

THE
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

THIRTY-FIRST SESSION OF THE LEGISLATURE,

1895.

BEGAN ON MONDAY, JANUARY SEVENTH, AND ENDED ON SATURDAY, MARCH
SIXTEENTH, EIGHTEEN HUNDRED AND NINETY-FIVE.



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129	An Act amending Sections 55, 57, and 68 of the Civil Code of the State of California, and repealing Section 75 of said Code. Approved March 26, 1895.....	A. B. 567.....	121
130	An Act appropriating money for the use of the two State Forestry Stations. Approved March 26, 1895.....	A. B. 221.....	122
131	An Act relating to commitments to State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed. Approved March 26, 1895.....	A. B. 903.....	122
132	An Act making an appropriation to pay the deficiency in the appropriation for the support of the Southern California State Asylum for the Insane and Inebriates, for the forty-fifth and forty-sixth fiscal years. Approved March 26, 1895.....	S. B. 675.....	124
133	An Act to amend Section 1739 of the Code of Civil Procedure, relating to the account with the County Clerk as to the disbursement of money and property of estates. Approved March 26, 1895.....	S. B. 182.....	124

Chap.	TITLE OF ACT.	No. of Bill and where in- troduced.	Page.
134	An Act making an appropriation to pay the claim of R. B. Young for architect's fees for erection and construction of power and electric plant at the Whittier State School. Approved March 26, 1895.....	S. B. 448....	125
135	An Act making an appropriation to pay the deficiency in the appropriation for the purchase of ballot paper for the forty-sixth fiscal year. Approved March 26, 1895.....	A. B. 877....	125
136	An Act making an appropriation to pay the indebtedness incurred by the Board of Bank Commissioners, and authorizing and directing the Board to raise the amount, in addition to the amount of annual expenses for the forty-seventh fiscal year. Approved March 26, 1895.....	A. B. 917....	126
137	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 destruction of all or any part of the bonds of any irrigation district remaining unsold after the completion of their irrigation system. Approved March 26, 1895.....	A. B. 734....	127
138	An Act to reduce the number of Judges of the Superior Court of the county of Tulare from two to one. Approved March 26, 1895.....	A. B. 353....	128
139	An Act providing for changing the fiscal year of cities in this State operating under a charter framed under Section 8, Article XI, of the Constitution. Approved March 26, 1895.....	A. B. 67....	128
140	An Act making an appropriation to pay the expenses of the funeral and casket for the late Secretary of State, E. G. Waite. Approved March 26, 1895.....	A. B. 599....	129
141	An Act making an appropriation to pay the deficiency in the appropriation for the State Forestry Stations for the forty-fifth and forty-sixth fiscal years. Approved March 26, 1895.....	A. B. 246....	130
142	An Act making an appropriation to pay the deficiency in the appropriation for the support of the Folsom State Prison, for the forty-sixth fiscal year, ending June 30, 1895. Approved March 26, 1895.....	S. B. 212....	130
143	An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors. Approved March 26, 1895.....	C. S. S. B. 45, 52, 54, 77....	131
144	An Act making an appropriation to pay the salary of the Debris Commissioner for the remainder of the forty-sixth fiscal year. Approved March 26, 1895.....	S. B. 648....	154
145	An Act to amend Section 3442 of the Civil Code of the State of California, relating to fraudulent instruments and transfers. Approved March 26, 1895.....	S. B. 59....	154
146	An Act to appropriate money for the payment of the claim of Chas. A. Hiett, for the arrest of William B. Coup, in pursuance of the reward offered therefor by the Governor of the State of California. Approved March 26, 1895.....	S. B. 248....	155
147	An Act making an appropriation for the payment to the heirs of R. J. Broughton, for conveyance of Anna Campbell, an insane person, to the Napa Insane Asylum. Approved March 26, 1895.....	S. B. 331....	156
148	An Act to reduce the number of Judges of the Superior Court of the county of Fresno from three to two. Approved March 26, 1895.....	S. B. 119....	156

Chap.	TITLE OF ACT.	No. of Bill and where in- troduced.	Page.
149	An Act to amend Section 1736 of the Code of Civil Procedure, relating to a report as to the condition of the estate. Approved March 26, 1895.....	S. B. 183.....	157
150	An Act to amend an Act entitled "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. Approved March 26, 1895.....	S. B. 195.....	157
151	An Act to appropriate the surplus moneys in the "Special Mendocino Asylum Fund," in the State Treasury, to the uses of the Mendocino Asylum. Approved March 26, 1895.....	S. B. 121.....	158
152	An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendment thereto, approved March 19, 1889. Approved March 26, 1895.....	S. B. 221.....	159
153	An Act to provide for the payment of the claim of James A. Kearney. Approved March 26, 1895.....	A. B. 512.....	159
154	An Act authorizing the Controller to return his office, and making an appropriation therefor. Approved March 26, 1895.....	A. B. 218.....	160
155	An Act to amend Section 3713 of the Political Code, relating to the levy of taxes. Approved March 26, 1895.....	A. B. 1025.....	161
156	An Act to prevent the sale of intoxicating liquors in the immediate vicinity of soldiers' homes. Approved March 26, 1895.....	A. B. 880.....	161
157	An Act to add a new section to the Civil Code, to be designated as Section 616, authorizing corporations organized to establish and maintain or to improve cemeteries, to take and hold property bequeathed, granted, or given to them upon trust, to apply the same or the proceeds or income thereof to the improvement or embellishment of cemeteries, or of any lot therein, or to the erection or maintenance of any monument, structure, or improvement therein. Approved March 26, 1895.....	A. B. 664.....	162
158	An Act making an appropriation to pay the indebtedness incurred by the Board of Trustees of the Southern California State Asylum for the Insane and Inebriates, in providing a refrigerator for said asylum. Approved March 26, 1895.....	A. B. 709.....	163
159	An Act prescribing how judgments which may be recovered against any city and county of over one hundred thousand population shall be paid. Approved March 26, 1895.....	A. B. 669.....	163
160	An Act to amend an Act entitled "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, by adding two new sections thereto, to be known and designated as Sections Nos. 15 and 16, respectively, providing for the appointment of certain clerks, to be known as fee clerks, prescribing the duties of such clerks, and regulating and providing for their salary. Approved March 26, 1895.....	A. B. 508.....	164
161	An Act concerning the completion of unfinished public buildings in any county, city, city and county, or town in this State, and permitting alterations of the original plans or designs for the construction thereof. Approved March 26, 1895.....	A. B. 798.....	165

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
162	An Act to amend an Act approved March 11, 1893, entitled "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 26, 1895	A. B. 799	166
163	An Act to amend Sections 47 and 48 of the Civil Code of the State of California, relating to libel and slander. Approved March 26, 1895	S. B. 781	167
164	An Act to provide an official stenographic reporter to the Coroner of each county, or city and county, having 100,000 or more inhabitants, and providing the mode in which such reporter shall be appointed, and establishing the compensation and prescribing the duties of such reporter. Approved March 26, 1895	S. B. 229	168
165	An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer. Approved March 26, 1895	A. B. 148	169
166	An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties of the State. Approved March 26, 1895	A. B. 736	170
167	An Act to amend Sections 3, 4, 5, 7, 9, 10, 11, 12, 14, 15, 16, and 23 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers" (approved March 30, 1878, and as amended by an Act approved March 10, 1887), and to add four (4) new sections thereto, to be numbered 24, 25, 26, and 27, relating to the powers and duties of such Commissioners. Approved March 26, 1895	S. B. 290	172
168	An Act to amend Sections 1912, 1919, 1923, 1929, 1932, 1942, 1962, 1970, 1980, 1983, 1984, 1985, 1990, 2003, 2004, 2007, 2022, 2024, 2027, 2040, 2048, 2076, 2083, and 2094 of the Political Code of the State of California, and to add one new section thereto, to be known and numbered as Section 1991, and to repeal Sections 1987, 1988, 1989, and 2005 of said Code, all relating to the National Guard of California. Approved March 26, 1895	A. B. 618	181
169	An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California. Approved March 26, 1895	A. B. 607	191
170	An Act to amend Section 731 of the Penal Code of the State of California, and to add a new section thereto, to be known as Section 734, relating to the suppression of riots and parading of independent companies. Approved March 26, 1895	A. B. 370	193
171	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said Board. Approved March 26, 1895	S. B. 709	194
172	An Act appropriating money to pay the claim of the State Agricultural Society. Approved March 26, 1895	A. B. 694	196
173	An Act to amend Section 2800 of the Political Code, relating to the purchase of toll roads by counties. Approved March 27, 1895	S. B. 275	196
174	An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof, for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts. Approved March 27, 1895	S. B. 521	197

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
175	An Act to add a new section to the Political Code, to be known and designated as Section 3022½, relating to the erection, furnishing, maintenance, and government of hospitals and homes for inebriates in counties, and cities and counties, of this State, where land has heretofore been reserved and set apart for said purpose; to provide for the commitment of dipsomaniacs and inebriates thereto, and also to repeal an Act entitled "An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers and the officers thereof," approved April 1, 1870, and all Acts and parts of Acts in conflict with the provisions of this Act. Approved March 27, 1895	S. B. 281	201
176	An Act to amend Section 1 of an Act approved March 15, 1883, and 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 re-fund its indebtedness, issue bonds therefor, and provide for the payment of the same," as amended March 1, 1893. Approved March 27, 1895	S. B. 349	203
177	An Act fixing and regulating the manner of sale and redemption of real property for delinquent assessments to pay the damages, costs, and expense for or incident to laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in any part, any street, square, lane, alley, court, or place within municipalities in this State. Approved March 27, 1895	S. B. 885	204
178	An Act to create a Court in and for the town of Berkeley, State of California. Approved March 27, 1895	S. B. 887	205
179	An Act to amend an Act entitled "An Act to reincorporate Salinas City," approved March 2, 1873, with reference to the levy and collection of taxes by said Salinas City. Approved March 27, 1895	S. B. 739	206
180	An Act to amend Section 16 of an Act entitled "An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California," approved March 11, 1887, relating to the powers and duties of the Trustees of said hospital, also known as the Southern California State Asylum for the Insane and Inebriates. Approved March 27, 1895	A. B. 701	207
181	An Act providing for a general primary election in counties of certain classes within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof. Approved March 27, 1895	A. B. 751	207
182	An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations. Approved March 27, 1895	A. B. 897	219
183	An Act to provide for incorporation, operation, and management of coöperative associations. Approved March 27, 1895	A. B. 249	221
184	An Act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to the redemption of property sold on execution. Approved March 27, 1895	A. B. 757	225

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
185	An Act to amend Section 1 of an Act entitled 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 privileges in relation thereto, and providing for the punishment thereof. Approved March 27, 1895	A. B. 604....	227
186	An Act to amend Sections 1094, 1096, 1113, 1114, 1115, and 1116 of the Political Code of the State of California, relative to registration of voters. Approved March 27, 1895	A. B. 479....	228
187	An Act to authorize the Board of Trustees of the Southern California State Asylum for the Insane and Inebriates to convey certain water rights. Approved March 27, 1895	A. B. 332....	232
188	An Act to amend Sections 531 and 532 of the Political Code, and Section 99 of the Penal Code of the State of California, relative to the duties and qualifications of the Superintendent of State Printing of said State. Approved March 27, 1895....	S. B. 570....	233
189	An Act to repeal Sections 1, 2, 3, 4, 5, 6, 7, and 10 of an Act entitled "An Act for the promotion of the viticultural industries of the State," approved April 15, 1880; also, an Act entitled "An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture," approved March 4, 1881; also, an Act entitled "An Act to enlarge the duties of the Board of State Viticultural Commissioners," approved February 26, 1885; to provide for completion of unfinished work, for the transfer of the property of the Viticultural Commission, and making an appropriation therefor. Approved March 27, 1895	Sub. S. B. 787	235
190	An Act to amend Section 28 of an Act passed March 23, 1893, entitled "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 (2), of Sutter County,' passed March 23, 1876, in relation to the election of officers for said district, funding the floating debt, and re-funding the funded debt thereof." Approved March 27, 1895	S. B. 560....	236
191	An Act to amend Section 3 of "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and an Act amendatory thereof, approved March 31, 1891. Approved March 27, 1895	A. B. 413....	237
192	An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor. Approved March 27, 1895..	S. B. 699....	238
193	An Act appropriating money to pay the claims of H. P. Dyer, E. F. Dyer, C. A. Granger, Gaston Goldsmith, and Sullivan & Sullivan. Approved March 27, 1895	A. B. 756....	238
194	An Act appropriating the sum of \$5,000 for the purchase of furniture and apparatus for the State Normal School at Los Angeles, California. Approved March 27, 1895	S. B. 104....	239
195	An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa. Approved March 27, 1895.	S. B. 43....	240
196	An Act making an appropriation for elevator attendant's salary for last four months of forty-sixth fiscal year. Approved March 27, 1895	S. B. 327....	241
197	An Act amending the Civil Code of the State of California, adding thereto two new sections, to be numbered 492 and 493, concerning franchises for the construction of elevated and underground railroad tracks. Approved March 27, 1895	S. B. 733....	241

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
198	An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over 100,000 inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes. Approved March 27, 1895	S. B. 871.....	242
199	An Act to amend Sections 1880, 1884, and 1886 of the Political Code of the State of California, relating to public schools. Approved March 27, 1895	S. B. 782.....	245
200	An Act to add a new section to the Penal Code of California, to be known and numbered as Section 310½ of said Code, relating to the keeping open and conducting of barber shops, hair-dressing establishments, and bath houses on Sundays and legal holidays. Approved March 27, 1895.....	S. B. 627.....	246
201	An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water-courses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same. Approved March 27, 1895.....	S. B. 633.....	247
202	An Act to amend Sections 626, 631, 632, 633, 634, 635, and 636 of, and to add nineteen new sections, to be numbered 626a, 626b, 626c, 626d, 626e, 626f, 626g, 626h, 626i, 627, 627a, 627b, 627c, 627d, 628, 628a, 629, 632a, 632b, to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game. Approved March 27, 1895.....	A. B. 568.....	255
203	An Act to create a Bureau of Highways, and prescribe its duties and powers, and to make an appropriation for its expenses. Approved March 27, 1895.....	S. B. 805.....	263
204	An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 851 thereof, relative to the officers of municipal incorporations of the sixth class. Approved March 27, 1895.....	S. B. 519.....	266
205	An Act making an appropriation for the support of the Southern California State Asylum for the Insane and Inebriates for the remainder of the forty-sixth fiscal year. Approved March 27, 1895	A. B. 624.....	266
206	An Act authorizing the payment of salaries by Boards of Supervisors to persons who have been employed to collect county licenses, and legalizing all payments heretofore made to such persons. Approved March 27, 1895.....	A. B. 834.....	267
207	An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State. Approved March 28, 1895	A. B. 681.....	267
208	An Act providing for the erection and operation of rock-crushing plants at the State Prisons, for the preparation of highway material for the benefit of the people of the State, and providing for the necessary advances and appropriation of money to carry out said work. Approved March 28, 1895	S. B. 806.....	274
209	An Act to provide for certain improvements and repairs at the Folsom State Prison, and making an appropriation therefor. Approved March 28, 1895	S. B. 213.....	276
210	An Act to pay the claim of Cornelius Lynch against the State of California, and to appropriate money therefor. Approved March 28, 1895	S. B. 798.....	277

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
211	An Act appropriating the sum of \$6,000 for tiling the first floor of the State Capitol. Approved March 28, 1895	S. B. 417.....	277
212	An Act authorizing the State Capitol Commissioners to improve certain streets in the city of Sacramento, to wit: L Street from the east line of Tenth Street to the west line of Fifteenth Street, and Fifteenth Street from the north line of L Street to the south line of N Street, and N Street from the east line of Tenth Street to the west line of Fifteenth Street; also, to reconstruct Tenth Street from the center line of L Street to the center line of N Street, and to appropriate money therefor. Approved March 28, 1895	A. B. 682....	278
213	An Act to amend the Penal Code by adding a new section, to be known as Section 1089 of the Penal Code of the State of California, relating to alternate jurors. Approved March 28, 1895	Sub. S. B. 544	279
214	An Act making appropriations for the support of the government of the State of California for the forty-seventh and forty-eighth fiscal years. Approved March 28, 1895	A. B. 617....	280
215	An Act to amend Sections 1670 and 1671 of the Political Code, relating to high schools. Approved March 28, 1895	A. B. 592....	293
216	An Act entitled an Act to amend Sections 1142, 1192, 1199, 1203, 1204, 1207, 1208, and 1258 of the Political Code, relating to elections. Approved March 28, 1895	A. B. 889....	302
217	An Act to repeal an Act of the Legislature of the State of California entitled "An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco," approved March 18, 1874, and requiring all counties and cities and counties of this State to conform to the requirements of the provisions of the Political Code in relation to the assessment, equalization, levy, and collection of taxes for revenue purposes. Approved March 28, 1895	A. B. 575....	308
218	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding new section thereto, to be numbered 3640, 3680, 3801, and 3831; also, by amending Sections 3607, 3617, 3628, 3630, 3650, 3651, 3653, 3654, 3655, 3656, 3658, 3661, 3662, 3663, 3666, 3667, 3670, 3678, 3692, 3693, 3694, 3704, 3705, 3714, 3719, 3728, 3730, 3731, 3732, 3734, 3736, 3738, 3746, 3747, 3748, 3752, 3756, 3758, 3759, 3762, 3764, 3765, 3766, 3767, 3770, 3771, 3772, 3776, 3777, 3780, 3781, 3785, 3787, 3788, 3789, 3790, 3793, 3797, 3799, 3800, 3804, 3805, 3808, 3813, 3814, 3815, 3816, 3817, 3818, 3819, 3820, 3823, 3826, 3829, 3840, 3841, 3854, 3858, 3867, 3870, 3871, 3873, 3878, 3881, 3888, 3897, 3898, 3899, 3900; also, by repealing Sections 3733, 3737, 3768, 3773, 3774, 3775, 3778, 3779, 3803, 3810, 3811, 3812, 3830, 3886, 3893, 3894, 3895, and 3896, all relating to the revenue and taxes of this State. Approved March 28, 1895	A. B. 982....	308
219	An Act to appropriate \$1,100, to pay the claims of D. H. Wyckoff and others for the arrest of the murderers of A. B. Montgomery, in Shasta County, in 1892. Approved March 28, 1895	C. S. S. B. 2..	340
220	An Act to provide for the payment of all private claims allowed by the Legislature of the thirty-first session, out of the revenues of the forty-seventh fiscal year. Approved March 28, 1895	A. B. 1026 ...	340
221	An Act to add a new article to Chapter I, of Title II, Part III, of the Political Code of the State of California, to be known and designated as Article IV; and to add six new sections, to be known and designated as Sections 1075, 1076, 1077, 1078, 1079, and 1080, relative to County, City, and County Boards of Election Commissioners. Approved March 28, 1895	A. B. 335.....	341

Chap.	TITLE OF ACT.	No. of Bill and where in- troduced.	Page.
222	An Act to create and establish a Commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said Commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a Secretary and Stenographer therefor; and to provide for the compensation and expenses of said Commission, Secretary, and Stenographer, and to appropriate money therefor. Approved March 28, 1895.....	A. B. 1013 ...	345
223	An Act providing for the relief of John J. Conlin, directing the Board of Supervisors of the City and County of San Francisco to order paid to said Conlin, his assigns or legal representatives, the sum of sixty-one thousand five hundred and seventy-seven (61,577) dollars, and directing the Auditor of said city and county to audit the demand of said Conlin for said sum, and issue his warrant therefor; and the Treasurer of said city and county to pay said warrant. Approved March 28, 1895.....	S. B. 100.....	348

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
1	Relating to the passage of H. R. 119, Fifty-third Congress, in the Senate of the United States. Adopted January 29, 1895..	S. J. R. 1...	351
2	Relative to the boundaries of Yosemite National Park. Adopted January 31, 1895.....	S. J. R. 4...	351
3	Relative to the improvement of the Sacramento and San Joaquin Rivers, and asking that each system be placed under contract, and that \$1,000,000 be appropriated for each. Adopted January 31, 1895.....	S. J. R. 10...	352
4	Approving four certain amendments to the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 26th day of January, 1895. Adopted January 31, 1895.....	S. C. R. 4...	353
5	Approving the charter of the City of Eureka, in the County of Humboldt, State of California, which was voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, in the City of Eureka, on the 26th day of January, 1895. Adopted February 8, 1895.....	S. C. R. 6...	355
6	Relative to amending the Constitution of State of California, by repealing Sections 4 and 5 of Article XIII, and by amending Section 1 of said article. Adopted February 14, 1895.....	A. C. A. 33...	405
7	Relative to the free coinage of silver. *Adopted February 18, 1895.....	A. J. R. 13...	406
8	A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 5 of Article II thereof, relative to the manner of voting. Adopted February 20, 1895.....	S. C. A. 8...	407
9	Relative to securing immediate attention from Congress to the United States Debris Commission. Adopted February 20, 1895.....	A. J. R. 20...	407
10	Relative to depression of United States agricultural affairs. Adopted February 23, 1895.....	A. J. R. 19...	408
11	Relative to the control of the Maritime Quarantine Service at the Port of San Francisco. Adopted March 5, 1895.....	A. J. R. 11...	409
12	Approving the charter of the Town of Berkeley, in Alameda County, California, voted for and ratified by the qualified electors of said town, at a special election held therein for that purpose, on February 26, 1895. Adopted March 5, 1895..	S. C. R. 8...	409
13	Relative to the proposed Pacific cable. Adopted March 6, 1895..	A. J. R. 16...	442
14	Relative to the National Conventions. Adopted March 6, 1895..	A. J. R. 17...	443
15	Relative to requesting Congress to make an appropriation for a free wagon road from Mono Lake, Mono County, to Yosemite Valley, Mariposa County. Adopted March 6, 1895.....	A. J. R. 23...	444
16	Relative to inviting the Committee on Rivers and Harbors of the House of Representatives, and the Committee on Commerce of the Senate of the United States, to visit and inspect the rivers and harbors of this State. Adopted March 7, 1895.	S. C. R. 7...	445

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
17	Relative to the improvement of the Sacramento River and other inland waters of the State. Adopted March 8, 1895.....	A. J. R. 10...	445
18	Proposing an amendment to Section 3 of Article XII of the Constitution of the State of California, relative to corporations, for the purpose of limiting the liability of stock or share holders, and fixing the liability of Directors or Trustees. Adopted March 9, 1895.....	A. C. A. 19...	446
19	Relative to printing amendments to the Constitution and Codes, for free distribution. Adopted March 16, 1895.....	S. C. R. 11...	447
20	Relative to requesting Congress to so amend the laws granting certain arid lands to the States, as to permit the State of California to reclaim such lands and retain the ownership thereof, for the purpose of constituting a permanent endowment of the public schools and the State University. Adopted March 16, 1895.....	A. J. R. 9...	448
21	Relating to mines and mining claims situated within the boundaries of the Yosemite National Park. Adopted March 16, 1895.....	A. J. R. 12...	449
22	Relative to permitting J. M. Hutchings to use cabin and orchard in Yosemite Valley. Adopted March 16, 1895.....	S. C. R. 18...	449
23	Proposing to the people of the State of California, an amendment to Section 6, Article XI, of the Constitution of the State of California. Adopted March 16, 1895.....	S. C. A. 25...	450
24	To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, relating to cities, counties, and towns. Adopted March 16, 1895.....	S. C. A. 13...	450
25	Relative to employment of convicts in the State Prisons. Adopted March 16, 1895.....	S. C. R. 9...	451
26	Relative to expending moneys now available for the improvement of our navigable rivers, by the National Government. Adopted March 16, 1895.....	S. J. R. 17...	452
27	A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the right of suffrage. Adopted March 16, 1895.....	A. C. A. 11...	453

LIST OF OFFICERS.

NAMES AND RESIDENCES OF STATE OFFICERS, JUSTICES OF SUPREME COURT, SENATORS, MEMBERS OF ASSEMBLY, AND 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.
James H. Budd.....	Governor.....	Stockton.
Spencer G. Millard.....	Lieutenant-Governor.....	Los Angeles.
L. H. Brown.....	Secretary of State.....	San Francisco.
E. P. Colgan.....	Controller.....	Santa Rosa.
Levi P. Rackliffe.....	Treasurer.....	San Luis Obispo.
W. F. Fitzgerald.....	Attorney-General.....	San Francisco.
Martin J. Wright.....	Surveyor-General.....	Visalia.
Samuel T. Black.....	Superintendent of Public Instruction.....	Ventura.
A. J. Johnston.....	Superintendent of State Printing.....	Sacramento.
C. G. Allen.....	Adjutant-General.....	Los Angeles.
W. D. Perkins.....	State Librarian.....	Rocklin.
E. D. McCabe.....	Private Secretary to Governor.....	Fresno.

STATE BOARD OF EQUALIZATION.

NAME.	District.	Residence.
A. Chesebrough.....	First.....	San Francisco.
L. C. Morehouse.....	Second.....	San Leandro.
R. H. Beamer.....	Third.....	Woodland.
Geo. L. Arnold.....	Fourth.....	Los Angeles.
E. P. Colgan (ex officio).....	.....	Santa Rosa.
Chas. M. Cogan, Secretary.....	.....	Sacramento.

SUPREME COURT.

NAME.	Official Position.	Residence.
W. H. Beatty.....	Chief Justice.....	San Francisco.
Jackson Temple.....	Associate Justice.....	Santa Rosa.
Frederick W. Henshaw.....	Associate Justice.....	Oakland.
W. C. Van Fleet.....	Associate Justice.....	San Francisco.
T. B. McFarland.....	Associate Justice.....	San Francisco.
Ralph C. Harrison.....	Associate Justice.....	San Francisco.
C. H. Garoutte.....	Associate Justice.....	Woodland.
Trowbridge H. Ward.....	Clerk.....	Los Angeles.

SENATORS.

S. G. MILLARD		President.	
Dis.	NAME.	County.	Post Office.
6	Aram, Eugene (R.)	Sutter, Yolo, Yuba	Woodland.
23	Arms, Chas. S. (D.)	San Francisco	120 Seventh St.
38	Androus, S. N. (R.)	Los Angeles	Los Angeles.
28	Beard, J. L. (R.)	Alameda	Warm Springs.
20	Bert, Eugene F. (R.)	San Francisco	225 Twelfth St.
21	Biggy, W. J. (D.)	San Francisco	1713 Turk St.
29	Burke, Bart. (D.)	Santa Cruz, San Mateo	Santa Cruz.
26	Denison, Eli S. (R.)	Alameda	Oakland.
17	Dunn, W. J. (D.)	San Francisco	16 Stanley Place.
27	Earl, Guy C. (R.)	Alameda	Oakland.
25	Fay, John (D.)	San Francisco	2014 Powell St.
33	Flint, Thomas, Jr. (R.)	Monterey, San Benito	San Juan South.
3	Ford, Tiry L. (R.)	Nevada, Plumas, Sierra	Downievilla.
30	Franck, F. C. (R.)	Santa Clara	Santa Clara.
7	Gesford, H. C. (D.)	Lake, Napa	Napa.
2	Gleaves, J. M. (R.)	Lassen, Modoc, Siskiyou, Trinity, Shasta	Redding.
13	Hart, E. C. (R.)	Sacramento	Sacramento.
22	Henderson, Percy L. (D.)	San Francisco	823 Point Lobos Av.
10	Holloway, J. C. (R.)	Sonoma	Cloverdale.
9	Hoyt, J. B. (R.)	Solano	Suisun.
15	Langford, B. F. (D.)	San Joaquin	Lodi.
32	Linder, R. (R.)	Inyo, Kings, Tulare	Tulare.
24	Mahoney, J. H. (R.)	San Francisco	The Baldwin.
5	Martin, Noble (D.)	El Dorado, Placer	Dutch Flat.
37	Mathews, John R. (D.)	Los Angeles	149 N. Los Angeles.
11	McAllister, Elliott (D.)	Contra Costa, Marin	Ross Valley.
1	McGowan, Frank (R.)	Del Norte, Humboldt	Eureka.
19	Mitchell, T. F. (D.)	San Francisco	1324 Utah St.
35	Orr, Orestes (R.)	Santa Barbara, Ventura	Ventura.
16	Pedlar, A. J. (R.)	Fresno, Madera	Fresno.
8	Seawell, J. H. (D.)	Colusa, Mendocino, Glenn	Ukiah.
39	Seymour, E. C. (R.)	Orange, Riverside, San Bernardino	San Bernardino.
12	Shine, J. H. (R.)	Mariposa, Merced, Stanislaus, Tuol- umne	Sonora.
4	Shippee, W. A. (R.)	Butte, Tehama	Avon.
36	Simpson, C. M. (R.)	Los Angeles	Pasadena.
34	Smith, S. C. (R.)	Kern, San Luis Obispo.	Bakersfield.
18	Toner, Hugh (D.)	San Francisco	40½ Zoe St.
14	Voorheis, E. C. (R.)	Alpine, Amador, Calaveras, Mono	Sutter Creek.
31	Whitehurst, L. A. (D.)	Santa Clara	Gilroy.
40	Withington, D. L. (R.)	San Diego	San Diego.

OFFICERS OF THE SENATE.

NAME.	Official Position.
S. G. Millard	President of Senate.
Thomas Flint, Jr.	President pro tem. of Senate.
F. J. Brandon	Secretary of Senate.
E. J. Ensign	Assistant Secretary.
R. Shaw	Assistant Secretary.
Leslie F. Blackburn	Sergeant-at-Arms.
John J. O'Connor	Assistant Sergeant-at-Arms.
E. F. Mitchell	Minute Clerk.
Theodore A. Simpson	Journal Clerk.
C. R. Mayhew	Engrossing Clerk.
J. H. Dungan	Enrolling Clerk.
Miss Kittie McHugh	Postmistress.
Mrs. Annie L. Blanchard	Assistant Postmistress.
Rev. G. A. Ottmann	Chaplain.

LIST OF OFFICERS.

XXV

ASSEMBLYMEN.

J. C. LYNCH Speaker.

Dis.	NAME.	County.	Post Office.
10	Ash, Wm. (R.)	Colusa, Glenn, Lake	..... Berlin.
63	Bachman, N. L. T. (D.)	Fresno	..... Fresno.
19	Bassford, J. M. (R.)	Solano	..... Vacaville.
24	Belshaw, C. M. (R.)	Contra Costa	..... Antioch.
68	Barker, James L. (P. P.)	Santa Barbara	..... Santa Barbara.
69	Bennett, Peter (R.)	Ventura	..... Ventura.
54	Berry, Cyrus P. (R.)	Santa Clara	..... Mountain View.
40	Bettman, S. M. (R.)	San Francisco	..... 1365 Post St.
2	Bledsoe, A. J. (I. R.)	Humboldt	..... Eureka.
43	Boothby, Wm. F. (R.)	San Francisco	..... 105 Stockton St.
20	Brusie, Judson C. (R.)	Sacramento	..... Sacramento.
75	Bulla, Robert N. (R.)	Los Angeles	..... 1243 Temple St.
22	Butler, John E. (R.)	Sacramento	..... Folsom.
59	Cargill, Chas. G. (R.)	San Benito	..... San Juan.
60	Coleman, Cyrus (R.)	Alpine, Inyo, Mono	..... Markleeville.
29	Coghlin, J. D. (D.)	San Francisco	..... Third and Folsom Sts.
8	Cutter, Wm. M. (R.)	Sutter, Yuba	..... Marysville.
66	Dale, R. C. (R.)	Kern	..... Bakersfield.
64	Davis, J. W. (R.)	Tulare, Kings	..... Tulare City.
45	Devitt, James (R.)	San Francisco	..... 288 Union St.
34	Devine, M. A. (D.)	San Francisco	..... 929 Valencia St.
39	Dinkelspiel, H. G. W. (R.)	San Francisco	..... 804 Ellis St.
37	Dixon, Geo. W. (R.)	San Francisco	..... 214 Pine St.
51	Dodge, C. G. (R.)	Alameda	..... Oakland.
27	Dunbar, Willis (R.)	Calaveras	..... Murphys.
33	Dwyer, L. J. (D.)	San Francisco	..... 1330 Utah St.
35	Ewing, Calvin (P., I. R.)	San Francisco	..... 208 San José Av.
46	Fassett, F. E. (R.)	Alameda	..... Livermore.
77	Freeman, Edwin W. (R.)	Riverside	..... South Riverside.
48	Gay, Robert (R.)	Alameda	..... Oakland.
67	Glass, J. H. (R.)	San Luis Obispo	..... Paso Robles.
79	Guy, W. R. (R.)	San Diego	..... San Diego.
28	Healey, H. (D.)	San Francisco	..... 651 Folsom St.
3	Johnson, D. J. (R.)	Humboldt	..... Petrolia.
25	Jones, Edward I. (R.)	San Joaquin	..... Stockton.
13	Hall, A. P. (R.)	Placer	..... Penryn.
58	Holland, Charles A. (D.)	Tuolumne, Mariposa	..... Summerville.
21	Hatfield, L. T. (R.)	Sacramento	..... Sacramento.
71	Huber, Orlando H. (R.)	Los Angeles	..... Azusa.
61	Hudson, W. G. (R.)	Santa Cruz	..... Watsonville.
80	Keen, Alfred (R.)	San Diego	..... National City.
55	Kelsey, J. D. (R.)	Santa Clara	..... San José.
72	Kenyon, Brewster C. (R.)	Los Angeles	..... Long Beach.
5	Laird, James T. (R.)	Modoc, Shasta	..... Alturas.
11	Laugenour, H. W. (D.)	Yolo	..... Woodland.
38	Lewis, Marcus (R.)	San Francisco	..... 710 Golden Gate Av.
73	Llewellyn, Wm. (R.)	Los Angeles	..... Cor. Railroad and Main.
78	Lynch, John C. (R.)	San Bernardino	..... Cucamonga.
36	McCarthy, J. (D.)	San Francisco	..... Summit House.
49	McDonald, J. B. (D.)	Alameda	..... Oakland.
76	McKelvey, Chas. S. (R.)	Orange	..... Santa Ana.
56	Meads, Walter A. (R.)	Santa Clara	..... Alviso.
42	Merrill, Isaac M. (R.)	San Francisco	..... 420 Montgomery St.
26	Nelson, T. A. (R.)	San Joaquin	..... Lathrop.
50	North, H. H. (R.)	Alameda	..... Oakland.
30	O'Day, J. (D.)	San Francisco	..... 438 1/2 Jesse St.
53	Osborn, B. S. (R.)	Santa Cruz	..... Watsonville.
74	Pendleton, Cornelius W. (R.)	Los Angeles	..... 2212 Figueroa St.
52	Phelps, T. G. (R.)	San Mateo	..... Belmont.
41	Powers, Frank H. (R.)	San Francisco	..... 533 Kearny St.
16	Price, Walter F. (R.)	Sonoma	..... Forestville.
4	Reid, D. G. (D.)	Trinity, Tehama	..... Weaverville.
57	Richards, L. A. (R.)	Stanislaus, Merced	..... Grayson.
65	Robinson, D. V. (D.)	Tulare	..... Visalia.
62	Rowell, W. F. (R.)	Fresno	..... Easton.
9	Sanford, J. B. (D.)	Mendocino	..... Ukiah.
6	Spencer, E. V. (R.)	Lassen, Plumas, Sierra	..... Susanville.

ASSEMBLYMEN—Continued.

Dist.	NAME.	County.	Post Office.
17	Staley, W. S. (R.)	Sonoma	Kenwood.
7	Stansell, F. R. (R.)	Butte	Nelson.
14	Swisler, Chas. A. (R.)	El Dorado	Placerville.
12	Thomas, Richard I. (R.)	Nevada	Nevada City.
15	Tibbits, James H. (R.)	Amador	Jackson.
1	Tomblin, E. S. (R.)	Del Norte, Siskiyou.	Shasta Springs.
32	Twigg, J. F. (D.)	San Francisco	102 King St.
18	Wade, Owen (R.)	Napa	St. Helena.
47	Waymire, J. A. (R.)	Alameda	Alameda.
70	Weyse, Henry G. (R.)	Los Angeles	Santa Monica.
23	Wilkins, James H. (D.)	Marin	San Rafael.
31	Wilkinson, J. J. (R.)	San Francisco	315 Eighth St.
44	Zocchi, Louis P. (R.)	San Francisco	521 Union St.

OFFICERS OF THE ASSEMBLY.

NAME.	Official Position.
J. C. Lynch	Speaker.
E. V. Spencer	Speaker pro tem.
S. J. Duckworth	Chief Clerk.
A. Branch	Assistant Clerk.
J. Varcoe	Assistant Clerk.
A. W. North	Assistant Clerk.
Geo. C. Parkinson	Sergeant-at-Arms.
W. N. Lamphrey	Assistant Sergeant-at-Arms.
G. W. Lewis	Assistant Sergeant-at-Arms.
J. J. Evans	Bookkeeper to Sergeant-at-Arms.
R. Q. Wickham	Minute Clerk.
A. Fisher	Journal Clerk.
T. E. Atkinson	Engrossing Clerk.
H. A. Kidder	Enrolling Clerk.
Miss Carrie Brown	Postmistress.
Mrs. E. McKay	Assistant Postmistress.
O. Summers	Chaplain.

COMMISSIONERS OF DEEDS.

CONNECTICUT.

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

DISTRICT OF COLUMBIA.

John E. Mitchell	Washington	April 18, 1896.
Charles S. Bundy	Washington	July 30, 1898.

GEORGIA.

William B. Adams	Savannah	October 16, 1898.
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ILLINOIS.

Philip A. Hoyne	Chicago	June 27, 1897.
Simeon W. King	Chicago	April 9, 1898.
Mark A. Foote	Chicago	November 27, 1898.
Silas S. Willard	Chicago	December 3, 1898.

LOUISIANA.

M. C. Soniat	New Orleans	May 2, 1898.
John G. Eustis	New Orleans	September 19, 1898.

MARYLAND.

George McCaffray	Baltimore	October 27, 1896.
Ph. H. Hoffman	Baltimore	March 29, 1898.
G. Evett Reardon	Baltimore	July 20, 1898.
J. Kemp Bartlett, Jr.	Baltimore	July 21, 1898.

MASSACHUSETTS.

Edward J. Jones	Boston	January 13, 1896.
Nelson Monroe	Boston	February 27, 1897.
Henry M. Meek	Salem	August 3, 1897.
Freeman M. Josselyn	Boston	January 15, 1898.
Samuel Jennison	Boston	February 14, 1898.
Frank D. Butrick	Boston	May 15, 1898.
Joseph B. Braman	Boston	May 31, 1898.
Ella F. Braman	Boston	June 7, 1898.
Charles Hall Adams	Boston	January 14, 1899.

MICHIGAN.

NAME.	Residence.	Term Expires.
Allen L. Bours	Detroit	August 29, 1896.

MISSOURI.

John A. Peck	St. Louis	February 17, 1898.
Charles D. Green, Jr.	St. Louis	October 19, 1898.

NEVADA.

C. E. Mack	Virginia City	September 27, 1896.
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NEW YORK.

Charles Henry Phelps	New York City	July 6, 1895.
Simon Steinheimer	New York City	July 22, 1895.
Edwin F. Corey	New York City	September 15, 1895.
George H. Corey	New York City	November 5, 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 18, 1896.
C. T. Lunt	New York City	March 9, 1896.
Edward E. 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.
Samuel B. Goodale	New York City	March 2, 1897.
Peter F. Callahan	New York City	May 17, 1897.
Vincent Rosemon	New York City	July 10, 1897.
Rufus K. McHary	New York City	July 24, 1897.
William F. Lett	New York City	August 1, 1897.
Edwin F. Corey	New York City	October 31, 1897.
F. A. Burnham	New York City	December 21, 1897.
Charles Taylor	New York City	February 24, 1898.
Joseph C. Braman	New York City	May 16, 1898.
John A. Hillery	New York City	May 21, 1898.
Samuel D. Folsom	New York City	May 28, 1898.
W. H. Humphrey	Brooklyn	November 13, 1898.
Julius Krause	New York City	November 19, 1898.
Joseph B. Braman	New York City	March 8, 1899.

OHIO.

Joseph T. Harrison	Cincinnati	February 15, 1898.
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OREGON.

Solomon Goldsmith	Portland	August 3, 1895.
B. F. Clayton	Portland	April 5, 1896.
C. L. Parrish	Klamath Falls	June 27, 1897.
Eugene D. White	Portland	August 16, 1897.
B. L. Eddy	Portland	February 11, 1899.

PENNSYLVANIA.

NAME.	Residence.	Term Expires.
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.
William Jenks Fell	Philadelphia	March 28, 1897.
George W. Hunt	Philadelphia	February 28, 1898.
Samuel L. Taylor	Philadelphia	March 22, 1898.
Arthur Brossman	Philadelphia	December 26, 1898.
Kinley J. Tener	Philadelphia	April 15, 1899.

SOUTH CAROLINA.

W. M. Fitch	Charleston	September 21, 1897.
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WASHINGTON.

Samuel S. Carlisle	Seattle	January 26, 1896.
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AUSTRALIA.

George M. Lawrence	Sydney	November 19, 1895.
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GREAT BRITAIN.

I. H. Grain	London	December 4, 1898.
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SCOTLAND.

J. Gordon Mason	Edinburgh	March 20, 1899.
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MEXICO.

W. J. DeGress	City of Mexico	January 6, 1897.
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HAWAII.

John H. Paty	Honolulu	September 26, 1898.
J. M. Monsarrat	Honolulu	February 21, 1899.

1877
MONTANA

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 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. [Amendment adopted November 6, 1894.]

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 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. [Amendment adopted November 6, 1894.]

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 per cent as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

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

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

SEC. 7. The Governor, 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. [Amendment adopted November 6, 1894.]

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. 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. [Amendment adopted November 6, 1894.]

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 prohibited to cities, shall be applicable to such consolidated government. [Amendment adopted November 6, 1894.]

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 depository, to the credit of such city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

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

SEC. 18. No county, city, town, township, Board of Education, or school district shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also 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 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. [Amendment adopted November 6, 1894.]

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. 12½. 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. [Amendment adopted November 6, 1894.]

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. BEERSTECHEK,
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,
F. 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 MCOMAS,
 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. SHAFTER,
 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. WELER,
 J. V. WEBSTER,
 JOHN P. WEST,
 PATRICK M. WELIN,
 JOHN T. WICKES,
 WM. F. WHITE,
 H. C. WILSON,
 JOS. W. WINANS,
 N. G. WYATT.



STATUTES OF CALIFORNIA

PASSED AT THE

THIRTY-FIRST SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act to repeal an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

[Approved January 24, 1895.]

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

SECTION 1. An Act entitled "An Act fixing a bounty on coyote scalps," approved March thirty-first, eighteen hundred and ninety-one, is hereby expressly repealed. Coyote bounty repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER II.

An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 24, 1893, by amending section one hundred and sixty-two, relating to the classification of counties, and section two hundred and sixteen, providing for certain deputies and certain fees, and to insert a new section, to be numbered one hundred and seventy and one half, and to create a new class of counties of the eighth and one half class, relating to the government of counties.

[Approved January 25, 1895.]

