collect from every male inhabitant between the ages of twenty-one and sixty years an annual street poll tax not exceeding two dollars; *provided*, that any member of a voluntary fire company in the City of Napa shall be exempt from such tax, and said poll tax shall be collected by the City Marshal, and as a compensation for said services he shall receive fifteen per cent on all such poll taxes he shall collect, over one thousand dollars in aggregate; to impose and collect a tax of not exceeding five dollars per annum on every dog found at large within the corporate limits of the city, which said dog tax shall be collected by the City Marshal; to regulate or prevent the keeping of gunpowder, hay, and other dangerous or inflammable substances within the city; to require all rubbish, slush, brush, debris, decayed animal, vegetable, or other offensive mat-

Rivers and streams.

Wharves.

Steam-boats, etc.

Fire limits.

Licenses.

Annual tax levy.

Various funds; tax limit.

Poll tax.

Exemptions.

Dog tax.

Gun-powder.

ter, standing pools of water, and everything injurious to health to be removed from all lands and premises, and from the street in front thereof, by and at the expense of the owners or occupants of such land or premises, and upon his or their default in causing such removal, after notice to such owner or occupant, to cause the same to be removed, and the expense of such removal shall become a lien upon such land and premises, and a notice of such lien may be recorded in the office of the Recorder of Napa County; said lien may be enforced in the same manner as provided for the enforcement of liens of mechanics and others upon real property by Chapter II of Title IV, Part III, of the Code of Civil Procedure of this State; to prevent or regulate the running at large within the city limits of any animals; to establish a pound, and to authorize the destruction or impounding of any animals running at large, and to appoint a Poundmaster, or to confer the duties of Poundmaster upon the City Marshal, and to fix his compensation as such; to appoint one or more policemen or night watchmen, regulate their duties and terms of office, fix their compensation; to establish, maintain, and regulate a city prison; *provided*, that until otherwise ordered by the Council, the county jail of the County of Napa shall be the city prison, and the Sheriff of said county shall be the City Jailer, with like duties and powers as are imposed upon and vested in him in relation to the prisoners committed to his custody under the statute, and for the boarding and keeping of said city prisoners he shall be allowed a reasonable compensation, to be determined by the City Council and paid out of the City Treasury, which compensation shall in no case exceed the sum paid by the county for the boarding of prisoners confined in jail under the statute; to provide for the formation of a chain-gang for persons convicted of breaches or violations of city ordinances, and for their proper employment for the benefit of the city; to provide for the punishment, by fine or imprisonment, or both, of an act prohibited by an ordinance, in which case such act may be prosecuted by the City Attorney, in the name of the people of the State of California, before any Justice of the Peace having his office within the corporate limits of the City of Napa, in like manner as misdemeanors are prosecuted under the statute, and said Justice's Court shall have jurisdiction over breaches and violations of city ordinances and non-compliance therewith, and the proceeding in such cases shall be in like form as proceedings in criminal cases under the statute; *provided*, that no fine for any one offense shall exceed one hundred dollars, and no judgment of imprisonment for any one offense shall exceed one hundred days; an alternate judgment may be rendered imposing a fine, and on failure to pay the same, imprisoning the person one day for each dollar of such fine; such imprisonment shall be in the city prison; in proceedings for the breach, violation of, or non-compliance with any city ordinance, Justices of the Peace, Constables, Police Officers, and the Marshal may receive the same fees as are allowed for similar services in cases of misdemeanors prosecuted under the statute, and all fines and penal-

Removal of rubbish, etc., at expense of owner of property.

Pound.

Policemen and watchmen.

City prison.

Chain-gang.

Prosecution of violators of city ordinances.

Maximum fine and imprisonment.

Fees of certain officers.

- ties imposed and collected in proceedings for the breach of, violation of, or non-compliance with a city ordinance, shall be applied to the payment of the costs of the proceedings, including the sum of ten dollars, which the City Attorney shall receive as his fee, and the remainder, if any, shall be paid into the City Treasury; to establish a Board of Health and prescribe their duties; to provide for the opening and closing of the draw, and for the repairs of the Third Street bridge; 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. The Council may assess, levy, and collect any other taxes that may be authorized by the laws of the State of California; *provided*, such levy for all purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property in the city. All street poll taxes collected under the provisions of this charter shall be paid into the Street Fund. In addition to the powers herein given, the Council shall have power to do and perform any and all other acts and things necessary and proper to carry out the provisions of this charter, and to enact and enforce, within the limits of the City of Napa, all other local, police, sanitary, and other regulations as do not conflict with the general laws of the State of California.
- Board of Health.**
- Limit of taxation.**
- Other powers.**
- How contracts are let.**
- Condemnation proceedings.**
- Public streets, etc., so declared.**
- Improvements thereon.**
- How made.**
- Sewer work.**
- SEC. 18. Unless otherwise provided in this charter, all contracts for work or supplies of any kind for one hundred dollars or more, shall be let to the lowest bidder, after notice given by posting for five days on or near the Council chamber door, or by publishing the same for five days in some newspaper in the city; and all sales of property belonging to the city shall be at public auction to the highest bidder, upon such terms and conditions as the Council may direct and after like notice given.
- SEC. 19. Whenever the Council shall judge it necessary for the city to take or damage private property for public use, the Council may direct proceedings to be taken by the City Attorney, under Title VII, Part III, of the Code of Civil Procedure of the State of California, to condemn the same.
- SEC. 20. 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 section. Upon such open public streets in said city all "improvements," 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 18, 1885, 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, except that when the work or improvement ordered is a sewer, the city shall pay, out of the proper fund, all the cost of constructing such sewer over

fifty cents per lineal foot of the lots and lands fronting on such sewer; and the Council is vested with jurisdiction to change the grades of said streets, lanes, alleys, places, and courts, and fix the width thereof; the Council is also invested with jurisdiction to vacate any of said streets, lanes, alleys, places, and courts, on the consent in writing of not less than two thirds of the frontage on such street, lane, alley, place, or court to be vacated.

Juris-
diction to
change
streets, etc.

SEC. 21. The Council is empowered to open, straighten, extend, and widen streets, and to modify the boundaries thereof, and to determine the property benefited thereby, and to assess the benefits and damages thereof, and to assess the expenses of such improvement upon the property benefited; but all such proceedings shall be conducted under the provisions of the laws of the State of California applicable thereto, in force at the time any such improvement is ordered.

Powers of
Council in
opening,
etc.,
streets.

SEC. 22. The City Council shall prescribe by ordinance the duties of Marshal, Assessor, Treasurer, Engineer, and Superintendent of Streets; *provided*, that the Treasurer, as Collector, shall collect all taxes which shall be levied by the Council, and which shall be paid without suit.

Duties of
officers.

SEC. 23. The City Council shall have power and it shall be their duty to provide by ordinances a system for the assessment, levy, and collection of all city taxes, not inconsistent with the provisions of this charter, 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 the assessment, levy, and collection of State and county taxes, except as to the times for such assessment, levy, and collection, and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency, and the costs of collection, shall constitute liens on the property assessed from and after the first Monday in March in each year, which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance or by actions 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 provided, or that may hereafter be provided by law for the redemption of property sold for State or county taxes. All deeds made under any sale of property for taxes or special assessments, under the provisions of this charter, shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of State or county taxes; *provided*, the City Council may, however, by ordinance, prescribe any other mode of collecting delinquent taxes or assessments other or in addition to that prescribed in this charter, if the same be consistent with the Constitution and laws of this State, or the City Council may adopt any law or laws which may be passed by the Legislature of the State of California authorizing the assessment, levy, and collection of city taxes by the county officers.

Power of
assess-
ment, levy,
and collec-
tion of
taxes.

Sale of
property
for delin-
quent
taxes.

Redemp-
tion.

Effect and
force of
deeds.

Other
methods
may be
prescribed.

Fees of
City Attorney
in tax
suits.