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

SECTION 1. Section one hundred and sixty-two of said Act is amended so as to read as follows:

Section 162. For the purpose of regulating the compensation of all officers hereinbefore provided for, the several counties of this State are hereby classified, and shall herein remain classified, according to their population as ascertained by the Federal Classification to regulate compensation.

census taken the year eighteen hundred and ninety, or as otherwise provided in this Act, to wit:

- 1st class. All counties containing a population of two hundred thousand inhabitants and over shall belong to and be known as counties of the first class.
- 2d class. Counties containing a population of one hundred thousand and under two hundred thousand shall belong to and be known as counties of the second class.
- 3d class. Counties containing a population of ninety thousand and under one hundred thousand inhabitants shall belong to and be known as counties of the third class.
- 4th class. Counties containing a population of forty-five thousand and under ninety thousand shall belong to and be known as counties of the fourth class.
- 5th class. Counties containing a population of forty thousand and under forty-five thousand shall belong to and be known as counties of the fifth class.
- 6th class. Counties containing a population of thirty-four thousand and under forty thousand shall belong to and be known as counties of the sixth class.
- 7th class. Counties having a population of thirty-two thousand five hundred and under thirty-four thousand shall belong to and be known as counties of the seventh class.
- 8th class. Counties having a population of thirty-two thousand and under thirty-two thousand five hundred shall belong to and be known as counties of the eighth class.
- 8½ class. Counties having a population of thirty thousand and under thirty-two thousand shall belong to and be known as counties of the eighth and one half class.
- 9th class. Counties having a population of twenty-eight thousand and under thirty thousand shall belong to and be known as counties of the ninth class.
- 10th class. Counties having a population of twenty-five thousand and under twenty-eight thousand shall belong to and be known as counties of the tenth class.
- 11th class. Counties having a population of twenty-four thousand and under twenty-five thousand shall belong to and be known as counties of the eleventh class.
- 12th class. Counties having a population of twenty-three thousand and under twenty-four thousand shall belong to and be known as counties of the twelfth class.
- 13th class. Counties having a population of twenty thousand and under twenty-three thousand shall belong to and be known as counties of the thirteenth class.
- 14th class. Counties having a population of nineteen thousand and under twenty thousand shall belong to and be known as counties of the fourteenth class.
- 15th class. Counties having a population of eighteen thousand and under nineteen thousand shall belong to and be known as counties of the fifteenth class.
- 16th class. Counties having a population of 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 seventeen thousand five hundred and under seventeen thousand nine hundred shall belong to and be known as counties of the seventeenth class. ^{17th class.}

Counties having a population of seventeen thousand and under seventeen thousand five hundred shall belong to and be known as counties of the eighteenth class. ^{18th class.}

Counties having a population of sixteen thousand four hundred and under seventeen thousand shall belong to and be known as counties of the nineteenth class. ^{19th class.}

Counties having a population of sixteen thousand and under sixteen thousand four hundred shall belong to and be known as counties of the twentieth class. ^{20th class.}

Counties having a population of fifteen thousand seven hundred and under sixteen thousand shall belong to and be known as counties of the twenty-first class. ^{21st class.}

Counties having a population of fifteen thousand and under fifteen thousand seven hundred shall belong to and be known as counties of the twenty-second class. ^{22d class.}

Counties having a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the twenty-third class. ^{23d class.}

Counties having a population of thirteen thousand five hundred and eighty and under fourteen thousand shall belong to and be known as counties of the twenty-fourth class. ^{24th class.}

Counties having a population of 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. ^{25th class.}

Counties having a population of thirteen thousand and under thirteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class. ^{26th class.}

Counties having a population of twelve thousand five hundred and under thirteen thousand shall belong to and be known as counties of the twenty-seventh class. ^{27th class.}

Counties having a population of 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. ^{28th class.}

Counties having a population of twelve thousand and under twelve thousand one hundred and sixty shall belong to and be known as counties of the twenty-ninth class. ^{29th class.}

Counties having a population of ten thousand three hundred and under twelve thousand shall belong to and be known as counties of the thirtieth class. ^{30th class.}

Counties having a population of ten thousand and eighty and under ten thousand three hundred shall belong to and be known as counties of the thirty-first class. ^{31st class.}

Counties having a population of ten thousand and seventy and under ten thousand and eighty shall belong to and be known as counties of the thirty-second class. ^{32d class.}

Counties having a population of ten thousand and under ten thousand and seventy shall belong to and be known as counties of the thirty-third class. ^{33d class.}

Counties having a population of nine thousand nine hun- ^{34th class.}

dred and under ten thousand shall belong to and be known as counties of the thirty-fourth class.

35th class. Counties having a population of nine thousand eight hundred and under nine thousand nine hundred shall belong to and be known as counties of the thirty-fifth class.

36th class. Counties having a population of nine thousand six hundred and under nine thousand eight hundred shall belong to and be known as counties of the thirty-sixth class.

37th class. Counties having a population of nine thousand and under nine thousand six hundred shall belong to and be known as counties of the thirty-seventh class.

38th class. Counties having a population of eight thousand five hundred and under nine thousand shall belong to and be known as counties of the thirty-eighth class.

39th class. Counties having a population of eight thousand and under eight thousand five hundred shall belong to and be known as counties of the thirty-ninth class.

40th class. Counties having a population of seven thousand and under eight thousand shall belong to and be known as counties of the fortieth class.

41st class. Counties having a population of six thousand four hundred and under seven thousand shall belong to and be known as counties of the forty-first class.

42d class. Counties having a population of six thousand and under six thousand four hundred shall belong to and be known as counties of the forty-second class.

43d class. Counties having a population of five thousand four hundred and under six thousand shall belong to and be known as counties of the forty-third class.

44th class. Counties having a population of five thousand and under five thousand four hundred shall belong to and be known as counties of the forty-fourth class.

45th class. Counties having a population of four thousand nine hundred and eighty and under five thousand shall belong to and be known as counties of the forty-fifth class.

46th class. Counties having a population of four thousand nine hundred and under four thousand nine hundred and eighty shall belong to and be known as counties of the forty-sixth class.

47th class. Counties having a population of four thousand and under four thousand nine hundred shall belong to and be known as counties of the forty-seventh class.

48th class. Counties having a population of three thousand seven hundred and eighty and under four thousand shall belong to and be known as counties of the forty-eighth class.

49th class. Counties having a population of 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.

50th class. Counties having a population of three thousand five hundred and under three thousand seven hundred shall belong to and be known as counties of the fiftieth class.

51st class. Counties having a population of two thousand five hundred and under three thousand five hundred shall belong to and be known as counties of the fifty-first class.

Counties having a population of 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 under two thousand shall belong to and be known as counties of the fifty-third class.

SEC. 2. A new section is hereby added to said Act, to be numbered one hundred and seventy and one half, as follows:

Section 170½. In counties of the eighth and one half 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: Compensation of officers, 8½ class.

1. The County Clerk, seven thousand six hundred dollars per annum.

2. The Sheriff, eight thousand dollars per annum.

3. The Recorder, the fees now allowed by law pertaining to said Recorder's office; *provided*, that all books of record, printing, and stationery shall be furnished and paid for by the Recorder out of his fees. The style and quality of the same to be approved by the Board of Supervisors.

4. The Auditor, five thousand five hundred dollars per annum.

5. The Treasurer, three thousand dollars per annum.

6. The Tax Collector, seven thousand dollars per annum.

7. The Assessor, four thousand dollars per annum, and such fees as are allowed by law.

8. The District Attorney, five thousand dollars per annum.

9. The Superintendent of Public Schools, twenty-five hundred dollars per annum.

10. The Public Administrator, such fees as are now or may hereafter be allowed by law.

11. The Coroner, five hundred dollars per annum.

12. The Surveyor, such fees as are now or may hereafter be allowed by law.

13. The Constable, such fees as are hereby or may be allowed by law.

14. The Justices of the Peace, such fees as are hereby or may hereafter be allowed by law.

15. The Supervisors, five hundred dollars per annum, and fifteen cents per mile in going from their residences to the county seat at each meeting of the Board. Also, four hundred dollars per annum each, and mileage now allowed by law, for services as Road Commissioners.

16. Each county and township officer shall be responsible on his official bond for the official accounts of each of his deputies, and may at his own pleasure revoke the appointment of any of said deputies. May revoke appointments.

17. No county officer, deputy, or clerk employed in any of the offices of counties of this class shall be permitted to perform the services of a Notary Public while in the employ of the county. No officer or clerk to act as Notary.

18. The following county and township officers shall charge and collect the following fees: Fees.

COUNTY CLERK.

Fees of
County
Clerk.

On the commencement of any action or proceeding in the Superior Court, except probate proceedings, or on an appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars. On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner; *provided*, that at the time of filing the inventory and appraisement in any such proceeding there shall be an additional deposit of five dollars when the appraised valuation exceeds five hundred dollars and is under ten thousand dollars, and an additional ten dollars when the appraised valuation is ten thousand dollars or over. 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 provided, one dollar. The foregoing fees shall be in full for all services rendered by such Clerk in the cause, 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 to the Law Library Fund, as provided by law. On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing 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 any 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 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 action 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 a 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, 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.

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 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 a 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.

Fees of
Sheriff.

Mileage.

RECORDER.

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

Fees of
Recorder.

Fees of
Recorder.

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.

Clerk,
Sheriff, and
Recorder
to account
for fees.

The Clerk, Sheriff, and Recorder shall account for all fees in this section provided for, and the Clerk and Sheriff shall 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.

Fees of
Justices of
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; for 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 Recorder, 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.

CONSTABLE.

Fees of
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 subpoenas, 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, complaint, or subpoenas, 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 subpoenas, 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 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 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.

Fees of Constable.

Mileage.

County officers must, and township officers may, demand the payment of all fees in advance.

Fees in advance.

19. Jurors' and witness' fees shall be as follows:

JURORS' FEES.

For attending as a juror in the Superior Court, for each day's attendance, per day, two dollars. For each mile actually traveled in attending Court as a juror, in going only, per mile, fifteen cents.

Jurors' fees.

Mileage.

WITNESS FEES.

Witness fees.

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 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.

Sec. 3. Section two hundred and sixteen of said Act is hereby amended so as to read as follows:

Compensation in full.

Deputies to be paid by principals. Assessor may retain percentage.

Counties of second class must not retain.

Supervisors shall allow Sheriff necessary expenses.

Sheriff's fees for conveying convicts and insane.

Section 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 Prison, and for conveying persons to and from the insane asylums or other State institutions; also all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the State Prisons, which per diem and expenses shall be allowed by the Board of Examiners and collected from the State. The Court shall also allow the Sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action. 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 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, but two such additional register clerks where three or more additional Judges are elected or appointed; *provided further*, that none of the provisions heretofore made in this Act, relative to additional deputies for Sheriffs and County Clerks because of the election or appointment of additional Judges, shall apply to counties of the eighth and one half class. 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 officers are paid; *provided*, that in counties of the second class the compensation of such Deputy Sheriffs hereunder shall be three dollars per day; *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.

Additional
deputies
for Sheriff.

Additional
deputies
for County
Clerk.

Does not
apply to
counties of
8½ class.

Salary of
deputies.

Per diem
for trans-
porting
prisoners,
etc., pay-
able out
of State
Treasury.

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

CHAPTER III.

An Act to amend section one thousand and fifty-four (1054) of the Code of Civil Procedure of the State of California, relating to extending the time within which an act is to be done.

[Approved January 31, 1895.]

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

SECTION 1. Section one thousand and fifty-four (1054) of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Extending
the time
within
which an
act is to be
done.

1054. When an act to be done, as provided in this Code, relates to the pleadings in the action, or the undertakings to be filed, or the justification of sureties, or the preparation of statements, or of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal, the time allowed by this Code may be extended, upon good cause shown, by the Judge of the Superior Court in and for the county in which the action is pending, or by the Judge who presided at the trial of said action; but such extension shall not exceed thirty days, without the consent of the adverse party; except that when it appears to the Judge to whom said application is made, that the attorney of record for the party applying for said extension is actually engaged in attendance upon a session of the Legislature of this State, as a member thereof; in which case it shall be the duty of said Judge to extend said time until said session of the Legislature adjourns, and thirty days thereafter.

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 contingent expenses of the Senate for the thirty-first session of the Legislature.

[Approved February 7, 1895.]

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

Appropriation for contingent expenses of Senate.

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

SEC. 2. This Act shall take effect immediately.

CHAPTER V.

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

[Approved February 8, 1895.]

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 thirty-first session of the Legislature.

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

CHAPTER VI.

An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Printing Office for the remainder of the forty-sixth fiscal year.

[Approved February 8, 1895.]

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 any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Printing Office for the remainder of the forty-sixth fiscal year. Support of State Printing Office.

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 VII.

An Act making an appropriation for the purchase of furniture for the new ward building of the Southern California State Asylum for the Insane and Inebriates.

[Approved February 18, 1895.]

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 moneys in the State Treasury not otherwise appropriated, for the purchase of furniture for the new ward building of the Southern California State Asylum for the Insane and Inebriates. Appropriation for Southern California Asylum.

SEC. 2. The Controller is hereby directed to draw his warrant in favor of the Board of Trustees of said asylum for the amount and for the purpose herein specified.

SEC. 3. This Act shall take effect immediately.

CHAPTER VIII.

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," and amended by an Act approved March 23, 1893, amending section eight, and adding a new section thereto.

[Approved February 18, 1895.]

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

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

Status de-
fined.

Section 8. Each association so formed and organized is hereby declared, and shall be recognized, a State institution, and the Board so appointed and qualified shall have the exclusive control and management of such institution, for and in the name of the State, and shall have the possession and care of all the property of the association, and shall fix the terms of office and the bonds of the Secretary and Treasurer, and determine their salaries and duties. They shall have the power to make all necessary by-laws, rules, and regulations for the government of the association and the management of its prudential and financial affairs. They shall provide for an annual fair or exhibition by the association of all the industries and industrial products in the district, at such time and place as they deem advisable; *provided*, that no district fair shall be held in any of the districts during the same period that the State Fair is held, and that the State shall in no event be liable for any premium offered, or award made, or for any debt contracted by any District Board of Agriculture or Agricultural Association; *and provided further*, that nothing in this section shall be so construed as in any way to affect or modify any of the provisions of section ten and one half of this Act.

Duties.

SEC. 2. A new section is hereby added to said Act, reading as follows:

Certifi-
cates.

Section 10½. Every such association organized and existing under the laws of the State, and which has heretofore issued certificates alleged to be certificates of the capital stock of such association, and which certificates last mentioned have been accepted by the members of such association in lieu of certificates of membership therein, may elect to have a capital stock, and may issue certificates of stock therefor, in the same manner, and with like effect as corporations formed under the provisions of chapter one, article one, of the Civil Code, relating to the formation of corporations.

Stock.

In order to effect such change, a meeting of the holders of such alleged certificates of capital stock may be called, at which the holders of such alleged stock shall be entitled to one vote for each share of such stock appearing in their names, respectively, upon the books of such association. Upon the receipt of a written application, signed by the holders of one fourth of the shares of such alleged capital stock of such association, requesting him so to do, the Secretary of such association shall give notice of the time and place of holding such meeting, by publication in some newspaper printed and published in such county, or city and county, in which the principal place of business of such association is located, at least once a week for three successive weeks next prior to the holding thereof. Such notice shall state that the object of the meeting is (1) to determine whether such corporation elects to have a capital stock as provided by this Act; (2) the amount of such capital stock; and (3) the number of shares into which the same shall be divided. At such meeting, should the holders of a majority of the shares of such alleged capital stock vote in favor of having a capital stock, and fix the amount thereof, and the number of shares into which it shall be divided, then such corporation shall issue certificates of capital stock to the amount fixed at such meeting, divided into the number of shares provided by said meeting, to the holders of such alleged capital stock, in the same proportion as such alleged stock appears in the names of such holders, respectively, upon the books of such association.

A copy of the notice calling such meeting, the affidavit of publication thereof, the proceedings of such meeting, the amount of capital stock voted, number of shares into which the capital stock was divided, and to whom assigned, duly certified by the Chairman of such meeting and the Secretary of such association, under the seal thereof, must be filed with the Secretary of State and the Clerk of the county where such association has its principal place of business. Thereafter such association shall be possessed of all rights and powers, and shall be subject to all the obligations and restrictions, as if it had been originally created a corporation with a capital stock, including the right to elect a Board of Directors authorized to exercise such control of all the property of such association, as provided in chapters one, two, three, and four of the Civil Code, relating to corporations; *provided*, such association shall have no authority to sell any portion of the real estate owned and held by it, by whatever title derived, which may be necessary for the permanent use of such association for the purposes aforesaid; *and provided further*, that in the event that such association, after the issuance of a capital stock as aforesaid, shall be offered aid at any time from the State by appropriation, for the purpose of holding an annual district fair, and such association, by a vote of the Board of Directors, elected as herein-after provided, adopts a resolution accepting such appropriation, then and in that event said annual fair shall be held under the control and management of the District Board of Agriculture of such district; but said District Board of Agriculture

Stockholders' meetings.

Called meetings, etc.

Acceptance of State aid.

shall have no other authority, control, or management of or over the property of such association, and the authority which it may exercise over said property shall continue only during the time occupied in holding the said district fair, which time shall not extend over more than one week annually.

Board of
Directors.

When any corporation has elected to issue capital stock under this Act, the President thereof shall, within ten days after filing with the Secretary of State of the certificate hereinbefore provided, call a meeting of the stockholders of such corporation, for the purpose of electing a Board of Directors of such corporation, which Board of Directors shall hold their office until their successors are elected and qualified; and thereafter a Board of Directors of such corporation shall be elected annually, on the day of the month upon which the election of said first Board of Directors elected as aforesaid is held, unless a different day for holding such election is fixed by the Board of Directors of such corporation, by its by-laws, properly adopted.

Repealed.

SEC. 3. 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 April fifteenth, eighteen hundred and eighty, and of the several Acts amendatory thereof, and as are in conflict herewith, are hereby repealed.

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

CHAPTER IX.

An Act to appropriate money to pay the National Guard of California for services rendered by order of the Governor, to enforce the law, in eighteen hundred and ninety-three and eighteen hundred and ninety-four.

[Approved February 25, 1895.]

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

Appropriation to pay
National
Guard
claims.

SECTION 1. The sum of one hundred and forty-two thousand and two hundred and thirty-five dollars and fifty cents is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the claims of the National Guard of California, which shall have received the approval of the Board of Military Auditors, for services rendered under the orders of the Governor for the years eighteen hundred and ninety-three and eighteen hundred and ninety-four.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrants upon the State Treasurer, and the State Treasurer is hereby authorized to pay the same, for the amounts found to be due as above, in favor of the President

of the Board of Military Auditors; which Board shall proceed to pay the said claims to the persons authorized to receive the same. The said Board of Military Auditors shall take duplicate receipts for all such payments, and file one copy with the Controller of State and one copy in the office of the Adjutant-General.

SEC. 3. This Act shall take effect immediately.

CHAPTER X.

An Act to amend section five hundred and two of the Civil Code, relating to time allowed for commencing work and completing the same, under rights of way granted by municipal corporations; and providing for a forfeiture in case of failure to commence work or to complete it within the time fixed.

[Approved February 25, 1895.]

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

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

502. Work to construct the railroad must be commenced in good faith within not more than one year from the date of the taking effect of the ordinance granting the right of way, and said work must be completed within not more than three years after the taking effect of such ordinance; *provided*, that the governing body of such municipal corporation at the time of granting said right of way shall have the power to fix the time for either the commencing or completion, or both, of said work; not, however, to a time less than six months for commencing, and not less than eighteen months for completing the same. A failure to comply with either of the foregoing provisions of this section, or with either of the provisions of the ordinance granting said right of way, works a forfeiture of the right of way, and also of the franchise, unless the uncompleted portion is abandoned by the person or corporation to whom said right of way is granted, with the consent of the authorities granting the right of way, such abandonment and consent to be in writing. The authority granting the right of way shall have the power to grant an extension of time for the completion of said work, if it appear that the work has been commenced within the time fixed, and prosecuted in good faith; but no extension of time shall be granted for the commencement of said work, and shall not be granted for more than one year for the completion of the same. All extensions of time shall be in writing, and made a matter of record in the municipality. *Provided further*, that this Act shall not in any way affect any franchise or right of way granted before its passage.

SEC. 2. This Act will take effect immediately.

CHAPTER XI.

An Act to amend section thirty-seven hundred and sixty-five, section thirty-seven hundred and seventy-three, section thirty-seven hundred and seventy-eight, section thirty-seven hundred and eighty, section thirty-seven hundred and eighty-one, section thirty-seven hundred and eighty-five, section thirty-seven hundred and eighty-eight, section thirty-eight hundred and thirteen, section thirty-eight hundred and sixteen, and section thirty-eight hundred and seventeen; and to repeal section thirty-seven hundred and seventy-four, section thirty-seven hundred and seventy-five, section thirty-seven hundred and seventy-six, section thirty-seven hundred and seventy-seven, section thirty-seven hundred and seventy-nine, section thirty-seven hundred and eighty-two, section thirty-seven hundred and eighty-three, section thirty-seven hundred and eighty-four, and section thirty-eight hundred and eighteen of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as section thirty-eight hundred and one, also relating to the sale of real property for delinquent taxes.

[Approved February 25, 1895.]

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

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

Tax Collector must publish notice.

3765. The Tax Collector must append and publish with the delinquent list a notice that unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are a lien will be sold.

SEC. 2. Section thirty-seven hundred and seventy-three of the Political Code of the State of California is hereby amended so as to read as follows:

Payment of taxes and costs.

3773. On the day of sale the owner or person in possession of any real estate offered for sale for taxes due thereon, may pay the taxes and costs due; but in case such taxes and costs are not paid by the owner or person in possession, or by some one on behalf of such owner or person in possession, the whole amount of the property assessed shall be struck off to the people of the State as the purchaser; *provided*, that when the said taxes amount to the sum of three hundred dollars, or more, upon any piece of property, the State may bring suit against the owner of said property for the collection of said taxes and costs, as provided in section three thousand eight hundred and ninety-nine of this Code. In each case the Tax Collector shall make an entry, "Sold to the State," on the delinquent assessment

Sold to State.

book opposite the tax, and he shall be credited with the amount thereof in his settlement made pursuant to sections thirty-seven hundred and ninety-seven, thirty-seven hundred and ninety-eight, and thirty-seven hundred and ninety-nine of this Code.

SEC. 3. Section thirty-seven hundred and seventy-four of the Political Code of the State of California is hereby repealed. Repealed.

SEC. 4. Section thirty-seven hundred and seventy-five of the Political Code of the State of California is hereby repealed. Same.

SEC. 5. Section thirty-seven hundred and seventy-six of the Political Code of the State of California is hereby repealed. Same.

SEC. 6. Section thirty-seven hundred and seventy-seven of the Political Code of the State of California is hereby repealed. Same.

SEC. 7. Section thirty-seven hundred and seventy-eight of the Political Code of the State of California is hereby amended so as to read as follows: Same.

3778. The Collector must, in a book provided for that purpose, enter a description of the land sold, corresponding to the description in the original assessment roll, the date of sale, that it was sold to the State, the amount for which it was sold, and must regularly number the descriptions on the margin of the book. Such book must be open to public inspection, without fee, during office hours, when not in actual use. Collector to enter description of land.

SEC. 8. Section thirty-seven hundred and seventy-nine of the Political Code of the State of California is hereby repealed. Repealed.

SEC. 9. Section thirty-seven hundred and eighty of the Political Code of the State of California is hereby amended so as to read as follows:

3780. A redemption of the property sold may be made by the owner, or any party in interest, within five years from the date of the purchase by the State, or at any time prior to the entry or sale of said land, in the manner applicable to other State lands of like character. Time of redemption

SEC. 10. Section thirty-seven hundred and eighty-one of the Political Code of the State of California is hereby amended so as to read as follows:

3781. Redemption must be made to the County Treasurer in lawful money of the United States, and he must account to the State for all moneys paid for such redemption, which said moneys shall be distributed in the manner provided in section thirty-eight hundred and sixteen of this Code. Treasurer to account for moneys.

SEC. 11. Section thirty-seven hundred and eighty-two of the Political Code of the State of California is hereby repealed. Repealed.

SEC. 12. Section thirty-seven hundred and eighty-three of the Political Code of the State of California is hereby repealed. Same.

SEC. 13. Section thirty-seven hundred and eighty-four of the Political Code of the State of California is hereby repealed. Same.

SEC. 14. Section thirty-seven hundred and eighty-five of the Political Code of the State of California is hereby amended so as to read as follows: Same.

3785. If the property is not redeemed within the time allowed by law for its redemption, the Collector, or his suc- Deed.

Deed. cessor in office, must make the State a deed of the property, reciting in the deed the date of sale, the name of the person assessed, when known, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and the year of assessment, and the time when the preferred right to purchase the land will expire, and that no person has redeemed the property during the time allowed for its redemption. No charge shall be made by the Collector for the making of any such deed, and acknowledgments of all such deeds shall be taken by the County Clerk free of charge. All said deeds shall be recorded in the office of the County Recorder of the county wherein the property sold is situated, and said Recorder shall make no charge therefor. The State Controller shall provide uniform blank deeds, upon which all conveyances to the State under the provisions of section thirty-seven hundred and eighty-five of the Political Code shall be made.

SEC. 15. Section thirty-seven hundred and eighty-eight of the Political Code of the State of California is hereby amended so as to read as follows:

What deed
conveys.

3788. Such deed conveys to the State the absolute title to the property described therein, as of the date of the expiration of the period of five years from the date of the sale of said property to the State, free of all incumbrances, except when the land is owned by the United States or this State, in which case it is *prima facie* evidence of the right of possession, accrued as of the date of the deed to the State. All said deeds when recorded by the Recorders of the several counties, as prescribed in section thirty-seven hundred and eighty-five of this Code, shall be duly certified by such County Recorder, and shall be duly filed in the office of the Surveyor-General, and thereupon the land shall again become subject to entry and sale in the same manner, and subject to the same conditions, as apply to other State lands of like character, except that the former possessors of lands thus deeded to the State, their heirs or assigns, shall be preferred purchasers thereof for the period of six months after the deeds are filed with the Surveyor-General, as prescribed in this section; but the Surveyor-General shall not permit an entry, or make a sale of any lands thus deeded to the State, except upon the previous payment into the State Treasury, in addition to the price of said lands, as compared with the price fixed for other State lands of a like character, by the person or persons proposing to make the entry or purchase, of a sum equal to the delinquent taxes, costs, and penalties, by virtue whereof the State became a purchaser of the lands thus sought to be entered or purchased, and also all delinquent taxes, costs, and penalties which may have accrued upon such lands subsequent to the date of the sale to the State, in pursuance of which the State received a deed therefor. The money thus paid into the State Treasury shall be distributed in the manner prescribed in section thirty-eight hundred and sixteen of this Code. In all cases where land has heretofore been sold to the State for delinquent taxes, the deed therefor

Must be
filed.

Entry.

Entry
price.

Money,
how dis-
tributed.

shall be made within one year after this Act takes effect; *provided*, five years shall have elapsed after the date of such sale.

SEC. 16. A new section is hereby added to the Political Code of the State of California, to be known and designated as section thirty-eight hundred and one.

3801. It shall be the duty of the Tax Collector, within thirty days after the sale of any land for delinquent taxes, to furnish to the Assessor the complete printed list of all such lands so sold, and thereupon the Assessor shall enter upon the assessment book, immediately after the description of the property, the fact that said property has been sold for taxes, and the date of such sale. Upon all bills or statements of or for taxes accruing on said property subsequent to the date of such sale, and prior to the redemption of said property, or the execution to the State of a deed therefor, there shall be distinctly and legibly written, printed, or stamped the words "sold for taxes," and also the date of such sale.

SEC. 17. Section thirty-eight hundred and thirteen of the Political Code of the State of California is hereby amended to read as follows:

3813. In case property assessed for taxes is purchased by the State pursuant to provisions of section thirty-seven hundred and seventy-three of this Code, it shall be assessed each subsequent year for taxes until a deed is made to the State therefor, in the same manner as if it had not been so purchased.

SEC. 18. Section thirty-eight hundred and sixteen of the Political Code of the State of California is hereby amended to read as follows:

3816. Whenever property sold to the State, pursuant to the provisions of this chapter, shall be redeemed as herein provided, the moneys received on account of such redemption shall be distributed as follows: The original and subsequent taxes, and all percentages and penalties paid in redemption, except as hereinafter provided, shall be apportioned between the State and county, in the same proportion that the State tax bears to the county tax; the five per cent additional, and the money received for delinquent poll tax, shall be paid to the county; the percentage allowed for the collection of the delinquent poll tax shall be paid to the Collector, and the costs to the parties entitled thereto. The County Treasurer shall keep an accurate account of all money paid in redemption of property sold to the State, and shall, on the first Monday of June in each year, make a detailed report, verified by his affidavit, of each account, year for year, to the Controller of State, in such form as the Controller may desire. Whenever the State shall receive from the Tax Collector any grant of property so sold for taxes, the same shall be recorded, at the request of the County Treasurer, free of charge, by the County Recorder, and shall be immediately reported by the County Treasurer to the State Board of Equalization.

SEC. 19. Section thirty-eight hundred and seventeen of the Political Code of the State of California is hereby amended so as to read as follows:

Right of re-
demption.

3817. In all cases where real estate has been or may hereafter be sold for delinquent taxes, and the State has become the purchaser, and has not disposed of the same, the person whose estate has been or may hereafter be sold, or his heirs, executors, administrators, or other successors in interest, shall at any time after the time of purchase thereof by the State, and before the State shall have disposed of the same, have the right to redeem such real estate, by paying to the County Treasurer of the county wherein the real estate is situated, the amount of taxes due thereon at the time of said sale, with interest thereon at the rate of seven per cent per annum; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also for each year since the sale for which taxes on said land have not been paid, an amount equal to the percentage of taxes for that year upon the value of said real estate as assessed for that year; or if not so assessed, then upon the value of the property as assessed in the year nearest to the time of such redemption, with interest from the first day of January of each of said years respectively at the same rate; and also all costs and expenses which may have accrued by reason of such delinquency and sale, and the costs and expenses of such redemption, as hereinafter specified, and penalties as follows, to wit: Ten per cent, if redeemed within six months from the date of sale; twenty per cent, if redeemed within one year therefrom; forty per cent, if redeemed within two years therefrom; sixty per cent, if redeemed within three years therefrom; eighty per cent, if redeemed within four years therefrom; and one hundred per cent, if redeemed within five or any greater number of years therefrom. The penalty shall be computed upon the amount of each year's taxes, in like manner, reckoning from the time when the lands would have been sold for the taxes of that year, if there had been no previous sale thereof. The County Auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the County Treasurer, together with the money; and the County Treasurer shall give triplicate receipts, written or indorsed upon said certificates, to the redemptioner, who shall deliver one of said receipts to the State Controller and one to the County Auditor, taking their receipts therefor. The County Treasurer shall settle for the moneys received, as for other State and county moneys. Upon the payment of the money specified in said certificate, and the giving of the receipts aforesaid by the Treasurer, Controller, and Auditor, any deed or certificate of sale that may have been made to the State shall become null and void, and all right, title, and interest acquired by the State under and by virtue of the tax sale shall cease and determine. The receipts of the County Treasurer, Controller, and County Auditor may be recorded in the Recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or sale.

Penalties.

Auditor's
certifi-
cates.

Receipts
may be
recorded.

This Act shall not apply to school lands when the full amount of one dollar and twenty-five cents per acre has not been paid to the State therefor.

SEC. 20. Section thirty-eight hundred and ninety-nine of the Political Code of the State of California is hereby amended to read as follows:

3899. The Controller may, at any time after a delinquent list has been delivered to a Collector, direct such Collector not to proceed in the collection of any tax on said list amounting to three hundred dollars, further than to offer for sale but once to the State any property upon which such tax is a lien. Upon such direction, the Collector, after offering the property for sale once, if the taxes which are a lien upon such property are not then and there paid by the owner or person in interest, the Collector must make out and deliver to the Controller a certified copy of the entries upon the delinquent list relative to such tax, and the Tax Collector, or the Controller, in case the Tax Collector refuses or neglects for fifteen days after being directed to bring suit for collection by the Controller, may proceed by civil action in the proper Court, and in the name of the people of the State of California, to collect such tax and cost.

SEC. 21. Section thirty-eight hundred and eighteen of the Political Code of the State of California is hereby repealed.

SEC. 22. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 23. This Act shall take effect and be in force from and after its passage.

CHAPTER XII.

An Act repealing chapter ninety-six of the statutes of eighteen hundred and eighty-three, entitled "An Act to appropriate money for the support of aged persons in indigent circumstances," approved March 15, 1883.

[Approved February 28, 1895.]

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

SECTION 1. Chapter ninety-six of the statutes of eighteen hundred and eighty-three, entitled "An Act to appropriate money for the support of aged persons in indigent circumstances," approved March fifteenth, eighteen hundred and eighty-three, is hereby repealed.

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

CHAPTER XIII.

An Act making an appropriation for the contingent expenses of the Assembly for the thirty-first session of the Legislature.

[Approved February 23, 1895.]

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

Appropriation for contingent expenses of Assembly.

SECTION 1. The sum of sixteen thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for contingent expenses of the Assembly, thirty-first 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.

SEC. 2. This Act shall take effect immediately.

CHAPTER XIV.

An Act to reduce the number of Judges of the Superior Court of San Diego County to two.

[Approved March 5, 1895.]

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

Reducing number of Judges of San Diego County.

SECTION 1. The number of Superior Judges in San Diego County is hereby reduced to two; *provided*, that such reduction shall not affect any Judge who has been elected in said county.

SEC. 2. This Act shall take effect immediately.

CHAPTER XV.

An Act to amend section seven hundred and fifty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

[Approved March 5, 1895.]

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

Municipal corporations.

SECTION 1. Section seven hundred and fifty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Section 752. The members of the Board of Trustees, and of Elections. the Board of Education, and the Assessor, Marshal, Treasurer, City Attorney, and Recorder, shall be elected by the qualified electors of said city, at a general municipal election to be held therein on the second Monday in April, in each odd-numbered year. The Assessor, Marshal, Treasurer, City Attorney, and Recorder shall hold office for the period of two years from and Terms of office. after the Monday next succeeding the day of such election, and until their successors are elected and qualified. Members of the Board of Trustees and of the Board of Education shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; *provided*, that the first Board of Trustees and Board of Education elected under the provisions of this Act shall at their first meeting so classify themselves, by lot, as that three of their members shall go out of office at the expiration of two years, and two at the expiration of four years. The City Clerk shall be appointed by the Board of Trustees, and shall hold office during the pleasure of the Board of Trustees. The Board of Trustees may, in their discretion, appoint a Poundmaster, to hold office during the pleasure of the Board; also, a Superintendent of Streets and a City Engineer, both of whom shall hold office during the pleasure of the Board, and both of which offices may be held by the same person. Classification of Boards of Trustees and Education. Appointees.

SEC. 2. This Act shall take effect immediately.

CHAPTER XVI.

An Act making an appropriation for the contingent expenses of the Senate for the thirty-first session of the Legislature.

[Approved March 5, 1895.]

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

SECTION 1. The sum of sixteen thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for contingent expenses of the Senate, thirty-first 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. Appropriation for contingent expenses of Senate.

SEC. 2. This Act shall take effect immediately.

CHAPTER XVII.

An Act to authorize the State Treasurer to pay over to the Treasurer of the Veterans' Home Association all moneys received by him under and pursuant to the Act of Congress entitled "An Act to provide aid to State or Territorial Homes for the Support of Disabled Soldiers and Sailors of the United States," approved August 28, 1888.

[Approved March 8, 1895.]

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

State
Treasurer
to pay over
moneys to
Veterans'
Home
Associa-
tion.

SECTION 1. The State Treasurer or Governor is hereby authorized and directed to pay over to the Treasurer of the Veterans' Home Association, for the use and benefit of the ex-soldiers and ex-sailors residing in the Veterans' Home at Yountville, Napa County, all the moneys, checks, and warrants now in his possession, or that may hereafter come into his possession, under and pursuant to the Act of Congress approved August twenty-eighth, eighteen hundred and eighty-eight, entitled "An Act to provide aid to State or Territorial Homes for the Support of Disabled Soldiers and Sailors of the United States." The receipt of the Treasurer of said Veterans' Home Association shall be a sufficient voucher to the Governor or State Treasurer for all moneys, drafts, or warrants so paid over.

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

CHAPTER XVIII.

An Act to amend section three thousand and ten of the Civil Code, relating to the right of the pledgee to purchase the pledged property when sold at public auction.

[Approved March 8, 1895.]

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

SECTION 1. Section three thousand and ten of the Civil Code is hereby amended so as to read as follows:

Pledge-
holder
may
purchase.

3010. Whenever property pledged is sold at public auction, in the manner provided by section three thousand and five of this Code, the pledgee or pledge-holder may purchase said property at such sale.

SEC. 2. This Act shall take effect immediately.

CHAPTER XIX.

An Act to provide for the appointment and election of one additional Judge for the county of Humboldt.

[Approved March 8, 1895.]

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 Humboldt, who shall hold office until the first Monday after the first day of January, Anno Domini eighteen hundred and ninety-seven; and at the next general election, and at the general election every six years thereafter, 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.

Additional
Judge in
Humboldt
County.

SEC. 2. 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 that of the other Judge 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 XX.

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

[Approved March 8, 1895.]

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

SECTION 1. The sum of fifteen thousand and thirteen dollars and nine cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Insane Asylum at Stockton, California, for the forty-fourth and forty-fifth fiscal years, to wit: eight thousand one hundred and eighty-one dollars and nine cents for the forty-fourth fiscal year, and six thousand eight hundred and thirty-two dollars for the forty-fifth fiscal year.

Deficiency
Appropriation
for
Stockton
Insane
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 from and after its passage.

CHAPTER XXI.

An Act to amend section seventeen hundred and ninety-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the discharge of guardians.

[Approved March 8, 1895.]

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

SECTION 1. Section seventeen hundred ninety-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, is hereby amended to read as follows:

Discharge
of guard-
ians.

1799. Such order is a discharge of the executor, administrator, local guardian, or other person in whose possession the property may be at the time the order is made, on filing with the Clerk of the Court a receipt therefor of a foreign guardian of such absent ward, and transmitting a duplicate receipt, or a certified copy of such receipt, to the Court from which such non-resident guardian received his appointment.

CHAPTER XXII.

An Act to amend chapter two, part four, title fourteen, of the Civil Code, by adding thereto a new section, to be numbered as section twenty-nine hundred thirty-nine and one half, relating to satisfactions or releases of mortgages in this State by foreign executors or administrators.

[Approved March 8, 1895.]

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

SECTION 1. Chapter two, part four, title fourteen, of the Civil Code, is hereby amended by adding a new section thereto, to be numbered and known as twenty-nine hundred thirty-nine and one half, and to read as follows:

How
foreign
executors
and admin-
istrators
may satisfy
mortgages.

2939½. Foreign executors and administrators may satisfy mortgages upon the records of any county in this State, upon producing and recording in the office of the County Recorder of the county in which such mortgage is recorded, a duly certified and authenticated copy of their letters testamentary or of administration, and which certificate shall also recite that said letters have not been revoked.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXIII.

An Act to amend section seven hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the fees to be collected by the Clerk of the Supreme Court of the State of California.

[Approved March 8, 1895.]

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

SECTION 1. Section seven hundred fifty-two of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, is hereby amended to read as follows:

752. He must collect in advance the following fees: For filing the transcript on appeal, in each civil case appealed to the Supreme Court, ten dollars, in full of all services rendered in each case up to the rendering of the judgment or the issuing of the remittitur, when no petition for a rehearing has been filed; for filing a petition for a rehearing, and for all services to the issuing of remittitur to the Court below, two dollars and fifty cents; for filing motion to dismiss appeal on Clerk's certificate, two dollars and fifty cents; for filing petitions for writs of mandate, review, prohibition, and other original proceedings, seven dollars and fifty cents, in full for all services rendered in each case; for filing order extending time to file transcript, fifty cents; for certificate of admission as attorney and counselor, ten dollars; for filing each paper in writs of error to the Supreme Court of the United States, twenty-five cents; for making record in writs of error to the Supreme Court of the United States, and for copies of any record or document in his office, per folio, ten cents; but this fee shall not be taxed against parties to suits for any paper or copy of paper up to and including remittitur; for comparing any document requiring any document requiring a certificate, per folio, five cents; for each certificate under seal, one dollar.

Fees to be collected by Clerk of Supreme Court.

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

CHAPTER XXIV.

An Act to amend section two hundred and ninety-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to articles of incorporation.

[Approved March 8, 1895.]

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

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

Copy of
articles
prima facie
evidence.

297. A copy of any articles of incorporation filed in pursuance of this chapter, and certified by the Secretary of State, or by the County Clerk of the county where the original articles shall have been filed, must be received in all the Courts of this State, and other places, as *prima facie* evidence of the facts therein stated.

SEC. 2. This Act shall take effect immediately on its passage.

CHAPTER XXV.

An Act to amend section ninety-four of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the fees of court reporters and the misconduct of judicial officers.

[Approved March 8, 1895.]

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

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

Miscon-
duct of
judicial
officers.

94. Every judicial officer who asks or receives any emolument, gratuity, or reward, or any promise thereof, except such as may be authorized by law, for doing any official act, is guilty of a misdemeanor. Every judicial officer who shall ask or receive the whole or any part of the fees allowed by law to any stenographer or reporter appointed by him, or any other person, to record the proceedings of any Court or investigation held by him, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. Any stenographer or reporter, appointed by any judicial officer in this State, who shall pay, or offer to pay, the whole or any part of the fees allowed him by law, for his appointment or retention in office, shall be guilty of a misdemeanor, and upon conviction thereof shall be forever disqualified from holding any similar office in the Courts of this State.

Stenog-
raphers.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXVI.

An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of civil actions.

[Approved March 8, 1895.]

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

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

581. An action may be dismissed or a judgment of nonsuit entered, in the following cases: Dismissal
of civil
actions.

1. By the plaintiff himself, at any time before trial, upon payment of costs; *provided*, a counter-claim has not been made, or affirmative relief sought by the cross-complaint or answer of the defendant. If a provisional remedy has been allowed, the undertaking must thereupon be delivered by the Clerk to the defendant, who may have his action thereon. By the
plaintiff.

2. By either party upon the written consent of the other.

3. By the Court, when the plaintiff fails to appear on the trial, and the defendant appears and asks for the dismissal. By either
party.
By the
Court.

4. By the Court, when upon the trial and before the final submission of the case, the plaintiff abandons it.

5. By the Court, upon motion of the defendant, when upon the trial the plaintiff fails to prove a sufficient case for the jury.

6. By the Court, when, after verdict or final submission, the party entitled to judgment neglects to demand and have the same entered for more than six months.

The dismissal mentioned in the first two subdivisions of this section is made by entry in the Clerk's register; judgment may thereupon be entered accordingly.

7. And no action heretofore or hereafter commenced shall be further prosecuted, and no further proceedings shall be had therein, and all actions heretofore or hereafter commenced shall be dismissed by the Court in which the same shall have been commenced on its own motion, or on motion of any party interested therein, whether named in the complaint as a party or not, unless summons shall have been issued within one year; and all such actions shall be in like manner dismissed, unless the summons shall be served and return thereon made within three years after the commencement of said action. But all such actions may be prosecuted, if appearance has been made by the defendant or defendants within said three years, in the same manner as if summons had been issued and served. Limi-
tations.

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

CHAPTER XXVII.

An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank, when the same does not exceed the sum of three hundred dollars," approved February 18, 1874.

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

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

Who may collect deposit of deceased person.

Section 1. The surviving husband or wife of any deceased person, or if no husband or wife be living, then the next of kin of such decedent, may, without procuring letters of administration, collect of any bank any sum which said deceased may have left on deposit in such bank at the time of his or her death; *provided*, said deposit shall not exceed the sum of five hundred dollars.

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

Bank may pay deposit less than \$500.

Section 2. Any bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife, as the case may be, or stating that said decedent left no husband or wife, and that affiant is next of kin of said decedent, and entitled to distribution, and that the whole amount that decedent left on deposit in any and all banks of deposit in this State does not exceed the sum of five hundred dollars, may pay to said affiant any deposit of said decedent, if the same does not exceed the sum of five hundred dollars, and the receipt of such affiant shall be a sufficient acquittance therefor.

False affidavit.

SEC. 3. Any person who shall make a false affidavit in regard to the matters specified in this Act, shall be deemed to be guilty of perjury.

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

[Became a law, under constitutional provision, without Governor's approval, March 8, 1895.]

CHAPTER XXVIII.

An Act to amend sections two, six, eleven, fifteen, seventeen, and eighteen of an Act entitled "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.

[Approved March 9, 1895.]

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

SECTION 1. Section two of an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March twenty-third, eighteen hundred and ninety-three, is hereby amended to read as follows:

Section 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, and the market value thereof determined, in the manner provided in section eleven 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.

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

Section 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

Proceedings when inheritance is for a term of years.

Administrator or executor to deduct tax.

legacy or property be not money he shall collect the tax thereon, upon the market 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 collect said tax from the distributee thereof, 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 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.

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

When value is uncertain, Court to appoint appraiser.

Section 11. When the value of any inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, 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 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 said Court; and from this report the said Court shall, by order, forthwith assess and fix the market value of all inheritances, devises, bequests, or other interests, 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 that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest to be 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 computation 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

Appraiser to make report.