SEC. 24. For services in collecting taxes under this charter, the City Attorney shall receive a fee in each suit equal to ten per cent on the amount received, if paid before judgment, and if not so paid, twenty per cent on such amount; *provided*, that such fee shall in no case be less than five nor more than twenty-five dollars, and such fee and costs shall be taxed as costs, and judgment given therefor. All officers shall perform such services as may be required of them under this charter, without the payment of fees in advance, but they may charge and receive, to their own use, such fees as are allowed for similar services in other cases.

Fees to be
charged.

Enforce-
ment of
poll and
dog tax.

SEC. 25. To enforce the collection of the poll tax and dog tax hereinbefore authorized, the Marshal may seize so much of any and every species of personal property whatever, owned or claimed by any person liable to pay any such tax, or property, or money in the possession of or due from any other person and belonging to any such person refusing or neglecting to pay such tax, as will be sufficient to pay such tax and costs, not to exceed in each case two dollars, and may sell the same at any time or place, upon giving verbal notice of one hour previous to such sale, and any person indebted to another liable to pay any such tax, but who has neglected or refused to pay the same, shall be liable to pay said tax for such other person after service upon him by the Marshal of a notice, in writing, stating the name or names of the person or persons so liable and owing such tax, and such debtor may deduct the amount thereof from such indebtedness. The Marshal, after having deducted the tax for which such property was sold, and the costs hereinbefore provided, shall return the overplus of the proceeds to the owner. A delivery of the possession of the property by the Marshal to the purchaser at any such sale shall be a sufficient title in the purchaser, without exacting a certificate of purchase thereof of the Marshal; *provided*, that the City Council may, at their discretion, provide any other legal mode of enforcing the payment of said taxes.

How title
to personal
property
thus sold
passes.

Revenue
year.

SEC. 26. The revenue year shall commence at 12 o'clock m. of the first Monday in March each year, and the taxes levied by the Council in each year upon real and personal property shall become a lien upon the real estate of the owner at 12 o'clock m. on said day, and continue a lien thereon until paid.

Creation
of debts
prohibited.

SEC. 27. The revenue and income of the city of each revenue year shall be devoted exclusively to the payment of liabilities and expenses of that year, and the Council shall not create, allow, audit, nor permit to accrue any debts or liabilities above the actual revenue for such year, and every liability assumed, claim audited or allowed, or warrant drawn in excess of the annual income, shall be void; *provided*, that any money remaining in the treasury unappropriated at the end of such year, may be applied to the expenditures of the succeeding year.

Style of
enacting
clause
of ordi-
nances.

SEC. 28. The style or enacting clause of all ordinances of the City of Napa shall be: "Be it ordained by the Mayor and Council of the City of Napa, as follows;" and all ordinances shall be signed as nearly as may be in the following form:

“Adopted and approved this _____ day of _____, A. D. _____. Attest: _____, A. B., City Clerk; C. D., Mayor,” or when such ordinance is passed over the Mayor’s refusal or failure to approve: “Adopted this _____ day of _____, A. D. _____, by the following vote (giving names of Councilmen voting for and against and of absentees). Attest: A. B., City Clerk;” and all ordinances so authenticated shall be recorded by the City Clerk in a book to be kept for that purpose.

Signature
to all ordi-
nances.

SEC. 29. All ordinances and resolutions of the present City of Napa 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 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. All contracts, obligations, or liabilities incurred by or entered into with or by the present City of Napa, before the going into effect of this charter, shall continue in force and remain unaffected by the adoption hereof.

Continua-
tion in
force of
present or-
dinances.

SEC. 30. This charter shall take effect immediately on its approval by the Legislature of the State of California, as provided by law.

Be it known, that the City of Napa, containing a population of more than three thousand five hundred and less than ten thousand inhabitants, on the 31st day of December, 1892, at a special election held under and in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, 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 Napa.

In witness whereof, we have hereunto set our hands and seals this 14th day of January, A. D. 1893.

Done in duplicate.