Insurance Commissioner to determine value.

Appraiser's compensation.

tax, on the certificate of the Court, at the rate of five dollars per day for every day actually and necessarily employed in said appraisal, together with his actual and necessary traveling expenses.

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

Section 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, as provided in section fourteen of this Act, for the enforcement and collection of such tax.

Duty of
Treasurer
when tax is
due and
unpaid.

Duty of
District
Attorney.

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

Section 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 fifteen of this Act, the State Treasurer shall pay, or allow, to the Treasurer of any county, all expenses incurred for services of citation, and his other lawful disbursements that have not otherwise been paid.

State
Treasurer
shall pay
expenses.

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

Section 18. The County Clerk of each county shall keep a book in which he shall enter the values of inheritances, devises, bequests, and other interests subject to the payment of said tax, and the tax assessed thereon, and the amounts of any receipts for payments thereon filed with him, which books shall be kept by him as public records.

County
Clerk
shall keep
record.

SEC. 7. This Act shall go into effect on and after its approval.

CHAPTER XXIX.

An Act to amend section four hundred and eighty-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

[Approved March 9, 1895.]

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

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

487. Grand larceny is larceny committed in either of the following cases:

Grand
larceny
defined.

Grand
larceny
defined.

1. When the property taken is of a value exceeding fifty dollars.
2. When the property is taken from the person of another.
3. When the property taken is a horse, mare, gelding, cow, steer, bull, calf, mule, jack, or jenny.

CHAPTER XXX.

An Act to amend section two thousand two hundred and eighteen of the Political Code of the State of California, relating to the commitment of insane persons.

[Approved March 9, 1895.]

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

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

Commit-
ment of
insane
person.

2218. The insane person, together with the order of the Judge and certificate of the physicians, must be delivered to the Sheriff of the county, and by him must be delivered to the officer in charge of the insane asylum; but no female insane person shall be taken to the asylum without the attendance of some other female, or some relative of such insane person.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXI.

An Act to amend section six hundred and seventy-one of the Code of Civil Procedure, relating to the lien of judgments, their enforcement and revivor.

[Approved March 9, 1895.]

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

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

Lien of
judgments.

671. Immediately after filing the judgment roll, the Clerk must make the proper entries of the judgment, under appropriate heads, in the docket kept by him; and from the time the judgment is docketed it becomes a lien upon all the real property of the judgment debtor not exempt from execution in the county, owned by him at the time, or which he may afterwards acquire, until the lien ceases. The lien continues for five years, unless the enforcement of the judgment be stayed on appeal by the execution of a sufficient undertaking as provided in this

Continues
five years.

Code, in which case the lien of the judgment and any lien by virtue of an attachment that has been issued and levied in the action ceases.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXII.

An Act to amend section one of "An Act authorizing the appointment of an interpreter of the Italian language and dialects in criminal proceedings, in cities and counties of one hundred thousand inhabitants and over," approved March 12, 1885.

[Approved March 9, 1895.]

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

SECTION 1. Section one of an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings, in cities and counties of one hundred thousand inhabitants," approved March twelfth, eighteen hundred and eighty-five, is amended to read as follows:

Section 1. In all cities and counties of over one hundred thousand inhabitants, where an interpreter of the Italian language is necessary, it shall be the duty of the Mayor and Police Judge of such city, or city and county, and of the Judge of the Superior Court of said city and county, or of the county in which said city is situated, or where there are more Judges than one, then it shall be the duty of the presiding Judge of said Superior Court and the presiding Judge of the Police Court and the Mayor, to appoint an interpreter of the Italian language, who must be able to interpret the Italian language and dialects into the English language, to be employed in criminal proceedings when necessary in said cities, or cities and counties.

Interpreter
of Italian
language.

Appoint-
ing power.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIII.

An Act to amend section six hundred and eighty-five of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

[Approved March 9, 1895.]

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

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

Enforce-
ment of
judgment
after five
years.

685. In all cases, the judgment may be enforced or carried into execution after the lapse of five years from the date of its entry, by leave of the Court, upon motion, or by judgment for that purpose, founded upon supplemental pleadings; but nothing in this section shall be construed to revive a judgment for the recovery of money which shall have been barred by limitation at the time of the passage of this Act.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIV.

An Act to add a new section to the Code of Civil Procedure, said section to be designated as section seventeen hundred and forty-four, relating to a penalty for Public Administrators who do not file reports of estates in their charge.

[Approved March 9, 1895.]

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, next after section seventeen hundred and forty-three, and included in chapter thirteen, part three, title eleven, and designated as section seventeen hundred and forty-four, to read as follows:

Public
Adminis-
trators
to file
reports.

Penalty
for failure.

Duty of
District
Attorney.

1744. Every Public Administrator, or person who holds letters of administration, who was appointed while acting as Public Administrator, who fails to comply with the provisions of section seventeen hundred and thirty-five, seventeen hundred and thirty-six and section seventeen hundred and thirty-nine of this Code, is guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine not less than one hundred dollars for each offense; and it shall be the duty of the District Attorney of the county to see that the provisions of this chapter are fully complied with.

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

CHAPTER XXXV.

An Act to amend section ten hundred and ninety-four of the Civil Code, relating to the execution and acknowledging of powers of attorney by a married woman, and to make valid all powers of attorney formerly executed by married women.

[Approved March 9, 1895.]

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

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

1094. A married woman may make, execute, and revoke powers of attorney for the sale, conveyance, or incumbrance of her real or personal estate, which shall have the same effect as if she were unmarried, and may be acknowledged in the same manner as a grant of real property.

Married woman may make power of attorney.

CHAPTER XXXVI.

An Act to amend section two hundred and twenty-four of the Civil Code, regarding the adoption of children.

[Approved March 9, 1895.]

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:

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; neither is the consent of any one necessary in case of any abandoned child; *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 towards the expenses of 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

Relating to adoption of children.

Half-orphans.

Parent non-resident.

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 XXXVII.

An Act to amend section six hundred and fifty-three of the Civil Code of California, relating to the consolidation of colleges and institutions of higher education.

[Approved March 9, 1895.]

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

SECTION 1. Section six hundred and fifty-three of the Civil Code of California is hereby amended so as to read:

Consolidation of colleges.

653. The several Boards of Trustees of the institutions thus consolidated shall be and are hereby authorized and directed 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, except by an affirmative vote of not less than three fourths of the said Board of Trustees of the new corporation, 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.

Specific grants, etc., must not be diverted.

CHAPTER XXXVIII.

An Act to prevent deception in the manufacture and sale of butter and of cheese, to secure its enforcement, and to appropriate money therefor.

[Approved March 9, 1895.]

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

SECTION 1. That for the purposes of this Act, every article, substance, or compound, other than that produced from pure milk, or cream from the same, made in the semblance of butter, and designed to be used as a substitute for butter made from pure milk, or cream from the same, is hereby declared to be imitation butter; and that for the purposes of this Act, every article, substance, or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese, and designed to be used as substitute for cheese made from pure milk, or cream from the same, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; *and provided*, that nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

Imitation defined.

Skimmed milk cheese.

SEC. 2. No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, or use, or serve to patrons, guests, boarders, or inmates, in any hotel, eating-house, restaurant, public conveyance, or boarding-house, or public or private hospital, asylum, school, or eleemosynary or penal institution, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk, or cream from the same, which article, product, or compound shall be colored in imitation of butter or cheese produced from unadulterated milk, or cream from the same; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances designed to be used as a substitute for butter or cheese, and not manufactured or colored as in this section prohibited.

Prohibiting sale or use of imitation butter.

SEC. 3. Each person who, by himself or another, lawfully manufactures any substance designed to be used as a substitute for butter or cheese shall mark by branding, stamping, or stenciling upon the top and sides of each tub, firkin, box, or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner, in the English language, the words "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain Roman type, each of which shall not be less than one inch in height by one half inch in width,

Packages must be labeled.

and in addition to the above shall prepare a statement, printed in plain Roman type of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box, or other package, and next to that portion of each tub, firkin, box, or other package as is commonly and most conveniently opened; and shall label the top and sides of each tub, firkin, box, or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "substitute for butter" or "substitute for cheese."

Common carriers shall not carry unmarked packages.

SEC. 4. No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided by section three of this Act; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured, marked, and labeled as hereinbefore provided, consigned, and by the carrier receipted for by its true name; *provided*, that this Act shall not apply to any goods in transit between foreign States and across the State of California.

Must not have in possession.

SEC. 5. No person, or his agent, shall knowingly have in his possession or under his control any substance designed to be used as a substitute for butter and cheese, unless the tub, firkin, box, or other package containing the same shall be clearly and durably marked and contain a copy of the statement and be labeled as provided by section three of this Act; and if the tub, firkin, box, or other package be opened, then a copy of the statement described in section three of this Act shall be kept, with its face up, upon the exposed contents of said tub, firkin, box, or other package; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family.

Family supply excepted.

Purchasers must be informed of the character of the substance.

SEC. 6. No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of any substance designed to be used as a substitute for butter or cheese under the name of or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese unless he shall inform the purchaser distinctly, at the time of the sale, that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser, at the time of the sale, a copy of the statement described in section three of this Act; and no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisement of any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery," or "dairy," or the representation of any breed of dairy cattle, or any com-

bination of such words and representation, or any other words or symbols, or combinations thereof, commonly used by the dairy industry in the sale of butter or cheese.

SEC. 7. No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch counter, or other place of public entertainment, or any person having charge thereof, or employed thereat, or any person furnishing board for others than members of his own family, or for any employés where such board is furnished as the compensation, or as a part of the compensation, of any such employé, shall place before any patron or employé, for use as food, any substance designed to be used as a substitute for butter or cheese, unless the same be accompanied by a copy of the statement described in section three of this Act, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

Places of public entertainment must notify patrons.

SEC. 8. No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this Act by or through any person who was knowingly a party to such wrongful sale or other contract.

Actions.

SEC. 9. Every person having possession or control of any substance designed to be used as a substitute for butter or cheese, 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 butter or imitation cheese, as the case may be.

Presumptive evidence.

SEC. 10. No person shall efface, erase, cancel, or remove any mark, statement, or label provided for by this Act, with intent to mislead, deceive, or to violate any of the provisions of this Act.

Erasure of marks.

SEC. 11. No butter or cheese not made wholly from pure milk or cream, salt, and harmless coloring matter, shall be used in any of the charitable or penal institutions that receive assistance from the State.

Use of, in State institutions.

SEC. 12. 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, for the first offense, by a fine of not less than fifty dollars nor more than one hundred and fifty dollars, or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense, by a fine of not less than one hundred and fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment, in the discretion of the Court. One half of all the fines collected under the provisions of this Act shall be paid to the person or persons furnishing information upon which conviction is procured.

Penalty.

SEC. 13. Whoever shall have possession or control of any imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, contrary to the provisions of this Act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter three of title twelve of part two of an Act to establish a Penal Code; *provided*, that it

Duty of officer serving search warrant.

shall be the duty of the officer who serves a search warrant issued for imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, to deliver to the agent of the Dairy Bureau, or to any person by such Dairy Bureau authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or substance designed to be used as a substitute for butter or cheese, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section fifteen hundred and thirty-six of an Act to establish a Penal Code; but if any sample be found not to be imitation butter or imitation cheese, or a substance designed to be used as a substitute for butter or cheese, it shall be returned forthwith to the person from whom it was taken.

Duty of
District
Attorney.

SEC. 14. It shall be the duty of the District Attorney, upon the application of the agent of the Dairy Bureau, to attend to the prosecution, in the name of the State, of any suit brought for the violation of any of the provisions of this Act within his district.

State Dairy
Bureau.

SEC. 15. The Governor shall, immediately upon the enactment of this Act, appoint three resident citizens of the State, who shall have practical experience in the manufacture of dairy products, to constitute a State Dairy Bureau, and who shall serve until the first day of July, eighteen hundred and ninety-seven; and on the said first day, of July, eighteen hundred and ninety-seven, the State Dairy Bureau shall cease to exist, and all provisions in this Act relating to said State Dairy Bureau shall be null and void; all other provisions in this Act, however, shall remain in full force and effect. The members of said Bureau shall serve without compensation, and within twenty days after their appointment shall take the oath of office as required by the Constitution, and they shall thereupon meet and organize by electing a Chairman and Treasurer. Any one of them may be removed from office by the Governor, for neglect or violation of duty. The Governor shall fill any vacancy by appointment. They shall make a report in detail to the Legislature, not later than the first day of December, eighteen hundred and ninety-six.

Organ-
ization.

Duties.

SEC. 16. It shall be the duty of the State Dairy Bureau to secure, as far as possible, the enforcement of this Act. The State Dairy Bureau shall have power to employ an agent at a salary of twelve hundred dollars a year, and such assistants, or chemists, as from time to time may be necessary therefor.

Appro-
priation.

SEC. 17. There is hereby appropriated for the use of this State Dairy Bureau, out of any money in the State Treasury not otherwise appropriated, the sum of twelve thousand dollars (\$12,000), of which not more than two thousand dollars (\$2,000) shall be expended during the unexpired portion of the forty-sixth fiscal year, and not more than five thousand dollars (\$5,000) shall be expended during the forty-seventh

fiscal year, and not more than five thousand dollars (\$5,000) shall be expended during the forty-eighth fiscal year. All salaries, fees, costs, and expenses of every kind incurred in the carrying out of the law shall be drawn from the sum so appropriated; and the State Controller shall draw his warrant on the State Treasurer in favor of the person entitled to the same.

SEC. 18. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 19. This Act shall take effect immediately.

CHAPTER XXXIX.

An Act to authorize the State Board of Health to purchase and manufacture diphtheria anti-toxine, and to appropriate six thousand dollars therefor.

[Approved March 12, 1895.]

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

SECTION 1. The State Board of Health is hereby authorized to procure, manufacture, and distribute, through some department of the State University, the medicinal substance known as diphtheria anti-toxine. Board of Health to procure diphtheria anti-toxine

SEC. 2. The sum of six thousand dollars is hereby appropriated out of the General Fund, to be expended under the direction of the State Board of Health, for the procurement, preparation, and distribution of diphtheria anti-toxine under the supervision of said State Board of Health. Appropriation.

SEC. 3. This Act to take effect immediately.

CHAPTER XL.

An Act to amend section six hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to what papers constitute a judgment roll.

[Approved March 12, 1895.]

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

SECTION 1. Section six hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, is hereby amended to read as follows:

670. Immediately after entering the judgment, the Clerk must attach together and file the following papers, which constitute the judgment roll: Judgment roll defined

Judgment
roll defined

1. In case the complaint be not answered by any defendant, the summons, with the affidavit or proof of service; the complaint with a memorandum indorsed thereon that the default of the defendant in not answering was entered, and a copy of the judgment; and in case where the service so made be by publication, the affidavit for publication of summons, and the order directing the publication of summons, must also be included.

2. In all other cases, the pleadings, a copy of the verdict of the jury or finding of the Court or referee, all bills of exceptions taken and filed, and a copy of any order made on demurrer, or relating to the change of parties, and a copy of the judgment; if there are two or more defendants in the action, and any one of them has allowed judgment to pass against him by default, the summons, with proof of its service on such defendant, must also be added to the other papers mentioned in this subdivision; and if the service on such defaulting defendant be by publication, then the affidavit for publication, and the order directing the publication of the summons in such cases must also be included.

CHAPTER XLI.

An Act to amend an Act entitled "An Act to establish law libraries," approved March 1, 1891, and to add a new section thereto, for the purpose of disestablishing such law libraries, such new section to be numbered fourteen and one half.

[Approved March 12, 1895.]

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

SECTION 1. An Act entitled "An Act to establish law libraries," approved March first, eighteen hundred and ninety-one, is hereby amended by adding a new section thereto, to be known as section fourteen and one half, and to read as follows:

To disestablish law libraries.

Section 14½. Whenever the Board of Supervisors in any county in this State which shall have adopted the provisions of this Act and have established a law library, desire to discontinue such law library, they shall by ordinance so declare their intention so to do, and shall provide in such ordinance that the books already in the library shall be transferred to and kept in the chambers of the Judges of the Superior Court of such county; and all moneys on hand in the Library Fund of such county shall be by the same ordinance transferred to the School Fund of such county, and the office of the Board of Trustees of such law library shall be abolished. After such an ordinance shall take effect, the County Clerk of such county shall not collect the fees provided for in section one of said Act.

CHAPTER XLII.

An Act to amend section three thousand four hundred and forty of the Civil Code of the State of California, relative to the transfer of personal property.

[Approved March 12, 1895.]

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

Section three thousand four hundred and forty of the Civil Code of the State of California is hereby amended to read as follows:

3440. Every transfer of personal property, other than a thing in action, or a ship or cargo at sea or in a foreign port, and every lien thereon, other than a mortgage, when allowed by law, and a contract of bottomry or respondentia, is conclusively presumed, if made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things transferred, to be fraudulent, and therefore void, against those who are his creditors while he remains in possession, and the successors in interest of such creditors, and against any persons on whom his estate devolves in trust for the benefit of others than himself, and against purchasers or incumbrancers in good faith subsequent to the transfer; *provided, however,* that the provisions of this section shall not apply to the transfers of wines in the wineries or wine cellars of the makers or owners thereof, or other persons having possession, care, and control of the same, and the pipes, casks, and tanks in which the said wines are contained, which transfers shall be made in writing, and certified and acknowledged and verified in the same form as provided for chattel mortgages, and which shall be recorded in the book of miscellaneous records in the office of the County Recorder of the county in which the same are situated.

Certain transfers presumed fraudulent.

Does not apply to wines, etc.

CHAPTER XLIII.

An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the State, for the forty-third and forty-fourth fiscal years.

[Approved March 12, 1895.]

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

SECTION 1. The sum of one thousand three hundred and forty-eight dollars and forty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appro-

Deficiency appropriation for arresting criminals.

riated, 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 and forty-fourth fiscal years.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER XLIV.

An Act to provide one additional Judge of the Superior Court of the county of Sacramento.

[Approved March 12, 1895.]

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

Additional Judge for Sacramento County. SECTION 1. The number of Judges of the Superior Court of the county of Sacramento is hereby increased from two to three.

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 Sacramento, who shall hold office until the first Monday after the first day of January, Anno Domini eighteen hundred and ninety-seven; and at the next general election, to be held in November, Anno Domini eighteen hundred and ninety-six, 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.

SEC. 3. 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.

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

CHAPTER XLV.

An Act to appropriate the sum of five thousand dollars for repairs to the buildings of the State Normal School at San José.

[Approved March 12, 1895.]

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

Appropriation for repairs San José Normal School. SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of five thousand dollars, payable to the order of the Board of

Trustees of the State Normal School at San José, for the purposes of making repairs to the buildings of the State Normal School at San José.

SEC. 2. The State Board of Examiners shall examine, audit, and allow all just and equitable claims arising under this Act, and the State Controller shall thereupon draw his warrant therefor, payable out of the General Fund, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect January first, eighteen hundred and ninety-six.

CHAPTER XLVI.

An Act to appropriate five thousand dollars for repairs and improvements upon the grounds of the State Normal School at San José.

[Approved March 12, 1895.]

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 five thousand dollars, payable to the order of the Trustees of the State Normal School at San José, for the purpose of making repairs and improvements upon the grounds of said Normal School. Appropriation for improvements on grounds of San José Normal School.

SEC. 2. The State Board of Examiners shall examine, audit, and allow all just and equitable claims arising under this Act, 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. 3. This Act shall take effect immediately after January first, eighteen hundred and ninety-six.

CHAPTER XLVII.

An Act to amend sections eighteen hundred and fifty-nine and eighteen hundred and sixty of the Civil Code, prescribing and limiting the liability of innkeepers, hotel-keepers, boarding and lodging-house keepers, for personal property of their guests, boarders, and lodgers, intrusted to their care.

[Approved March 12, 1895.]

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

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

1859. The liability of an innkeeper, hotel-keeper, boarding

Liability of innkeepers, etc. and lodging-house keeper, for losses of or injuries to personal property, other than money, placed by his guests, boarders, or lodgers under his care, is that of a depository for hire; *provided, however,* that in no case shall such liability exceed the sum of one hundred dollars for each trunk and its contents, fifty dollars for each valise or traveling bag and contents, and ten dollars for each box, bundle, or package and contents, so placed under his care, unless he shall have consented in writing with the owner thereof to assume a greater liability.

SEC. 2. Section eighteen hundred and sixty of the Civil Code is hereby amended so as to read as follows:

How exempted from liability.

1860. If an innkeeper, hotel-keeper, boarding-house or lodging-house keeper, keeps a fire-proof safe, and gives notice to a guest, boarder, or lodger, either personally or by putting up a printed notice in a prominent place in the office or the room occupied by the guest, boarder, or lodger, that he keeps such a safe and will not be liable for money, jewelry, documents, or other articles of unusual value and small compass, unless placed therein, he is not liable, except so far as his own acts shall contribute thereto, for any loss of or injury to such articles, if not deposited with him to be placed therein, nor in any case more than the sum of two hundred and fifty dollars for any or all such property of any individual guest, boarder, or lodger, unless he shall have given a receipt in writing therefor to such guest, boarder, or lodger.

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

CHAPTER XLVIII.

An Act to amend section twelve hundred and fourteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the recording of conveyances.

[Approved March 12, 1895.]

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

SECTION 1. Section twelve hundred and fourteen of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, is hereby amended to read as follows:

Every conveyance must be recorded.

1214. Every conveyance of real property, other than a lease for a term not exceeding one year, is void as against any subsequent purchaser or mortgagee of the same property, or any part thereof, in good faith and for a valuable consideration, whose conveyance is first duly recorded, and as against any judgment affecting the title, unless such conveyance shall have been duly recorded prior to the record of notice of action.

CHAPTER XLIX.

An Act to amend section five hundred and twenty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

[Approved March 12, 1895.]

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

SECTION 1. Section five hundred and twenty-seven (527) of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

527. The injunction may be granted at the time of issuing Injunctions the summons, upon the complaint, and at any time afterward, before judgment, upon affidavits. The complaint in the one case, and the affidavits in the other, must show satisfactorily that sufficient grounds exist therefor. No injunction can be granted on the complaint unless it is verified. When granted on the complaint, a copy of the complaint and verification attached must be served with the injunction; when granted upon affidavit, a copy of the affidavit must be served with the injunction. No injunction granted prior to the actual trial of the cause wherein it is granted shall continue in force for a longer period than twelve months from the time such injunction was granted, except by consent of the parties, or unless the cause be set for trial upon its merits.

SEC. 2. This Act shall take effect immediately.

CHAPTER L.

An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirtieth session, California Legislature.

[Approved March 14, 1895.]

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 Deficiency appropriation for contingent expenses of Senate. in the State Treasury not otherwise appropriated, the sum of three hundred and seventy-one dollars, to pay the deficiency in the appropriation for the contingent expenses of the Senate, thirtieth session, California Legislature.

SEC. 2. The Controller is hereby directed to draw his warrant against the appropriation herein made, in favor of the following persons and for the following amounts, to wit: E. J. Niles, forty dollars; A. L. Rossi, forty dollars; W. H. Rice, forty

dollars; Thos. Rodgers, one hundred and forty-one dollars; E. W. Shaffer, twenty-eight dollars, and T. H. Simpson, fifty dollars; Mrs. Ada B. Campbell, sixteen dollars, and Mrs. Sadie L. Cooper, sixteen dollars.

SEC. 3. This Act shall take effect immediately.

CHAPTER LI.

An Act providing in counties of the first class for the appointment by the Coroner of a competent physician for the performance of autopsies upon the bodies of deceased persons when inquests are held, and fixing the compensation therefor.

[Approved March 14, 1895.]

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

Coroner to
appoint
physician
in counties
of 1st class,
to hold
autopsies.

SECTION 1. . In counties of the first class, the Coroner shall appoint a competent physician, whose duties it shall be to perform autopsies upon the bodies of all deceased persons when inquests are held. Such physician shall, after the performance of such autopsy, certify in writing his professional opinion as to the cause of death, which certificate shall be filed with said Coroner.

Compensa-
tion.

SEC. 2. The physician so appointed shall receive as compensation for his said services the sum of twenty-four hundred dollars per annum, which shall be paid out of the general fund of the county in monthly installments of two hundred dollars, at the same time and in the same manner as county officers are paid.

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

CHAPTER LII.

An Act to amend section four thousand two hundred and thirty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the lien of judgments of Federal Courts.

[Approved March 14, 1895.]

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

SECTION 1. Section four thousand two hundred and thirty-five of an Act entitled "An Act to establish a Political Code," is hereby amended so as to read as follows, to wit:

What to be
recorded.

4235. 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, ^{what to be recorded.} releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved;

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 of this State, or of the United States, are made liens upon real estate in this State;

8. Notices of attachments upon real estate;

9. Notices of the pendency of an action affecting real estate, the title thereto, or possession thereof;

10. Instruments describing or relating to the separate property of married women;

11. Notices of preëmption claims;

12. Births and deaths; and,

13. Such other writings as are required or permitted by law to be recorded.

SEC. 2. This Act shall take effect immediately.

CHAPTER LIII.

An Act to amend section one thousand and ninety-three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the making, execution, and acknowledgment of conveyances of real property by married women.

[Approved March 14, 1895.]

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

SECTION 1. Section one thousand and ninety-three of the Civil Code of the State of California is hereby amended so as to read as follows:

1093. A grant or conveyance of real property made by a married woman may be made, executed, and acknowledged in the same manner and has the same effect as if she were unmarried. ^{Conveyances by married women.}

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

CHAPTER LIV.

An Act appropriating money to pay for the repair, renovation, reflooring, and other improvements on certain buildings of the State Insane Asylum at Stockton, California.

[Approved March 14, 1895.]

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

Appropriation for repairs at Stockton Insane Asylum.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended under the direction of the Board of Directors of the Stockton Insane Asylum, in the repair, renovation, reflooring, and otherwise improving the building known as the old building of the male department of said Stockton Insane Asylum.

SEC. 2. The State Controller is hereby authorized to draw his warrant in favor of the Board of Directors of said asylum, and the State Treasurer to pay the said warrant.

SEC. 3. The appropriation herein made shall be in effect from and after January first, eighteen hundred and ninety-six.

CHAPTER LV.

An Act making an appropriation for the contingent expenses of the Assembly for the thirty-first session of the Legislature.

[Approved March 15, 1895.]

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

Appropriation for contingent expenses of Assembly.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for contingent expenses of the Assembly, thirty-first 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.

SEC. 2. This Act shall take effect immediately.

CHAPTER LVI.

An Act to provide for an additional watchman in and about the office of the State Treasurer, by amending an Act entitled "An Act for the better protection of the State Treasury," approved March 30, 1868.

[Approved March 15, 1895.]

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

SECTION 1. Section one of an Act entitled "An Act for the better protection of the State Treasury" is hereby amended so as to read as follows:

Section 1. The State Treasurer of the State of California is hereby authorized and empowered to employ three watchmen in and about his office in the city of Sacramento, at a salary not to exceed one hundred dollars per month each, payable out of the same fund and in like manner as the salaries of other State officers are paid.

Watchmen
for State
Treasury.

SEC. 2. This Act shall take effect immediately.

CHAPTER LVII.

An Act making an appropriation for the contingent expenses of the Senate for the thirty-first session of the Legislature.

[Approved March 15, 1895.]

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

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

Appropriation
for
contingent
expenses
of Senate.

SEC. 2. This Act shall take effect immediately.

CHAPTER LVIII.

An Act entitled an Act to amend section two hundred and seventy-six of the Code of Civil Procedure, relating to the examination of applicants for admission to practice law.

[Approved March 16, 1895.]

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

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

Who may examine applicants for admission as attorney.

276. Every applicant for admission as an attorney and counselor must produce satisfactory testimonials of a good moral character, and undergo a strict examination in open Court as to his qualifications, by the Justices of the Supreme Court, or by the Justices sitting and holding one of the departments thereof, or by not less than three of the Supreme Court Commissioners, to be designated and appointed by the Chief Justice of the Supreme Court to conduct publicly the examination; such Commissioners to report the results of the examination to the Supreme Court for final action.

SEC. 2. This Act shall take effect immediately.

CHAPTER LIX.

An Act for the appointment of a guardian for Sutter's Fort property, prescribing his duties, and appropriating money therefor.

[Approved March 16, 1895.]

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

Guardian for Sutter's Fort.

SECTION 1. The Board of Sutter's Fort Trustees shall, within thirty days after the passage of this Act, appoint a suitable person who shall act as guardian of said Sutter's Fort property.

SEC. 2. The duties of said guardian shall be to take charge of said property and protect the same from injury and vandalism, and to perform such other service as said Board of Trustees shall direct. He shall hold office at the pleasure of the appointing power.

Salary.

SEC. 3. The guardian shall receive for his services fifty dollars per month, payable from the State Treasury, in the same manner as other State officers are paid.

Appropriation.

SEC. 4. The sum of one hundred and seventy-five dollars is hereby appropriated from moneys in the State Treasury not otherwise appropriated, for the payment of said salary for the forty-sixth fiscal year.

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

CHAPTER LX.

An Act entitled an Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relative to mortgages on personal property.

[Approved March 16, 1895.]

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:

2955. Mortgages may be made upon the following personal property, and none other:

First—Locomotives, engines, and other rolling stock of a railroad. What personal property may be mortgaged.

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, furniture, and household goods.

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 are contained.

Fourteenth—Pianos and organs.

Fifteenth—Iron and steel safes.

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

Seventeenth—Harvesters, threshing outfits, hay presses, and farming implements.

Eighteenth—Abstract systems, books, maps, papers, and slips of searchers of records.

SEC. 2. This Act shall take effect and be in force immediately upon its passage.

CHAPTER LXI.

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 16, 1895.]

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

Deficiency appropriation for transportation of prisoners, 43d fiscal year.

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of one hundred sixty-one dollars and ten cents, to pay the deficiency in the appropriation for the transportation of prisoners for the forty-third fiscal year (as approved by the State Board of Examiners).

SEC. 2. The Controller is hereby directed to draw his warrant for the amount herein made payable, in favor of J. M. Hensley, ex-Sheriff of Fresno County.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXII.

An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Secretary of State's office, for the forty-fifth and forty-sixth fiscal years.

[Approved March 16, 1895.]

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

Deficiency appropriation for Secretary of State's office.

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of seven hundred (700) dollars, to pay the deficiency in the appropriation for postage, expressage, and telegraphing, for the forty-fifth and forty-sixth fiscal years, in Secretary of State's office.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIII.

An Act to amend section nine hundred and fifty-four of the Code of Civil Procedure, relating to dismissal of appeals.

[Approved March 16, 1895.]

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

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

954. If the appellant fails to furnish the requisite papers, the appeal may be dismissed; but no appeal can be dismissed for insufficiency of the undertaking thereon, if a good and sufficient undertaking, approved by a Justice of the Supreme Court, be filed in the Supreme Court before the hearing upon motion to dismiss the appeal. When it is made to appear to the satisfaction of the Court, or a Judge thereof, from which the appeal was taken, that a surety or sureties upon an appeal bond from any cause has or have become insufficient, and the bond or undertaking inadequate as security for the payment of the judgment appealed from, the last named Court, or a Judge thereof, may order the giving of a new bond, with sufficient sureties, as a condition to the maintenance of the appeal. The said bond or undertaking shall be approved by the last named Court, or a Judge thereof; and in case said sureties fail to justify before said last named Court, or a Judge thereof, or fail to comply with the order to appear and justify, execution may issue upon the judgment as if no undertaking to stay execution had been given.

Dismissal
of appeals.

CHAPTER LXIV.

An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Normal School at Los Angeles, for the forty-sixth fiscal year.

[Approved March 16, 1895.]

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

SECTION 1. The sum of thirteen thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the State Normal School at Los Angeles, for the forty-sixth fiscal year.

Deficiency
appropriation,
Los Angeles
Normal
School.

SEC. 2. The Controllor 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 State

Board of Examiners, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXV.

An Act to amend section one thousand five hundred and forty-three of "An Act to establish a Political Code," approved March 12, 1872.

[Approved March 16, 1895.]

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

SECTION 1. Section one thousand five hundred and forty-three (1543) of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, is hereby amended to read as follows:

Duty of
County
Superin-
tendent of
Schools.

1543. It is the duty of the County Superintendent of each county:

First—To superintend the schools of his county.

To appor-
tion school
moneys.

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.

Lapsed
districts.

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 be by them deemed most convenient for the residents of said lapsed district.

Indebted-
ness of
lapsed dis-
tricts.

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.

Third—On the order of the Board of School Trustees, or Board of Education of any city or town having a Board of Education, to draw his requisition upon the County Auditor for all necessary expenses against the School Fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn; but no requisition shall be drawn unless the money is in the fund to pay it; and no requisition shall be drawn upon the order of the Board of School Trustees or Board of Education against the funds of any district, except the 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 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.

Draw
requisi-
tions for
expenses.

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.

Keep a reg-
ister of
requisi-
tions.

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.

Visit
schools.

Sixth—To preside over Teachers' Institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, and to report to the County Board of Education the 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.

Preside
over
institutes.

Enforce
course of
study, etc.

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

Issue tem-
porary
certificates

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.

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

Keep a record of acts.

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.

Pass upon plans.

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.

Appoint trustees to fill vacancies.

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.

Make reports.

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.

Preserve records.

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.

Grade schools.

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.

CHAPTER LXVI.

An Act to amend section four hundred and sixteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the fees to be collected by the Secretary of State for services rendered by him in his official capacity.

[Approved March 16, 1895.]

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

SECTION 1. Section four hundred and sixteen of an Act entitled "An Act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, is hereby amended to read as follows:

416. The Secretary of State, for services performed in his office, must charge and collect the following fees: Fees to be collected by Secretary of State.

1. For a copy of any law, resolution, record, or other document or paper on file in his office, twenty cents per folio.
 2. For affixing certificate and seal of State, two dollars.
 3. For filing articles of incorporation, five dollars.
 4. For recording articles of incorporation, twenty cents per folio.

5. For issuing each certificate of incorporation, three dollars.

6. For receiving and recording each official bond, five dollars.

7. For each commission, passport, or other document signed by the Governor and attested by the Secretary of State (pardons, military commissions, and extradition papers excepted), five dollars.

8. For each patent for land issued by the Governor, if for one hundred sixty acres or less, one dollar; and for each additional one hundred sixty acres or fraction thereof, one dollar.

9. For searching records and archives of the State, one dollar.

10. For filing trademark, three dollars.

11. For filing and recording notice of appointment of agent, five dollars.

12. For filing and recording notice of removal of place of business, five dollars.

13. For filing certificate of increase or decrease of capital stock, five dollars.

14. For issuing certificate of increase or decrease of capital stock, three dollars.

15. For filing certificate of continuance of existence, five dollars.

16. For issuing certificate of continuance of existence, three dollars.

17. For certificate of appointment, qualification, and term of office of Notary Public, one dollar.

18. For recording miscellaneous documents or papers, per folio, twenty-five cents.

No member of the Legislature or State officer shall be charged for any search relative to matters appertaining to the duties of State officers exempted.

State
Library
Fund.

their offices; nor shall they be charged any fee for a certified copy of any law or resolution passed by the Legislature relative to their official duties. All fees collected by the Secretary of State must, at the end of each month, be paid into the State Treasury, and shall constitute the State Library Fund.

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

CHAPTER LXVII.

An Act to amend section sixteen hundred and ninety-nine of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

[Approved March 16, 1895.]

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

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

Relating to
settlement
of accounts
of trustees
of estates.

1699. Where any trust has been created by or under any will to continue after distribution, the Superior Court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction thereof for the purpose of the settlement of accounts under the trust. And any trustee created by any will, or appointed to execute any trust created by any will, may, from time to time, pending the execution of his trust, or may at the termination thereof, render and pray for the settlement of his accounts as such trustee, before the Superior Court in which the will was probated, and in the manner provided for the settlement of the accounts of executors and administrators. The trustee, or in case of his death, his legal representatives, shall for that purpose present to the Court his verified petition, setting forth his accounts in detail, together with a verified statement of said trustee, giving the names and post office addresses, if known, of the *cestuis que* trust, and upon the filing thereof, the Court or Judge shall fix a day for the hearing. The Clerk must thereupon give notice thereof, of not less than ten days, by causing notices to be posted in at least three public places in the county, setting forth the name of the trust estate, the trustee, and the day appointed for the settlement of the account. The Court, or a Judge thereof, may order such further notice to be given as may be proper; and any such trustee may, in the discretion of the Court, upon application of any beneficiary of the trust, be ordered to appear and render his account, after being cited by service of citation, as provided for the service of summons in civil cases. Upon the filing of the account so ordered, the same proceedings for the hearing and settlement thereof shall be had as are hereinabove provided.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVIII.

An Act entitled an Act to amend section four hundred and seventy-five of the Political Code, providing for two clerks and a phonographic reporter in the office of the Attorney-General, declaring said clerks and phonographic reporter to be civil executive officers, and fixing their salaries.

[Approved March 16, 1895.]

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

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

475. The Attorney-General may appoint two clerks for his office; the annual salary of each clerk shall be sixteen hundred dollars; and one phonographic reporter, at an annual salary of eighteen hundred dollars. Said salaries shall be payable in the same manner as the salaries of other State officers.

Clerks for
Attorney-
General's
office.

1. Said clerks and reporter shall be civil executive officers.

2. All Acts in conflict herewith are repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXIX.

An Act to provide the office of the Attorney-General with such law books as may be required by him for the conduct of the business of his office, and requiring the State Librarian to provide and furnish the same, and making an appropriation therefor not to exceed five thousand dollars.

[Approved March 16, 1895.]

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

SECTION 1. The State Librarian is hereby required to supply the office of the Attorney-General with all the law books deemed necessary by the Attorney-General for the conduct of the business of said office. Such books shall be taken from the Law Library of the State when the same are in possession of the library in duplicate, and transferred by him to the Attorney-General's office for permanent use therein; and when such books are not so possessed in duplicate, the State Librarian shall purchase the same for said purpose, and he shall from time to time thereafter so supply such further books as the Attorney-General may require. The Controller of the State shall draw his warrant on the order of the Librarian for the amounts necessary for such purchases, not to exceed five thou-

State
Librarian
to supply
Attorney-
General
with law
books.

sand dollars, and the Treasurer is hereby required to pay the same out of any moneys in the Treasury not otherwise appropriated.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXX.

An Act to amend section four hundred and seventy-two of the Political Code, providing for an assistant and deputies in the Attorney-General's office, fixing their salaries, and prohibiting the employment of other attorneys at the expense of the State.

[Approved March 16, 1895.]

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

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

Assistant
Attorney-
General.

472. The Attorney-General may appoint one assistant, who shall be a member of the State Board of Examiners when the Attorney-General is absent from the Capitol, and three deputies, who shall be civil executive officers. The annual salary of the assistant shall be twenty-seven hundred dollars; the annual salary of the first deputy shall be twenty-four hundred dollars; the annual salary of the second deputy shall be twenty-four hundred dollars; the annual salary of the third deputy shall be twenty-four hundred dollars. Said salaries shall be payable in the same manner as salaries of other State officers.

Deputies.

No special
counsel.

Subdivision 1. The Attorney-General shall not employ special counsel in any case except those provided in section four hundred and seventy-four of the Political Code.

Duties of
Attorney-
General.

Subdivision 2. The Attorney-General shall have charge, as attorney, of all legal matters in which the State is in anywise interested, except the business of the Regents of the University of California and of the State Harbor Commissioners, and no board, officer or officers, or employé of the State, except said Regents and said Harbor Commissioners, shall employ any attorney other than the Attorney-General, or one of his assistants or deputies, in any matter in which the State is interested; nor shall any money be drawn out of the Treasury, or out of any moneys appropriated out of the Treasury, or out of any special or contingent fund under the control of any board, officer or officers, or employé, for the pay of any legal services rendered after the passage of this Act, the provisions of any existing statute to the contrary notwithstanding; *provided*, that whenever a District Attorney in any county of this State shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the Attorney-General may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the State.

Subdivision 3. All Acts in conflict with this Act are hereby repealed.

Provided further, that nothing herein contained shall be construed to prevent or deny the right of any board, officer or officers, or employé of the State to employ or engage counsel in any matter of the State, after first having obtained the written consent so to do of the Attorney-General.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXI.

An Act authorizing the Controller to appoint an additional clerk in his office, in addition to the number now allowed by law, to be known as the Revenue Clerk, and making an appropriation for the payment of his salary for the remainder of the forty-sixth fiscal year.

[Approved March 20, 1895.]

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

SECTION 1. The Controller is hereby authorized to appoint one additional clerk for his office, in addition to the number now allowed by law, to be known as the Revenue Clerk, and who shall be a civil executive officer. The salary of said clerk shall be the same in amount as is paid to other clerks, and payable at the same time as other State officers.

Revenue
Clerk in
Control-
ler's office.

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

CHAPTER LXXII.

An Act to provide for the payment for the advertising of the constitutional amendments, and to make an appropriation therefor.

[Approved March 21, 1895.]

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

SECTION 1. The sum of forty-eight thousand nine hundred and twelve (\$48,912) dollars is hereby appropriated out of any sum in the State Treasury not otherwise appropriated, to pay the following bills for printing and advertising the constitutional amendments:

Appropriation to pay for advertising constitutional amendments.

San Francisco Call, daily, three thousand five hundred dollars.

San Francisco Chronicle, daily, three thousand five hundred dollars.

San Francisco Examiner, daily, three thousand five hundred dollars.

Appropriation to pay for advertising constitutional amendments.

- San Francisco Bulletin, daily, two thousand three hundred dollars.
- San Francisco Post, daily, two thousand three hundred dollars.
- San Francisco Report, daily, two thousand three hundred dollars.
- Oakland Tribune, daily, two thousand dollars.
- Oakland Times, daily, two thousand dollars.
- Los Angeles Herald, daily, one thousand eight hundred dollars.
- San José Mercury, daily, one thousand eight hundred dollars.
- Los Angeles Express, daily, one thousand eight hundred dollars.
- Sacramento Bee, daily, one thousand seven hundred dollars.
- Sacramento Record-Union, daily, one thousand seven hundred dollars.
- San Diego Union, daily, one thousand seven hundred dollars.
- Fresno Republican, daily, one thousand five hundred dollars.
- Stockton Independent, daily, one thousand five hundred dollars.
- San Francisco Abend Post, daily, one thousand five hundred dollars.
- Marysville Appeal, daily, one thousand dollars.
- Alameda Argus, daily, one thousand dollars.
- Sonoma Democrat, daily, seven hundred and fifty dollars.
- Santa Rosa Republican, daily, seven hundred and fifty dollars.
- Nevada Transcript, daily, seven hundred and fifty dollars.
- Oroville Mercury, daily, seven hundred and fifty dollars.
- Grass Valley Union, daily, seven hundred and fifty dollars.
- Red Bluff People's Cause, daily, five hundred dollars.
- Santa Cruz Sentinel, daily, five hundred dollars.
- Los Angeles (Times) Mirror, daily, two hundred and forty-three dollars.
- Oakland Enquirer, three hundred and four dollars.
- Sacramento Sunday News, one hundred and eighty dollars.
- San Bernardino Times-Index, one hundred and eighty dollars.
- Santa Barbara Press, one hundred and eighty dollars.
- San Luis Obispo Tribune, one hundred and eighty dollars.
- Napa Register, one hundred and eighty dollars.
- Hollister Free Lance, one hundred and eighty dollars.
- Kern County Californian, one hundred and eighty dollars.
- Salinas Index, one hundred and eighty dollars.
- Modesto Herald, one hundred and eighty dollars.
- Sacramento Leader, one hundred and eighty dollars.
- Merced Star, one hundred and eighty dollars.
- Colusa Herald, one hundred and eighty dollars.
- Eureka, Humboldt, Times, one hundred and eighty dollars.
- Auburn, Placer, Argus, one hundred and twenty-five dollars.
- Pomona Times, one hundred and twenty-five dollars.
- Los Angeles Progress, one hundred and twenty-five dollars.
- Pasadena Star, one hundred and twenty-five dollars.

Madera Mercury, one hundred and twenty-five dollars.
 Kern Echo, one hundred and twenty-five dollars.
 Kern Standard, one hundred and twenty-five dollars.
 Yreka Journal, one hundred and twenty-five dollars.
 Oakland Echo, one hundred and twenty-five dollars.
 Riverside Reflex, one hundred and twenty-five dollars.
 Placer Republican, one hundred and twenty-five dollars.
 Galt Gazette, one hundred and twenty-five dollars.
 Folsom Telegraph, one hundred and twenty-five dollars.
 Orange County Herald, one hundred and twenty-five dollars.
 Stockton Record, one hundred and twenty-five dollars.
 Covina Argus, one hundred and twenty-five dollars.
 Alameda Encinal, one hundred and twenty-five dollars.
 Alameda Telegram, one hundred and twenty-five dollars.
 Mariposa Gazette, one hundred and twenty-five dollars.
 Sausalito News, one hundred and twenty-five dollars.
 Crescent City News, one hundred and twenty-five dollars.
 West Oakland Sun, one hundred and twenty-five dollars.
 East Oakland Observer, one hundred and twenty-five 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 hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

A appropriation to pay for advertising constitutional amendments.

CHAPTER LXXIII.

An Act appropriating two hundred and fifty thousand dollars for the erection of buildings for the use of affiliated and other departments of the University of California.

[Approved March 23, 1895.]

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 thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the Regents of the University of California, to be expended by them in the erection of buildings grouped together on such site in San Francisco as the Regents may select, for the use of the professional and affiliated colleges, to wit: The Hastings College of Law, the Medical Department, the College of Dentistry, the College of Pharmacy, the Biological Laboratory, University Extension Lectures, and other departments of the University of California conducted in San Francisco. And the Controller of State is hereby authorized and directed to draw his warrants for said sum at such times and in such partial payments as he may be requested by said Regents of the University of California, and the Treasurer of the State is hereby directed to pay the same; *provided, however*, that one half of said sum of two hundred and fifty thousand dollars shall be expended during

Appropriation for department building for University in San Francisco.

the forty-seventh fiscal year, and the other half during the forty-eighth fiscal year.

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

CHAPTER LXXIV.

An Act to amend section fourteen hundred and sixteen of the Civil Code of this State, relating to water rights.

[Approved March 23, 1895.]

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

SECTION 1. Section fourteen hundred and sixteen of the Civil Code of this State is hereby amended so as to read as follows:

Work on
water
rights.

1416. Within sixty days after the notice is posted the claimant must commence the excavation or construction of the works in which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted by snows or rain; *provided*, that if the erection of a dam has been recommended by the California Debris Commission at or near the place where it is intended to divert the water, the claimant shall have sixty days after the completion of such dam in which to commence the excavation or construction of the works in which he intends to divert the water.

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

CHAPTER LXXV.

An Act making an appropriation to pay the claim of James A. Johnson, for legal services in the harbor front cases.

[Approved March 25, 1896.]

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

Appropriation
to pay Jas
A. Johnson
for legal
services.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of the San Francisco Harbor Improvement Fund in the State Treasury, to provide for the deficiencies in the appropriation for costs and expenses of suits in which the State was a party in interest for the thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth fiscal years; said sum being the amount necessary to pay the claim of James A. Johnson, for legal services rendered in the following named actions in which he was regularly retained and

employed as counsel for the State, to wit: In the three cases of the People of the State of California upon the relation of John P. Dunn, Controller, against William Blanding et al.; against W. H. Knight et al., and against W. A. Phillips et al., as approved, allowed, and recommended by the State Board of Examiners.

SEC. 2. The Controller is hereby authorized to draw his warrant, payable out of the San Francisco Harbor Improvement Fund in the State Treasury, for the amount aforesaid, and the Treasurer is directed to pay the same.

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

CHAPTER LXXVI.

An Act to provide against the adulteration of food and drugs.

[Approved March 26, 1895.]

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

SECTION 1. No person shall, within this State, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated within the meaning of this Act. Adulterated drugs or food.

SEC. 2. The term "drug," as used in this Act, shall include all medicines for internal or external use, antiseptics, disinfectants, and cosmetics. The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed, or compound. "Drug" defined. "Food" defined.

SEC. 3. Any article shall be deemed to be adulterated within the meaning of this Act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein. (2) If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work. (3) If its strength, quality, or purity falls below the professed standard under which it is sold. Drug adulteration defined.

(b) In the case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength, or purity. (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. (4) If it is an imitation of, or is sold under the name of, another article. (5) If it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted, or rotten animal Food adulteration defined.

or vegetable substance or article, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal.

(6) If it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is.

(7) If it contains any added substance or ingredient which is poisonous or injurious to health.

* Excep-
tions.

Provided, that the provisions of this Act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, with the name and per cent of each ingredient therein, and are not injurious to health.

Must fur-
nish sam-
ples for
analysis.

SEC. 4. Every person manufacturing, exposing or offering for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this Act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

Penalty.

SEC. 5. Whoever refuses to comply, upon demand, with the requirements of section four, and whoever violates any of the provisions of this Act, shall be guilty of a misdemeanor, and shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned in the county jail not exceeding one hundred nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale, or selling, an adulterated article of food or drug under the provisions of this Act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling, or offering for sale.

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

CHAPTER LXXVII.

An Act to amend section seven hundred and thirty-eight of the Code of Civil Procedure, relating to actions to determine adverse claims to property.

[Approved March 26, 1895]

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

SECTION 1. Section seven hundred and thirty-eight of the Code of Civil Procedure is hereby amended to read as follows:

Action
may be
brought
by.

738. An action may be brought by any person against another who claims an estate or interest in real property, adverse to him, for the purpose of determining such adverse claim; *provided, however*, that whenever in an action to quiet

title to, or to determine adverse claims to, real property, the validity of any gift, devise, or trust, under any will, or instrument purporting to be a will, whether admitted to probate or not, shall be involved, such will, or instrument purporting to be a will, is admissible in evidence; and all questions concerning the validity of any gift, devise, or trust therein contained, save such as under the Constitution belong exclusively to the probate jurisdiction, shall be finally determined in such action; and provided, however, that nothing herein contained shall be construed to deprive a party of the right to a jury trial in any case where, by the law, such right is now given.

Wills in evidence.

Right to jury trial.

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

CHAPTER LXXVIII.

An Act to pay the claim of W. P. Lampkin against the State of California, and making an appropriation therefor.

[Approved March 26, 1895.]

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 the claim of W. P. Lampkin against the State of California.

Appropriation to pay W. P. Lampkin.

SEC. 2. The Controller of the State is hereby authorized and instructed to draw his warrant in favor of the said W. P. Lampkin, for the sum of three hundred dollars, and the State Treasurer is hereby authorized and instructed 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 W. P. Lampkin shall make and deliver to the Controller, upon the receipt of said warrant, a release of all his claims against the State of California.

Payment in full.

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

CHAPTER LXXIX.

An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be known as section forty, in relation to punishment of crimes against election laws.

[Approved March 23, 1895.]

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 forty, to read as follows:

Unquali-
fied person
acting as
election
officer.

40. Any person who acts as an election officer at any election, without first having been appointed and qualified as such, and any person who, not being an election officer, performs or discharges any of the duties of an election officer, in regard to the handling or counting or canvassing of any ballots cast at any election, shall be guilty of a felony, and on conviction be punished by imprisonment in the State Prison for not less than two nor more than seven years.

Penalty.

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

CHAPTER LXXX.

An Act to amend section one thousand six hundred and ninety-one of the Code of Civil Procedure of the State of California, relating to agents for absent interest parties, discharge of executors or administrators.

[Approved March 23, 1895.]

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

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

Agents for
absent par-
ties in in-
terest.

1691. When any estate is assigned or distributed, by a judgment or decree of the Court, as provided in this chapter, to any person residing out of, and having no agent in this State, and it is necessary that some person should be authorized to take possession and charge of the same for the benefit

Court may
appoint.

of such absent person, the Court may appoint an agent for that purpose and authorize him to take charge of such estate, as well as to act for such absent person in the distribution; *provided*, that if such estate be in money when so assigned or distributed, the executor or administrator of such estate may deposit the share of each person, and in the name of said person, as far as known, as designated in said assignment or decree of distribution, with the County Treasurer of the county

Money
may be de-
posited
with
County
Treasurer.

in which said estate is being probated, who shall give a receipt for the same, and be liable upon his official bond therefor; and said receipt shall be deemed and received by the Court, or Judge thereof, as a voucher in favor of said executor or administrator, with the same force and effect as if executed by such assignee, legatee, or distributee; and said section as amended shall be applicable to any and all estates now pending in which a decree of final discharge has not been granted.

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

CHAPTER LXXXI.

An Act to provide the manner of execution of deeds by cemetery corporations.

[Approved March 26, 1895.]

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

SECTION 1. All deeds or conveyances executed by cemetery associations or incorporations within this State, shall be executed in the name of the corporation or association, under the seal thereof, by the President, or Vice-President, and Secretary thereof. Deeds by cemetery corporations

SEC. 2. All Acts and parts of Acts in conflict with this statute, in so far as they conflict with the same, are hereby repealed.

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

CHAPTER LXXXII.

An Act to amend section seven hundred and seventeen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to leases of agricultural lands.

[Approved March 26, 1895.]

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

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

717. No lease or grant of land for agricultural purposes, for a longer period than ten years, in which shall be reserved any rent or service of any kind, shall be valid. Term of leases of lands

CHAPTER LXXXIII.

An Act to repeal (1) "An Act appropriating money for the erection of a building in the City of San Francisco for the use of the Home for the Care of the Inebriates," approved May 2, 1862; (2) "An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers and the officers thereof," approved April 1, 1870; and (3) "An Act to provide for the care and maintenance of inebriates and certain insane persons in the City and County of San Francisco," approved April 17, 1876, relating to the Home for the Care of the Inebriates.

[Approved March 26, 1895.]

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

Repeal of
Acts relat-
ing to
Home for
Care of
Inebriates.

SECTION 1. The following Acts relating to the Home for the Care of the Inebriates are, and each of them is, hereby repealed, to wit:

1. "An Act appropriating money for the erection of a building in the City of San Francisco for the use of the Home for the Care of the Inebriates," approved May second, eighteen hundred and sixty-two. (Statutes 1862, page 488.)

2. "An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers and the officers thereof," approved April first, eighteen hundred and seventy. (Statutes 1869-70, page 585.)

3. "An Act to provide for the care and maintenance of inebriates and certain insane persons in the City and County of San Francisco," approved April seventeenth, eighteen hundred and seventy-six. (Statutes 1875-6, page 325.)

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXIV.

An Act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations.

[Approved March 26, 1895.]

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

Members
of paid fire
depart-
ments to
have an-
nual vaca-
tion.

SECTION 1. In every city, or city and county, of this State, where there is a regularly organized paid fire department, the Board of Supervisors, Common Council, Commissions, or other body having the management and control of the same, are authorized and required, once in every year, to provide for

granting each member thereof a leave of absence from active duty for a period of not less than ten nor more than fifteen days. Leaves of absence so granted must be arranged by said board or commission so as not to interfere with or in any way impair the efficiency of the department; and leaves of absence granted in cases of sickness, or in consequence of injuries received while in the discharge of duty, shall not be construed to be or become a part of the leave of absence provided for by this Act. No deduction must be made from the pay of any member of such fire department granted a leave of absence under the provisions of this Act.

Cases of sickness

No deduction from pay

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXV.

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 26, 1895]

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

SECTION 1. That an Act entitled "An Act concerning corporations and persons engaged in the business of banking," approved April first, eighteen hundred and seventy-six, be and the same is hereby repealed.

Repealing Banking Act.

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

CHAPTER LXXXVI.

An Act to add a new section to the Penal Code of the State of California, to be known and designated as section five hundred and two and one half, relating to the severance and removal of fixtures and improvements upon mortgaged property.

[Approved March 26, 1895]

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 designated as section five hundred and two and a half, to read as follows:

502½. Every person who, after mortgaging any real property, and during the existence of such mortgage, or after such mortgaged property shall have been sold under an order and decree of foreclosure, and with intent to defraud or injure the mortgagee, his representatives, successors, or assigns, or the purchaser of such mortgaged premises at such foreclosure sale,

Removal of improvements from mortgaged real property is larceny.

his representatives or assigns, takes, removes, or carries away from such mortgaged premises, or otherwise disposes of, or permits the taking, removing, or carrying away, or otherwise disposing of, any house, barn, windmill, or water tank, upon or affixed to such premises as an improvement thereon, without the written consent of the mortgagee, his representatives, successors, or assigns, or the purchaser at such foreclosure sale, his representatives or assigns, is guilty of larceny, and shall be punished accordingly.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXXVII.

An Act appropriating the sum of two hundred thousand dollars for the support of the Whittier State School, at Whittier, California, for the forty-seventh and forty-eighth fiscal years.

[Approved March 26, 1895.]

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

Appropriating \$200,000 for Whittier State School. SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the support of the Whittier State School, at Whittier, California, for the forty-seventh and the forty-eighth 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 State Board of Examiners, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXXVIII.

An Act making an appropriation to pay the deficiency in the appropriation for payment of transportation of children to the State Reform School for Juvenile Offenders, for the forty-third and forty-fourth fiscal years.

[Approved March 26, 1895.]

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

Deficiency appropriation for transporting children to State Reform School. SECTION 1. The sum of five hundred and thirty-eight dollars and seventy-eight cents is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the transportation of children to the State Reform School, for the forty-third and

forty-fourth fiscal years, under the provisions of section twenty of an Act entitled "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, 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 LXXXIX.

An Act to authorize and empower the Board of State Harbor Commissioners to institute condemnation proceedings against certain property on the corner of Market, Sacramento, and East Streets, in the City and County of San Francisco, and extending their jurisdiction over the same.

[Approved March 26, 1895.]

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

SECTION 1. For the purpose of acquiring terminal facilities Harbor Commissioners may condemn certain lot for the landing of passengers to and from the passenger and ferry depot at the foot of Market Street, in the City and County of San Francisco, the Board of State Harbor Commissioners is hereby authorized and empowered to institute condemnation proceedings in the Superior Court of the City and County of San Francisco, against all parties in interest claiming any title in and to that certain lot, piece, or parcel of land in the City and County of San Francisco, bounded and described as follows, to wit:

Commencing at a point on the westerly line of East Street, distant thereon sixty (60) feet and four (4) inches northerly from the northwesterly corner of the intersection of the northerly line of Market Street with said westerly line of East Street; thence southerly along said westerly line of East Street sixty (60) feet and four (4) inches to the intersection of said line of East Street with the northerly line of Market Street; thence westerly along the northerly line of Market Street eighteen (18) feet and six (6) inches to the intersection of the northerly line of Market Street with the north line of Sacramento Street; thence west along the north line of Sacramento Street seventy-nine (79) feet and eleven (11) inches to a point on said north line of Sacramento Street; thence northeasterly to the point of beginning.

SEC. 2. The inshore limit of the jurisdiction of said Board shall be, and is hereby, extended so as to include the lot of land described in section one of this Act.

SEC. 3. The Board of State Harbor Commissioners may institute any action or actions, and prosecute the same to final

judgment, for the condemnation of any portion of the premises described in section one of this Act; and the purposes herein mentioned are hereby declared to be a public use, in which the right of eminent domain may be exercised by the Board of State Harbor Commissioners in the name of the people of the State, for the estates and rights, and in the manner provided in part three, title seven, of the Code of Civil Procedure of this State.

Payment
of judgment

SEC. 4. The Board of State Harbor Commissioners is hereby authorized to pay any judgment rendered against them in such condemnation proceedings, by a draft drawn upon the Controller of the State, who shall draw his warrant therefor on the State Treasury, payable out of any money in said Treasury credited to the San Francisco Harbor Improvement Fund.

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

CHAPTER XC.

An Act to amend section fifteen hundred and eighty-two of the Code of Civil Procedure, relating to the maintenance of civil actions by executors and administrators.

[Approved March 26, 1895.]

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

Section fifteen hundred and eighty-two of the Code of Civil Procedure is hereby amended so as to read as follows:

Actions
may be
maintained
by and
against
executors
and admin-
istrators.

1582. Actions for the recovery of any property, real or personal, or for the possession thereof, or to quiet title thereto, or to determine any adverse claim thereon, and all actions founded upon contracts, may be maintained by and against executors and administrators in all cases in which the same might have been maintained by or against their respective testators or intestates.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCI.

An Act to appropriate money to pay the indebtedness incurred by calling the National Guard of California into service, by order of the Governor, to enforce the law, in eighteen hundred and ninety-three and eighteen hundred and ninety-four.

[Approved March 26, 1895.]

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

Appropriation
to pay for
supplies
furnished
N. G. C.

SECTION 1. The sum of forty-two thousand six hundred and fifty-five dollars and thirty-five cents is hereby appropriated out of any money in the State Treasury not otherwise appro-

priated, to pay claims for supplies furnished to the National Guard of California, for the years eighteen hundred and ninety-three and eighteen hundred and ninety-four, which shall have received the approval of the Board of Military Auditors and the State Board of Examiners.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrants upon the State Treasurer, and the State Treasurer is hereby authorized to pay the same, for the amounts found to be due as above, in favor of the President of the Board of Military Auditors; which Board shall proceed to pay the said claims to the persons authorized to receive the same. The said Board of Military Auditors shall take duplicate receipts for all such payments, and file one copy with the Controller of State and one copy in the office of the Adjutant-General.

Board of
Military
Auditors to
pay claims.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCII.

An Act making an appropriation to pay the deficiency in the appropriation for support of the Mendocino Asylum, for the forty-fifth and forty-sixth fiscal years.

[Approved March 26, 1895.]

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

SECTION 1. The sum of forty-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the support of the Mendocino Asylum for the forty-fifth and forty-sixth fiscal years, to wit: ten thousand dollars for forty-fifth fiscal year, and thirty-five thousand dollars for forty-sixth fiscal year.

Deficiency
appropriation
for
Mendocino
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 XCIII.

An Act making an appropriation to pay the salary of the Secretary to the Debris Commissioner for the remainder of the forty-sixth fiscal year.

[Approved March 26, 1895.]

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

Appropriation to pay Secretary to Debris Commissioner.

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of five hundred dollars, to pay the salary of the Secretary to the Debris Commissioner for the remainder of the forty-sixth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCIV.

An Act to amend sections three thousand four hundred and forty-nine and three thousand four hundred and sixty-eight of the Civil Code of the State of California, relating to assignments for the benefit of creditors.

[Approved March 26, 1895.]

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

SECTION 1. Sections three thousand four hundred and forty-nine and three thousand four hundred and sixty-eight of the Civil Code of the State of California are hereby amended to read as follows:

Insolvent debtor may execute assignment.

3449. An insolvent debtor may in good faith execute an assignment of property in trust for the satisfaction of his creditors, in conformity to the provisions of this chapter; *subject, however,* to the provisions of this Code relative to trusts and fraudulent transfers, and to the restrictions imposed by law upon assignments by special partnerships, by corporations, or by other specific classes or persons. Every such assignment shall contain a list of the names of the creditors of the assignor, and their places of residence and amounts of their respective demands, and the amounts and nature of any security therefor, and shall, subject to the other provisions of this section, be made to the Sheriff of the county, or city and county, wherein the assignor resides, if the assignor resides within this State; or in case the assignor resides out of this State, then to the Sheriff of the county, or city and county, wherein the property assigned, or some of it, is situated; but when the assignor resides out of the State, an assignment made as herein provided may, by its terms, transfer any property of the assignor

Form of assignment

in this State. The Sheriff shall forthwith take possession of all the property so assigned to him, and keep the same till delivered by him, as hereinafter provided. When the assignment has been made, as herein provided, the Sheriff shall immediately, by mail, notify the creditors named in the assignment, at their places of residence as given therein, to meet at his office on a day and hour to be appointed by him, of not less than eight nor more than ten days from the date of the delivery of the assignment to him, for the purpose of electing one or more assignees, as they may determine, in the place and stead of the said Sheriff in the premises, and shall also publish a notice of such meeting, and the purpose thereof, at least once before such meeting, in some newspaper published in his county, or city and county. The notice so to be mailed shall also contain a statement of the amount of the demand of the creditor, and the amount and nature of any security therefor, as set forth in the assignment; and if any creditor shall not find the amount of his claim to be correctly so stated, he may file with said Sheriff, at or before such meeting, a statement, under oath, of his demand, and such statement shall, for the purpose of voting as hereinafter provided, be accepted by said Sheriff as correct; and when no such statement is filed, the statement of amount as set forth in the assignment shall be accepted by the Sheriff as correct. No creditor having a mortgage or pledge of real or personal property of the debtor, or lien thereon, for securing the payment of a debt owing to him from the debtor, shall be allowed to vote any part of his claim at such meeting of creditors, unless he shall have first conveyed, released, or delivered up his said security to said Sheriff, for the benefit of all creditors of said assignor. At such meeting the Sheriff shall preside, and a majority in amount of demands present or represented by proxy shall control all questions and decisions. The creditors may adjourn such meeting from time to time, and may vote on all questions either in person or by proxy signed and acknowledged before any officer authorized to take acknowledgments, and filed with the Sheriff. At such a meeting, or any adjournment thereof, the creditors may elect one or more assignees from their own number, in the place and stead of the Sheriff, and the person or persons so elected shall afterwards be the assignee or assignees under the provisions of this title; and the Sheriff, by transfer in writing, acknowledged as required by section three thousand four hundred and fifty-eight, shall at once assign to such elected assignee or assignees, upon the trusts in this title provided, all the property so assigned to him, and deliver possession thereof. All recitals in such assignment by said Sheriff of notices of such meeting, and the holding thereof, and of the due election of such assignee or assignees, shall be *prima facie* proof of the facts recited. The Sheriff shall, before the delivery of such assignment, be paid the expenses incurred by him, and fees in such amount as would by law be collectible if the property assigned had been levied upon and safely kept under attachment. Thereupon, and after the record of such last named assign-

Sheriff's
duties

Publica-
tion by
Sheriff.

Mortgagee
may not
vote.

Assignee.

Sheriff's
fees.

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

SEC. 2. Section three thousand four hundred and sixty-eight of said Code is hereby amended to read as follows:

Inventories
must be
filed before
sale.

3468. Until a verified inventory has been made and filed, either by the assignor or assignee, as required by the provisions of this title, and the assignee has given the bond required by the last section, such assignee has no authority to dispose of the property of the estate, or any part of it (except in the case of perishable property, which in his discretion he may dispose of at any time, and receive the proceeds of sale thereof); nor has he power to convert the property, or the proceeds of any sale of perishable property, to the purposes of the trust.

Publi-
cation
by
assignee

Within ten days after the filing of his bond, the assignee must commence the publication (and such publication shall continue at least once a week for four weeks), in some newspaper published in the county, or city and county, where the inventory is filed, of a notice to creditors of the assignor, stating the fact and date of the assignment, and requiring all persons having claims against the assignor to exhibit them, with the necessary vouchers, and verified by the oath of the creditor, to the assignee, at his place of residence or business, to be specified in the notice; and he shall also, within ten days after the first publication of said notice, mail a copy of such notice to each creditor whose name is given in the instrument of assignment, at the address therein given. After such notice is given, a copy thereof, with affidavit of due publication and mailing, must be filed with the County Recorder with whom the inventory has been filed, which affidavit shall be *prima facie* evidence of the facts stated therein. At any time, or from time to time, after the expiration of thirty days from the first publication of said notice (*provided*,

Dividends.

the same shall also have been mailed as in this section provided), the assignee may, in his discretion, declare and pay dividends to the creditors whose claims have been presented and allowed. No dividend already declared shall be disturbed by reason of claims being subsequently presented and allowed; but the creditor presenting such claim shall be entitled to a dividend equal to the per cent already declared and paid, before any further dividend is made; *provided, however*, that there be assets sufficient for that purpose; and *provided*, that the failure to present such claim shall not have resulted from his own neglect, and he shall attach to such claim a statement, under oath, showing fully why the same was not before presented.

Rights of
mort-
gagee.

When a creditor has a mortgage or pledge of real or personal property of the debtor, or a lien thereon, for securing the payment of a debt owing to him from the debtor, and shall not have conveyed, released, or delivered up such security to the Sheriff, as provided for by section three thousand four hundred and forty-nine of this Code, he shall be admitted as a creditor only for the balance of the debt after deducting the value of such mortgage, pledge, or lien, to be ascertained by agreement

between him and the assignee, or by a sale thereof, to be made in such manner as the Superior Court of the county in which the assignment is made shall direct; or the creditor may release or convey his claim to the assignee upon such property, and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the debtor's right of redemption thereon on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon; and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not sold or released, and delivered up, the creditor shall not be allowed to prove any part of his debt.

Right of
redemp-
tion

CHAPTER XCV.

An Act to amend 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 31, 1891, amended March 9, 1893.

[Approved March 26, 1895.]

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

SECTION 1. The title of the above entitled Act is amended to read as follows: "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, and for empowering Sanitary Boards to provide in other respects for the good order and welfare of sanitary districts."

Sanitary
districts
Title.

SEC. 2. Section five (5) is amended to read as follows:

Section 5. Every sanitary district formed under the provisions of this Act shall have power to have and use a common seal, alterable at the pleasure of the Sanitary Board; to sue and be sued by its name; to construct and maintain, and keep clean such sewers and drains as in the judgment of the Sanitary Board shall be necessary or proper, and for this purpose to acquire by purchase, gift, devise, condemnation

Powers of
Sanitary
District
Boards.

Duties and
powers of
Sanitary
Boards.

proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the Sanitary Board shall be necessary or proper, and to pay for and hold the same; to make and accept any and all contracts, deeds, releases, and documents of any kind which, in the judgment of the Sanitary Board, shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to assess, levy, and collect taxes to pay the principal and interest of the same, and the cost of laying and the expense of maintaining any sewer or sewers that may be constructed subsequent to the issuance of said bonds, or any lawful claims against said district, and the running expenses of the district; to employ all necessary agents and assistants, and pay the same; to lay its sewers and drains in any public street or road of the county, and for this purpose enter upon the same and make all necessary and proper excavations, restoring the same to proper condition; but in case such street or road shall be in an incorporated city or town, the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the removal of garbage, and the cleanliness of the roads and streets of the district, and for the purpose of guarding against the spread of contagious and infectious diseases, and for the isolation of persons and houses affected with such diseases, and for the notification of the other inhabitants of the existence thereof, and all other sanitary regulations not in conflict with the Constitution and laws of the State; to make and enforce all necessary and proper regulations for suppressing disorderly and disreputable resorts, and houses of ill-fame within the district, and to determine the qualification of persons authorized to sell liquors at retail, and from and after the passage of this Act no license to keep a saloon, or sell liquors at retail, shall take effect or be operative within any sanitary district unless the same be approved by the Sanitary Board of the district; to impose fines, penalties, and forfeitures for any and all violations of its regulations or orders, and to fix the penalty thereof by fine or imprisonment, or both; but no such fine shall exceed the sum of one hundred dollars, and no such imprisonment shall exceed one month; to call, hold, and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode, and manner of assessing, levying, and collecting taxes for sanitary purposes, except as otherwise provided herein; to compel all residents and property owners within the district to connect their houses and habitations with the street sewers and drains; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers, or the purpose for which it was formed.

SEC. 3. This Act shall take effect immediately.

CHAPTER XCVI.

An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley.

[Approved March 26, 1895.]

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 any money in the State Treasury not otherwise appropriated, for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley.

Appropriation for free wagon road to Yosemite Valley.

SEC. 2. When the survey and location of said wagon road shall be completed and accepted by the Board of Supervisors of Mariposa County, and the acceptance thereof shall have been duly certified by the County Clerk of the said county of Mariposa, the Controller of State is hereby authorized and directed to draw his warrant in favor of the County Treasurer of Mariposa County for the sum of two thousand dollars, to pay for said location and survey, and the Treasurer of State is hereby authorized and directed to pay the same.

Survey, payment for.

SEC. 3. When one fourth of the said road is fully completed, and that part or section thereof is accepted by the Board of Supervisors of Mariposa County, and the acceptance of said part or section thereof shall have been duly certified to by the County Clerk of the said county of Mariposa, the Controller of State is hereby authorized and directed to draw his warrant in favor of the County Treasurer of Mariposa County for the sum of twelve thousand dollars, and the Treasurer of State is hereby authorized and directed to pay the same.

Money to be paid, first quarter.

SEC. 4. When one half of the road is fully completed, and the second one fourth of said road is accepted by the Board of Supervisors of Mariposa County, and the acceptance of said part or section thereof shall have been certified to by the County Clerk of the said county of Mariposa, the Controller of State is hereby authorized and directed to draw his warrant in favor of the County Treasurer of Mariposa County for the sum of twelve thousand dollars, and the Treasurer of State is hereby authorized and directed to pay the same.

When half completed.

SEC. 5. When three fourths of the said road is finally completed, and the third one fourth of the said road is accepted by the Board of Supervisors of Mariposa County, and the acceptance of said part or section thereof shall have been certified to by the County Clerk of the said county of Mariposa, the Controller of State is hereby authorized and directed to draw his warrant in favor of the County Treasurer of Mariposa County for the sum of twelve thousand dollars, and the Treasurer of State is hereby authorized and directed to pay the same.

When three quarters completed.

Final pay-
ment.

SEC. 6. When the whole of the said road is finally completed and accepted by the Board of Supervisors of Mariposa County, and the acceptance thereof shall have been certified to by the County Clerk of the said county of Mariposa, the Controller of State is hereby authorized and directed to draw his warrant in favor of the County Treasurer of Mariposa County for the sum of twelve thousand dollars, and the Treasurer of State is hereby authorized and directed to pay the same.

In effect.

SEC. 7. This Act shall take effect immediately after the county of Mariposa shall have appropriated and deposited with the State Treasurer the sum of seventy-five thousand dollars for the construction of said road.

CHAPTER XCVII.

An Act to repeal an Act entitled "An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk," approved March 16, 1889, and authorizing the Treasurer of State to appoint one clerk, at an annual salary of sixteen hundred dollars.

[Approved March 26, 1895.]

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

Repealed.

SECTION 1. An Act entitled "An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk," approved March sixteenth, eighteen hundred and eighty-nine, is hereby repealed.

State
Treasurer
to appoint
clerk.

SEC. 2. The Treasurer of State is hereby authorized and empowered to appoint one clerk, at an annual salary of sixteen hundred dollars (\$1,600), payable in the same manner as other State officers.

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

CHAPTER XCVIII.

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 26, 1895.]

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:

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

Right of eminent domain may be exercised in behalf of what uses.

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.

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, incorporated city, or city and county, village, town, or school districts; canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing 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-roads, by-roads, plank and turnpike roads; steam, electric, and horse railroads; canals, ditches, dams, pondings, flumes, aqueducts, and pipes, for irrigation, 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 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.

Right of eminent domain may be exercised in behalf of what uses.

6. By-roads leading from highways to residences, farms, mines, mills, factories, and buildings for operating machinery, or necessary to reach any property used for public purposes.

7. 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.

9. Roads for transportation by traction engines or road locomotives.

10. Oil pipe-lines.

11. Roads for logging or lumbering purposes.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes, for supplying and storing water for the operation 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 the supplying electricity to light or heat mines, quarries, mills, factories, incorporated cities, cities and counties, villages, or towns, together with lands, buildings, and all other improvements in or upon which to erect, install, place, use, or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

13. Electric light lines.

CHAPTER XCIX.

An Act to establish a Police Court in and for the city of Eureka.

[Approved March 26, 1895.]

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

Police Court in city of Eureka.

SECTION 1. A Police Court is hereby established within and for the city of Eureka, in said State of California, which shall be presided over by the Police Judge. The Police Court shall have and exercise the jurisdiction, powers, and duties as prescribed in the Code of Civil Procedure and the Political Code of the State of California, and the charter and ordinances of the said city of Eureka; and all proceedings therein shall be had in conformity with the provisions of the various Codes of said State.

SEC. 2. This Act shall take effect immediately.

CHAPTER C.

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 thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth fiscal years.

[Approved March 26, 1895.]

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

SECTION 1. The sum of three thousand dollars is hereby appropriated out of the San Francisco Harbor Improvement Fund, in the State Treasury, to pay the deficiencies in the appropriation for costs and expenses of suits in which the State is a party in interest, for the thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth fiscal years; said sum to pay the claim of John B. Mhoon, surviving partner of the firm of Flournoy & Mhoon, for legal services rendered in the following State actions, in which they were regularly retained and employed as counsel for the State, namely: In the cases of "The People of the State of California, upon the relation of John P. Dunn, Controller, vs. William Blanding et al., vs. W. A. Phillips et al., and vs. W. H. Knight et al.," as approved, allowed, and recommended by the State Board of Examiners, as per its report to the thirty-first session of the Legislature.

Deficiency appropriation to pay costs of suits.

SEC. 2. The Controller is hereby authorized to draw his warrant, payable out of the San Francisco Harbor Improvement Fund, in the State Treasury, for the amount herein made payable, and the Treasurer is directed to pay the same.

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

CHAPTER CI.

An Act entitled an Act to appropriate money to pay the Directors of the Deaf, Dumb, and Blind Asylum for the construction of a sewer along Dwight Way, on front of the lands of the Deaf and Dumb Asylum, of Berkeley, California, which work was performed and material furnished under a contract with George Schmidt, Superintendent of Streets of the town of Berkeley, his authority having been acquired under the general street law of this State.

[Approved March 26, 1895.]

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

SECTION 1. The sum of three hundred and fifteen dollars and four cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the Directors

Appropriation to pay claim of J. M. Creed.

of the Deaf, Dumb, and Blind Asylum for work and material furnished by John M. Creed for the construction of a sewer in and along the center line of Dwight Way, and in front of the property of the Deaf and Dumb, and Blind Asylum, at Berkeley, California, under a contract with George Schmidt, Superintendent of Streets of Berkeley, California, said Schmidt acting under the general street law of the State of California, which said claim has been duly approved by the State Board of Examiners of this State.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasury in favor of the said Deaf and Dumb, and Blind Asylum, of Berkeley, by it to be paid to Henry W. Taylor, assignee of said John M. Creed, for said sum of three hundred and fifteen dollars and four cents (\$315 04), and the Treasurer of State is hereby authorized and directed to pay the same.

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

CHAPTER CII.

An Act to prevent evil-disposed persons from coming upon the grounds of the Whittier State School at Whittier, California, or the Preston School of Industry at Ione.

[Approved March 26, 1895.]

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

Depositing
arms or ex-
plosives on
grounds at
Whittier or
Ione a fel-
ony.

SECTION 1. Any person who shall come upon the grounds of the Whittier State School at Whittier, or Preston School of Industry at Ione, or any of the grounds adjacent thereto where inmates are employed, and leave or deposit where inmates may have access thereunto, any guns, pistols, knives, or other deadly weapons, or any explosive of any kind whatsoever, shall be guilty of felony, and upon conviction thereof shall be punished by imprisonment in the State Prison for a term not to exceed three years.

Other con-
traband
articles, a
misdeme-
anor.

SEC. 2. Any person who shall come upon the grounds of the Whittier State School at Whittier, or Preston School of Industry at Ione, or any of the grounds adjacent thereto where inmates are employed, and leave or deposit where inmates may have access thereto, any whisky, cigars, cigarettes, tobacco, or any other narcotic or stimulant, or who shall furnish to any of the inmates of said school any of the above named articles, shall be guilty of a misdemeanor.

Ex-con-
victs not to
communi-
cate.

SEC. 3. Any person having been previously convicted of a felony, and who has been confined in either of the State Prisons of this State, who shall come upon the grounds of the Whittier State School, or Preston School of Industry at Ione, or communicate, or attempt to communicate, with any of the inmates of said institution without the consent of the Superin-

tendents, or other officers in charge of said schools, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in either of the State Prisons of this State for not more than three years.

SEC. 4. Any tramp, vagrant, or person who is a known associate of thieves, who shall come upon the grounds of the Whittier State School, or Preston School of Industry at Ione, or grounds adjacent thereto, and communicate with any of the inmates of said schools, without the consent of the Superintendents thereof, or who shall visit or communicate with any paroled pupil of said school with a view to induce him to violate the conditions of his parole, or who shall induce, by threats, intimidation, or persuasion, such paroled pupil to leave the guardian under whom he has been placed by the Superintendents of the Whittier State School, or Preston School of Ione, shall be guilty of a misdemeanor.

SEC. 5. Any person who shall deliver, or agree to deliver, any literature, letters, or any reading matter whatsoever to any of the pupils of the Whittier State School, or Preston School of Industry at Ione, without the same passing through the hands of the Superintendents of said schools, or other officer designated by him for the purpose of receiving and examining such literature, letters, or reading matter, shall be guilty of a misdemeanor.

This Act shall take effect immediately.

CHAPTER CIII.

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 26, 1895.]

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 four thousand two hundred and seventy-eight and eighty-six one hundredths dollars, to pay the deficiency in the appropriation for the transportation of insane for the forty-fourth fiscal year, 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 directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CIV.

An Act to prevent the sale of imitation or adulterated honey, and to provide a punishment therefor.

[Approved March 26, 1895.]

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

Sale of imitation or adulterated honey a misdemeanor.

SECTION 1. Any person who, by himself or an agent, sells or offers for sale, or in any way disposes of, any substance or composition of the appearance of honey, or which in color, consistency, and taste resembles honey, but which is not honey—the natural product of the bee, or a pure extract therefrom—upon the representation or claim or pretense that the same is honey, or a pure extract therefrom, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail for three months, or by both such fine and imprisonment.

SEC. 2. For the purposes of this Act "pure extract of honey" is honey extracted from the comb without the addition of any other substances.

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

CHAPTER CV.

An Act authorizing the payment of compensation or commission to persons employed by the State Controller and Attorney-General, or by Boards of Supervisors of the different counties, to collect delinquent State and county taxes, and legalizing all payments made for that purpose.

[Approved March 26, 1895.]

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

Legalizing payment of commissions for collection of delinquent taxes.

SECTION 1. That all sums heretofore paid by the State to any person for compensation or commission to persons for collecting delinquent State and county taxes in pursuance of an agreement by such persons with the State Controller and Attorney-General for such collections, and all sums heretofore paid by any Board of Supervisors out of the County Treasury as compensation or commissions for collecting such delinquent taxes in pursuance of an agreement by such persons with such Boards of Supervisors, are hereby approved and legalized.

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

CHAPTER CVI.

An Act to promote the protection of cities, towns, and municipal corporations from overflow by water and the drainage of the same, and for such purposes authorizing the incurring of indebtedness and the issuance of bonds therefor by the same, and providing for the disposition of the proceeds of such bonds, and for the supervision of the protective and other works.

[Approved March 26, 1895.]

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

SECTION 1. Any city, town, or municipal corporation incorporated under the laws of this State may, by procedure hereinafter prescribed, incur indebtedness and liability, although in excess of the income and revenue by it provided for the current fiscal year, but not so that the aggregate funded indebtedness thereof shall exceed six per cent of the assessed value of all the real and personal property in the municipality, for the purpose of protecting such city, town, or municipal corporation from overflow by water, and for the purpose of draining such city, town, or municipal corporation, and for the purpose of securing an outlet for such overflow water and drainage, or for any part of said purposes, whether by means of canals, ditches, levees, dikes, embankments, dams, and machinery and other like appropriate or ancillary means or works, or any of the same, whether situated within or without the territorial limits of such city, town, or municipal corporation.

Municipal corporations may incur debts to prevent overflow.

SEC. 2. The procedure mentioned in section one aforesaid shall be as follows, to wit: The City Council or legislative body of such city, town, or municipal corporation shall, first, have made by some competent person general plans and estimates of the cost of such canals, ditches, levees, dikes, embankments, dams, machinery, and other means or works as may be contemplated, which general plans and estimates shall, after adoption, be filed in the office of the Clerk of such municipality, and which general plans shall be substantially adhered to thereafter in proceedings under this Act. Said City Council or legislative body shall, secondly, after the filing of such general plans and estimates, and by resolution or ordinance passed at a regular meeting by a vote of two thirds of all its members and approved by the executive of the municipality, determine, if so advised, that the public good demands the construction, acquisition, and completion, or either, of canals, ditches, levees, dikes, embankments, dams, machinery, and other like appropriate or ancillary means, or works, or any of the same, for any or all of the purposes mentioned in section one aforesaid; and shall further, by the same resolution or ordinance, determine, if so advised, that the cost of the same will be too great to be paid out of the ordinary income or

Manner of procedure. Duties of City Council.

Publi-
cation and
elections.

revenue of the municipality; and such resolution or ordinance shall, after its passage and approval, be published as herein-after prescribed. Said City Council or legislative body shall, within one month after the publication aforesaid, and by resolution or ordinance passed at a regular meeting by a vote of two thirds of all its members, and approved by the executive of the municipality, call a special election, and submit to the qualified voters of such city, town, or municipal corporation the proposition to incur a debt for any or all of the purposes mentioned in section one aforesaid, and which have been as aforesaid determined to be demanded for the public good. The resolution or ordinance calling such special election shall specify the purpose for which the indebtedness is proposed to be incurred, the estimated cost of the things proposed, that bonds of the municipality will issue in the amount of such estimated cost, the number and character of such bonds, the rate of interest to be paid, and the amount of the tax levy for each year during the outstanding of such bonds to be made for their payment. Such last named resolution or ordinance shall be published as hereinafter prescribed. Such City Council or legislative body shall cause to be published, after the publication last named and prior to the day of holding such special election, a notice of the same, which notice shall set forth substantially all the matters contained in the aforesaid resolution or ordinance calling such special election.

Newspaper
publica-
tion.

SEC. 3. Every publication herein before mentioned or required shall be in some newspaper published in such city, town, or municipal corporation; if in a daily paper, in at least ten issues thereof, and if in a weekly paper in at least two issues thereof; and no publication shall be deemed to have begun until any one required preceding the same shall have been completed.

Elections,
how held.

SEC. 4. Such special elections shall be held in the manner provided by law for holding elections in such city, town, or municipal corporation.

Two-thirds
vote neces-
sary.

SEC. 5. It shall require the votes of two thirds of all the voters voting at such special election to authorize the incurring of any indebtedness or the issuance of any bonds under this Act. If two thirds of all the votes cast at such special election be in favor of the proposition submitted, the City Council or legislative body may, by ordinance reciting the result of said election, provide for the issuance of the proposed bonds and any matter incidental thereto.

Bonds.

SEC. 6. All municipal bonds issued under this Act shall be of the kind known as serials, and of such denominations as the City Council or legislative body may determine; *provided*, that no bond shall be for less than one hundred dollars nor for more than one thousand dollars, and that not less than one fortieth part of the whole indebtedness evidenced by the whole of the issue of such bonds shall be, by the terms of such bonds, made payable each and every year. Each bond shall be made payable either in gold coin or other lawful money of the United States as may be expressed in such bond, on a day and at

How pay-
able.

a place designated therein, with interest at the rate specified therein, which rate shall not exceed seven per cent per annum, to be fixed by such City Council or legislative body. Said place of payment shall be either at the office of the Treasurer of the municipality, or at some designated bank in San Francisco, Chicago, or New York. Said bonds shall be executed on the part of such municipality by the Mayor or other executive thereof, and by the Treasurer thereof, and countersigned by the Clerk of the municipality. The interest coupons shall be numbered consecutively and signed by the Treasurer.

Where payable.

SEC. 7. Any of such bonds may be issued by the City Council or legislative body of such city, town, or municipal corporation, and by the same sold, at not less than their face value; and the proceeds of such sale shall be deposited in the municipal treasury to the credit of a designated fund and be applied exclusively to the purposes and objects for which, as aforesaid, the electors have voted to incur indebtedness or liability, until such purposes and objects shall have been accomplished, after which, the surplus, if any, may be transferred to the General Fund of the municipality.

Must not be sold less than par.

Proceeds.

SEC. 8. Such City Council or legislative body shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually, each year, for the term of 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.

Sinking fund.

SEC. 9. The City Council or legislative body of every city, town, or municipal corporation wherein or for which any public works or improvements are being had or constructed for the purposes hereinbefore specified, and for which indebtedness has been incurred under the provisions of this Act, shall have power to make all needful rules and regulations for acquisition, construction, and completion of such works and improvements; to appoint all needful agents, superintendents, and engineers to supervise and construct the same, and shall have power in all lawful ways to protect and preserve the rights and interests of the municipality in respect thereof.

Powers of City Council.