BENJ. SHURTLEFF.
E. D. BEARD.
HENRY BROWN.
O. R. COGHLAN.
GEO. E. GOODMAN.
A. J. HULL.
D. J. THOMAS.
S. E. HOLDEN.
L. L. JAMES.
L. J. NORTON.
DENNIS SPENCER.
N. H. WULFF.
R. CROUCH.
JAS. B. NEWMAN.
D. S. KYSER.

Charter
affirmed.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each house voting for and concurring herein), That said charter be and the same is hereby approved for and as the charter of the City of Napa.

CHAPTER XXXII.

Senate Joint Resolution No. 5, relative to indebtedness of the United States Government to the State of California.

[Adopted March 13, 1893.]

Preamble
relative to
indebted-
ness of U.
S. Govern-
ment to
California.

Resolved by the Senate, the Assembly concurring, That the State of California urges upon its Senators and Representatives in Congress to use their best efforts in procuring the passage of the Act now pending in both houses of Congress, to reimburse California for the money raised and disbursed for arming and equipping troops brought into service by requisition of the United States during the Rebellion. These claims have all been passed upon and approved by the War Department, and by the committee in each house to whom they were referred, and are on their respective calendars for passage, but may fail this Congress, as in the last, for want of earnest and active presentation. For war claims, see House Report three thousand three hundred and ninety-six, and Senate Reports one thousand two hundred and eighty-six and two thousand and fourteen, first session Fiftieth Congress; also, House Report two thousand five hundred and fifty-three, and Senate Report six hundred and forty-four, first session Fifty-first Congress; and House Report two hundred and fifty-four, and Senate Report one hundred and fifty-eight, first session Fifty-second Congress.

Disposi-
tion of
funds.

Resolved, That whatever money shall be received by the State from these claims, or from the claim of the State to five per cent of the cash sales of public land sold in this State by the United States, the same shall be turned into the State Treasury, and credited to the School Fund.

Resolved, That his Excellency the Governor be requested to forward a copy of these resolutions to each of the Senators and Representatives in Congress.

CHAPTER XXXIII.

Senate Joint Resolution No. 25, memorializing the Attorney-General and the Secretary of the Interior of the United States of America to locate one of the United States prisons, provided for by an Act of Congress March 3, 1891, within the State of California.

[Adopted March 13, 1893.]

WHEREAS, The Congress of the United States did enact the following law: Chapter 529—An Act for the erection of United States prisons, and for the imprisonment of United States prisoners, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney-General and Secretary of the Interior be and are hereby authorized and directed to purchase three sites, two of which shall be located as follows: one north and the other south of the thirty-ninth degree of north latitude, and east of the Rocky Mountains; the third site to be located west of the Rocky Mountains, and the same to be located geographically as to be most easy of access to the different portions of the country, and cause to be erected thereon suitable buildings for the confinement of all persons convicted of any crime whose term of imprisonment is one year or more at hard labor, by any Court of the United States in any State, Territory, or district under the jurisdiction of the Department of Justice of the United States; and the plans, specifications, and estimates of such sites and buildings shall be previously made and approved according to law, and shall not exceed the sum of five hundred thousand dollars each.

Act of
Congress
passed
March 3,
1891, as to
U. S.
prisons.

Section 2. That the sum of one hundred thousand dollars is further appropriated to be expended under the direction of the Attorney-General, in the fitting of workshops for the employment of the prisoners; *provided, however,* that the convicts be employed exclusively in the manufacture of such supplies for the Government as can be manufactured without the use of machinery, and the prisoners shall not be worked outside the prison inclosure.

Section 3. That the Attorney-General and the Secretary of the Interior be and are hereby authorized to select the State, District, or Territory in which to locate and erect the prisons; *provided,* that the consent of the authorities of such State, District, or Territory be first obtained.

Section 4. That the control and management of said prisons be vested in the Attorney-General, who shall have power to appoint a Superintendent, Assistant Superintendent, Warden, Keeper, and all other officers necessary for the safe-keeping, care, protection, and discipline of such United States prisoners. He shall also have authority to promulgate such rules for the government of the officials of said prisons and prisoners as he may deem proper and necessary.