SEC. 10. All contracts as to said works and improvements shall be let, in such parcels as the City Council or legislative body may determine, to the lowest responsible bidder, after notice given for at least ten days by publication in one or more newspapers published in the municipality, inviting sealed proposals. Security or bonds may be required in order to guarantee good faith in bidding and in the performance of contracts, or either, in such amount as such Council or legislative body may determine, and such Council or legislative body may reject any or all bids.

Contracts, how let.

Additional
bonds by
Treasurer.

SEC. 11. The City Council or legislative body of the municipality may, by resolution, if it deem the same necessary, require the Treasurer of the municipality to give additional bonds for the safe custody and care of public funds derived under this Act.

SEC. 12. The provisions of this Act are intended to be paramount and controlling as to all matters provided for therein and as to all questions arising in or out of procedure thereunder.

SEC. 13. This Act shall take effect from and after the time of its passage.

CHAPTER CVII.

An Act authorizing the Judges of the Superior Court in all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, to appoint a Secretary.

[Approved March 26, 1895.]

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

Secretaries
to Superior
Judges in
certain
counties.

SECTION 1. In all counties, and cities and counties, having a population of two hundred thousand inhabitants and over, the Judges of the Superior Court in such counties, and cities and counties, may appoint a Secretary, who shall receive a salary of one hundred and fifty (\$150) dollars per month, and hold office at their pleasure, and shall perform such duties as may be required of him by the Court or the Judges thereof. Said salary shall be audited, allowed, and paid out of the General Fund of such counties, and cities and counties.

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

CHAPTER CVIII.

An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure, to provide for the making of deeds on foreclosure of mortgages.

[Approved March 26, 1895.]

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:

Proceed-
ings in
foreclosure
suits.

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 Court, and the expenses of the sale, and the amount due plaintiff. 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. In the event of the death, or absence from the State, or other disability or disqualification of the commissioner so appointed to sell incumbered property, the Court may, after the time for redemption has expired, appoint an elisor to make the deed or deeds due to the purchaser or purchasers, or his or their assigns, of the property so sold by said commissioner.

Court
Commis-
sioner.

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

CHAPTER CIX.

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, by amending section one thereof.

[Approved March 26, 1895.]

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:

Section 1. The several counties of this State are divided and classified into agricultural districts, and numbered as follows, to wit:

- San Fran- The counties of San Francisco and Alameda shall constitute Agricultural District Number One.
- San Fran- The county of San Francisco and Alameda shall constitute Agricultural District Number One.
- San Joa- The county of San Joaquin shall constitute Agricultural District Number Two.
- quain.
- Butte. The county of Butte shall constitute Agricultural District Number Three.
- Sonoma. The counties of Sonoma and Marin shall constitute Agricultural District Number Four.
- and Marin.
- San Mateo The counties of San Mateo and Santa Clara shall constitute Agricultural District Number Five.
- and Santa Clara.
- Los An- The county of Los Angeles shall constitute Agricultural District Number Six.
- geles.
- Monterey. The county of Monterey shall constitute Agricultural District Number Seven.
- El Dorado. The county of El Dorado shall constitute Agricultural District Number Eight.
- Humboldt. The county of Humboldt shall constitute Agricultural District Number Nine.
- Siskiyou The counties of Siskiyou and Trinity shall constitute Agricultural District Number Ten.
- and Trinity.
- Plumas. The county of Plumas shall constitute Agricultural District Number Eleven.
- Lake and The counties of Lake and Mendocino shall constitute Agricultural District Number Twelve.
- Mendo- cino.
- Sutter and The counties of Sutter and Yuba shall constitute Agricultural District Number Thirteen.
- Yuba.
- Part of 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 north-
- Santa Cruz.

east to the boundary line of Santa Clara County, shall constitute Agricultural District Number Fourteen.

The county of Kern shall constitute Agricultural District Kern. Number Fifteen.

The county of San Luis Obispo shall constitute Agricultural District Number Sixteen. San Luis Obispo.

The county of Nevada shall constitute Agricultural District Nevada. Number Seventeen.

The counties of Mono, Inyo, and Alpine shall constitute Agricultural District Number Eighteen. Mono et al.

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. Part of Santa Barbara.

The county of Placer shall constitute Agricultural District Placer. Number Twenty.

The county of Fresno shall constitute Agricultural District Fresno. Number Twenty-one.

The county of San Diego shall constitute Agricultural District San Diego. Number Twenty-two.

The county of Contra Costa shall constitute Agricultural District Number Twenty-three. Contra Costa.

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. Part of Santa Cruz.

The county of Napa shall constitute Agricultural District Napa. Number Twenty-five.

The counties of Sacramento and Amador shall constitute Agricultural District Number Twenty-six. Sacramento et al.

The county of Shasta shall constitute Agricultural District Shasta. Number Twenty-seven.

The county of San Bernardino shall constitute Agricultural District Number Twenty-eight. San Bernardino.

The county of Tuolumne shall constitute Agricultural District Tuolumne. Number Twenty-nine.

The county of Tehama shall constitute Agricultural District Tehama. Number Thirty.

The county of Ventura shall constitute Agricultural District Ventura. Number Thirty-one.

The county of Orange shall constitute Agricultural District Orange. Number Thirty-two.

The county of San Benito shall constitute Agricultural District San Benito. Number Thirty-three.

The county of Lassen shall constitute Agricultural District Lassen. Number Thirty-four.

The counties of Merced and Mariposa shall constitute Agricultural District Number Thirty-five. Merced and Mariposa.

The county of Solano shall constitute Agricultural District Solano. Number Thirty-six.

All that portion of Santa Barbara County not included in Agricultural District Number Nineteen shall constitute Agricultural District Number Thirty-seven. Part of Santa Barbara.

- Stanislaus. The county of Stanislaus shall constitute Agricultural District Number Thirty-eight.
- Calaveras. The county of Calaveras shall constitute Agricultural District Number Thirty-nine.
- Yolo and Colusa. The counties of Yolo and Colusa shall constitute Agricultural District Number Forty.
- Del Norte. The county of Del Norte shall constitute Agricultural District Number Forty-one.
- Glenn. The county of Glenn shall constitute Agricultural District Number Forty-two.
- Tulare. The county of Tulare shall constitute Agricultural District Number Forty-three.
- Modoc. The county of Modoc shall constitute Agricultural District Number Forty-four.
- Sierra. The county of Sierra shall constitute Agricultural District Number Forty-five.

CHAPTER CX.

An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture, and purchase of carpets and furniture, for the forty-sixth fiscal year.

[Approved March 26, 1895.]

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

Deficiency appropriation for repairs and furniture, Capitol.

SECTION 1. There is hereby appropriated the sum of two thousand dollars out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for repairs to Capitol building and furniture, and purchase of carpets and furniture, for the forty-sixth fiscal year.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants for the money herein appropriated, in favor of the Secretary of State, as the same may be required, and the Treasurer is hereby directed to pay said warrants.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXI.

An Act to amend an Act entitled "An Act creating a Board of Commissioners of the Building and Loan Associations, and prescribing their duties and powers," approved March 23, 1893.

[Approved March 26, 1895.]

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

SECTION 1. Section two of said Act is amended to read as follows: Building and Loan Commissioners.

Section 2. The Commissioners shall each receive a salary of twenty-four hundred dollars per annum and necessary traveling expenses, not to exceed for the two Commissioners and their Secretary the sum of seven hundred dollars per annum. Said Commissioners are hereby authorized to appoint a Secretary, at a salary not to exceed twelve hundred dollars per annum, who shall have power to examine the books and affairs of the associations, the same as the Commissioners. All said salaries and traveling expenses shall be audited by the State Controller, and paid in the same manner as the salaries of other State officers. Salary.
Secretary.

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

Section 3. The Commissioners shall have their office in San Francisco, which office shall be kept open for business every business 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 exceeding forty dollars. They may also provide fuel, stationery, printing, and other necessary conveniences connected with their office, not to exceed an aggregate cost of four 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. Office.
Rent.
Stationery, fuel, etc.

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

Section 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 as prescribed by the Political Code for State officers in general. The Secretary appointed by said Commissioners shall execute a bond in the sum of two thousand dollars, and take the oath of office as prescribed by said Political Code. Bonds.

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

Section 5. The duties of the Commissioners of Building and Loan Associations shall be to furnish 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 Duties of Commissioners.

Report to
Governor.

one year from the date of said license; to receive and place on file in their office the 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 make, 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.

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

Duties of
associa-
tions.

Section 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 appraised 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. The Commissioners shall have power to order a re-valuation of the securities of any Building and Loan Association when they deem it necessary, and may, for that purpose, appoint local appraisers at the expense of such association, the total expense of such appraisal not to exceed two dollars and fifty cents for each property examined and appraised. Each appraiser shall make a sworn report to the Commissioners of the appraised values of all property examined.

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

Associa-
tions to
pay an as-
sessment
to Com-
mission-
ers.

Section 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 on 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 December thirty-first of each year; *provided, however*, that no association shall pay less than ten dollars per annum; and all associations hereafter organized shall each pay to the Commissioners for their licenses not less than one dollar per month for the term expiring December thirty-first succeeding, dating from the time of application for license.

Licenses.

SEC. 7. Section seventeen of said Act is hereby amended to read as follows:

Same

Section 17. No association shall transact business in this State without first procuring from the Commissioners of Building and Loan Associations a certificate of authority or license to do so. To procure such authority it must file with the said Commissioners a certified copy of its articles of incorporation,

constitution, and by-laws, and all other printed rules and regulations relating to its methods of conducting business, and of all subsequent amendments or changes thereto, and otherwise comply with all requirements of law. No association, after the expiration of the term for which a license has been granted to it by the Commissioners of Building and 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 in 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. The Commissioners are authorized and empowered to revoke the license of any association under their supervision, the solvency whereof is imperiled by losses or irregularities; and the Commissioners immediately upon revoking such license shall report the facts to the Attorney-General, who shall thereupon take such proceedings as is provided by section nine of this Act.

Commissioners may revoke license.

SEC. 8. Section eighteen of said Act is hereby amended to read as follows:

Section 18. Every Building and Loan Association doing business in this State shall, once in every year, to wit, within thirty days after the expiration of its annual fiscal term, make a report, in writing, to the Commissioners of Building and 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 association shall be duly accounted for. Any association failing to file the annual report within the time specified herein, shall be subject to a penalty of ten dollars per day for each and every day such report shall be delayed or withheld.

Associations must make report to Commissioners.

Contents of report.

SEC. 9. Section twenty of said Act is hereby amended to read as follows:

Section 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, investment companies, or associations, whether organized in this State or represented by agents, doing a savings and loan or investment business, and which are not under the direct supervision of the Bank Commissioners or the Insurance Commissioner, and whether issuing certificates of stock which mature at a time fixed in advance or not, and shall also include any association or company which is based on the plan of Build-

Building and Loan Association defined.

ing and Loan Associations, and which contains features similar to such associations; and said Commissioners are hereby vested with the power of determining whether such association or associations contain such features as are based on plans similar to those of Building and Loan Associations, and whether they properly come within the purview of this Act.

This Act shall take effect from and after its passage.

CHAPTER CXII.

An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-sixth fiscal year.

[Approved March 26, 1895.]

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

Deficiency appropriation, Attorney-General's office.

SECTION 1. The sum of four hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General, for the forty-sixth 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 CXIII.

An Act appropriating money to pay the expenses of the Commissioner of Public Works and his employés, for the forty-seventh and forty-eighth fiscal years.

[Approved March 26, 1895.]

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

Commissioner of Public Works, appropriation for.

SECTION 1. There is hereby appropriated the sum of ten thousand dollars out of any moneys in the State Treasury not otherwise appropriated, to pay the expenses of the Commissioner of Public Works and his employés, and for such other purposes as may be necessary or proper for carrying out the provisions of any law imposing duties upon said Commissioner of Public Works. The Controller of State is hereby directed to draw his warrants therefor, and the Treasurer is hereby directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXIV.

An Act to appropriate the sum of fifteen hundred (\$1,500) dollars to pay the claim of T. Carl Spelling against the State.

[Approved March 26, 1895.]

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

SECTION 1. The sum of one thousand and five hundred (\$1,500) dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the claim of T. Carl Spelling against the State, for services to the State, rendered at the request of the Commissioners of the State Bureau of Labor Statistics, and the State Insurance Commissioner, during the forty-first (41), forty-second (42), forty-third (43), and forty-fourth (44) fiscal years; and the State Controller is hereby directed to draw his warrant for, and the State Treasurer to pay the same.

Appropriation to pay claim of T. Carl Spelling.

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

SEC. 3. This Act shall be exempt from the provisions of section six hundred and seventy-two of the Political Code.

CHAPTER CXV.

An Act to create an Exempt Firemen's Relief Fund in the several counties, cities and counties, cities, and towns of the State, and relating to the enrollment, formation into fire companies, and services as firemen of such exempt firemen.

[Approved March 26, 1895.]

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

SECTION 1. The Mayor, the Chairman of the Board of Supervisors, or other governing authority of any city and county, city, or county, or town of this State in which an incorporated exempt fire company exists, is authorized, empowered, and required, within thirty days after this Act takes effect, or as soon thereafter as practicable, and as often as shall be necessary, to appoint five citizens, who are exempt firemen, who shall constitute the Board of Trustees of the Exempt Firemen's Relief Fund, to provide for the disbursement of said fund, and to ascertain and determine the beneficiaries thereof, as hereinafter directed. Each Trustee shall hold office for the term of four years from his appointment, and until the appointment and qualification of his successor. All vacancies from whatever cause shall be filled by the officer making the appointment.

Board of Trustees of Exempt Firemen's Relief Fund.

Term.

Vacancies.

Each Trustee shall qualify by taking the constitutional oath of office.

Organiza-
tion.

SEC. 2. They shall organize as such Board by choosing one of their number as President and one of their number as Secretary. The office of Trustee, and of President and Secretary of said Board, is honorary, and they shall receive no salary or compensation therefor. A majority of members of said Board shall constitute a quorum and have power to transact business. The Treasurer of the county, city and county, city, or town shall be the ex officio Treasurer of said fund, without extra salary or compensation therefor. Such Board shall have charge of and administer said fund, and order payments therefrom, in pursuance of the provisions of this Act. They shall report to the Board of Supervisors or other governing authority of the county, city and county, city, or town, when and as often as required, the condition of said fund, and the receipts and disbursements on account of the same, and such other information as may be demanded. The Board shall keep a record and full minutes of their acts and proceedings.

Make
report.

Exempt
Firemen
must be
enrolled.

SEC. 3. The Board of Trustees of the Exempt Firemen's Relief Fund shall enroll every exempt fireman who has received, or may hereafter receive, a certificate under the laws of this State that he is an exempt fireman, and who is a resident of the county, city and county, city, or town, and who desires to avail himself of the benefits of this Act, and to render the services herein mentioned. Such enrolled exempt fireman may, in cases of great public emergency, be assigned to and shall perform such duty as firemen, under the direction and control of the chief, or any of his assistants, of the fire department, as may be from time to time prescribed by ordinance of such Board of Supervisors or such other governing authority; and said enrolled exempt firemen shall be formed into one or more companies, and in such manner as such Board of Supervisors or such other governing authority may from time to time ordain; and such persons shall render all such services without salary or compensation, but may receive relief as provided herein.

Relief
Fund, how
provided.

SEC. 4. The Board of Supervisors or other governing authority of any county, city and county, city, or town, in which such incorporated exempt fire company exists, shall, for the purposes of said fund, annually set apart from the General Fund in the treasury of the county, city and county, city, or town, or from any other fund therein which is not devoted exclusively to some other purpose, and direct the payment annually into said fund of a sum of money not exceeding twelve thousand dollars; and in case a sum less than twelve thousand dollars should in any instance be directed to be paid into said fund, said Board or other governing body may from time to time so set apart and direct the payment into said fund of sums of money; *provided*, the aggregate of sums paid into said fund shall not exceed twelve thousand dollars a year. Moneys so set apart cannot be diverted thereafter from said fund by the Board of Supervisors or other governing authority.

SEC. 5. Said Exempt Firemen's Relief Fund shall be applied to the relief of such enrolled exempt firemen who, after their enrollment as herein provided, shall become disabled from injury, sickness, or the infirmities of age to earn a livelihood, and said Board shall grant relief from time to time to such enrolled member during the disability as it deems just. The decision or judgment of said Board as to the fact of ability or disability, or its duration, or the amount of relief at any time to be granted, shall be binding and final as against the claimant of relief. Said fund shall be used for such purposes, and to pay the necessary expenses of stationery for said Board, and for no other purpose. The relief granted shall not exceed twenty-five dollars per month to each enrolled member so disabled.

Disbursements.

Limit.

SEC. 6. Such Board of Trustees is authorized to allow and issue orders or warrants, signed by the President and Secretary, for payment of moneys out of said Exempt Firemen's Relief Fund, for any of the purposes herein stated; and the auditing officer of the county, city and county, city, or town is authorized and required to audit, and the Treasurer thereof to pay out of said fund, any and all orders or warrants so allowed and issued by said Board; *provided*, that the aggregate of said orders shall not exceed the sum of twelve thousand dollars per annum.

Trustees to issue warrants.

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

CHAPTER CXVI.

An Act to authorize the Trustees of the city of Auburn, Placer County, to remove a cemetery, and to donate the land occupied thereby to the public for a park.

[Approved March 26, 1895.]

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

SECTION 1. The Trustees of the city of Auburn, county of Placer, shall have the power and authority, in their discretion, by ordinance duly passed, to cause all bodies now buried in the old Auburn cemetery, now located near the center of the city, to be removed therefrom to some other more suitable locality.

City Trustees of Auburn to remove cemetery, etc.

SEC. 2. The said Trustees shall, upon the removal of said bodies, declare, by ordinance duly passed, that the said cemetery is vacated and abandoned as such, and the land now occupied by said cemetery shall become a public park.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXVII.

An Act to amend section five hundred and thirty-nine of the Political Code of the State of California, relative to the engrossment and enrollment of bills and other documents, approved March 31, 1891.

[Approved March 26, 1895.]

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

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

State
Printer to
engross
bills.

539. All bills and other documents ordered engrossed by either house of the Legislature shall be delivered by the Secretary of the Senate or Chief Clerk of the House, as the case may be, to the Engrossing Clerk of the house ordering the engrossment, who shall deliver such bills or other documents, without delay, in the order of their receipt, to the State Printer, who shall receipt for the same, and without delay engross (print) the same in the order so received by him, and deliver such engrossed bill or other documents, with the original thereof, to the Engrossing Clerk from whom he receives the same, who shall carefully compare the engrossed copy with the original, and, if correctly engrossed, report the same back, with the original, to the Engrossing Committee of the house from which he received it. All bills and other documents that have been printed shall be considered engrossed, if no amendments have been made after being printed, but the original bill or document shall be delivered to the Engrossing Clerk of the respective houses where same originated, and he shall compare the original bill, or other document with the printed bill or other document, and forthwith deliver them to the Committee on Engrossment for return to the house in the same manner as engrossed bills. Such bills or other documents shall have a separate order of comparison from the engrossed bills. And all bills and other documents required to be enrolled by order of either house, shall be delivered by the Secretary of the Senate or Chief Clerk of the House, as the case may be, to the Enrolling Clerk of the house ordering such enrollment, who shall deliver such bills or other documents, without delay, in the order of their receipt, to the State Printer, who shall receipt for the same, and who shall, without delay, correctly enroll (print) the same, in the order so received by him, and when enrolled he shall deliver such enrolled bills or other documents, with the original thereof, to the Enrolling Clerk from whom he received the same, who shall carefully compare such enrolled copy with the original, and if correctly enrolled, he shall report the same back, with the original, to the Enrolling Committee of the house from which he received it.

Printed
bills not
amended
shall be
considered
as en-
grossed.

Also to en-
roll bills.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXVIII.

An Act making an appropriation to pay the rent of office for the Commissioner of the Bureau of Labor Statistics in San Francisco, for the forty-fifth and forty-sixth fiscal years, ending June 30, 1895.

[Approved March 26, 1895.]

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 hundred dollars, to pay the rent of office for the Commissioner of the Bureau of Labor Statistics in San Francisco, for the forty-fifth and forty-sixth fiscal years, ending June thirtieth, eighteen hundred and ninety-five (as reported by the State Controller, on page thirty-two of his report).

Appropriation to pay office rent Labor Commissioner.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXIX.

An Act making an appropriation to pay the deficiency in the appropriation for salary of Secretary of State Board of Examiners, for the forty-fourth fiscal year.

[Approved March 26, 1895.]

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

SECTION 1. The sum of one hundred and sixty-three dollars and thirty cents 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-fourth fiscal year.

Deficiency appropriation, Secretary State Board of Examiners.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CXX.

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

[Approved March 26, 1895.]

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

Deficiency appropriation, Southern California Asylum.

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of six thousand five hundred dollars, to pay the deficiency in the appropriation for the erection of additional buildings and improvements for the Southern California State Asylum for the Insane and Inebriates (as approved by the State Board of Examiners, page seventeen of their report).

SEC. 2. The Controller is hereby directed to draw his warrant, in favor of the Board of Trustees of said asylum, for the amount and for the purpose herein specified.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXI.

An Act authorizing the Clerk of the Supreme Court to furnish his offices in San Francisco, Los Angeles, and Sacramento with steel record cases, and make an appropriation therefor.

[Approved March 26, 1895.]

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

Appropriation to furnish steel filing cases for Clerk of Supreme Court.

SECTION 1. The Clerk of the Supreme Court is hereby authorized to furnish his offices in San Francisco, Los Angeles, and Sacramento with modern metallic, portable, steel filing book-cases, and such other furniture as may be necessary for the preservation of the records of the Supreme Court, and the proper transaction of the business.

SEC. 2. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purposes herein authorized, the sum of two thousand eight hundred and fifty dollars, or so much thereof as may be necessary.

SEC. 3. The State Board of Examiners shall examine, audit, and allow all demands arising under this Act, and the State Controller shall thereupon draw his warrant therefor, payable out of the General Fund, and the State Treasurer is hereby directed to pay the same.

SEC. 4. The appropriation herein made shall be in force and effect from and after January first, eighteen hundred and ninety-six.

CHAPTER CXXII.

An Act to amend section six of 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 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, 'and to provide for Clerks of Police Courts in cities having a population of more than thirty thousand and not exceeding one hundred thousand inhabitants.'"

[Approved March 26, 1895.]

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

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

Section 6. The Police Courts in all cities having more than thirty thousand and not exceeding one hundred thousand inhabitants, shall have a Clerk for each of the Judges of said Courts, who shall be appointed by the Judge of the said Court presiding in the department thereof in which the said Clerk is to act, who shall hold office for the period of two years from the date of his appointment. Each of the said Clerks shall receive an annual salary of one thousand five hundred dollars a year, payable monthly out of the treasury of said city, which salary shall be the full compensation for all services rendered by him. Each of the said Clerks shall keep a record of the proceedings of, and issue all processes ordered by, the City Justices, or either of them, or by said Police Court, and receive and pay into the City Treasury all fines imposed by said Court. They shall also each month render to the City Council an exact and detailed account, upon oath, of all fines imposed and collected, and of all fines imposed and uncollected, since their last reports. They shall prepare bonds, justify bail when the amount has been fixed by either of the said Justices or said Court, in cases not exceeding one hundred dollars, and may administer and certify oaths. The Clerks shall remain at the court-rooms of the said Court during the business hours, and during such reasonable times thereafter as may be necessary for discharg-

Police
Courts.

Clerks of
Police
Courts.

Salary.

Duties

Office
hours.

ing their duties. Before receiving their salaries each or any month, each of them shall make and file with the City Auditor an affidavit that he has deposited with the City Treasurer all moneys that have come into his hands belonging to the city. Any violation of this provision shall be a misdemeanor. Each of said Clerks shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the Mayor, conditioned for the faithful discharge of the duties of his office.

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

CHAPTER CXXIII.

An Act making an appropriation to pay the City and County of San Francisco for expenses incurred in conveying children to the Whittier State School.

[Approved March 26, 1895.]

The People of the State of California, represented in the 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 three thousand four hundred and seventy dollars and forty-one cents, to pay the claim of the City and County of San Francisco for expenses incurred in conveying children to the Whittier State School (as reported by the State Board of Examiners, page thirty-seven of their report).

Appropriation for conveying children to Whittier

SEC. 2. The Controller is hereby directed to draw his warrant, in favor of the Treasurer of said City and County of San Francisco, for the amount herein made payable.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXIV.

An Act to provide for payment of a deficiency in the appropriation for aid to State Agricultural Society, for the forty-sixth fiscal year.

[Approved March 26, 1895.]

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 deficiency in the appropriation for aid to State Agricultural Society for forty-sixth fiscal year, as approved by the State Board of Examiners, November twenty-fourth, eighteen hundred and ninety-four.

Deficiency appropriation for State Agricultural Society.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXV.

An Act to provide for the disincorporation of municipal corporations of the sixth class.

[Approved March 26, 1895.]

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

SECTION 1. A municipal corporation of the sixth class may disincorporate after proceedings had as required in this Act. The Council, the Board of Trustees, or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one fourth of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether such municipal corporation shall disincorporate. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed or published in such corporation, or if there is no newspaper published in said corporation, then in some newspaper published in the county in which said corporation is situated, for a period of thirty days prior to such election. Said notice shall state that the question of disincorporating said corporation will be submitted to the legal voters of the same at the time appointed for such election, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the cross, as provided by law, after the words "For Disincorporation—Yes," or "For Disincorporation—No." Such legislative body shall also designate in said notice the place or places at which the polls will be opened in said municipal corporation; and shall also appoint and designate in such notice the names of the officers of election. The vote at said election shall be taken, canvassed, and returned in the same manner as in other municipal elections. Such legislative body shall meet on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. If it be found by the canvass of said votes that a majority of the votes cast at said election were against said disincorporation, such legislative body shall declare the petition for disincorporation denied; in which case no new election shall be held on the question of disincorporating the corporation involved in said petition and vote until after the expiration of one year from the date of the election so held. In case it shall appear from said canvass that a majority of the votes cast were in favor of disincorporation, said legislative body shall, under their hands, make and file in their office, and cause to be entered upon their record of proceedings, an order that the petition for such disincorporation be granted, and declaring that such corporation be disin-

Municipal corporation of sixth class may disincorporate. Procedure.

Duties of Council in proceedings to disincorporate.

Duties of
Council in
proceed-
ings to
disincor-
porate

corporated; said order to take effect at the time hereinafter provided. Said legislative body shall, in case said corporation is so disincorporated, forthwith cause their Clerk, or other officer performing the duties of Clerk, by an order entered in their minutes, to make and transmit to the Secretary of State and Board of Supervisors of the county in which said corporation is situated a certified copy and abstract of the notice of election hereinbefore provided for, the whole number of electors voting for said disincorporation, and the number of electors voting against said disincorporation. Thirty days from and after the holding of the election, in case a majority of the said votes were cast in favor of said disincorporation, said municipal corporation shall be forever disincorporated. Said legislative body shall forthwith, after ascertaining by said canvass that said disincorporation has been carried, determine the amount of the indebtedness of said municipal corporation, the amount of money in the treasury thereof, and the amount of any tax levy made by said corporation unpaid or not due, and all other indebtedness due or coming due to said corporation, and within thirty days from the date of said election shall transmit a certified statement of said amounts to the Board of Supervisors of the county in which said municipal corporation is situated; and the Treasurer of said corporation shall, before the expiration of said thirty days, turn over to the Treasurer of said county all moneys of said municipal corporation in his possession, and said County Treasurer shall place said moneys in a special fund, to be drawn upon as hereinafter provided for. Upon the disincorporation of said municipal corporation, every public officer of said corporation shall immediately turn over to the Board of Supervisors of the county in which said corporation is situated, all public property of every nature and description in their possession; *provided, however*, that all Court records of the Recorder's Court of said municipal corporation shall be retained by said Recorder as Justice of the Peace of the township, and as such Justice of the Peace he shall have authority to execute and complete all unfinished business standing on the same.

Shall not
relieve the
corpora-
tion from
debts

Nothing contained in this Act shall be held to relieve said municipal corporation, or the territory included within it, from any liability for any debt contracted by such municipal corporation prior to its disincorporation. All warrants for said indebtedness shall be drawn by the Board of Supervisors of the county in which said municipal corporation is situated, on the fund hereinabove provided for in the County Treasury. If at the time of the said disincorporation, a tax shall have been levied by said municipal corporation, and remains uncollected, it shall be the duty of the Tax Collector of the county in which said municipal corporation was situated to collect said tax when due, and pay the same into the County Treasury to the credit of the fund hereinabove provided for. If at any time after the disincorporation of any such municipal corporation, it should be found that there is not sufficient money in the Treasury to the credit of the fund hereinabove provided for, with which to pay

Taxes to
pay indebt-
edness.

any indebtedness of said municipal corporation, the Board of Supervisors of said county shall have the power, and it shall be their duty to levy, and there shall be collected from the territory formerly included within said municipal corporation, a tax or taxes sufficient in amount to pay the said indebtedness, or indebtednesses of said municipal corporation; such tax or taxes, assessment, and collection shall be made in the same manner and at the same time that other taxes of said county are levied and collected, and shall be an additional tax upon the property included within said territory for the payment of said debts. If, ^{Surplus.} after payment of the debts of said municipal corporation, there shall remain any surplus in the hands of said County Treasurer to the credit of the fund hereinbefore mentioned, the money so remaining shall be transferred to the School Fund of the districts or district covered by said municipal corporation.

SEC. 2. The Board of Supervisors of the county in which ^{Duties of} any such municipal corporation has been disincorporated, shall ^{County} have the power, and it shall be their duty, to ascertain the ^{Super-} indebtedness of said municipal corporation at the time of its ^{VISORS.} disincorporation, and the amount of money in its treasury and the amount due to it at the said time, if the Board of Trustees or other legislative body of such corporation shall fail or refuse to return to said Board of Supervisors the statement of said amounts as hereinbefore in this Act provided. Said Board of Supervisors shall make provision for the collection of the amounts due to said municipal corporation, and said county shall succeed to and possess all the rights of said municipal corporation in and to said indebtedness, and shall have power to sue for or otherwise collect any such debts, in the name of the county. All costs and expense of ascertaining the facts hereinbefore mentioned, and all other costs and expense incurred by the Board of Supervisors in the execution of the powers and duties of said Board of Supervisors, provided for in this Act, shall be paid out of the special fund in said County Treasury hereinbefore in this Act provided for.

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

CHAPTER CXXVI.

An Act to amend section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the transfer of shares of stock of corporations, and making the shares of corporations engaged in certain business transferable as appurtenances to real property.

[Approved March 26, 1895.]

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

SECTION 1. Section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, is hereby amended to read as follows:

Shares of
stock.
personal
property

How trans-
ferred.

Irrigation
stock
appurte-
nant to
certain
lands.

324. Whenever the capital stock of any corporation is divided into shares, and certificates therefor are issued, such shares of stock, except as hereinafter provided, are personal property, and may be transferred by indorsement by the signature of the proprietor, his agent, attorney, or legal representative, and the delivery of the certificate; but such transfer is not valid, except as to the parties thereto, until the same is so entered upon the books of the corporation as to show the names of the parties by whom and to whom transferred, the number of the certificate, the number or designation of the shares, and the date of transfer; *provided, however,* that any corporation organized for, or engaged in the business of selling, distributing, supplying, or delivering water for irrigation purposes or for domestic use, may in its by-laws provide that water shall only be so sold, distributed, supplied, or delivered to owners of its capital stock, and that such stock shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate shall be so issued, and a certified copy of such by-law recorded in the office of the County Recorder in the county where such lands are situated, the shares of stock so located on any land shall only be transferred with said lands, and shall pass as an appurtenance thereto.

CHAPTER CXXVII.

An Act making an appropriation to pay the deficiency in the appropriation to pay for the system of heating and ventilating established in the Training Department of the State Normal School at San José, California.

[Approved March 26, 1895.]

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

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 deficiency in the appropriation to pay for the system of heating and ventilating established in the Training Department of the State Normal School at San José, State of California. Deficiency appropriation, San José Normal School.

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

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

CHAPTER CXXVIII.

An Act to authorize the State of California to secure the title to and right of way for that certain wagon road situated in El Dorado County, commencing a short distance easterly from the village of Smith's Flat, in said county, and running thence to Lake Tahoe, and to provide for the appointment, duties, and compensation of a person, to be known as and called the "Lake Tahoe Wagon Road Commissioner;" and to make an appropriation for the purpose of carrying into effect the provisions of this Act.

[Approved March 26, 1895.]

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, within sixty days after the passage of this Act, appoint one person, resident within this State, to be known as and called the "Lake Tahoe Wagon Road Commissioner." Lake Tahoe Wagon Road Commissioner.

SEC. 2. The term of office of said Commissioner shall be two years from and after the date of his appointment. Term. The person appointed such Commissioner shall, before entering upon the discharge of his duties, take the same oath of office as is provided by law for other State officers, which shall be filed in the Oath.

office of the Secretary of State. In case a vacancy shall occur in the office of said Lake Tahoe Wagon Road Commissioner, the Governor shall immediately fill such vacancy.

Duties.

SEC. 3. The said Commissioner shall make a full and careful examination into the condition of that certain wagon road situated and being in the county of El Dorado, State of California, commencing at the junction of the Lake Tahoe Wagon Road with the wagon road leading from Placerville to the town of Newtown, a short distance easterly from the village of Smith's Flat, in the said county of El Dorado, and running thence from the junction of said roads to Lake Tahoe; and shall make, or cause to be made, all such necessary surveys, maps, designs, drawings, specifications, and estimates, as will show the condition of said road, and the cost of properly improving the same. The said Commissioner shall also make, or cause to be made, a full and complete examination of the title to and right of way for said road, and shall endeavor to gain concessions thereto and therefor in favor of the State of California; and for that purpose said Commissioner is hereby authorized to receive, in the name of said State, such deeds, conveyances, contracts, or franchises, from persons or corporations, civil or municipal, as in the opinion of the Attorney-General of this State are necessary to vest the title, right of possession, and right of way to and for said road in the State of California.

Repairs.

SEC. 4. After the title, right of possession, and right of way to and for said road shall have become vested in the State of California, said Commissioner shall, and he is hereby authorized to make, or cause to be made, all such repairs or improvements to and upon said road, including the bridges and culverts thereon and belonging thereto, as may be necessary or proper; *provided*, that the cost of such repairs and improvements shall not exceed the sum of one thousand dollars.

Report.

SEC. 5. The said Commissioner shall, on or before the first day of December, eighteen hundred and ninety-six, make to the Governor a full report upon the matters herein specified. The Superintendent of State Printing shall print and publish as many copies of such report as may be ordered by the Governor.

Amount to be expended in making surveys, etc.

SEC. 6. Said Commissioner is hereby authorized to expend in the making and preparation of said surveys, maps, designs, drawings, specifications, and estimates, and in the examination of said title and right of way, the procuring of any deeds, conveyances, contracts, or franchises herein mentioned, and the preparation of said report, a sum not exceeding five hundred dollars.

Salary.

SEC. 7. Said Commissioner shall receive from the State a compensation of three hundred dollars per annum, payable monthly; and shall also receive his necessary traveling expenses while engaged in the performance of his official duties.

Appropriation.

SEC. 8. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of twenty-five hundred dollars, with which to carry into effect and execute the provisions of this Act.

SEC. 9. 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 and directed 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.

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

CHAPTER CXXIX.

An Act amending sections fifty-five, fifty-seven, and sixty-eight of the Civil Code of the State of California, and repealing section seventy-five of said Code.

[Approved March 26, 1895.]

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

SECTION 1. Section fifty-five of the Civil Code of the State of California is hereby amended to read as follows:

55. Marriage is a personal relation arising out of a civil contract, to which the consent of parties capable of making that contract is necessary. Consent alone will not constitute marriage; it must be followed by a solemnization authorized by this Code.

SEC. 2. Section fifty-seven of said Code is hereby amended to read as follows:

57. Consent to marriage and solemnization thereof may be proved under the same general rules of evidence as facts are proved in other cases.

SEC. 3. Section sixty-eight of said Code is hereby amended to read as follows:

68. Marriage must be licensed, solemnized, authenticated, and recorded as provided in this article; but non-compliance with its provisions by other than the parties to a marriage does not invalidate that marriage.

SEC. 4. Section seventy-five of said Code is hereby repealed.

CHAPTER CXXX.

An Act appropriating money for the use of the two State Forestry Stations.

[Approved March 26, 1895.]

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

Appropriation for use of Forestry Stations.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of the moneys in the State Treasury not otherwise appropriated, to be paid to the Regents of the University of California, to be expended by them through the Agricultural Department of the University during the two years beginning July first, eighteen hundred and ninety-five, the forty-seventh and forty-eighth fiscal years, for the support of the Forestry Station at Chico, and of the Forestry Station at Santa Monica, for necessary buildings and other improvements at said stations. And the Controller of State is hereby directed to draw his warrant for said sum, in such payments as may be requested by said Regents of the State University of California, and the Treasurer of the State is hereby directed to pay the same.

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

CHAPTER CXXXI.

An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.

[Approved March 26, 1895.]

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

Only Superior Judges shall commit to Whittier and Preston Schools

SECTION 1. The Superior Judge of any county, and no other judicial officer, shall have power to examine, discharge, or commit any offender either to the Whittier State School or to the Preston School of Industry; *provided*, that the Superior Judge shall determine whether or not the parent or guardian of any minor committed to the Whittier State School or to the Preston School of Industry is able to pay to the county in which the commitment is made for the maintenance of such minor during the term of such commitment; and when the Superior Judge shall determine that said parent or guardian has the

ability to pay as aforesaid for the maintenance of such minor during the term of such confinement, the parent or parents or guardian shall pay into the treasury of such county the sum of eleven dollars per month in advance; and in case of the failure to pay the same as herein provided, it shall be the duty of the District Attorney of such county to proceed to collect the amount from such parent, parents, or guardian in the manner that other indebtedness against the county is collected. Parents shall pay.

SEC. 2. For each and every person hereafter committed to either the Whittier State School or the Preston School of Industry, the county from which the commitment is made shall pay into the State Treasury the sum of one hundred and thirty-two dollars per annum, and at that rate for each fraction of a year. Counties shall pay.

SEC. 3. It is hereby made the duty of the Clerk of the Superior Court of the county from which such commitment is made, to certify to the County Auditor the name, age, and date of commitment of each person committed by the Superior Judge thereof, and the amount due to the State from the county by reason of such commitments, and before the first day of May and December of each and every year to file with the Treasurer of the county a statement of the number of commitments, with the date thereof, and the amount due from the county by reason of such commitments, to the State Treasurer; and it is further made the duty of the County Treasurer, during the settlement or at the time of the settlement with the State during the month of May and December of each year, to pay to the State Treasurer, through the State Controller, the amount so found to be due to the State by reason of commitments to the State schools as herein provided. Duty of Clerk of Court
Duty of County Treasurer

SEC. 4. The Superintendent of the State School at Whittier and the Preston School of Industry are hereby required to transmit to the State Treasurer a statement of all commitments to their respective institutions, showing the name of the person committed, the date of the commitment, and the county from which the commitment is made, and the amount due to the State from the county by reason of such commitments; said statement to be made quarterly, as follows: on or before the first day of January, the first day of April, the first day of July, and the first day of October of each year; and it is hereby made the duty of the Controller of State to add the amounts due to the State from said counties such sum as may be shown to be due by reason of commitments to such schools, as in section two of this Act provided. Duty of Superintendents of State Schools.

SEC. 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER CXXXII.

An Act making an appropriation to pay the deficiency in the appropriation for the support of the Southern California State Asylum for the Insane and Inebriates, for the forty-fifth and forty-sixth fiscal years.

[Approved March 26, 1895.]

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

Deficiency
appropriation,
Southern
California
Asylum.

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of sixty-seven thousand seven hundred and forty-three dollars and sixty-five cents, for the support of the Southern California State Asylum for the Insane and Inebriates, for the forty-fifth and forty-sixth fiscal years (as approved by the State Board of Examiners, pages ten and twenty of their report).

SEC. 2. The Controller is hereby directed to draw his warrant, in favor of the Board of Trustees of said asylum, for the amount herein made payable.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXXIII.

An Act to amend section seventeen hundred and thirty-nine of the Code of Civil Procedure, relating to the account with the County Clerk as to the disbursement of money and property of estates.

[Approved March 26, 1895.]

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

SECTION 1. Section seventeen hundred and thirty-nine of the Code of Civil Procedure is hereby amended to read as follows:

Public
Adminis-
trators to
account to
County
Clerks
semi-
annually.

1739. Public Administrators are required to account, under oath, and to settle and adjust their accounts relating to the care and disbursement of money or property belonging to estates in their hands, with the County Clerks of their respective counties, on the first Monday in January and July in each year; one copy of said account to be filed with the papers in each of such estates; and they must pay to the County Treasurer any money remaining in their hands of an estate unclaimed, as provided in sections sixteen hundred and ninety-three to sixteen hundred and ninety-six, both inclusive.

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

CHAPTER CXXXIV.

An Act making an appropriation to pay the claim of R. B. Young for architect's fees for erection and construction of power and electric plant at the Whittier State School.

[Approved March 26, 1895]

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

SECTION 1. The sum of two thousand three hundred and seventy-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claim of R. B. Young for architect's fees in the erection and construction of power and electric plant at the Whittier State School, the same being an indebtedness created by the consent of the State Board of Examiners and recommended by said Board to be paid.

Appropriation to pay claim of R B Young

SEC. 2. The Controller is hereby directed to draw his warrant in favor of R. B. Young for the sum of two thousand three hundred and seventy-five dollars, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CXXXV.

An Act making an appropriation to pay the deficiency in the appropriation for the purchase of ballot paper for the forty-sixth fiscal year.

[Approved March 26, 1895.]

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

SECTION 1. The sum of one thousand five hundred and fifty-three dollars and fifty-two cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the deficiency in the appropriation for the purchase of ballot paper for the forty-sixth fiscal year.

Deficiency appropriation for ballot paper.

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 CXXXVI.

An Act making an appropriation to pay the indebtedness incurred by the Board of Bank Commissioners, and authorizing and directing the Board to raise the amount, in addition to the amount of annual expenses for the forty-seventh fiscal year.

[Approved March 26, 1895.]

WHEREAS, Because of the unusual number of suspensions of banks throughout the State during the year eighteen hundred and ninety-three, the traveling and other expenses incurred by the Board of Bank Commissioners exceeded the amounts allowed by law; and whereas, the State Board of Examiners, on the sixteenth of May, eighteen hundred and ninety-four, granted permission to said Board of Bank Commissioners to create an indebtedness; now, therefore,

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

Appropriation to pay indebtedness of Bank Commissioners.

SECTION 1. There is hereby appropriated out of the Bank Commissioners' Fund the sum of four hundred sixty-five dollars and seventeen cents, to pay the indebtedness incurred by the Board of Bank Commissioners for traveling and other expenses (as approved by the State Board of Examiners, page fifteen of their report).

SEC. 2. The Board of Bank Commissioners are hereby authorized and directed to raise the amount herein specified, in addition to the amount of their annual expenses for the forty-seventh fiscal year, in the manner provided in section sixteen of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March thirteenth, eighteen hundred and seventy-eight, and an Act amendatory thereof, approved March tenth, eighteen hundred and eighty-seven.

SEC. 3. The Controller is hereby directed to draw his warrant against the Bank Commissioners' Fund for the amount herein made payable.

SEC. 4. This Act shall take effect immediately.

CHAPTER CXXXVII.

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 destruction of all or any part of the bonds of any irrigation district remaining unsold after the completion of their irrigation system.

[Approved March 26, 1895.]

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

SECTION 1. Whenever there remains in the hands of the Board of Directors of any irrigation district 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, after the completion of their ditch system, and the payment of all demands against such district, any bonds voted to be issued by said district but not sold, and not necessary to be sold for raising funds for the use of such district, the Board of Directors may call a special election for the purpose of voting upon a proposition to destroy said unsold bonds or so many of them as they may deem best, or may submit such proposition at any general election.

Providing for destruction of unsold bonds of irrigation districts

SEC. 2. Such election shall be held in the same manner as other elections held under the provisions of said Act. A notice of such 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 authorized by the vote of the district, the amount of the bonds remaining unsold, and the amount proposed to be destroyed, and the date on which such election is proposed to be held, and the polling places as fixed by said Board of Directors. The ballots to be cast at such election shall contain the words "For destroying bonds—Yes," and "For destroying bonds—No," and the voter must erase the word "No" in case he favors the destruction of the bonds, otherwise the word "Yes."