Act of
Congress
passed
March 3,
1891, as to
U. S.
Prisons.

Section 5. That the transportation of all United States prisoners convicted of crimes against the laws of the United States in any State, District, or Territory, and sentenced to terms of imprisonment in a penitentiary, and their delivery to the Superintendent, Warden, or Keeper of such United States prisons, shall be by the Marshal of the District or Territory where such conviction may occur, after the erection and completion of said prisons. That the actual expenses of such Marshal, including transportation and subsistence, hire, transportation, and subsistence of guards, and the transportation and subsistence of the convict or convicts, be paid on the approval of the Attorney-General out of the Judiciary Fund.

Section 6. That every prisoner when discharged from the jail and prison shall be furnished with transportation to the place of his residence within the United States at the time of his commitment under sentence of the Court, and if the term of his imprisonment shall have been for one year or more, he shall also be furnished with suitable clothing, the cost not to exceed twelve dollars, and five dollars in money.

Section 7. That this Act shall not apply to minors, who, in the judgment of the Judges presiding over United States Courts, should be committed to reformatory institutions; *and provided*, that nothing in this Act shall be construed as prohibiting the Courts of the United States from sentencing to or confining prisoners, either civil or military, in the United States Military Prison at Fort Leavenworth, Kansas.

Section 8. That the said Attorney-General, in formulating rules and regulations for the conduct of said prisons, is hereby authorized to establish rules for commutation for good behavior of said convicts, but not for a longer time than two months for the first year's imprisonment, and two months for each succeeding year.

Section 9. That the Attorney-General shall be authorized to designate to which of said prisons persons convicted in such States or Territories shall be carried for confinement; *provided*, that in the construction of the prison buildings provided for in this Act there shall be such arrangement of cells and yard space as that prisoners under twenty years of age shall not be in any way associated with prisoners above that age, and the management of the class under twenty years of age shall be as far as possible reformatory. (Approved March 3, 1891.)

Folsom
recom-
mended as
a suitable
site.

AND WHEREAS, The Attorney-General and Secretary of the Interior have not as yet located a site west of the Rocky Mountains, as provided for in the law above quoted; and whereas, the State of California is geographically so located to be most easy of access to the country and district west of the Rocky Mountains; and whereas, a site at or near Folsom, Sacramento County, California, with an abundance of granite and other building material, and water for power and other purposes, can be obtained cheaply, and with climatic and other conditions especially favorable, and peculiarly adapted to the maintenance of a prison of the character contemplated in the said Act; therefore, be it

Resolved by the Senate of the State of California, the Assembly Consent of State given.
concurring, That the consent of the State of California be given to the Government of the United States for the establishment of a United States prison within the limits of this State; and be it

Resolved, That the Attorney-General and Secretary of the Interior be and are hereby requested to locate one of the said Location requested. United States prisons at or near Folsom, Sacramento County, within the limits of this State, in accordance with the Act of Congress hereinbefore quoted; and be it

Resolved, That his Excellency the Governor be and is hereby requested to forward to the Attorney-General and Secretary of the Interior of the United States a copy of this resolution.

CHAPTER XXXIV.

Senate Constitutional Amendment No. 23.

Submitting to the people of the State of California an amendment to the Constitution, amending section one of article twenty of the Constitution of the State of California, relative to changing the seat of government from the City of Sacramento to the City of San José.

[Adopted March 14, 1893.]

The Legislature of the State of California, at its thirtieth session, commencing on the second day of January, A. D. one thousand eight hundred and ninety-three, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that section one of article twenty (miscellaneous subjects) of the Constitution of the State of California be amended so as to read as follows: Preamble.

Section 1. The City of San José 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; *provided,* that the State shall receive a donation of a site of not less than ten acres and one million dollars before such removal shall be had. The Governor, the Secretary of State, and the Attorney-General are hereby authorized to approve said site, and upon the approval thereof, and the payment of one million dollars into the State Treasury, the Legislature shall provide for the erection of the necessary building and the removal of the seat of government. Seat of government. Submitted to an election. Donation. Site to be approved.