Election.

SEC. 3. When the vote is canvassed by the Board of Directors and entered of record, if a majority of the votes cast should be found to be in favor of the destruction of such bonds, then the President of the Board, in the presence of a majority of the members of the Board, must destroy the bonds so voted to be destroyed; and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall thereafter be reprinted or reissued.

President to destroy bonds.

Retro-
active

SEC. 4. In case any bonds of any irrigation district, remaining unsold after the completion of its irrigation system, shall have been destroyed in pursuance of a vote of a majority of the voters in such district, at an election held substantially in accordance with the provisions of this Act, and prior to its passage, the action of such district in so destroying such bonds is hereby ratified and confirmed.

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

CHAPTER CXXXVIII.

An Act to reduce the number of Judges of the Superior Court of the county of Tulare from two to one.

[Approved March 26, 1895.]

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

Reducing
number of
Judges in
Tulare
County.

SECTION 1. The number of Judges of the Superior Court of the county of Tulare, State of California, is hereby reduced from two to one; *provided*, that the provisions of this section shall not affect either of the present Judges of said Superior Court.

SEC. 2. No election of a Judge of the Superior Court shall be held in said county prior to the general election in the year one thousand eight hundred and ninety-eight; and no vacancy in the office of Judge of the Superior Court of said county occurring on or prior to the first Monday after the first day of January, in the year one thousand eight hundred and ninety-seven, shall be filled by appointment or otherwise, unless necessary to maintain one Judge of said Superior Court.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed..

CHAPTER CXXXIX.

An Act providing for changing the fiscal year of cities in this State operating under a charter framed under section eight, article eleven, of the Constitution.

[Approved March 26, 1895.]

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

Providing
for chang-
ing fiscal
year of
cities.

SECTION 1. Any city or municipal corporation within this State, operating under a charter framed under the provisions of section eight, article eleven, of the Constitution, may, by ordinance adopted by a majority of all the members of the

Board of Trustees, Common Council, or other legislative body of such city or municipal corporation, change the fiscal year of such city or municipal corporation to begin at any other time than that fixed by such charter; and may provide sufficient revenue to carry on the business of the city or municipal corporation from the end of the previous fiscal year to the commencement of the fiscal year thus fixed, by adding to the first tax levy made for the new fiscal year a sufficient amount, in addition to the limit in such charter provided, that will raise enough money to pay claims contracted between the ending of the previous fiscal year and the commencement of the new fiscal year. And may also provide by ordinance, passed in the same manner, the time for making the annual tax levy, and the time at which the lien thereof shall attach; and may change the time or times designated in such charter for making the assessment, demand statements of property, preparing the assessment roll, equalizing the assessment, and all other matters relating to the assessment and collection of municipal taxes.

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

CHAPTER CXL.

An Act making an appropriation to pay the expenses of the funeral and casket for the late Secretary of State, E. G. Waite.

[Approved March 26, 1895.]

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 Appropriation to pay in the State Treasury not otherwise appropriated, the sum of five hundred ninety-six dollars and eighty-five cents, to pay funeral ex- penses of the expenses of the funeral and casket of the late Secretary of State, E. G. Waite (as approved by the State Board of Examiners) Waite

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXI.

An Act making an appropriation to pay the deficiency in the appropriation for the State Forestry Stations, for the forty-fifth and forty-sixth fiscal years.

[Approved March 26, 1895.]

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

Deficiency
appropriation
for
Forestry
Stations.

SECTION 1. The sum of one thousand five hundred and forty-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 State Forestry Stations from and after January first, eighteen hundred and ninety-five, to July first, eighteen hundred and ninety-five, being the second half of the forty-sixth fiscal year (as approved by the State Board of Examiners).

SEC. 2. The Controller of State is hereby authorized to draw a warrant for the amount herein made payable, and the Treasurer is directed to pay the same to the Regents of the University of California upon their demand.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXII.

An Act making an appropriation to pay the deficiency in the appropriation for the support of the Folsom State Prison, for the forty-sixth fiscal year, ending June 30, 1895.

[Approved March 26, 1895.]

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

Deficiency
appropriation
for
Folsom
Prison.

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 deficiency in the appropriation for support of the Folsom State Prison for the forty-sixth 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 CXLIII.

An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors.

[Approved March 28, 1895.]

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

ARTICLE I.

GENERAL SUBJECT OF THE ACT.

SECTION 1. Every insolvent debtor may, upon compliance with the provisions of this Act, be discharged from his debts and liabilities. This Act shall be known and may be cited as the Insolvent Act of eighteen hundred and ninety-five. Act, how cited.

ARTICLE II.

VOLUNTARY INSOLVENCY.

SEC. 2. An insolvent debtor, owing debts exceeding in amount the sum of three hundred dollars, may apply by petition to the Superior Court of the county, or city and county, in which he has resided for six months next preceding the filing of his petition, to be discharged from his debts and liabilities. In his petition he shall set forth his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain a discharge from his debts and liabilities, and shall annex thereto a schedule and inventory, and valuation, in compliance with the provisions of this Act. The filing of such petition shall be an act of insolvency, and thereupon such petitioner shall be adjudged an insolvent debtor. Application to Superior Court for discharge from liabilities. Petition.

SEC. 3. Said schedule must contain a full and true statement of all his debts and liabilities, exhibiting to the best of his knowledge and belief to whom said debts or liabilities are due, the place of residence of his creditors, and the sum due each; the nature of the indebtedness or demand, whether founded on written security, obligation, contract, or otherwise; the true cause and consideration thereof, and the time and place when and where said indebtedness accrued, and a statement of any existing pledge, lien, mortgage, judgment, or other security for the payment of the same; also, an outline of the facts touching any liability, directly or indirectly, in the nature of any right of action against the insolvent by any one. Schedule, what to contain

SEC. 4. Said inventory must contain an accurate description of all the estate, both real and personal, of the petitioner, including his homestead, if any, and all property exempt by law from execution, and where the same is situated, and all Inventory.

incumbrances thereon; also, an outline of the facts touching any right of action in favor of the insolvent against any one.

Affidavit

Sec. 5. The petition, schedule, and inventory must be verified by the affidavit of the petitioner, annexed thereto, and shall be in form substantially as follows: I, —, do solemnly swear that the schedule and inventory now delivered by me contain a full, perfect, and true discovery of all the estate, real, personal, and mixed, goods and effects, to me in any way belonging; all such debts as are to me owing, or to any person or persons in trust for me, and all securities and contracts, and contracts whereby any money may hereafter become payable, or any benefit or advantage accrue to me or to my use, or to any other person or persons in trust for me; that the schedule and inventory, respectively, contain a clear outline of the facts touching any known right of action against me by any one, and an outline of the facts touching all rights of action in my favor against any one; that I have no lands, money, stock, or estate, reversion, or expectancy, besides that set forth in my schedule and inventory; that I have in no instance created or acknowledged a debt for a greater sum than I honestly and truly owe; that I have not, directly or indirectly, sold, or otherwise disposed of, or concealed, any part of my property, effects, or contracts; that I have not in any way compounded with my creditors whereby to secure the same, or to receive or to expect any profit or advantage therefrom, or to defraud or deceive any creditor to whom I am indebted in any manner. So help me God.

Order of Court.

Sec. 6. Upon receiving and filing such petition, schedule, and inventory, the Court shall make an order declaring the petitioner insolvent, and directing the Sheriff of the county, or city and county, to take possession of all the estate, real and personal, of the debtor, except such as may be by law exempt from execution, and of all his deeds, vouchers, books of account, and papers, and to keep the same safely until the appointment of an assignee. Said order shall further forbid the payment of any debts and the delivery of any property belonging to such debtor, to him, or for his use, and the transfer of any property by him; and shall further appoint a time and place for a meeting of the creditors, to prove their debts and choose an assignee of the estate, and shall designate a newspaper of general circulation published in the county, or city and county, in which the petition is filed, if there be one, and if there be none, in a newspaper published nearest to such county, or city and county, in which publication of such order shall be made. The time appointed for the election of an assignee shall not be less than eight nor more than ten days from the date of the order of adjudication. Upon the granting of said order, all proceedings against the said insolvent shall be stayed. When a receiver is appointed or an assignee chosen, as provided for in this Act, the Sheriff shall thereupon deliver to such receiver or assignee, as the case may be, all the property and assets of the insolvent which have come into his possession, and shall be allowed and paid as compensation for his services the same

Notice of meeting shall be published in newspaper in county where petition is filed.

Duty of Sheriff when assignee is chosen.

expenses and fees as would by law be collectible if the property had been levied upon and safely kept under attachment.

SEC. 7. A copy of said order shall immediately be published by the Clerk of said Court, in the newspaper designated therein, as often as said newspaper is printed before the meeting of creditors, and be served by the Clerk forthwith, by the United States mail, postage prepaid, or personally, on all creditors named in the schedule. There shall be deposited, in addition to the usual cost of commencing such proceedings, a sum of money sufficient to defray the cost of the publication ordered by the Court, and ten cents for each copy, to be mailed to or served on the creditors, which latter sum is hereby constituted the legal fee of the Clerk for the mailing or service required in this section.

SEC. 8. No claim shall be entitled to a vote for the election of an assignee, unless such claim shall be placed on file in the office of the Clerk of the Court in which the proceedings are pending, at least two days prior to the time appointed for the election of an assignee. All claims shall be established by a statement, showing the amount and nature of the claim, and security, if any; such statement to be verified by the claimant, his agent or attorney. Any person interested in the estate of the insolvent may file exceptions to the legality or good faith of any claim, by setting forth specifically, in writing, his interest in the estate and the grounds of his objection to such claim; such specification of exceptions to be verified by the affidavit of the party objecting, his agent or attorney, setting out among other things that such exceptions are not made for the purpose of delay, or otherwise than in good faith in the best interest of said estate. Such exceptions to be filed with the Clerk of the Court at least one day before the time appointed for the election of an assignee; and such exceptions shall be heard and disposed of by the Court, on affidavit or other evidence, in a summary manner, before the election of an assignee. But the decision of the Court upon the exceptions as to whether the claimant shall be entitled to vote for an assignee shall not be conclusive upon the right of the party to participate in the assets of the insolvent, the enforcement of such right being subject to the laws of the State touching the establishment of claims against the estates of insolvents in case of dispute. No creditor, or claimant, who holds any mortgage, pledge, or lien of any kind whatever, as security for the payment of his claim, shall be permitted to vote any part of his secured claim in the election of assignee, unless he shall first have the value of such security fixed as provided in section forty-eight of this Act, or surrender to the Sheriff or receiver of the estate of the insolvent, if any receiver, all such property so mortgaged or pledged, or assign such lien to such receiver or Sheriff; such surrender or assignment of security or lien to be for the benefit of all creditors of the estate of the insolvent. The value of such security, if fixed by the Court, shall be so fixed at least one day before the day appointed for the election of an assignee; in which event the claimant may prove his

Publica-
tion.

Who shall
vote for
assignee.

Claims,
now estab-
lished.

Excep-
tions to
claims.

Right of
participa-
tion in
assets

When a
holder of
mortgage
may vote
for
assignee.

demand, as provided in this section, for any unsecured balance, subject to the same exceptions as all other claims.

ARTICLE III.

INVOLUNTARY INSOLVENCY.

Adjudica-
tion of in-
solvency,
how made

SEC. 9. An adjudication of insolvency may be made on the petition of five or more creditors, residents of this State, whose debts or demands accrued in this State, and amount in the aggregate to not less than five hundred dollars; *provided*, that said creditors, or either of them, have not become creditors by assignment within thirty days prior to the filing of said petition. Such petition must be filed in the Superior Court of the county, or city and county, in which the debtor resides or has his place of business, and must be verified by at least three of the petitioners, setting forth that such person is about to depart from this State, with intent to defraud his creditors; or being absent from the State with such intent, remains absent; or conceals himself to avoid the service of legal process; or conceals, or is removing, any of his property to avoid its being attached or taken on legal process; or being insolvent, has suffered his property to remain under attachment, or legal process, for three days; or has confessed or offered to allow judgment in favor of any creditors; or willfully suffered judgment to be taken against him by default; or has suffered or procured his property to be taken on legal process, with intent to give a preference to one or more of his creditors; or has made any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, with intent to delay, defraud, or hinder his creditors; or in contemplation of insolvency, has made any payment, gift, grant, sale, conveyance, or transfer of his estate, property, rights, or credits; or has been arrested and held in custody by virtue of any civil process of Court founded on any debt or demand, and such process remains in force, and not discharged by payment, or otherwise, for a period of three days; or being a merchant or tradesman, has stopped or suspended, and not resumed payment within a period of forty days after the maturity of any written acknowledgment of indebtedness, unless the party holding such acknowledgment has, in writing, waived the right to proceed under this subdivision; or being a bank or banker, agent, broker, factor, or commission merchant, has failed for forty days to pay any moneys deposited with or received by him in a fiduciary capacity, upon demand of payment, excepting savings and loan banks, or associations who loan the money of their stockholders and depositors on real estate, and provide in their by-laws for the repayment of such deposits. The petitioners may, from time to time, amend and correct the petition, so that the same shall conform to the facts, by leave of the Court before which the proceedings are pending, such amendment or amendments to relate back to and be received as if embraced in the original petition; but nothing in this section shall be construed to invalidate any loan of actual

Amending
petition

value, or the security therefor, made in good faith upon a security taken in good faith on the occasion of the making of such loan. The said petition shall be accompanied by a bond with two sureties in the penal sum of at least five hundred dollars, conditioned that if the debtor should not be declared an insolvent, the petitioners will pay all costs and damages, including a reasonable attorney's fee, that the debtor may sustain by reason of the filing of said petition. The Court may, upon motion, direct the filing of an additional bond with different sureties, when deemed necessary.

SEC. 10. Upon the filing of such creditors' petition, the Court, or a Judge thereof, shall issue an order requiring such debtor to show cause, at a time and place to be fixed by said Court, or Judge, why he should not be adjudged an insolvent debtor, and at the same time, or thereafter, upon good cause shown therefor, said Court, or Judge, may make an order forbidding the payment of any debts and the delivery of any property belonging to such debtor to him or for his use, or the transfer of any property by him.

SEC. 11. A copy of said petition, with a copy of the order to show cause, shall be served on the debtor, in the same manner as is provided by law for the service of summons in civil actions, but such service shall be made at least five days before the time fixed for the hearing; *provided*, that if, for any reason, the service is not made, the order may be renewed, and the time and place of hearing changed by supplemental order of the Court; *provided, however*, that where the debtor or debtors on whom service is to be made reside out of this 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 the order to show cause, or any other process or orders in the matter; or is a foreign corporation, having no managing or business agent, cashier, or secretary within the State, upon whom service can be made, and such facts are shown to the Court, or a Judge thereof, by affidavit, such Court or Judge thereof shall make an order that the service of such order, or other process, be made by publication, in the same manner, and with the same effect, as service of summons by publication in ordinary civil actions.

SEC. 12. At the time fixed for the hearing of said order to show cause, or such other time as it may be adjourned to, the debtor may demur to the petition for the same causes as is provided for demurrer in other cases by the Code of Civil Procedure. If the demurrer be overruled, the debtor shall have five days thereafter in which to answer the petition. If the debtor answer the petition, such answer shall contain a specific denial of the material allegations of the petition controverted by him, and shall be verified in the same manner as pleadings in civil actions; and the issues raised thereon may be tried with or without a jury, according to the practice provided by law for the trial of civil actions.

SEC. 13. If the respondent shall make default, or if, after a trial, the issues are found in favor of the petitioners, the Court

Court to
require
debtor to
file sched-
ule, etc.

shall make an order adjudging that said respondent is, and was at the time of filing the petition, an insolvent debtor, and that the debtor was guilty of the acts and things charged in the petition, or such of those acts and charges as the Court may find to be true; and shall require said debtor, within such time as the Court may designate, not to exceed three days, to file in Court the schedule and inventory provided for in sections three and four of this Act, duly verified as required of a petitioning debtor; *provided*, that in the affidavit of the insolvent touching his property and its disposition he shall not be required to swear that he has not made any fraudulent preference, or committed any other act in conflict with the provisions of this Act; but he may do so if he desires. Said order shall further direct the Sheriff of the county, or city and county, where the insolvency petition is filed, or the receiver, if one has been theretofore appointed, to take possession of all the estate, real and personal, of the debtor, except such as may be by law exempt from execution, and of all his deeds, vouchers, books of account, and papers, and to keep the same safely until the appointment of an assignee. Said order shall further forbid the payment of any debts, and the delivery of any property belonging to such debtor, to him, or for his use, and the transfer of any property by him; and shall further appoint a time and place for a meeting of the creditors, to prove their debts, and choose an assignee of the estate, and shall designate a newspaper of general circulation published in the county, or city and county, in which the petition is filed, if there be one, and if there be none, in a newspaper published nearest to such county, or city and county, in which publication of said order shall be made. The time appointed for the election of an assignee shall not be less than eight nor more than ten days from the date of the order of adjudication. Upon granting of said order, all proceedings against the said insolvent shall be stayed. When a receiver is appointed subsequent to adjudication, or an assignee is chosen as provided for in this Act, the Sheriff shall thereupon deliver to such receiver or assignee, as the case may be, all the property and assets of the insolvent which have come into his possession, and shall be allowed and paid as compensation for his services the same expenses and fees as would by law be collectible if the property had been levied upon and safely kept under attachment.

Order shall
appoint
time and
place of
meeting

Order
must be
published.

SEC. 14. A copy of the order provided for in section thirteen of this Act, shall immediately be published by the Clerk of said Court in the newspaper designated therein, as often as such newspaper is printed before the meeting of creditors; and upon the filing, at any time before the date set for such meeting, of the schedule required by said section thirteen, a copy of said order shall be served by the Clerk forthwith, by United States mail, postage prepaid, or personally, on all creditors named in said schedule. If said schedule is not filed prior to the day fixed for the election of an assignee, publication of said order as herein required shall be of itself sufficient notice to the creditors of the time and place appointed for the election

of an assignee. No order of adjudication upon creditors' petition shall be entered, unless there be first deposited, in addition to the usual cost of commencing said proceedings, a sum of money sufficient to defray the cost of the publication ordered by the Court, and the further sum of five dollars, which is hereby constituted the legal fee of the Clerk for the mailing or service of notice to creditors required in this section.

Deposit of
costs and
fees.

SEC. 15. If, upon such hearing or trial, the issues are found in favor of the respondent, the proceedings shall be dismissed, and the respondent shall recover costs from the petitioning creditors in the same manner as on the final judgment in civil actions.

Proceed-
ings, when
dismissed.

SEC. 16. In all cases where the debtor resides out of this State, or has departed from the State; or cannot, after due diligence, be found within the State; or conceals himself to avoid service of the order to show cause, or any other preliminary process or orders in the matter; or is a foreign corporation having no managing or business agent, cashier, or secretary within the State upon whom service of orders and process can be made, and it therefore becomes necessary to obtain service of process and order to show cause, as provided in section eleven of this Act, then the petitioning creditors, upon submitting the affidavits requisite to procure an order of publication, and presenting a bond in double the amount of the aggregate sum of their claims against the debtor, shall be entitled to an order of Court directing the Sheriff of the county, or city and county, in which the matter is pending, to take into his custody a sufficient amount of property of the debtor to satisfy the demands of the petitioning creditors, and the costs of the proceedings. Upon receiving such order of the Court to take into custody property of the debtor, it shall be the duty of the Sheriff to take possession of the property and effects of the debtor, not exempt from execution, to an extent sufficient to cover the amount provided for, and to prepare, within three days from the time of taking such possession, a complete inventory of all the property so taken, and to return it to the Court as soon as completed. The time for taking the inventory and making return thereof may be extended for good cause shown to the Court, or a Judge thereof. The Sheriff shall also prepare a schedule of the names and residences of the creditors, and the amount due to each, from the books of the debtor, or from such other papers or data of the debtor available that may come to his possession, and shall file such schedule, list of creditors, and inventory with the Clerk of the Court.

Process
against
absent or
foreign
debtors.

Duty of
Sheriff

SEC. 17. In all cases where property is taken into the custody of the Sheriff, as provided in the preceding section, if the property taken into custody by the Sheriff does not embrace all the property and effects of the debtor not exempt from execution, any other creditor or creditors of the debtor, upon giving bond in double the amount of their claims, singly or jointly, shall be entitled to similar orders, and to like action by the Sheriff, until all claims be provided for, if there be sufficient property or effects. All property taken into custody by the

Rights of
other
creditors.

Sheriff, by virtue of the giving of any such bonds, shall be held by him for the benefit of all creditors of the debtor whose claims shall be duly proved, and as provided in this Act. The bonds provided for in this and the preceding section to procure the order for custody of the property and effects of the debtor, shall be conditioned that if, upon final hearing of the petition in insolvency, the Court shall find in favor of the petitioners, such bonds and all of them shall be void; if the decision be in favor of the debtor, the proceedings shall be dismissed, and the debtor, his heirs, administrators, executors, or assigns, shall be entitled to recover such sum of money as shall be sufficient to cover the damages sustained by him, not to exceed the amount of the respective bonds, in any Court having jurisdiction of the subject and the parties; *provided*, that if either the petitioners or the debtor shall appeal from the decision of the Court, upon final hearing of the petition the appellant shall be required to give bond to the successful party in a sum double the amount of the value of the property in controversy and for the costs of the proceedings. Any person interested in the estate may except to the sufficiency of the sureties on such bond or bonds. When excepted to, the petitioner's sureties, upon notice to the person excepting of not less than two nor more than five days, must justify before a Judge or County Clerk in the same manner as upon bail on arrest; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the Clerk or Judge shall issue an order vacating the order to take the property of the debtor into the custody of the Sheriff.

Court may
order sale
of prop-
erty

SEC. 18. If, in any case, proper affidavits and bonds are presented to the Court, or a Judge thereof, asking for and obtaining an order of publication, and an order for the custody of the property of the debtor, as provided in sections sixteen and seventeen of this Act, and thereafter the petitioners shall make it appear satisfactorily to the Court, or a Judge thereof, that the interest of the parties to the proceedings will be subserved by a sale thereof, the Court may order such property to be sold, in the same manner as property is sold under execution, the proceeds to be deposited in the Court, to abide the result of the proceedings.

ARTICLE IV.

ASSIGNEES.

Assignees.

SEC. 19. At a meeting of the creditors, in open Court, those being entitled to vote, as provided by section eight, shall proceed to the election of one assignee. In electing an assignee, the opinion of the majority in amount of claims shall prevail. The Clerk of the Court shall keep a minute of the deliberations of said creditors, and of the election and appointment of an assignee, and enter the same upon the records of the Court. The assignee shall file, within five days, unless the time be extended by the Court, with the Clerk, a bond, in an amount to be fixed by the Court, to the State of California, with two or more sufficient sureties, approved by the Court, and conditioned

Bond

for the faithful performance of the duties devolving upon him. The bond shall not be void upon the first recovery, but may be sued upon from time to time by any creditor aggrieved, in his own name, until the whole penalty be exhausted. The sureties on such bond may be required to justify, upon the application of any party interested, in the same manner as bail upon arrest in civil cases.

SEC. 20. If, on the day appointed for the meeting, creditors do not attend, or refuse to elect an assignee; or if, after election, the assignee shall fail to qualify within the proper time, or if a vacancy occurs by death or otherwise, it shall be lawful for the Court to appoint an assignee and fix the amount of his bond. Assignee,
when
appointed.

SEC. 21. As soon as an assignee is elected or appointed and qualified, the Clerk of the Court shall, by an instrument under his hand and seal of the Court, assign and convey to the assignee all the estate, real and personal, of the debtor, with all his deeds, books, and papers relating thereto, and such assignment shall relate back to the commencement of the proceedings in insolvency, and shall relate back to the acts upon which the adjudication was founded, and by operation of law shall vest the title to all such property and estate, both real and personal, in the assignee, although the same is then attached on mesne process, as the property of the debtor, and shall dissolve any attachment made within one month next preceding the commencement of the insolvency proceedings. Such assignment shall operate to vest in the assignee all of the estate of the insolvent debtor not exempt by law from execution. Whenever such assignment shall dissolve an attachment as herein provided, it shall also vacate any judgment made or entered, and dissolve and set aside any execution levied in any action or proceeding against the debtor commenced subsequently to the action in which the attachment is dissolved. Assign-
ment.

SEC. 22. The assignee shall have the right to recover all the estate, debts, and effects of said insolvent. If, at the time of the commencement of proceedings in insolvency, an action is pending in the name of the debtor, for the recovery of a debt or other thing which might or ought to pass to the assignee by the assignment, the assignee shall be allowed and admitted to prosecute the action, in like manner and with like effect as if it had been originally commenced by him. If there are any rights of action in favor of the insolvent for damages, on any account, for which an action is not pending, the assignee shall have the right to prosecute the same with the same effect as the insolvent might have done himself if no proceedings in insolvency had been instituted. If any action or proceeding at law, or in equity, in which the insolvent is defendant, is pending at the time of the adjudication, the assignee may defend the same, in the same manner and with like effect as it might have been defended by the insolvent. In suit prosecuted or defended by the assignee, a certified copy of the assignment made to him shall be conclusive evidence of his authority to sue or defend. Authority
of assignee.

SEC. 23. The assignee shall, within one month after the making of the assignment to him, cause the same to be recorded Assign-
ment to be
recorded.

in every county, or city and county, within this State, where any lands owned by the debtor are situated; and the record of such assignment, or a duly certified copy thereof, shall be conclusive evidence thereof in all Courts. If the schedule and inventory required by this Act have not been filed by the debtor, the assignee shall, within one month after his election, prepare and file such schedule and inventory from the best information he can obtain; and shall thereupon serve notice, by United States mail; postage prepaid, or personally, on all creditors named in such schedule, whose claims have not been filed, to forthwith prove their demands.

Assignee
may
resign.

SEC. 24. Any assignee may, at any time, by writing filed in Court, resign his appointment, having first settled his accounts, and delivered up all the estate to such successor as the Court shall appoint; *provided*, that if, in the discretion of the Court, the circumstances of the case require it, upon good cause being shown, the Court may, at any time before such settlement of account and delivery of the estate shall have been completed, revoke the appointment of such assignee and appoint another in his stead. The liability of the outgoing assignee, or of the sureties on his bond, shall not be in any manner discharged, released, or affected by such appointment of another in his stead.

Assignee,
powers of.

SEC. 25. The said assignee shall have power:

1. To sue in his own name and recover all the estate, debts, and things in action, belonging or due to such debtor, and no set-off or counter-claim shall be allowed in any such suit for any debt, unless it was owing to such creditor by such debtor at the time of the adjudication of insolvency.

2. To take into his possession all the estate of such debtor except property exempt by law from execution, whether attached or delivered to him, or afterward discovered, and all books, vouchers, evidence of indebtedness, and securities belonging to the same.

3. In case of a non-resident, absconding, or concealed debtor, to demand and receive of every Sheriff who shall have attached any of the property of such debtor, or who shall have in his possession any moneys arising from the sale of such property, all such property and moneys, on paying him his lawful costs and charges for attaching and keeping the same.

4. From time to time to sell at public auction all the estate, real and personal, vested in him as such assignee, which shall come to his possession and as ordered by the Court.

5. On such sales to execute the necessary conveyances and bills of sale.

6. To redeem all valid mortgages and conditional contracts, and all valid pledges of personal property, and to satisfy any judgments which may be an incumbrance on any property sold by him, or to sell such property, subject to such mortgage, contracts, pledges, or judgments.

7. To settle all matters and accounts between such debtor and his debtors, subject to the approval of the Court.

8. Under the order of the Court appointing him, to compound with any person indebted to such debtor, and thereupon to discharge all demands against such person. Assignee, powers of.

9. To have and recover from any person receiving a conveyance, gift, transfer, payment, or assignment, made contrary to any provision of this Act, the property thereby transferred or assigned; or in case a re-delivery of the property cannot be had, to recover the value thereof, with damages for the detention.

SEC. 26. The insolvent shall, either before or on the day appointed for the meeting of creditors, deliver to the Court all the commercial or account books he may have kept, which books shall be deposited in the Clerk's office of said Court. Said insolvent shall also deliver to the Court, at the same time, all vouchers, notes, bonds, bills, securities, or other evidences of debt, in any manner relating to or having any bearing upon or connection with the property surrendered by said debtor; and all such papers or securities shall be deposited in the Clerk's office of said Court, and the Clerk shall hand them over, together with the books of the insolvent, to the assignee who may be appointed. Insolvent to deliver books, etc., to Court.

SEC. 27. If any person, before the assignment is made, having notice of the commencement of proceedings in insolvency, or having reason to believe that insolvency proceedings are about to be commenced, embezzles or disposes of any of the moneys, goods, chattels, or effects of the insolvent, he is chargeable therewith, and liable to an action by the assignee for double the value of the property so embezzled or disposed of, to be recovered for the benefit of the estate. Embezzlement.

SEC. 28. The same penalties, forfeitures, and proceedings by citation, examination, and commitment, shall apply on behalf of an assignee against persons suspected of having concealed, embezzled, conveyed away, or disposed of any property of the debtor, or of having possession or knowledge of any deeds, conveyances, bonds, contracts, or other writings which relate to any interest of the debtor in any real or personal estate, as provided in the case of estates of deceased persons in sections one thousand four hundred and fifty-nine, one thousand four hundred and sixty, and one thousand four hundred and sixty-one of the Code of Civil Procedure. Penalties for concealment, etc., of property.

SEC. 29. The assignee shall as speedily as possible convert the estate, real and personal, into money. He shall keep a regular account of all moneys received by him as assignee, to which every creditor or other person interested therein may, at all reasonable times, have access. No private sale of any property of the estate of an insolvent debtor shall be valid unless made under the order of the Court, upon a petition in writing, which shall set forth the facts showing the sale to be necessary. Upon filing the petition, notice of at least ten days shall be given by publication and mailing, in the same manner as is provided in section seven of this Act. If it appears that a private sale is for the best interests of the estate, the Court shall order it to be made. Estate to be converted into money. No private sale unless by order of Court.

When Court may order sale of portion of estate.

SEC. 30. In all cases where there has been personal service of the order to show cause, or voluntary appearance after order of publication, when it appears to the satisfaction of the Court that the estate of the debtor, or any part thereof, is of a perishable nature, or is liable to deteriorate in value, or is disproportionately expensive to keep, the Court may order the same to be sold in such manner as may be deemed most expedient, under the direction of the Sheriff, receiver, or assignee, as the case may be, who shall hold the funds received in place of the property sold until further order of the Court.

Outstanding debts.

SEC. 31. Outstanding debts, or other property due or belonging to the estate, which cannot be collected and received by the assignee without unreasonable or inconvenient delay or expense, may be sold and assigned in like manner as the remainder of the estate. If there are any rights of action for damages in favor of the insolvent prior to the commencement of the insolvency proceedings, the same may, with the approval of the Court, be compromised.

Assignees to be allowed necessary expenses.

SEC. 32. Assignees shall be allowed all necessary expenses in the care, management, and settlement of the estate, and shall be entitled to charge and receive for their services commissions upon all sums of money coming to their hands and accounted for by them, as follows: For the first thousand dollars, at the rate of seven per cent; for all above that sum and not exceeding ten thousand dollars, at the rate of five per cent; and for all above that sum, at the rate of four per cent; *provided, however*, that if the person acting as assignee was receiver of the property of the estate pending the election of an assignee, any compensation allowed him as such receiver shall be deducted from the compensation to which he otherwise would be entitled as such assignee.

Rate.

Assignee to make exhibit to Court.

SEC. 33. At the expiration of three months from the appointment of the assignee in any case, or as much earlier as the Court may direct, a time and place shall be fixed by the Court at which the assignee shall exhibit to the Court and to the creditors, and file, just and true accounts of all his receipts and payments, verified by his oath, and a statement of the property outstanding, specifying the cause of its outstanding, also what debts or claims are yet undetermined, and stating what sum remains in his possession, and shall accompany the same with an affidavit that notice by mail has been given to all creditors named in the schedule filed by the debtor or the assignee that said accounts will be heard at a time specified in such notice, which time shall not be less than ten nor more than fifteen days from the filing of such accounts. At the hearing the Court shall audit the accounts, and any person interested may appear and file exceptions thereto and contest the same, and thereupon the Court may order a dividend paid to those creditors whose claims have been proven and allowed. Thereafter, further accounts, statements, and dividends shall be made in like manner as often as occasion requires; *provided, however*, that it shall be the duty of the assignee to file his final account within one year from the date of the order of adjudication, unless the Court,

Interested person may file exceptions, etc.

Assignee's final account.

after notice to creditors, shall grant further time, upon a satisfactory showing that great loss and waste would result to the estate by reason of the conversion of the property into money within said time, or that it has been impossible to do so by reason of litigation.

SEC. 34. The Court shall at any time, upon the motion of any two or more creditors, require the assignee to file his account in the manner and upon giving the notice specified in the preceding section; and if he has funds subject to distribution, he shall be required to distribute them without delay.

Court may order assignee to file account.

SEC. 35. All creditors whose debts are duly proved and allowed shall be entitled to share in the property and estate *pro rata* without priority or preference whatever, other than as provided in this Act and in section one thousand two hundred and four of the Code of Civil Procedure; *provided*, that any debt proved by any person liable as bail, surety, guarantor, or otherwise, for the debtor, shall not be paid to the person so proving the same until satisfactory evidence shall be produced of the payment of such debt by such person so liable; and the share to which such debt would be entitled may be paid into Court, or otherwise held, for the benefit of the party entitled thereto, as the Court may direct.

Creditors to share pro rata.

SEC. 36. Whenever any dividend has been duly declared, the distribution of it shall not be stayed or affected by reason of debts being subsequently proved; but the creditors proving such debts shall be entitled to a dividend equal to those already received by the other creditors, before any further dividend is made to the latter; *provided*, the failure to prove such claim shall not have resulted from his own neglect.

Subsequent proof of debts not to delay dividend declared.

SEC. 37. Should the assignee refuse or neglect to render his accounts as required by sections thirty-three and thirty-four of this Act, or pay over a dividend when he shall have, in the opinion of the Court, sufficient funds for that purpose, the Court shall immediately discharge such assignee from his trust, and shall have power to appoint another in his place. The assignee so discharged shall forthwith deliver over to the assignee appointed by the Court all the funds, property, books, vouchers, or securities belonging to the insolvent, without charging or retaining any commission or compensation for his personal services.

Discharge of assignee.

SEC. 38. Preparatory to the final account and dividend, the assignee shall submit his account to the Court, and file the same, and shall at the time of filing accompany the same with an affidavit that a notice by mail has been given to all creditors who have proved their claims, that he will apply for a settlement of his account, and for a discharge from all liability as assignee, at a time specified in such notice, which time shall not be less than ten nor more than twenty days from such filing. At the hearing, the Court shall audit the account, and any person interested may appear and file exceptions in writing, and contest the same. The Court thereupon shall settle the account, and order a dividend of any portion of the estate remaining undistributed, and shall discharge the assignee, subject to com-

Final account of assignee.

pliance with the order of the Court, from all liability as assignee to any creditor of the insolvent.

ARTICLE V.

PARTNERSHIPS AND CORPORATIONS.

SEC. 39. Two or more persons who are partners in business, or the surviving partner of any firm, may be adjudged insolvent, either on the petition of such partners, or any one of them, or on the petition of five or more creditors of the partnership, qualified as provided for in section nine of this Act; in which case an order shall be issued in the manner provided by this Act, upon which all the joint stock and property of the partnership, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as may be exempt by law; and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignee shall be chosen by the creditors of the copartnership, and shall also keep separate accounts of the joint stock or property of the copartnership, and the separate estate of each member thereof, and after deducting out of the whole amount received by such assignee the whole amount of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; and if there shall be any balance of the separate estate of any partner after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there shall be any balance of the joint stock after the payment of the joint debts, such balance shall be divided and appropriated to and among the separate estate of the several partners according to their respective right and interest therein, and as it would have been if the partnership had been dissolved without any insolvency; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts, and the certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been by or against him alone under this Act; and in all other respects the proceedings as to the partners shall be conducted in the like manner as if they had been commenced and prosecuted by or against one person alone. If such copartners reside in different counties, the Court in which the petition is first filed shall retain exclusive jurisdiction over the case. If the petition be filed by less than all the partners of a copartnership, those partners who do not join in the petition shall be ordered to show cause why they, as individuals, and said copartnership, should not be adjudged to be insolvent, in the same manner as other debtors are required to show cause upon a creditors' petition, as in this Act provided; and no order of adjudication shall be made in said proceedings until after the

Insolvency
of partner-
ships.

hearing of said order to show cause; *provided*, that in case of proceedings by or against surviving partners, as such, only the partnership interest of deceased partners shall be subject to the control of the Court in the insolvency proceeding; but the surviving partner, assignee, or creditors may pursue the property of the deceased partners in the Court having jurisdiction thereof in probate proceedings.

SEC. 40. The provisions of this Act shall apply to corporations, and upon the petition of any officer of any corporation, duly authorized by the vote of the Board of Directors or Trustees, at a meeting specially called for that purpose, or by the assent in writing of a majority of the Directors or Trustees, as the case may be, or upon a creditors' petition made and presented in the manner provided in respect to debtors, the like proceedings shall be had and taken as are provided in the case of debtors. All the provisions of the Act which apply to the debtor, or set forth his duties, examination, and liabilities, or prescribe penalties, or relate to fraudulent conveyances, payments, and assignments, apply to each and every officer of any corporation in relation to the same matters concerning the corporation. Whenever any corporation is declared insolvent, all its property and assets shall be distributed to the creditors; but no discharge shall be granted to any corporation.

Applicable to corporations.

ARTICLE VI.

PROOF OF DEBTS.

SEC. 41. All debts due and payable from the debtor at the time of the adjudication of insolvency, and all debts then existing but not payable until a future time, a rebate of interest being made when no interest is payable by the terms of the contract, may be proved against the estate of the debtor.

Proof of debt from the debtor.

SEC. 42. All demands against the debtor for or on account of any goods or chattels wrongfully taken, converted, or withheld by him, may be proved and allowed as debts to the amount of the value of the property so withheld, from the time of the conversion; *provided, however*, that if the assignee, or any creditor whose claim has been proven against the estate, shall request it in writing, the Court shall require the matter of such claim for damages to be tried as an ordinary action at law, to determine the liability of the debtor for such damages.

Proof of demand against the debtor.

SEC. 43. If the debtor shall be bound as indorser, surety, bail, or guarantor upon any bill, bond, note, or other specialty or contract, or for any debt of any person, and his liability shall not have become absolute until the adjudication of insolvency, the creditor may prove the same after such liability shall have become fixed, and before the final dividend shall have been declared.

Proof when debtor is bound as indorser, etc.

SEC. 44. In all cases of contingent debts, and contingent liabilities contracted by the debtor, and not herein otherwise provided for, the creditor may make claim therefor and have his claim allowed, with the right to share in the dividends, if

Contingent debts, how allowed.

the contingency shall happen before the order of the final dividend; or he may, at any time, apply to the Court to have the present value of the debt or liability ascertained and liquidated, which shall be done in such manner as the Court shall order, and shall be allowed to prove for the amount so ascertained.

Any person liable for debtor debt, etc.

SEC. 45. Any person liable as bail, surety, or guarantor, or otherwise, for the debtor, who shall have paid the debt, or any part thereof, in discharge of the whole, shall be entitled to prove such debt, or to stand in the place of the creditor, if he shall have proved the same, although such payments shall have been made after the proceedings in insolvency were commenced; and any person so liable for the debtor, and who has not paid the whole of said debt, but is still liable for the same, or any part thereof, may, if the creditor shall fail or omit to prove such debt, prove the same in the name of the creditor.

Fixed liability, what creditor may prove.

SEC. 46. Where the debtor is liable to pay rent, or other debt falling due at fixed and stated periods, the creditor may prove for a proportionate part thereof up to the time of the insolvency, as if the same became due from day to day, and not at such fixed and stated periods.

Set-off.

SEC. 47. In all cases of mutual debts and mutual credits between the parties, the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed and paid. But no set-off or counter-claim shall be allowed of a claim in its nature not provable against the estate; *provided*, that no set-off or counter-claim shall be allowed in favor of any debtor to the insolvent of a claim purchased by or transferred to him after the filing of the petition by or against him.

When creditor has mortgage, on what condition he may be admitted.

SEC. 48. When a creditor has a mortgage, or pledge of real or personal property of the debtor, or a lien thereon, for securing the payment of a debt owing to him from the debtor, he shall be admitted as a creditor only for the balance of the debt, after deducting the value of such property, to be ascertained by agreement between him and the receiver, if any, and if no receiver, then upon such sum as the Court, or a Judge thereof, may decide to be fair and reasonable, before the election of an assignee, or by a sale thereof, to be made in such manner as the Court, or Judge thereof, shall direct; or the creditor may release or convey his claim to the receiver, if any, or if no receiver then to the Sheriff, before the election of an assignee, or to the assignee if an assignee has been elected, upon such property, and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the debtor's right of redemption thereon on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon, and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not sold or released, and delivered up, or its value fixed, the creditor shall not be allowed to prove any part of his debt.

Sec. 49. No creditor, proving his debt or claim, shall be allowed to maintain any suit at law or in equity therefor, against the debtor, but shall be deemed to have waived all right of action and suit against him; and all proceedings already commenced, or unsatisfied judgment already obtained thereon, shall be deemed to be discharged and surrendered thereby; *provided*, that no valid lien existing in good faith thereunder shall be thereby affected; *and further provided*, that a creditor proving his debt or claim shall not be held to have waived his right of action or suit against the debtor where a discharge has been refused or the proceedings have determined without a discharge. And no creditor whose debt is provable under this Act shall be allowed, after the commencement of proceedings in insolvency, to prosecute to final judgment any action therefor against the debtor until the question of the debtor's discharge shall have been determined; and any such suit or proceeding shall, upon the application of the debtor, or of any creditor, or of the assignee, be stayed to await the determination of the Court in insolvency on the question of discharge; *provided*, there be no unreasonable delay on the part of the debtor, or of the petitioning creditors, as the case may be, in prosecuting the case to its conclusion; *and provided also*, that if the amount due the creditor is in dispute, the suit, by leave of the Court, in insolvency may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proven in insolvency, but execution shall be stayed as aforesaid; *provided further*, that where a valid lien or attachment has been acquired or secured in any such action, and an undertaking been offered and accepted in lieu of such lien or attachment, the case may be prosecuted to final judgment for the purpose of fixing the liability of the sureties upon such undertaking; but execution against the insolvent upon such judgment shall be stayed.

Creditor shall not maintain suit at law, etc.

Court may proceed to judgment to determine amount, etc.

Sec. 50. Any person who shall have accepted any preference, having reasonable cause to believe that the same was made or given by the debtor contrary to any provision of this Act, shall not prove the debt or claim on account of which the preference was made or given; nor shall he receive any dividend thereon until he shall first have surrendered to the assignee all property, money, benefit, or advantage received by him under such preference.

Fraudulent preference, etc.

Sec. 51. The Court may, upon the application of the assignee, or of any creditor of the debtor, or without any application, before or after adjudication in insolvency, examine upon oath the debtor in relation to his property and his estate, and any person tendering or making proof of claims, and may subpoena witnesses to give evidence relating to such matters. All examinations of witnesses shall be had and depositions shall be taken in accordance with and in the same manner as is provided by the Code of Civil Procedure.

Court may examine debtor, etc.

ARTICLE VII.

DISCHARGE.

When debtor may apply for discharge.

SEC. 52. At any time after the expiration of three months from the adjudication of insolvency, but not later than one year from such adjudication, unless the property of the insolvent has not been converted into money, the debtor may apply to the Court for a discharge from his debts, and the Court shall thereupon order notice to be given to all creditors who have proved their debts, to appear, on a day appointed for that purpose, and show cause why a discharge should not be granted to the debtor; said notice shall be given by mail and by publication at least once a week for four weeks, in a newspaper published in the county, or city and county, or, if there be none, in a newspaper published nearest such county, or city and county; *provided*, that if no debts have been proven, such notice shall not be required.

Discharge, when not granted.

SEC. 53. No discharge shall be granted, or if granted shall be valid, if the debtor shall have sworn falsely in his affidavit annexed to his petition, schedule, or inventory, or upon any examination in the course of the proceedings in insolvency, in relation to any material fact concerning his estate or his debts, or to any other material fact; or if he has concealed any part of his estate or effects, or any books or writing relating thereto; or if he has been guilty of fraud or willful neglect in the care, custody, or delivery to the assignee of the property belonging to him at the time of the presentation of his petition and inventory, excepting such property as he is permitted to retain under the provisions of this Act, or if he has caused or permitted any loss or destruction thereof; or if, within one month before the commencement of such proceedings, he has procured his lands, goods, moneys, or chattels to be attached, or seized on execution; or if he has destroyed, mutilated, altered, or falsified any of his books, documents, papers, writings, or securities; or has made, or been privy to the making of, any false or fraudulent entry in any book of account or other document with intent to defraud his creditors; or if he has given any fraudulent preference, contrary to the provisions of this Act, or made any fraudulent payment, gift, transfer, conveyance, or assignment of any part of his property, or has lost any part thereof in gaming, or has admitted a false or fictitious debt against his estate; or if, having knowledge that any person has proven such false or fictitious debt, he has not disclosed the same to his assignee within one month after such knowledge; or if, being a merchant or tradesman, he has not, subsequently to the passage of this Act, kept proper books of account; or if he, or any other person on his account or in his behalf, has influenced the action of any creditor, at any stage of the proceedings, by any pecuniary consideration or obligation; or if he has, in contemplation of becoming insolvent, made any pledge, payment, transfer, assignment, or conveyance

of any part of his property, directly or indirectly, absolutely or conditionally, for the purpose of preferring any creditor or person having a claim against him, or who is, or may be, under liability for him, or for the purpose of preventing the property from coming into the hands of the assignee, or of being distributed under this Act in satisfaction of his debts; or if he has been convicted of any misdemeanor under this Act, or has been guilty of fraud contrary to the true intent of this Act; or, in case of voluntary insolvency, has received the benefits of this or any other Act of insolvency or bankruptcy within three years next preceding his application for discharge; or if insolvency proceedings in which he could have applied for a discharge are pending by or against him in the Superior Court of any other county or city and county in the State. And before any discharge is granted, the debtor shall take and subscribe an oath to the effect that he has not done, suffered, or been privy to any act, matter, or thing specified in this Act, as grounds for withholding such discharge or as invalidating such discharge, if granted.

Discharge,
when not
granted.

SEC. 54. Any creditor opposing the discharge of a debtor shall file specifications, in writing, of the grounds of his opposition; and after the debtor has filed and served his answer thereto, which pleadings shall be verified, the Court shall try the issue or issues raised, with or without a jury, according to the practice provided by law in civil actions.

Opposition
to dis-
charge.

SEC. 55. If it shall appear to the Court that the debtor has in all things conformed to his duty under this Act, and that he is entitled under the provisions thereof to receive a discharge, the Court shall grant him a discharge from all his debts, except as hereinafter provided, and shall give him a certificate thereof, under the seal of the Court, in substance as follows: In the Superior Court of the County of —, State of California. Whereas, — has been duly adjudged an insolvent under the insolvent laws of this State, and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the Court that said — be forever discharged from all debts and claims which by said insolvent laws are made provable against his estate, and which existed on the — day of —, on which the petition of adjudication was filed by (or against) him, excepting such debts, if any, as are by said insolvent laws excepted from the operation of a discharge in insolvency. Given under my hand, and the seal of the Court, this — day of —, A. D. —. Attest: —, Clerk. [Seal] —, Judge.

Certificate
of dis-
charge.

SEC. 56. No debt created by fraud or embezzlement of the debtor, or his defalcation as a public officer, or while acting in a fiduciary character, shall be discharged under this Act, but the debt may be proved, and the dividend thereon shall be a payment on account of said debt; and no discharge granted under this Act shall release, discharge, or affect any person liable for the same debt for or with the debtor, either as partner, joint contractor, indorser, surety, or otherwise.

Fraudu-
lent debts
not dis-
charged.

Discharge
releases
debtor
from what.

SEC. 57. A discharge, duly granted under this Act, shall, with the exceptions aforesaid, release the debtor from all claims, debts, liabilities, and demands set forth in his schedule, or which were or might have been proved against his estate in insolvency, and may be pleaded by a simple averment that on the day of its date such discharge was granted to him, setting forth the same in full, and the same shall be a complete bar to all suits brought on any such debts, claims, liabilities, or demands, and the certificate shall be *prima facie* evidence in favor of such fact and of the regularity of such discharge; *provided, however*, that any creditor of said debtor, whose debt was proved or provable against the estate in insolvency, who shall see fit to contest the validity of such discharge on the ground that it was fraudulently obtained, and who has discovered the facts constituting the fraud subsequent to the discharge, may, at any time within two years after the date thereof, apply to the Court which granted it to set it aside and annul the same, or if the same shall have been pleaded, the effect thereof may be avoided collaterally upon any such grounds.

Proviso.

Refusal of
discharge
shall not
affect.

SEC. 58. The refusal of a discharge to the debtor shall not affect the administration and distribution of his estate under the provisions of this Act.

ARTICLE VIII.

FRAUDULENT PREFERENCES AND TRANSFERS.

Fraudu-
lent prefer-
ences and
transfers.

SEC. 59. If any debtor, being insolvent, or in contemplation of insolvency, within one month before the filing of a petition by or against him, with a view to give a preference to any creditor, or person having a claim against him, or who is under any liability for him, procures any part of his property to be attached, sequestered, or seized on execution, or makes any payment, pledge, mortgage, assignment, transfer, sale, or conveyance of any part of his property, either directly or indirectly, absolutely or conditionally, to any one, the person receiving such payment, pledge, mortgage, assignment, transfer, sale, or conveyance, or to be benefited thereby, or by such attachment or seizure, having reasonable cause to believe that such debtor is insolvent, and that such attachment, seizure, payment, pledge, mortgage, conveyance, transfer, sale, or assignment is made with a view to prevent his property from coming to his assignee in insolvency, or to prevent the same from being distributed ratably among his creditors, or to defeat the object of, or in any way hinder, impede, or delay the operation of, or to evade any of the provisions of this Act, such attachment, sequestration, seizure, payment, pledge, mortgage, transfer, sale, assignment, or conveyance is void, and the assignee, or the receiver, may recover the property, or the value thereof, as assets of such insolvent debtor; and if such payment, pledge, mortgage, conveyance, sale, assignment, or transfer is not made in the usual and ordinary course of business of the debtor, or if such seizure or sequestration is made under a judgment which

the debtor has confessed or offered to allow, that fact shall be *prima facie* evidence of fraud. All assignments, transfers, conveyances, mortgages, or incumbrances of real estate shall be deemed, under this section, to have been made at the time the instrument conveying or affecting such realty was filed for record in the County Recorder's office of the county, or city and county, where the same is situated.

ARTICLE IX.

PENAL CLAUSES.

SEC. 60. From and after the taking effect of this Act, if any debtor or insolvent shall, after the commencement of proceedings in insolvency, secrete or conceal any property belonging to his estate, or part with, conceal, or destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, deed, document, or writing relating thereto, or remove, or cause to be removed, the same or any part thereof, with intent to prevent it from coming into the possession of the assignee in insolvency, or to hinder, impede, or delay his assignee in recovering or receiving the same, or make any payment, gift, sale, assignment, transfer, or conveyance of any property belonging to his estate, with like intent, or shall spend any part thereof in gaming; or shall, with intent to defraud, willfully and fraudulently conceal from his assignee, or fraudulently or designedly omit from his schedule any property or effects whatsoever; or if, in case of any person having, to his knowledge or belief, proved a false or fictitious debt against his estate, he shall fail to disclose the same to his assignee within one month after coming to the knowledge or belief thereof; or shall attempt to account for any of his property by fictitious losses or expenses; or shall, within three months before commencement of proceedings of insolvency, under the false pretense of carrying on business and dealing in the ordinary course of trade, obtain on credit from any person any goods or chattels, with intent to defraud; or shall, with intent to defraud his creditors, within three months next before the commencement of proceedings in insolvency, pawn, pledge, or dispose of, otherwise than by *bona fide* transactions in the ordinary way of his trade, any of his goods and chattels which have been obtained on credit and remain unpaid for, he shall be deemed guilty of misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than three months nor more than two years.

Penal offenses.

Penalty.

ARTICLE X.

MISCELLANEOUS.

SEC. 61. If any debtor shall die after the order of adjudication, the proceedings shall be continued and concluded in like manner and with like validity and effect as if he had lived.

Proceedings to continue after death of debtor.

- Statute of limitations.** SEC. 62. Pending proceedings by or against any person, copartnership, or corporation, no statute of limitations of this State shall run against a claim which in its nature is provable against the estate of the debtor.
- Attorney.** SEC. 63. Any creditor, at any stage of the proceedings, may be represented by his attorney or duly authorized agent.
- Exemptions.** SEC. 64. 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 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.
- Commencement of proceedings.** SEC. 65. The filing of a petition by or against a debtor, upon which, or upon an amendment of which, an order of adjudication in insolvency may be made, shall be deemed to be the commencement of proceedings in insolvency under this Act.
- Words defined.** SEC. 66. Words used in this Act in the singular include the plural, and in the plural, the singular, and the word "debtor" includes partnerships and corporations.
- Appointment of receiver.** SEC. 67. Upon the filing of either a voluntary or involuntary petition in insolvency, a receiver may be appointed by the Court in which the proceeding is pending, or by a Judge thereof, at any time before the election of an assignee, when it appears by the verified petition of a creditor that the assets of the insolvent, or a considerable portion thereof, have been pledged, mortgaged, transferred, assigned, conveyed, or seized, on legal process, in contravention or violation of the provisions of section fifty-nine of this Act, and that it is necessary to commence an action to recover the same. The appointment, oath, undertaking, and powers of such receiver shall in all respects be regulated by the general laws of the State applicable to receivers. When an assignee is chosen, and has qualified, the receiver shall forthwith return to Court an account of the assets and property which have come into his possession, and of his disbursements, and a report of all actions or proceedings commenced by him for the recovery of any property belonging to the estate, and the Court shall thereupon summarily hear and settle the receiver's account, and shall allow him a just compensation for his services, including a reasonable attorney's fee, whereupon the receiver shall deliver all property, assets, or effects remaining in his hands, to the assignee, who shall be

substituted for the receiver in all pending actions or proceedings.

SEC. 68. All sections of the Code of Civil Procedure of the State of California relating to contempts are hereby made applicable to all proceedings under this Act. Code of Civil Procedure.

SEC. 69. When an attachment has been made and is not dissolved before the commencement of proceedings in insolvency, or is dissolved by an undertaking given by the defendant, if the claim upon which the attachment suit was commenced is proved against the estate of the debtor, the plaintiff may prove the legal costs and disbursements of the suit, and of the keeping of the property, and the amount thereof shall be a preferred debt. In all contested matters in insolvency the Court may, in its discretion, award costs to either party, to be paid by the other, or to either or both parties, to be paid out of the estate, as justice and equity may require; in awarding costs, the Court may issue execution therefor. In all involuntary cases under this Act, the Court shall allow the petitioning creditors, out of the estate of the debtor, if any adjudication of insolvency be made, as a preferred claim, all legal costs and disbursements incurred by them in that behalf. Attachment. Costs in contested matters.

SEC. 70. The Court may, upon the application of the debtor, if it be a voluntary petition, or of the petitioning creditors, if a creditors' petition, dismiss the petition and discontinue the proceedings at any time before the appointment of an assignee, upon giving ten days' notice to the creditors, in the same manner that notice of the time and place of election of an assignee is given, if no creditor files written objections to such dismissal; *provided, however*, that by consent of all creditors the proceedings may be dismissed at any time. After the appointment of an assignee, no dismissal shall be made without the consent of all parties interested in or affected thereby. Court may dismiss petition.

SEC. 71. An appeal may be taken to the Supreme Court in the following cases: Appeals.

1. From an order granting or refusing an adjudication of insolvency.
2. From an order made at the hearing of any account of an assignee, allowing or rejecting a creditor's claim, in whole or in part.
3. From an order granting or overruling a motion for a new trial.
4. From an order settling an account of an assignee.
5. From an order against or in favor of setting apart homestead or other property claimed as exempt from execution.
6. From an order granting or refusing a discharge to the debtor.

The notice, undertaking, and procedure on appeal shall conform to the general laws of this State regulating appeals in civil cases, except that when an assignee has given an official undertaking and appeals from a judgment or order in insolvency, his official undertaking stands in the place of an undertaking on appeal, and the sureties therein are liable on such undertaking; *provided, however*, that an appeal from an order granting or

refusing an adjudication of insolvency shall not stay proceedings unless a written undertaking be entered into on the part of the appellant, with at least two sureties, in such an amount as the Court, or a Judge thereof, may direct, but not less than double the value of the property involved, to the effect that if the order appealed from be affirmed, or the appeal dismissed, appellant will pay all costs and damages which the adverse party may sustain by reason of the appeal and the stay of proceedings.

Repeal of
conflicting
Acts.

SEC. 72. The Insolvent Act of eighteen hundred and eighty, and all amendments thereto, are hereby repealed; *provided, however,* that such repeal shall in no manner invalidate or affect any case in insolvency instituted and pending in any Court on and prior to the day when this Act shall take effect.

CHAPTER CXLIV.

An Act making an appropriation to pay the salary of the Debris Commissioner for the remainder of the forty-sixth fiscal year.

[Approved March 26, 1895.]

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

Appropriation
for
salary of
Debris
Commissioner.

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of twelve hundred dollars, to pay the salary of the Debris Commissioner for the remainder of the forty-sixth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLV.

An Act to amend section thirty-four hundred and forty-two of the Civil Code of the State of California, relating to fraudulent instruments and transfers.

[Approved March 26, 1895.]

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

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

Question of
fraud, how
deter-
mined.

3442. In all cases arising under section twelve hundred and twenty-seven, or under the provisions of this title, except as otherwise provided in section thirty-four hundred and forty, the question of fraudulent intent is one of fact and not of law; nor can any transfer or charge be adjudged fraudulent solely

on the ground that it was not made for a valuable consideration; *provided, however,* that any transfer or incumbrance of property made or given voluntarily, or without a valuable consideration, by a party while insolvent or in contemplation of insolvency, shall be fraudulent, and void as to existing creditors.

CHAPTER CXLVI.

An Act to appropriate money for the payment of the claim of Chas. A. Hiatt, for the arrest of William B. Coup, in pursuance of the reward offered therefor by the Governor of the State of California.

[Approved March 23, 1895.]

WHEREAS, At a meeting of the State Board of Examiners of Preamble. the State of California, held on the twenty-fourth day of November, eighteen hundred and ninety-four, the claim of said Chas. A. Hiatt for three hundred dollars for the arrest of one William B. Coup, for the murder of one Zedekiah Root, in July, eighteen hundred and ninety-two, in Placer County, California, was approved for the sum of three hundred dollars, under section six hundred and sixty-six of the Political Code; and whereas, said Coup hanged himself in the jail of said Placer County in July, eighteen hundred and ninety-four, and was therefore never brought to trial; and whereas, the State Board of Examiners have transmitted the claim of said Chas. A. Hiatt to the Legislature of this State, with the recommendation that an appropriation be made to pay the same; now, therefore,

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 three hundred dollars, to pay the claim of C. A. Hiatt; and the State Controller is hereby authorized and directed to draw his warrant, in favor of said C. A. Hiatt, for said sum of three hundred dollars, and the State Treasurer is hereby directed to pay the same. Appropriation to pay claim of C. A. Hiatt.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXLVII.

An Act making an appropriation for the payment to the heirs of R. J. Broughton, for conveyance of Anna Campbell, an insane person, to the Napa Insane Asylum.

[Approved March 26, 1895.]

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

Appropriation to pay heirs of R. J. Broughton.

SECTION 1. The sum of one hundred and twenty-one dollars and fifty cents is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the heirs of R. J. Broughton, Sheriff of Santa Barbara County, for the conveyance of Anna Campbell, an insane person, to the State Insane Asylum at Napa (allowed by State Board of Examiners).

SEC. 2. The Controller of State is hereby authorized to draw his warrant, in favor of the heirs of R. J. Broughton, for said sum of one hundred and twenty-one dollars and fifty cents, and the State Treasurer is hereby directed to pay the same.

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

CHAPTER CXLVIII.

An Act to reduce the number of Judges of the Superior Court of the county of Fresno from three to two.

[Approved March 26, 1895.]

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

Reducing number of Superior Judges in Fresno County.

SECTION 1. The number of Judges of the Superior Court of the county of Fresno is hereby reduced from three to two.

SEC. 2. This Act shall take effect at the expiration of the term of the Judge of said Court whose term first expires, and in case a vacancy occur in any term prior to the first Monday after the first day of January, eighteen hundred and ninety-seven, this Act shall take effect immediately.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER CXLIX.

An Act to amend section seventeen hundred and thirty-six of the Code of Civil Procedure, relating to a report as to the condition of the estate.

[Approved March 26, 1895.]

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

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

1736. The Public Administrator, or any person who received letters of administration while acting as Public Administrator, must, once in every six months, make to the Superior Court, under oath, a return of all the estates of decedents which have come into his hands, the value of each estate, the money which has come into his hands from every such estate, and what he has done with it, and the amount of his fees, and expenses incurred in each estate, and the balance, if any, in each such case remaining in his hands; publish the same six times in some newspaper published in the county, or if there is none, then post the same, legibly written or printed, in the office of the County Clerk of the county. One copy of the return must be filed with papers in each estate so reported.

Public Administrator every six months to make and publish return of condition of estate.

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

CHAPTER CL.

An Act to amend an Act entitled "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.

[Approved March 26, 1895]

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

SECTION 1. The Act of the Legislature entitled "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 twenty-third, eighteen hundred and ninety-three, is hereby amended to read as follows:

Removal of human remains from cemeteries.

1. The City Council of any city in this State having a population of more than fifteen hundred 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, or from cemeteries

owned and controlled by such city that may have been located without its boundaries (and in which such cemeteries no interments of human remains have been made for a period of not less than two years), of all the human remains interred in such cemeteries.

CHAPTER CLI.

An Act to appropriate the surplus moneys in the "Special Mendocino Asylum Fund," in the State Treasury, to the uses of the Mendocino Asylum.

[Approved March 26, 1895.]

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

Appropriating surplus moneys to uses of Mendocino Asylum.

SECTION 1. The sum of fifteen thousand seven hundred twenty-eight and seventy-three one hundredths dollars, now in the "Special Mendocino Asylum Fund," in the State Treasury, is hereby appropriated to the use of the Directors of said asylum, to be expended by said Directors for any purpose that the same could have been used under an Act entitled "An Act to establish a Branch Insane Asylum for the Insane of the State of California, at Ukiah, to be known as the 'Mendocino State Insane Asylum,' and appropriating money therefor," approved February twentieth, eighteen hundred and eighty-nine, and also to pay the deficiency in the appropriation to complete the female ward, etc., approved March third, eighteen hundred and ninety-three.

SEC. 2. The State Board of Examiners shall examine, audit, and allow demands for the sum of moneys named in section one of this Act, drawn by the Board of Directors of the Mendocino Asylum under this Act and the Act herein mentioned, and the State Controller shall thereupon draw his warrant therefor, payable out of said "Special Mendocino Asylum Fund," and the State Treasurer is hereby ordered to pay such warrants.

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

CHAPTER CLII.

An Act to amend section seven hundred and fifty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and the amendment thereto, approved March 19, 1889.

[Approved March 26, 1895.]

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

SECTION 1. Section seven hundred and fifty-two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and amended March nineteenth, eighteen hundred and eighty-nine, is hereby amended to read as follows:

Section 752. The members of the Board of Trustees, and of the Board of Education, and the City Clerk, City Attorney, Assessor, Marshal, Treasurer, and Recorder shall be elected by the qualified electors of said city, at a general municipal election, to be held therein on the second Monday in April in each odd-numbered year. The City Clerk, City Attorney, Assessor, Marshal, Treasurer, and Recorder shall hold office for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. Members of the Board of Trustees and of the Board of Education shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; *provided*, that the first Board of Trustees and Board of Education elected under the provisions of this Act shall, at their first meeting, so classify themselves, by lot, as that three of their members shall go out of office at the expiration of two years, and two at the expiration of four years. The Board of Trustees may, in their discretion, appoint a Poundmaster, also a Superintendent of Streets and a City Engineer, all of whom shall hold office during the pleasure of the Board.

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

CHAPTER CLIII.

An Act to provide for payment of the claim of James A. Kearney.

[Approved March 26, 1895.]

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

SECTION 1. The sum of twenty-seven dollars (\$27) is hereby appropriated out of the moneys in the State Treasury not otherwise appropriated, to pay the claim of James A. Kearney,

Time for
electing
officers of a
municipality.

Term of
office.

Appoint-
ees.

Appropriation to pay
claim of
James A.
Kearney.

ex-Sheriff of San Benito County, for expenses incurred by the conveyance of Andrew Irwin from the State Prison at San Quentin to Hollister, upon the authority of an order for a new trial, issued December twentieth, eighteen hundred and eighty-eight, by James F. Breen, Judge of the Superior Court in and for the county of San Benito; said claim having been approved by the State Board of Examiners, September thirtieth, eighteen hundred and ninety.

SEC. 2. The Controller of the State is hereby authorized to draw his warrant, in favor of James A. Kearney, in the sum of twenty-seven dollars (\$27), 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 CLIV.

An Act authorizing the Controller to refurnish his office, and making an appropriation therefor.

[Approved March 26, 1895.]

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

- SECTION 1. The Controller is hereby authorized to refurnish his office in the State Capitol with modern metallic filing and book cases and such other furniture as may be necessary for the proper transaction of the business of the office.
- SEC. 2. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purposes herein authorized, the sum of seven thousand five hundred dollars, or so much thereof as may be necessary.
- SEC. 3. The appropriation herein made shall be in force and effect from and after January first, eighteen hundred and ninety-six.
- SEC. 4. This Act shall be exempt from the provisions of an Act approved March twenty-third, eighteen hundred and seventy-six, relating to contracts.

Controller
to re-
furnish his
office.

Appropriation.

In effect.

Exemption.

CHAPTER CLV.

An Act to amend section three thousand seven hundred and thirteen of the Political Code, relating to the levy of taxes.

[Approved March 26, 1895.]

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:

3713. The State Board of Equalization must, for State Tax levy. purposes for the forty-seventh and forty-eighth 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-seventh fiscal year:

First—For the General Fund, four million nine hundred and thirteen thousand and one hundred and six dollars. Forty-seventh fiscal year.

Second—For the School Fund, two million one hundred and ninety-five thousand four hundred and fifty-nine dollars.

Third—For the Interest and Sinking Fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

And for the forty-eighth fiscal year:

First—For the General Fund, two million six hundred and eighty-one thousand three hundred and seventy-one dollars. Forty-eighth fiscal year.

Second—For the School Fund, two million one hundred and ninety-five thousand four hundred and fifty-nine dollars.

Third—For the Interest and Sinking Fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

CHAPTER CLVI.

An Act to prevent the sale of intoxicating liquors in the immediate vicinity of soldiers' homes.

[Approved March 26, 1895.]

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

SECTION 1. Every person who sells or gives away any ale, beer, wine, cider, or other intoxicating liquors, within one and one half miles outside of the boundary line of the lands occupied by any home, retreat, or asylum for disabled volunteer soldiers, or soldiers and sailors, which has been or may hereafter be established by the Government of the United States, shall not be sold within one and one half miles of soldiers' homes. Intoxicating liquors shall not be sold within one and one half miles of soldiers' homes.

Penalty. States, within the State of California, is guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, and in addition to such fine shall be imprisoned in the county jail thirty days; and upon the conviction of the owner or keeper thereof, the place wherein such intoxicating liquors shall have been sold or given away shall be, by order of the Court wherein such conviction is made, within ten days thereafter, shut up and abated as a nuisance. And it is hereby made the duty of the District Attorney of the county in which any such institution is or may be located to prosecute all offenders against the provisions of this Act.

Duty of
District
Attorney.

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

CHAPTER CLVII.

An Act to add a new section to the Civil Code, to be designated as section six hundred and sixteen, authorizing corporations organized to establish and maintain or to improve cemeteries, to take and hold property bequeathed, granted, or given to them upon trust, to apply the same, or the proceeds or income thereof, to the improvement or embellishment of cemeteries, or of any lot therein, or to the erection or maintenance of any monument, structure, or improvement therein.

[Approved March 26, 1895.]

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

SECTION 1. A new section is hereby added to the Civil Code of this State, as follows, viz.:

Income
from trust
funds for
cemetery
may be
used for.

616. Any corporation organized to establish and maintain, or to improve, a cemetery, may take and hold any property bequeathed, granted, or given to it upon trust, to apply the proceeds or income thereof to any or all of the following purposes: To the improvement or embellishment of such cemetery, or of any lot therein; or to the erection, renewal, repair, or preservation of any monument, fence, or other structure in such cemetery; or to the planting or cultivation of trees, shrubs, or plants in or around such cemetery, or any lot therein; or to the improving, ornamenting, or embellishing of such cemetery, or any lot therein, in any other mode or manner not inconsistent with the purposes for which said cemetery was established or is being maintained. Such property, and the proceeds or income thereof, shall be invested and re-invested by such corporation, in the bonds of the United States, or of this State, or of any municipality of this State, or in mortgages of real estate, if such investment be not repugnant to the terms of the bequest, grant, or gift.

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

CHAPTER CLVIII.

An Act making an appropriation to pay the indebtedness incurred by the Board of Trustees of the Southern California State Asylum for the Insane and Inebriates, in providing a refrigerator for said asylum.

[Approved March 26, 1895.]

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 fourteen hundred eighty-six dollars and forty-one cents, to pay the indebtedness incurred by the Board of Trustees of the Southern California State Asylum for the Insane and Inebriates (by permission and approval of the State Board of Examiners, page eleven of their report), in providing a refrigerator for said asylum.

Appropriation to pay for refrigerator, Southern California Asylum.

SEC. 2. The Controller is hereby directed to draw his warrant in favor of the Board of Trustees of said asylum for the amount and for the purpose herein specified.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLIX.

An Act prescribing how judgments which may be recovered against any city and county of over one hundred thousand population shall be paid.

[Approved March 26, 1895.]

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

SECTION 1. All existing judgments against any city and county of over one hundred thousand population shall be paid by the Treasurer of such city and county, out of the or any General Fund thereof, after the same shall have been audited by the Auditor, auditing officer, board, or other auditing officer or officers, and it is hereby made the duty of the Board of Supervisors and Mayor of such city and county to include in the tax levy for any fiscal year a sum sufficient to pay existing judgments.

Judgments against city and county of over 100,000 population to be paid out of General Fund.

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

CHAPTER CLX.

An Act to amend an Act entitled "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, by adding two new sections thereto, to be known and designated as sections number fifteen and sixteen, respectively, providing for the appointment of certain clerks, to be known as fee clerks, prescribing the duties of such clerks, and regulating and providing for their salary.

[Approved March 26, 1895.]

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

SECTION 1. Two new sections are hereby added to an Act entitled "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 eleventh, eighteen hundred and ninety-three, to be known as sections fifteen and sixteen of said Act, to read as follows:

Treasurer
may ap-
point fee
clerks.

Salary.

Board of
Supervis-
ors may
grant addi-
tional
assistance.

Section 15. For the purpose of carrying out the provisions of said Act the Treasurer of any such cities, or cities and counties, is hereby authorized to appoint clerks not to exceed three in number, to be known as fee clerks, and said fee clerks shall be allowed a salary of one hundred and fifty dollars per month; they shall give a bond in whatever sum the said Treasurer may exact, and they shall perform such duties as he, the said Treasurer, may direct. The salaries of said clerks shall be a charge and paid out of the unapportioned fee fund in this Act created.

Section 16. The Boards of Supervisors of any such cities, or cities and counties, if in their judgment they deem it necessary, may grant additional assistance in the way of clerks to any of the fee officers whose labor has been increased under said Act; and the salaries of such additional clerks shall be allowed and audited out of said unapportioned fee fund.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXI.

An Act concerning the completion of unfinished public buildings in any county, city, city and county, or town in this State, and permitting alterations of the original plans or designs for the construction thereof.

[Approved March 26, 1895.]

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

SECTION 1. Where there are any unfinished public building or buildings now in process of construction in any county, city, city and county, or town in this State, the Board of Supervisors or other governing body of any county, city, city and county, or town, or any commission created by an Act of the Legislature, having in charge the construction of such unfinished building, shall have the right in the construction thereof to omit from the original or adopted plan therefor such part or parts as in their judgment they shall deem necessary to be left out; *provided*, no contract has been let for the construction of such part or parts. If, in the judgment of such officers, the public good requires, they may let contracts according to law for the construction, in whole or in part, of the unfinished portions of such public building or buildings in accordance with such altered plan. When the same shall have been constructed in accordance with such altered plan, the building shall be deemed to have been completed.

Alterations may be made in plans of unfinished buildings.

SEC. 2. Whenever, during the construction of such public building or buildings, changes in the original plans or designs have heretofore been made, and contracts for the construction of the work, in whole or in part, in accordance with the altered plans or designs, have been entered into by the Board of Supervisors, or other governing body of any county, city, city and county, or town, or by the commission having the construction thereof in charge, the said alteration of the original plans or designs that have been made and contracts for same that have been entered into, are hereby ratified, approved, and confirmed.

Contracts made in accordance with altered plans, valid.

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

CHAPTER CLXII.

An Act to amend an Act approved March 11, 1893, entitled "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 26, 1895.]

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:

To provide for completion of public buildings.

Taxes.

No part to be expended for furniture.

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 the 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 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 eight 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 property tax on real and personal property within the said counties, or cities and counties, cities, towns, and townships, of ten cents on each one hundred dollars of value, as shown by the assessment rolls of said counties, cities, cities and counties, towns, and townships for the current fiscal year; *provided*, the moneys raised under the provisions of this Act shall be expended only in the manner and for the purposes authorized by law, or by the Act or Acts authorizing the construction of the building or buildings; *and provided further*, that no part of said moneys shall be used for the purchase of carpets, furniture, fixtures, or 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; *and it is further provided*, that whenever, in the judgment of the Board of Supervisors of the several counties, cities, and cities and counties of the State

of California, or of any person or persons, board, or commission having charge of any building or buildings now in the process of construction, it shall be deemed necessary for the preservation of the building or buildings, or convenient occupation thereof, or the improvement or maintenance of sanitary conditions therein, or the protection of life, to make repairs on said building or buildings, or alterations thereof not inconsistent with the accepted plan of the building or buildings, the Board of Supervisors, person or persons, board, or commission having legal charge of the same, shall have the power to expend in any one year on such repairs or alterations, exclusive of the cost of repairs or alterations on the roof or roofs thereof, the sum of ten thousand dollars, and no more; which sum may be expended without regard to any of the requirements of any Act or Acts authorizing the construction of the building or buildings, if the amount expended at any one time does not exceed the sum of one thousand dollars; but whenever an expenditure in excess of the sum of one thousand dollars should be required, it shall be made according to the provisions of the Act or Acts authorizing the construction of the building or buildings.

May spend
\$10,000 for
repairs.

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

CHAPTER CLXIII.

An Act to amend sections forty-seven and forty-eight of the Civil Code of the State of California, relating to libel and slander.

[Approved March 26, 1895.]

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

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

47. A privileged publication is one made—

1. In the proper discharge of an official duty.
2. In any legislative or judicial proceeding, or in any other official proceeding authorized by law.

Privileged
publication
is,
what.

3. In a communication, without malice, to a person interested therein, by one who is also interested, or by one who stands in such relation to the person interested as to afford a reasonable ground for supposing the motive for the communication innocent, or who is requested by the person interested to give the information.

4. By a fair and true report, without malice, in a public journal, of a judicial, legislative, or other public official proceeding, or of anything said in the course thereof, or of a verified charge or complaint made by any person to a public official, upon which complaint a warrant shall have been issued.

5. By a fair and true report, without malice, of the proceedings of a public meeting, if such meeting was lawfully convened

for a lawful purpose and open to the public, or the publication of the matter complained of was for the public benefit.

SEC. 2. Section forty-eight of the Civil Code is hereby amended so as to read as follows:

Malice not
inferred.

48. In the cases provided for in subdivisions three, four, and five, of the preceding section, malice is not inferred from the communication or publication.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXIV.

An Act to provide an official stenographic reporter to the Coroner of each county, or city and county, having one hundred thousand or more inhabitants, and providing the mode in which such reporter shall be appointed, and establishing the compensation and prescribing the duties of such reporter.

[Approved March 26, 1895.]

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

Coroners of
cities and
counties of
100,000 to
appoint
stenogra-
pher.

SECTION 1. It shall be lawful for the Coroner of every county, or city and county, of this State, having one hundred thousand or more inhabitants, to select and appoint an official stenographic reporter, such reporter to hold office during the pleasure of the Coroner making the appointment.

Salary.

SEC. 2. The said official reporter shall be allowed and shall receive compensation as follows: One hundred and fifty dollars per month.

Duties.

SEC. 3. It shall be the duty of said reporter to attend all inquests held by the Coroner of the said county, or city and county, and report in shorthand all testimony of witnesses, and all the proceedings of said inquests, and to transcribe the same into legible longhand and furnish two typewritten copies thereof, and shall certify the same, and file one of the copies with the said Coroner and the other copy with the Clerk of the said county, or city and county. He shall also, within a reasonable time after such testimony is taken, file with the said Clerk the shorthand notes taken by him at each inquest.

Oath.

SEC. 4. The said official reporter shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office.

Certified
report
prima facie
correct.

SEC. 5. Any report of the said official reporter duly appointed and sworn, when written out in longhand writing and certified by him as being a correct transcript of the testimony and proceedings in the case, shall be *prima facie* a correct statement of such testimony and proceedings.

Salary,
how paid.

SEC. 6. The salary of said reporter shall be audited and paid monthly out of the General Fund of the said county, or city and county.

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

CHAPTER CLXV.

An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer.

[Approved March 26, 1895.]

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

SECTION 1. The Board of Supervisors of each and every county in the State may, in its discretion, at their first meeting held in April, eighteen hundred and ninety-five, and at their first meeting held in January, eighteen hundred and ninety-seven, and in January every two years thereafter, appoint a suitable person to serve for the period of two years from the date of his appointment as Fish and Game Warden of the county, which office is hereby created; *provided*, that the person so appointed in April, eighteen hundred and ninety-five shall hold office only until January, eighteen hundred and ninety-seven, and until his successor is appointed and qualifies.

Office of
Fish and
Game
Warden
created.

SEC. 2. Said Fish and Game Warden shall enforce the State laws, and all county and municipal ordinances relating to the protection of fish and game, and he shall be vested with all the powers of a peace officer to make arrests for the violation of such laws and ordinances.

Duties.

SEC. 3. The salary of said Fish and Game Warden is hereby fixed, in accordance with the classification of counties, as follows:

Salary.

SEC. 4. For counties of the first, second, and third classes, one hundred dollars per month; for counties of the fourth, fifth, and sixth classes, the sum of seventy-five dollars per month; for counties of the seventh, eighth, ninth, and tenth classes, the sum of sixty dollars per month, and for all other classes from the eleventh to the fifty-third, inclusive, the sum of fifty dollars per month. In addition thereto said Warden shall be allowed a sum not to exceed twenty-five dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the County Treasury. Said Fish and Game Warden shall, before entering upon the discharge of his duties, execute a bond with sureties in such sum as may be required by the Board of Supervisors, for the faithful and proper discharge of his duties as such Fish and Game Warden. Said Warden shall report quarterly to the Board of Supervisors of his county, giving a detailed statement of all arrests made, convictions had, fines collected, and generally in regard to the management of his office. Such officers may be removed by the Board of Supervisors for intemperance, neglect of duty, or other good and sufficient reasons.

Expenses.

Bond.

Report.

May be
removed,
how.

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

CHAPTER CLXVI.

An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties of the State.

[Approved March 23, 1895.]

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

Teachers' Annuity Fund Trustees.

SECTION 1. The Superintendent of Public Schools, the County Treasurer, and the Chairman of the Board of Supervisors of each county or city and county, and their successors in office, are hereby constituted a Board of Trustees of the "School Teachers' Annuity and Retirement Fund," to provide for the disbursement of the same, and to designate the beneficiaries thereof, as hereinafter directed, which Board shall be known as the "School Teachers' Retirement Fund Commissioners."

Organization, duties, etc.

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

Who are beneficiaries.

SEC. 3. Whenever any teacher entitled to the benefits of this Act has taught in the public schools of this State for a period of twenty years, and shall become incapacitated from performing the duties of a teacher, such teacher shall, at his or her request, and may, in the discretion of the Board of School Trustees, without such request, be retired as a teacher, and shall thereafter receive an annuity out of said fund of forty-five dollars per month; and if such teacher has taught for twenty-five years or over, shall, under the same circumstances, be retired upon an annuity of fifty dollars per month; such payments to be made out of the fund in the different counties in proportion to the length of time taught by such teacher in each county; but in case any teacher should be retired within three years after the passage of this Act, he or she must, in order to receive the benefits thereof, pay into the fund provided for in this Act the sum of three hundred dollars; and provided further, that if at any time there shall not be sufficient money in said fund to pay the warrants drawn thereon as presented for payment, the Treasurer shall register said warrants, and mark on the back of each these words: "Presented for payment this — (giving day, month, and year), and not paid for want of funds. Treasurer of — County." And such warrants shall be paid in

Amount of benefits.

Unpaid warrants to draw interest.

the order of registration and bear interest at five per cent per annum from date of registration.

SEC. 4. The Board herein provided for shall hold quarterly meetings on the third Saturday of January, April, July, and October of each year, at the office of the County Superintendent of Public Schools. Such Board shall biennially, at its meeting in January, select from its members a President and Secretary. It shall issue warrants, signed by its President and Secretary, to the persons entitled thereto, for the amount of money ordered paid to such persons from such fund by said Board, stating therein for what purpose such payment is made. It shall keep a record of all its proceedings, which shall be public. It shall at each quarterly meeting send to the Treasurer of the county or city and county and to the Auditor of such county or city and county a list of all persons, if any, entitled to payment out of the fund provided in this Act, stating the amount of such payments and for what granted, which lists shall be sworn to as correct by the President and Secretary of said Board, and the Auditor shall then enter a copy of said list in a book to be kept for him for that purpose, known as the "School Teachers' Annuity Fund Book." When such list has been entered in such book by the Auditor, he shall transmit the same to the Board of Supervisors of such county, or city and county, which Board shall order the payment of the amount named out of the fund provided for by this Act. A majority of the members of said Board shall constitute a quorum for the transaction of business.

Board of Trustees, meetings and duties of.

SEC. 5. In addition to the powers hereinbefore granted to said Board, it shall have the further power, first, to subpoena and compel witnesses to attend and testify before it in all matters relating to the operation of this Act, and any member of said Board may administer an oath or affirmation to such witness, in the form prescribed in Courts of justice; second, to provide for the payment, out of said fund, of all expenses, such as for printing, for stationery, and for postage stamps, but the members of said Board, as such, shall serve without compensation; third, to make all such needful rules and regulations for the transaction of their business, from time to time, as may be necessary.

Powers.

SEC. 6. To provide a fund for the payments provided for in this Act, the Secretary of the Board of Education of each municipality shall certify monthly to the Treasurer of such municipality, and the Board of Trustees in every school district outside of such municipalities shall certify and pay over in like manner to the County Treasurer of each county, and one per cent of the amount due each teacher as salary for the previous month; and all moneys derived from any other source shall be paid to the County Treasurer to the credit of such fund. Such Board shall also receive and place to the credit of said fund all moneys received from donations, legacies, gifts, bequests, or otherwise.

Fund, how provided.

SEC. 7. This Act shall be binding only upon public school teachers who, after the passage of this Act, shall sign and

Consent of teachers necessary.

deliver to the Board of Education of the municipality in which they are employed a notice in substantially the following form: _____, 1895.

Form.

To the Board of Education (or Trustees, as the case may be) of _____.

You are hereby notified that I agree to be bound by, and desire to avail myself of, the provisions of the Act of the Legislature of California, approved _____, eighteen hundred and ninety-five, entitled "An Act to create and administer a School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in this State."

_____,
Public School Teacher.

Limit to
time for
qualifying.

And no teacher employed in the public schools of this State at the time of the passage of this Act failing to give such notice shall be entitled to any benefits under this Act or subject to any of its burdens. And no teacher employed after the passage of this Act, who, within ninety days after such employment, fails to give such notice, shall share the benefits of or be subject to the burdens of this Act. Such notices shall be delivered to the Treasurer of such municipality, and a copy thereof to the Commissioners of said fund, and preserved as a record for their information.

SEC. 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAPTER CLXVII.

An Act to amend sections three, four, five, seven, nine, ten, eleven, twelve, fourteen, fifteen, sixteen, and twenty-three of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers" (approved March 30, 1878, and as amended by an Act approved March 10, 1887), and to add four (4) new sections thereto; to be numbered twenty-four, twenty-five, twenty-six, and twenty-seven, relating to the powers and duties of such Commissioners.

[Approved March 26, 1895.]

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

Bank
Commis-
sioners.

SECTION 1. That section three of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers" (approved March thirtieth, eighteen hundred and seventy-eight, and as amended by an Act approved March tenth, eighteen hundred and eighty-seven), be and the same is hereby amended so as to read as follows:

Duties and
powers.

Section 3. The duties of the Bank Commissioners shall be to prepare and furnish to every savings bank, bank, and banking company, or any other corporation incorporated under the laws

of this State, or of any other State or Territory, or foreign country, doing a banking business in this State, applying therefor, a license, in the form to be prescribed by them, authorizing such corporation to use the name and to transact the business of a savings bank, bank, or banking company, until the first day of July next thereafter; to receive and place on file in their office the reports required to be made by savings banks, banks, or banking corporations, by this Act; to prepare and furnish, on demand, to all persons, firms, partnerships, corporations, or officers required to make and return statements or reports to said Bank Commissioners by the provisions of this Act, blank forms for such statements or reports as may by law be required of them; to make, on or before the first day of October in each year, a report to the Governor of this State, containing a tabular statement and synopsis of the several reports which have been filed in their office since their last report, and any other proceedings had or done by them under this Act, showing generally the condition of the respective savings, commercial, and other banking corporations or institutions of this State, and such other matters as in their opinion may be of interest to the public, with a detailed statement, verified by their oaths, of all moneys and fees of office received by them during the same period.

Duties and powers.

Report.

SEC. 2. That section four of said Act is hereby amended to read as follows:

Section 4. It shall be the duty of one or more of the Bank Commissioners, as designated by the Commissioners, once in each year, and as often as in their judgment may be deemed necessary, without previous notice, to visit and make, personally, a full examination of each and every corporation mentioned in section three of this Act; to inspect all books, papers, notes, bonds, or evidences of debt of such corporation, and all securities; to ascertain the condition of every such corporation, its solvency, its ability to fulfill its obligations, and, if in their opinion it is deemed necessary, report its condition to the Attorney-General as soon as practicable after such examination.

Annual examinations.

SEC. 3. That section five of said Act is hereby amended to read as follows:

Section 5. Such Commissioners must examine, under oath, any of the officers, agents, and servants of any such corporation, in relation to the affairs and condition of such corporation, and may administer such oath personally; and whoever shall neglect or refuse, after demand and notice thereof, and without justifiable cause, to appear, or testify under oath, before the said Commissioners in the discharge of their duties, shall be deemed guilty of misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Must examine under oath.

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

Penalty for
transact-
ing bank-
ing busi-
ness with-
out license.

Section 7. No corporation shall use the name or transact the business of a savings bank, or bank, or banking corporation, without the license provided for by section three of this Act; and any corporation violating this provision shall forfeit the sum of one hundred dollars per day during the continuance of the offense; and any person who enters upon, engages in, or carries on, or in any manner attends to the business or management of a savings bank, or bank, or banking corporation, doing business without such license, whether as manager, principal, agent, officer, employé, or otherwise, shall forfeit the sum of one hundred dollars for every day he so enters upon, engages in, or carries on, or attends to such business; and any violation of this section is also hereby declared to be a misdemeanor.