CHAPTER XXXV.

Senate Joint Resolution No. 27, relative to appointment of Congressman Caminetti on Committee on Rivers and Harbors in the United States Congress.

[Adopted March 14, 1893.]

Appoint-
ment of
A. Cami-
netti on
Rivers and
Harbors
Com-
mittee.

Be it resolved by the Senate, and the Assembly concurring, That whereas, Congressman Caminetti is desirous of becoming a member of the Committee on Rivers and Harbors in the United States Congress, we hereby urge upon the Speaker of the House that said appointment be to him made, as it will be a proper recognition of the people of the Pacific Coast; be it further

Resolved, That these resolutions be telegraphed to the Speaker of the House of Representatives at Washington, D. C., expense payable out of Contingent Fund of Senate.

CHAPTER XXXVI.

Senate Constitutional Amendment No. 16.

A resolution to propose to the people of the State of California an amendment to article thirteen of the Constitution, section one, in relation to revenue and taxation.

[Adopted March 14, 1893.]

Preamble. *Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California, at its regular session, commencing on the second day of January, A. D. eighteen hundred and ninety-three, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section one of article thirteen of the Constitution of the State of California be amended to read as follows. Article thirteen, section one, of the Constitution of the State is amended so as to read as follows:

How prop-
erty shall
be taxed.

What
"property"
means.

What is
exempt.

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 property used for free public libraries and free museums, 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.

CHAPTER XXXVII.

Assembly Constitutional Amendment No. 31.

A resolution to propose to the people of the State of California an amendment to section seven (7) of article nine (IX) of the Constitution of the State of California, by increasing the number of members constituting the State Board of Education, by adding thereto the President and Professor of Pedagogics of the University of California.

[Adopted March 14, 1893.]

Resolved by the Assembly, the Senate concurring, That the Legis- Preamble.
lature of the State of California, at its thirtieth session, commencing January second, eighteen hundred and ninety-three, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that section seven (7) of article nine (IX) of the Constitution of the State of California be amended so as to read as follows:

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the Professor of Pedagogy therein, 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.

Who shall constitute the State Board of Education.

CHAPTER XXXVIII.

Senate Joint Resolution No. 26, asking of Congress to cede to the State of California the island in the bay of San Francisco, known as Yerba Buena, or "Goat Island," to be used by said State solely for general railroad terminal purposes.

[Adopted March 14, 1893.]

WHEREAS, It is of vast interest to the State of California that said island should be under the control of said State for general railroad terminal purposes; and whereas, the said island is not now of use to the harbor of San Francisco,

Preamble.

either for purposes of military or naval defense, in view of the long-distance ordnance now used throughout the civilized world.

Request that Goat Island be ceded to the State.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress, by all the means in their power, the cession to the State of California of the said island in the bay of San Francisco, known as Yerba Buena, or "Goat Island," to be used by said State and its grantees or assignees forever, solely for general railroad terminal purposes.

Resolved, That his Excellency the Governor be requested to immediately forward to each of our Senators and Representatives in Congress a copy of this resolution.

CHAPTER XXXIX.

Senate Constitutional Amendment No. 20.

An Act to submit to the people of the State of California an amendment to section twenty-three of article four of the Constitution of the State of California.

[Adopted March 14, 1893.]

Preamble. The Legislature of the State of California, at its thirtieth session, commencing on the second day of January, A. D. one thousand eight hundred and ninety-three, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that section twenty-three (23), of article four (IV) (legislative department), of the Constitution of the State of California, be amended so as to read as follows:

ARTICLE IV.

Pay of legislators. Section 23. The members of the Legislature shall receive, in full payment for their services, the sum of one thousand (\$1,000) dollars, and mileage not to exceed ten cents per mile, and for contingent expenses not to exceed twenty-five dollars, for each session, to be paid out of the public treasury. 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.