SEC. 5. That section nine of said Act is hereby amended to read as follows:

Banks
shall make
report
whenever
required.

Section 9. Any corporation mentioned in section three of this Act, including banks in liquidation or insolvency, shall, whenever required by the Board of Bank Commissioners, make a report in writing to the Commissioners, verified by the oath of its President and its Secretary or Cashier, or its two principal officers. Said report shall show the actual financial condition of the corporation making the report at the close of any past day by the Commissioners specified, by stating:

Contents
of report.

First—The amount of its capital stock, and the number of shares into which it is divided.

Second—The names of the Directors, and the number of shares of stock held by each.

Third—The total amount actually paid, in money, by stockholders for capital stock, and the total amount of reserve fund, if any.

Fourth—The total amount due to depositors.

Fifth—The total amount and character of any other liabilities it may have.

Sixth—The amount at which the lot and building occupied by the bank for the transaction of its regular business, stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books; in what county situated, and in what name the title is vested, if not in the name of the corporation itself.

Seventh—The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also, specifying the name of the person in whose name the property is held in trust or as security, in case it is held in any name other than that of the bank, and the instrument creating the security does not of itself disclose the name of the bank.

Eighth—The amount invested in bonds, designating each particular class, and the amount thereof.

Ninth—The amount loaned on stocks and bonds, designating each particular class, and the amount thereof.

Tenth—The amount of money loaned on other securities, with a particular designation of each class, and the amount loaned on each. Contents
of report.

Eleventh—The actual amount of money on hand or deposited in any other bank or place, with the name of the place where deposited, and the amount in each place.

Twelfth—Any other property held or any amount of money loaned, deposited, invested, or placed, not otherwise herein enumerated, with the place where situate, and the value of such property, and the amounts so loaned, deposited, or placed.

The oaths of the officers to the statements above required shall state that they, and each of them, have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true; and any willfully false statement in the premises shall be perjury, and shall be punished as such. The reports as provided for by this section shall by the Commissioners be required from each and every corporation herein mentioned at least three times in each year, and shall be transmitted to the Commissioners within fifteen days after the receipt from them of a request or requisition therefor. Oath.

SEC. 6. That section ten of said Act is hereby amended to read as follows:

Section 10. Any corporation mentioned in section three of this Act, failing to furnish to the Bank Commissioners any report by them required under the provisions of this Act, within the time herein specified, shall forfeit the sum of one hundred dollars per day during the time of such default. Penalty.

SEC. 7. That section eleven of said Act is hereby amended to read as follows:

Section 11. If the Bank Commissioners, on examination of the affairs of any corporation mentioned in section three of this Act, shall find that any such corporation has been guilty of violating its charter, the laws of this State, or any of the provisions of this Act, or is conducting business in an unsafe manner, they shall, by an order addressed to the corporation so offending, direct discontinuance of such illegal and unsafe practices, and a conformity with the requirements of the law and its charter, and of the provisions of this Act. And if such corporation shall refuse or neglect to conform with such requirements before the expiration of the time in the order specified, or if it shall appear to said Commissioners and they shall unanimously decide that it is unsafe for any such corporation to continue to transact business, it shall be the duty of the Commissioners immediately to take such control of such corporation, and all the property and effects thereof, as may be necessary to prevent waste or diversion of assets, and to hold possession of the same until the order of Court hereinafter mentioned, and to immediately notify the Attorney-General of their action; and it is hereby made the duty of the Attorney-General, upon receiving such notification, to immediately commence suit in the proper Court against such corporation, and all the Directors or Trustees thereof, to enjoin and prohibit them Proceed-
ings
against in-
stitutions
considered
unsafe.

Duty of
Attorney-
General.

from the transaction of any further business. If, upon the hearing of the case, the Court shall find that it is unsafe for such corporation to continue business, and that such corporation or institution is insolvent, said Court shall issue the injunction applied for and shall cause the same to be served according to law, and shall order the Commissioners to surrender to the corporation the property thereof in their possession for the purpose of liquidation; or, if the Court shall find that such corporation is solvent, and may safely continue business, it shall dismiss the action and order that the corporation be restored to the possession of its property. The issuance of the injunction hereinabove provided for shall, by operation of law, dissolve any and all attachments levied upon any property of such corporation within one month next preceding the date of the notification by the Commissioners to the Attorney-General as provided for in this section, and no attachment or execution shall, after the issuance of such injunction and during the process of liquidation hereinafter provided for, be levied upon any property of said corporation, nor shall any lien be created thereon. And if it shall appear to the Court at such hearing, or at any time during the liquidation hereinafter provided for, on the petition of one or more of the Bank Commissioners, or any other interested party, that any of the Directors or Trustees, or officers of said corporation have been guilty of fraud, malversation, or criminal carelessness or negligence, and that any of them are not the proper persons to be intrusted with the closing of the affairs and business of such corporation in the interest of the depositors, creditors, and stockholders thereof, the said Court shall cause to be issued in said action and served upon said Directors or Trustees, or officers, or any of them, an order to show cause why they, or any of them, should not be removed from office, which order shall briefly recite the grounds of the application, and shall be returnable at a time to be fixed by the Court; and if on the hearing the Court shall find that such Directors or Trustees, or officers, or any of them, ought to be removed from office, it shall enter its order of removal accordingly, which order shall be final in the premises; and if the Board of Directors or Trustees of the corporation shall neglect, for the period of ten days after such removal, to elect or appoint a successor or successors to the person or persons so removed, then the Court, by an order entered in said cause, shall appoint such successor or successors; and the Court shall also have power in like manner to fill all vacancies occurring in the Board, and to appoint Directors or Trustees in their stead, whenever from any cause there are no Directors or Trustees, or not a sufficient number thereof to constitute a quorum for the transaction of business; or when from any cause there are no Directors or Trustees, the Court may order an election by the stockholders to be held according to law. Subject to this right of removal and appointment, the Directors or Trustees of all banking corporations in liquidation shall be permitted to continue the management of the affairs of such corporations during the process of liquidation, under the direction of the Bank

Injunction shall dissolve all attachments.

Directors of insolvent bank to be removed when guilty of negligence, etc.

Commissioners, as hereinafter provided. The affairs of every corporation mentioned in this Act, which is hereafter forced into liquidation under the provisions of this Act, or otherwise goes into liquidation, shall be closed, and the business thereof settled within four years from the time it shall enter into liquidation, unless at the expiration of such time it shall obtain the consent, in writing, from a majority of the Board of Bank Commissioners, to continue in liquidation for a longer period. The Bank Commissioners shall, however, have no power to grant a continuance for such purpose for a longer period than one year at each time, and the affairs of any corporation in process of liquidation at the time of the adoption of this section, as amended, shall be closed within a time to be designated by such Bank Commissioners. Any corporation mentioned herein now in liquidation, or that hereafter goes into liquidation, shall make reports of the condition of its affairs to the Bank Commissioners in the same manner as the solvent banks mentioned in this Act, and in addition thereto, shall state the amount of dividends paid, debts collected, and the amounts realized on property sold, if any, since the previous report. The Bank Commissioners shall have the power, and it is hereby made their duty, to examine the condition of every such corporation in liquidation, in the same manner as in the case of solvent banks; and they shall have a general supervision of any such corporation. They shall have the power to limit the number of employes necessary to close up the business of any such corporation, and to also limit the salaries of the same, and shall do all in their power to make such liquidation economical and as expeditious as the interests of the depositors and stockholders will admit. If any officer or employe of any corporation, insolvent or in liquidation, mentioned in this Act, shall refuse to comply with the provisions of this section, or disregard or refuse to obey the directions of said Bank Commissioners given in accordance with the provisions of this Act, such officer or employe shall be punished by a fine of not exceeding five thousand dollars, or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment, as a Court of competent jurisdiction may determine.

Limit of
time in
liquida-
tion.

Extension
of time.

Reports to
Commis-
sioners.

Powers of
Commis-
sioners.

Penalty for
non-com-
pliance.

SEC. 8. That section twelve of said Act is hereby amended to read as follows:

Section 12. The Bank Commissioners shall each receive a salary of three thousand six hundred dollars per annum, and necessary traveling expenses, not to exceed, for the three Commissioners, the sum of three thousand dollars per annum, to be audited by the State Controller and paid by the State Treasurer, in the same manner as the salaries and expenses of other State officers. No person while holding any other office, or engaged in business of any kind requiring his personal attention between the hours of nine A. M. and four P. M., shall serve as Bank Commissioner.

Salary and
qualifica-
tions.

SEC. 9. That section fourteen of said Act is hereby amended to read as follows:

Secretary. Section 14. The Bank Commissioners shall have power to appoint a Secretary, at a salary of two hundred dollars per month. The said Commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M. every day, except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed seventy-five dollars per month. They may also provide stationery, fuel, and other conveniences necessary for the transaction of their duties, not exceeding in the aggregate the sum of five hundred dollars per annum. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the Commissioners.

Office hours.

Expenses.

SEC. 10. That section fifteen of said Act is hereby amended to read as follows:

Reports to be on file.

Section 15. All reports required to be made to the Bank Commissioners by the provisions of this Act shall be filed and kept on file by the Bank Commissioners, in their office, and shall be open to the inspection of the public during their office hours.

SEC. 11. That section sixteen of said Act is hereby amended to read as follows:

Fund, how provided.

Section 16. To pay the salaries and all other necessary expenses of the Commissioners, as provided for by this Act, every corporation receiving a license shall pay annually, in advance, to the Commissioners, in gold coin, its share of the amount required to pay such salaries and expenses; the share to be paid by any corporation to be determined by the proportion which its deposits bear to the aggregate deposits of all such corporations receiving licenses, as shown by the latest reports of such corporations to the Commissioners. Said Commissioners shall, on demand made therefor, and without charge, furnish to every corporation, society, association, company, institution, firm, person, or persons mentioned in this Act, copies of papers, statements, and reports filed in their office, and may, as provided by this Act, recover any and all moneys payable to them by any corporation, association, society, company, institution, firm, person, or persons, herein mentioned; and all moneys collected or received by such Bank Commissioners, or either of them, under or by virtue of the provisions herein, shall be by them delivered to the Treasurer of this State, who shall pay the same into a fund which is hereby created, and which shall be known as the "Bank Commissioners' Fund." And the unexpended balances of all moneys heretofore paid into the State Treasury by said Bank Commissioners shall be transferred to said fund and become a part thereof.

SEC. 12. That section twenty-three of said Act is hereby amended to read as follows:

Persons and partnerships, not incorporated.

Section 23. Every person, or number of persons, not being incorporated, engaged in the business of banking, or publicly receiving money on deposit, shall conduct such business under a name which shall show the true names of all persons engaged in said business, unless such person or persons have complied with or shall forthwith comply with the provisions of article

seven, of chapter two, title ten, part four, division third, of the Civil Code of this State. Every person engaged for himself, or any person being the cashier, manager, or agent of two or more persons, not incorporated, engaged in the business of banking, or publicly receiving money on deposit, must, three times in each year, or oftener, as may be required by the Board of Bank Commissioners, make a report, in writing, to the Commissioners, verified under oath, which report shall show the actual financial condition of the said business on any past day by the Commissioners specified, and shall also state the facts required to be stated by incorporated banks or banking corporations in section nine of this Act, so far as the same appertain to said business. Such reports shall be transmitted to the Commissioners within fifteen days after the receipt from the Commissioners of a request or requisition therefor. Every person violating any of the provisions of this section is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not less than ninety days nor more than six months, or by fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

Private banks to report to Commissioners.

Penalty for non-compliance.

SEC. 13. A new section is hereby added to said Act, to be numbered twenty-four, and read as follows:

Section 24. No savings bank, or bank, or banking corporation, shall be incorporated in this State and conduct such banking business in a city or town of five thousand inhabitants or under with a capital stock of less than twenty-five thousand dollars, or in a city or town of over five thousand and not exceeding ten thousand inhabitants with a capital stock of less than fifty thousand dollars, or in a city or town of over ten thousand and not exceeding twenty-five thousand inhabitants with a capital stock of less than one hundred thousand dollars, or in a city or town of over twenty-five thousand inhabitants with a capital stock of less than two hundred thousand dollars. Before the Secretary of State issues to any corporation that proposes to do a banking business his certificate of the filing of the articles of incorporation, there must be filed in his office the affidavit of the persons named in said articles as the first Directors of the corporation, that all the capital stock has been actually and in good faith subscribed, and at least fifty per centum thereof paid, in lawful money of the United States, to a person in such affidavit named, for the benefit of the corporation. The remainder of the capital stock must be paid in within two years after said banking corporation receives from the Commissioners its first license to transact business, and if not so paid, no further license shall be issued to it; *provided, however,* that the provisions of this section shall not apply to corporations now in existence.

Capital stock of savings banks.

SEC. 14. A new section is hereby added to said Act, to be numbered twenty-five, and read as follows:

Section 25. The Directors of any savings bank, bank, or banking corporation having a capital stock, may semi-annually declare a dividend of so much of the net profits of the stock-

Surplus or reserve fund.

holders as they shall judge expedient; but every such corporation shall, before the declaration of such dividend, carry at least one tenth ($\frac{1}{10}$) part of the net profits of the stockholders for the preceding half year to its surplus or reserve fund until the same shall amount to twenty-five per centum of its paid-up capital stock. But the whole, or any part of such surplus or reserve fund, if held as the exclusive property of stockholders, may at any time be converted into paid-up capital stock, in which event such surplus or reserve fund shall be restored in manner as above provided until it amounts to twenty-five per centum of the aggregate paid-up capital stock. A larger surplus or reserve fund may be created, and nothing herein contained shall be construed as prohibitory thereof.

SEC. 15. A new section is hereby added to said Act, to be numbered twenty-six, and read as follows:

Who may use the word bank, in connection with business.

Section 26. The use of the word bank, or any other word or terms denoting or implying the conduct of the business of banking, or the use of the word savings, alone or in connection with other words denoting or implying the conduct of the business of a savings institution, or a savings and loan society, is hereby prohibited to all persons, firms, associations, companies, or corporations other than those subject to the supervision of the Bank Commissioners or required by this Act to report to them; and no license as in this Act provided shall be issued by the Commissioners to any corporation that does not receive money from the public as deposits in manner customary with commercial or savings banks. Any person, firm, association, company, or corporation not subject to the supervision of the Bank Commissioners or not required by this Act to report to them, making use of terms implying conduct of a bank, savings bank, or savings and loan society, by means of signs, advertisements, letter heads, bill heads, blank notes, blank receipts, certificates, circulars, or any written or printed, or partly written and partly printed, paper whatever, having thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank, or savings and loan society, shall forfeit for each day the offense is continued the sum of one hundred dollars, to be recovered as provided in this Act.

SEC. 16. A new section is hereby added to said Act, to be numbered twenty-seven, and read as follows:

Capital stock not to be wrongfully advertised.

Section 27. No banker, nor officer of any bank or corporation doing a banking business, shall advertise in any manner, or publish any statement of the capital stock authorized or subscribed, unless he advertise and publish in connection therewith the amount of capital actually paid up. Any officer, or the officers of any bank or corporation doing a banking business, advertising in any manner, or publishing a statement of the capital stock of such bank or banking corporation, authorized or subscribed, without the statement in connection therewith of the stock actually paid up, shall be guilty of a misdemeanor.

CHAPTER CLXVIII.

An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and nineteen, one thousand nine hundred and twenty-three, one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty-two, one thousand nine hundred and forty-two, one thousand nine hundred and sixty-two, one thousand nine hundred and seventy, one thousand nine hundred and eighty, one thousand nine hundred and eighty-three, one thousand nine hundred and eighty-four, one thousand nine hundred and eighty-five, one thousand nine hundred and ninety, two thousand and three, two thousand and four, two thousand and seven, two thousand and twenty-two, two thousand and twenty-four, two thousand and twenty-seven, two thousand and forty, two thousand and forty-eight, two thousand and seventy-six, two thousand and eighty-three, and two thousand and ninety-four of the Political Code of the State of California, and to add one new section thereto, to be known and numbered as section one thousand nine hundred and ninety-one, and to repeal sections one thousand nine hundred and eighty-seven, one thousand nine hundred and eighty-eight, one thousand nine hundred and eighty-nine, and two thousand and five of said Code, all relating to the National Guard of California.

[Approved March 26, 1895.]

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 is hereby amended to read as follows:

1912. The organized uniformed militia of the State of California are known as the National Guard of the State of California. This force shall not exceed sixty-nine companies, of which sixty companies shall be infantry or artillery, as the Board of Location may direct, and five companies of the Naval Battalion, and the other four companies shall be distributed to such arms of the service as the Board of Location may direct. The National Guard must be located throughout the State with reference to the military wants thereof, means of concentration, and other military requirements.

National
Guard, of
what it
consists.

SEC. 2. Section one thousand nine hundred and nineteen of the Political Code is hereby amended to read as follows:

1919. All staff officers shall be citizens of the State of California, and except Surgeons, Judges-Advocate, and Chaplains shall be examined as prescribed for elective officers in section one thousand nine hundred and seventy-four of this Code before being commissioned. This provision shall not apply to appointees on the staff of the Commander-in-Chief.

Qualifica-
tions of
staff
officers.

SEC. 3. Section one thousand nine hundred and twenty-three of the Political Code is hereby amended to read as follows:

Uniform. 1923. All moneys hereafter appropriated for the purchase of service uniforms or equipments shall be devoted entirely to the purchase of 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 of three officers, to be detailed by the Commander-in-Chief, which 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. 4. Section one thousand nine hundred and twenty-nine of the Political Code is hereby amended to read as follows:

Discharges, when and by whom granted. 1929. Any enlisted man may be discharged before the expiration of his term of service, by order of the commanding officer of the regiment or unattached battalion, or, if a member of an unattached company, troop, or battery, by the brigade commander, on the recommendation of his company commander, and also for any of the following reasons: To accept promotion by commission; upon removal of residence from the State, or out of the bounds of the command to which he belongs to so great a distance that, in the opinion of the commanding officer, he cannot properly perform his military duty; upon disability, established by certificate of a medical officer; whenever such commanding officer shall approve the application of two thirds of the members of a company requesting the discharge of an enlisted man thereof, and if, at a regular meeting of a company, or of a meeting called for that purpose, two thirds of the members of a company desire by vote the discharge of one of their members, an application for the discharge of such soldier shall be made by the company commander. Or he may be dishonorably discharged for either of the following reasons: Upon conviction of felony in a civil Court; by sentence of a court-martial. A character shall be attached to all discharges. Every member of the National Guard dishonorably discharged from the military service of the State of California shall be disfranchised for the period of one year next ensuing such discharge. The discharges herein provided shall be made by the commanding officer of the regiment or unattached battalion, and in the case of members of unattached companies, troops, or batteries, by the brigade commander.

SEC. 5. Section one thousand nine hundred and thirty-two of the Political Code is hereby amended to read as follows:

Dishonorable discharge, bar to re-entry. 1932. No dishonorably discharged non-commissioned officer, artificer, musician, or private, or member of a company dishonorably discharged from the National Guard, shall be permitted to again enter any company of the National Guard,

except the offense is pardoned by the Commander-in-Chief. No dishonorably discharged officer of the National Guard of California shall be permitted to hold any office of trust or emolument, nor be permitted to again enter any company of the National Guard, except the offense be pardoned by the Commander-in-Chief.

SEC. 6. Section one thousand nine hundred and forty-two of the Political Code is hereby amended to read as follows:

1942. The colors carried by organizations of the National Colors.

Guard shall be such as are borne by similar organizations of the United States Army, except that the regimental or battalion colors 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 of the State of California. It shall not be lawful for any body of men whatever, other than the regular organized National Guard of this State, and the troops of the United States, to associate themselves together as a military company or organization, to drill or parade with arms in this State, without the license of the Governor thereof, which license may at any time be revoked; *provided*, that students in educational institutions where military science is a part of the course of instruction may, with the consent of the Governor, drill and parade with arms, in public under the superintendence of their instructor; *and provided further*, that nothing herein contained shall be so construed as to prevent benevolent or social organizations from wearing swords. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor and subject to arrest and punishment therefor.

Other than National Guard shall not drill or parade with arms.

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

1962. The companies, troops, and batteries of the National Number of officers and privates.

1. Each company of infantry shall have not less than fifty Infantry. nor more than one hundred and three officers, non-commissioned officers, and privates, which must include one commissioned officer, and may include one Captain, one First Lieutenant, one Second Lieutenant, one First Sergeant, one Quartermaster-Sergeant, four Sergeants, eight Corporals, and two musicians.

2. Each troop of cavalry shall have not less than fifty Cavalry. nor more than one hundred and three officers, non-commissioned officers, and privates, which must include one commissioned officer, and may include one Captain, two First Lieutenants, one Second Lieutenant, one First Sergeant, one Quartermaster-Sergeant, four Sergeants, eight Corporals, two trumpeters, two farriers, and one saddler.

3. Each foot battery shall have not less than fifty Foot - battery. nor more than one hundred and three officers, non-commissioned officers, and privates, which must include one commissioned officer,

and may include one Captain, one First Lieutenant, one Second Lieutenant, one First Sergeant, one Quartermaster-Sergeant, four Sergeants, eight Corporals, and two trumpeters.

Field
battery.

4. Each field battery shall have not less than sixty-one nor more than one hundred and forty-nine officers, non-commissioned officers, and privates, which must include one commissioned officer, and may include one Captain, two First Lieutenants, one Second Lieutenant, one First Sergeant, one Quartermaster-Sergeant, six Sergeants, eight Corporals, two trumpeters, two farriers, and one saddler.

Naval
Battalion.

5. The Naval Battalion shall be commanded by a Lieutenant-Commander. Each company shall consist of one Lieutenant, one Lieutenant Junior Grade, two Ensigns, and not less than fifty nor more than one hundred petty officers and men.

United
States
Army rules
to regulate.

6. The numerical strength, rank, titles, and insignia of rank of the companies, troops, and batteries, and their officers and men, of the National Guard shall conform to the laws, rules and regulations of the United States Army so far as the same may be effectively applicable; and upon changes being made in the said laws, rules and regulations of the United States Army, the Commander-in-Chief of the National Guard shall cause the same changes to be made in the National Guard to correspond thereto so far as they may be effectively applicable as aforesaid.

Honorary
members.

7. Each company, troop, or battery may have not to exceed ten honorary members, who shall pay fifty dollars per annum each into the company, troop, or battery treasury, and shall thereupon be entitled to all the exemptions to which men on the active list are entitled, and shall not be required to drill or perform any military duty by reason of such membership.

SEC. 8. Section one thousand nine hundred and seventy of the Political Code is hereby amended to read as follows:

Musters
and muster
rolls.

1970. There must be an annual inspection and muster of the National Guard between January first and June thirtieth, each year, by brigade, regiment, battalion, or company, as may be deemed advisable by the brigade commander; and the commanding officer of each company must make out and certify the necessary muster rolls, showing the names and number of the members of the company, the officers in the order of their rank, and the privates in alphabetical order, and also a list of the ordnance, ordnance stores, clothing, and other property of the State, in the possession of the company. He must transmit, through the proper military channels, one copy of the roll and list attached to each superior headquarters.

SEC. 9. Section one thousand nine hundred and eighty of the Political Code is hereby amended so as to read as follows:

Signal
corps.

1980. There shall be mustered in and attached to the National Guard a detachment of signal men, which shall be divided into three signal corps, each to consist of not less than twenty nor more than forty men; *provided*, that each corps shall be located in its entirety at one place. Each corps of forty men shall be officered by one Captain, one First Lieutenant, three Sergeants, and four Corporals. Each corps of less than forty

men shall be officered by one First Lieutenant, three Sergeants, and four Corporals. The commissioned officers shall be elected, qualify, and serve as is provided for other officers of the line. The non-commissioned officers shall be appointed by the brigade commander upon recommendation of the brigade signal officer. The brigade signal officer shall have direct supervision of the detachment of signal corps, and the corps commander shall report to him direct. Whenever the signal corps shall be mounted in the performance of active duty, each officer and man so mounted shall receive a per diem of two dollars during the time of such service. Whenever a State appropriation shall be made for supplying horses to mounted officers and commands, the signal corps shall receive a proportionate allowance from said fund; *provided*, that mounted service is being performed by the corps at such time.

SEC. 10. Section one thousand nine hundred and eighty-three of the Political Code is hereby amended to read as follows:

1983. Regiments of cavalry and artillery shall consist of such troops, batteries, and officers as are provided for such organizations in the United States Army, when the National Guard shall contain sufficient troops or batteries to form regiments under those provisions. Regiments
of cavalry
and
artillery.

SEC. 11. Section one thousand nine hundred and eighty-four is hereby amended to read as follows:

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. No person shall be eligible for election as a field officer unless he shall have served at least two years in the National Guard of some State; *provided*, that service in the regular or volunteer forces of the United States shall be counted as service in the National Guard. Field
officers.

SEC. 12. Section one thousand nine hundred and eighty-five of the Political Code is hereby amended to read as follows:

1985. Such officers are elected by the commissioned officers of the different companies comprising a regiment or battalion; and if the regiment or battalion is already formed, by all the commissioned officers thereof excepting staff officers, and they shall hold office for the term of four years. Upon application of the officers entitled to elect, the General of brigade to which such regiment or battalion is attached, or to be attached, must appoint a suitable person to preside at the election, who must give ten days' notice of his appointment, of the place of holding the election, and of the office to be filled, which notice shall be issued and promulgated as orders usually are in the command. The brigade commander may order an election for field or line officers if application is not made for an order for an election within two months after the vacancy occurs, or after the expiration of the term for which the officer was last elected. Mode of
election
of field
officers.

- Repealed. SEC. 13. Section one thousand nine hundred and eighty-seven of the Political Code, relating to the formation of light artillery battalions in the National Guard, is hereby repealed.
- Same. SEC. 14. Section one thousand nine hundred and eighty-eight of the Political Code, relating to elections and appointments in artillery battalions in the National Guard, is hereby repealed.
- Same. SEC. 15. Section one thousand nine hundred and eighty-nine of the Political Code, relating to drills of artillery battalions in the National Guard, is hereby repealed.
- SEC. 16. Section one thousand nine hundred and ninety of the Political Code is hereby amended to read as follows:
1990. The staff of a Colonel commanding a regiment consists of one Surgeon, with rank of Major; one Adjutant, with rank of Captain; one Assistant Surgeon, with rank of Captain; one Chaplain, with rank of Captain; one Battalion Adjutant for each battalion; one Quartermaster, who shall also act as Paymaster; one Commissary; one Inspector of Rifle Practice, who shall be Ordnance Officer, each with the rank of First Lieutenant; one Sergeant-Major, one Principal Musician, one Quartermaster-Sergeant, one Commissary Sergeant, one Hospital Steward, two Color Sergeants, one Battalion Sergeant-Major for each battalion, one Drum Major. All of whom shall be appointed by and hold office at the pleasure of the Colonel, or until their successors are appointed and qualified.
- Staff of Lieutenant-Colonel and Major. The staff of a Lieutenant-Colonel or Major commanding an unattached battalion consists of one Adjutant, with the rank of First Lieutenant; one Assistant Surgeon, with the rank of Captain; one Commissary, who shall also be Quartermaster; one Inspector of Rifle Practice, who shall also be Ordnance Officer, each with the rank of Second Lieutenant; one Sergeant-Major; one Commissary Sergeant, who shall also be Quartermaster-Sergeant; one Hospital Steward, and two Color Sergeants. 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. 17. A new section is hereby added to the Political Code, to be known and numbered as section one thousand nine hundred and ninety-one, and to read as follows:
1991. All Surgeons and Assistant Surgeons of the National Guard shall be of at least five years' practice in surgery prior to their appointment; all Judges-Advocate of the National Guard shall be members of the bar of the Supreme Court of the State of California; all Engineer Officers of the National Guard shall be regular civil engineers; all Chaplains shall be regularly ordained ministers.
- SEC. 18. Section two thousand and three of the Political Code is hereby amended to read as follows:
2003. The National Guard of the State of California is hereby organized into three brigades, each commanded by a Brigadier-General, the limits of each brigade to be fixed by the Commander-in-Chief. Brigadier-Generals and their staff officers deprived of their office by reason of the reorganization
- Surgeons and Assistant Surgeons, Judges-Advocate, Engineers, and Chaplains.
- Number of brigades.

hereby provided for, are hereby placed on the retired list with their rank.

SEC. 19. Section two thousand and four of the Political Code is hereby amended to read as follows:

2004. The three brigades of the National Guard compose a division, commanded by a Major-General. Division.

SEC. 20. Section two thousand and five of the Political Code, relating to the attaching of new counties to brigades, is hereby repealed. Repealed.

SEC. 21. Section two thousand and seven of the Political Code is hereby amended to read as follows:

2007. The staff of the Brigadier-General consists of one Assistant Adjutant-General, with the rank of Lieutenant-Colonel, who shall be chief of staff; one Engineer Officer; one Brigade Inspector; one Quartermaster, who shall act as Paymaster; one Commissary; one Judge-Advocate; one Inspector of Rifle Practice, who shall also act as Ordnance Officer, and one Signal Officer, each with the rank of Major; one Surgeon, with the rank of Lieutenant-Colonel; two Aids-de-Camp, with the rank of Captain, and two Staff Orderlies, with the rank of Sergeant-Major. All of whom shall be appointed by the Brigadier-General, and hold office at his pleasure, or until their successors are appointed and qualified. Staff of Brigadier-General.

SEC. 22. Section two thousand and twenty-two of the Political Code is hereby amended so as to read as follows:

2022. The Commander-in-Chief may, annually order an encampment for discipline and drill, either by division, brigade, regiment, battalion, or unattached company; and all troops assembled and encamped under orders of the Commander-in-Chief for not less than seven days shall receive a sum equal to one dollar and twenty-five cents per day for each officer and man regularly on duty in such camp; *provided*, that the aggregate for each company of such last mentioned allowance of one dollar and twenty-five cents per day shall not exceed the sum of four hundred dollars per company; all officers and men shall receive in addition to the above allowance the actual fare to and from the place of encampment; *and provided further*, that when the division or a brigade is regularly assembled and encamped for discipline and drill for not less than seven days, then in addition to the above allowance, the Major-General, Brigadier-General, and each staff officer on the general staff, shall receive from the State the sum of one dollar and twenty-five cents per day while regularly on duty in such camp; *and provided further*, that in any camp held in pursuance of orders from the Commander-in-Chief, all mounted officers and enlisted men shall receive the sum of two dollars per day for each horse necessarily used by them at such encampment; *and provided further*, that by all officers and enlisted men of companies of the Naval Battalion such services may be performed afloat. Drills and encampments. Compensation, etc.

SEC. 23. Section two thousand and twenty-four of the Political Code is hereby amended to read as follows:

2024. All mounted commands must drill mounted at least four times each year. Cavalry drills.

SEC. 24. Section two thousand and twenty-seven of the Political Code is hereby amended to read as follows:

Uniforms.

2027. Companies, troops, and batteries already organized may wear uniforms and equipments now in use, until supplied by the State with the service uniform 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 shall 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, regiment, 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 division brigades, regiments, 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 and 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 three commissioned officers, to be appointed by the Commander-in-Chief. 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.

Price.

This board shall also fix the maximum price or cost of the making of each article of uniform, and shall permit, upon proper requisition of division, brigade, regiment, or unattached battalion or company, to draw the money instead of the cloth, or the cost of its making, or either, and provide itself with a corresponding number or articles of uniform; *provided*, that the bills therefor shall be audited, allowed, and paid as other military demands.

SEC. 25. Section two thousand and forty of the Political Code is hereby amended to read as follows:

When and by whom troops may be called into active service.

2040. In case of the absence of the Commander-in-Chief from the Capital, or if it is impossible to immediately communicate with him, the civil or military officer making the requisition for troops may, if he deem the danger imminent, and not admitting of delay, serve a copy of such requisition, together with a statement of the Commander-in-Chief's absence, or the impossibility of immediately communicating with him, upon

the division commander, or in his absence, upon the General commanding the brigade, who is authorized to exercise, with respect to calling out the troops of his division or brigade, the powers conferred in this section upon the Commander-in-Chief; but if the call is disapproved by the Commander-in-Chief, the troops so called into service must be immediately relieved from such tour of duty. Officers and men performing duty in response to any call as provided herein, shall, upon the proper rolls being approved by the Board of Military Auditors, receive their pay therefor out of any money in the State Treasury not otherwise appropriated, and the State Controller is hereby directed to draw his warrant therefor, and the Treasurer is hereby directed to pay the same.

SEC. 26. Section two thousand and forty-eight of the Political Code is hereby amended to read as follows:

2048. Where troops are called into active service from different brigades or regiments, and the number so called are not more than sufficient to constitute one complete regiment, the Commander-in-Chief must so organize them, and must designate the particular officer to command it; or he may make such other organization of said troops as he may deem proper, and designate the officer to command.

Organiza-
tion and
command
in active
service.

SEC. 27. Section two thousand and seventy-six of the Political Code is hereby amended to read as follows:

2076. The following officers may appoint courts-martial:

Who may
appoint
courts-
martial.

1. The Commander-in-Chief, for the trial of general officers, retired officers, and all officers of the staff of the Commander-in-Chief.

2. The Major-General, for the trial of all staff officers of the division and brigades, and of field officers of regiments and battalions.

3. The Brigadier-General, for the trial of officers and soldiers in their respective brigades.

4. The commanding officers of regiments and unattached battalions, for the trial of all enlisted men in their respective commands. For the trial of enlisted men of regiments or battalions the commanding officers thereof may, at any time, appoint a summary court-martial, to consist of one officer, whose rank is not below that of Captain. For the trial of enlisted men of unattached companies, troops, or batteries, the brigade commander may, at any time, appoint a summary court-martial, to consist of a First Lieutenant of such company, troop, or battery.

5. The officer appointing said court shall fix the day on which it shall convene, and when convened the court may adjourn from time to time, as shall become necessary for the transaction of business; but the whole session of the court, from the day on which it shall convene until its dissolution, shall not exceed three weeks, and in case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy, or order a new court.

6. The officer constituting such court shall, before he enters

Courts-
martial.

on his duties as such, take the following oath: I, —, do swear (or affirm) that I will well and truly try and determine, according to evidence, all matters between the People of the State of California and any person or persons who may come before the summary court-martial to which I have been appointed. And such oath shall be taken by him before a Justice of the Peace of the county in which he resides, or a field officer, and it shall be the duty of such Justice of the Peace or field officer to administer the oath without fee or reward.

7. Such court shall direct a non-commissioned officer, or other fit person or persons to be by him designated, to summon all delinquents and parties accused to appear before the court at a time and place to be by him appointed, which service shall be personal or by leaving such summons at the residences of such delinquents and parties accused.

8. Such non-commissioned officer, or other person or persons so designated, shall make the like returns and with like effect as commissioned and non-commissioned officers' are authorized and required to make in cases of warning to a company or regimental parade, and shall be subject to the like penalties for neglect of duty.

9. The court shall be conducted in the same manner as summary courts-martial are in the service of the United States, and shall have the trial of all offenses, delinquencies, and deficiencies that occur in the regiment or battalion for which it shall have been appointed, and also of any that occur in the separate companies, troops, or batteries; and the said court shall have power to impose and direct to be levied all the fines or penalties to which enlisted men are declared to be subject by the provisions of this chapter.

10. The proceedings and sentence of any such court shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove the same within fifteen days thereafter, and shall give notice of his approval or disapproval to the President thereof; and from the sentence of any such court imposing a fine or penalty for any offense, delinquency, or deficiency, an appeal, if made within twenty days after the fine or penalty was made known to the person fined, shall be allowed to the officer ordering the court, or to his successor in command, and he may remit or mitigate such penalty or fine.

SEC. 28. Section two thousand and eighty-three of the Political Code of California is hereby amended to read as follows:

Courts of
Inquiry.

2083. Courts of Inquiry are governed by the same rules as similar courts in the Army of the United States. They shall have the same power to compel the attendance of witnesses when summoned by them, to preserve order in and about the courtroom during sessions, and to punish for contempt, as Judges of the Superior Court have under the laws of this State.

SEC. 29. Section two thousand and ninety-four of the Political Code is hereby amended to read as follows:

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, and to the commanding officer of each troop of cavalry, the sum of two hundred dollars per month; and to the commanding officer of each company of the Naval Battalion, the sum of one hundred dollars per month; the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. 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 five dollars 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 the Major-General, four hundred dollars per annum; to the Brigadier-General of each brigade, three dollars per month for each company in his brigade, 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, four thousand 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 five hundred dollars for the first year of its existence, to the Brigadier-Generals for a hospital and ambulance corps in their respective brigades, 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.

Allowance
and pay-
ment of
expenses.

SEC. 30. This Act shall take effect immediately.

CHAPTER CLXIX.

An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California.

[Approved March 23, 1895.]

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

SECTION 1. Before any city or town in the State of California shall enter into any contract for the lighting of its streets, or public buildings, or other public places, the City Council, or Trustees, or other governing body of such city or town, shall advertise for bids for such lighting, and cause a notice to be

Contracts
for light-
ing of
streets and
public
buildings.

posted in three public places in the city or town, inviting sealed proposals for doing such lighting, referring to the specifications posted or on file. The advertisement for bids shall be published for ten days, in the newspaper designated by such city or town as its official paper, in which other legal notices, orders, and ordinances are required to be published, if there be any such official paper; but if there be no such official paper, then such advertisements for bids shall be published in any newspaper of general circulation designated by such City Council, Trustees, or other governing body.

How let. SEC. 2. All contracts for the lighting of streets, public buildings, and other public places, after bids have been advertised for and notice given, as provided in section one of this Act, shall be let to the lowest responsible bidder. The City Council, Trustees, or other governing body of such city or town may reject any and all the bids.

Bids. SEC. 3. Each bid shall be accompanied by a check, payable to the order of the Mayor or President, or other chief officer of such city or town, and certified by a responsible bank, for at least ten per cent of the amount of the bid, or by a bond for said amount, signed by the bidder and two sureties, who shall qualify under oath in double said amount, over and above all statutory exemptions. Said bids shall be delivered in a sealed envelope to the Clerk of said City Council, Trustees, or other governing body, and said City Council, Trustees, or other governing body shall, in open session, open said bids, examine, and publicly declare the same. If none of said bids are accepted, a re-advertisement and notice for bids for such lighting shall then be had, as provided for in the first instance. If any of said bids are accepted, then such City Council, Trustees, or other governing body of such city or town, shall enter into a contract with the bidder whose bid is accepted, to do such lighting, which contract shall embody the specifications and terms for such lighting placed on file before any bids are advertised for. But no contract shall be made for a longer period than one year, and every such contract shall go into effect within six months after the bid is approved. Any check or bond accompanying any unaccepted bid shall be returned to the party furnishing the same, when his bid is rejected; any check or bond accompanying any accepted bid shall be retained by the Clerk till the successful bidder shall have entered into a contract as herein provided, and then be returned to said bidder; but if such bidder shall refuse to enter into such contract, his check or bond shall be declared forfeited to such city or town, and shall be collected and paid into the General Fund thereof.

Length of contract.

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

CHAPTER CLXX.

An Act to amend section seven hundred and thirty-one of the Penal Code of the State of California, and to add a new section thereto, to be known as section seven hundred and thirty-four, relating to the suppression of riots and parading of independent companies.

[Approved March 26, 1895.]

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

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

731. Whenever any portion of the National Guard or enrolled militia shall have been called into active service to suppress an insurrection or rebellion, to disperse a mob, or to enforce the execution of the laws of the State or of the United States, the commanding officer shall use his own discretion with respect to the propriety of attacking or firing upon any mob or unlawful assembly; and his honest and reasonable judgment in the exercise of his duty shall be full protection, civilly and criminally, for any act or acts done while on duty. No officer who has been called out to sustain the civil authorities shall, under any pretense, or in compliance with any order, fire blank cartridges upon any mob or unlawful assemblage, under penalty of being cashiered by sentence of a court-martial.

Commanding officer of troops to use discretion in attacking mob, etc.

Not to fire blank cartridges.

SEC. 2. A new section is hereby added, to be numbered and known as section seven hundred and thirty-four:

734. It shall not be lawful for any body of men whatever, other than the regular organized National Guard of this State, and the troops of the United States, to associate themselves together as a military company or organization, to drill or parade with arms in any city or town of this State, without the license of the Governor thereof, which license may at any time be revoked; and provided further, that students in educational institutions where military science is a part of the course of instruction may, with the consent of the Governor, drill and parade with arms in public under the superintendence of their instructor; provided, that nothing herein contained shall be construed so as to prevent benevolent or social organizations from wearing swords. And any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor, and subject to arrest and punishment therefor.

Only National Guard shall drill or parade with arms.

Exception.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXI.

An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend section six of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said Board.

[Approved March 26, 1895.]

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

Amending
Act of 1889.

SECTION 1. Section one of an Act entitled "An Act to amend an Act entitled 'An Act to amend section six of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the Board of State Harbor Commissioners,' approved March seventeenth, eighteen hundred and eighty," approved March nineteenth, eighteen hundred and eighty-nine, is hereby amended so as to read as follows:

Jurisdiction
over
blocks and
streets.

Section 6. The said Commissioners shall have the possession, jurisdiction, and control over the blocks and parts of blocks formed by the change of the water front and the extensions of the streets to the thoroughfare aforesaid, and remove any obstructions placed thereon in the same manner as provided for the removal of obstructions from the piers, wharves, and thoroughfares. The Commissioners are authorized to keep and maintain said blocks and parts of blocks as open spaces for the use of the public, or they may, in their discretion, inclose them. The Commissioners are also authorized to assign the use of such portion thereof as they deem expedient for such purposes solely as will be most advantageous to the commerce of the port, and upon such terms and conditions as they may determine. All such assignments shall terminate at the pleasure of the Commissioners. The Commissioners are also authorized to lease such portion or portions of seawall lots numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen as they may deem expedient for such purposes solely as will be most advantageous to the commerce of the port; *provided*, that before the execution of any lease, notice of the letting or leasing of any of the lots hereinbefore mentioned, or parts thereof, shall be given by publication in three of the daily papers published in the city of San Francisco for at least ten days; such notice shall state the lot or portion of lot to be leased, and that bids will be received by the Commissioners at a place and time designated in such notice, and that said property shall be let to the highest and best bidder; *provided further*, that all bids for lease of lots, or por-

Commissioners
authorized
to execute
lease.

tions of lots, herein mentioned, shall set forth the purposes for which said lots, or the portions thereof, shall be used, and that the statement of such bid shall be embodied in the lease given by the Board of Harbor Commissioners, with the condition that the lot shall be used for such purposes only; *provided further*, that said Board shall have power to reject any and all bids; *and provided further*, that in no event shall any such lease or leases be made for a term exceeding twenty-five years, except as hereinafter provided; *provided further*, that the Commissioners shall have power to lease, for a period not exceeding fifty (50) years, at a rental not exceeding one thousand dollars (\$1,000) per annum, to any railroad corporation incorporated in this State, and not having at the date of the passage of this Act any terminal facilities in the City and County of San Francisco, any land belonging to the State, which is required for said purposes, which lies adjacent or contiguous to any public street or streets designated upon the official map of the City and County of San Francisco; but the said lease shall not be assignable without the written consent of the said Board of State Harbor Commissioners; *provided*, that but one parcel of land shall be leased to any one railroad, nor shall said parcel exceed in area fifty (50) acres, with access thereto and right of way through one or more convenient street or streets, forming, however, but one continuous right of way, with one double track; *provided*, that a condition shall be inserted in said lease that said corporation or corporations shall proceed, within six months from date of said lease, to improve said premises for said purposes, and proceed thereafter with reasonable diligence to construct such improvements; and in the event of failure to improve the same, or some part thereof, within the time specified, said lease shall be forfeited; *provided further*, none of said lease shall be approved or executed unless by consent of a majority of said Board of State Harbor Commissioners; and for said purposes last named the Governor of the State and the Mayor of the City and County of San Francisco, ex officio members of said Board, are hereby constituted members thereof, with like powers and rights as other members of said Board.

May lease
lands to a
railroad
corporation.

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 CLXXII.

An Act appropriating money to pay the claim of the State Agricultural Society.

[Approved March 23, 1895.]

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

Appropriation to pay claim of State Agricultural Society.

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 the State Agricultural Society.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant in favor of C. M. Chase, President of the State Agricultural Society, for the sum of three thousand dollars, and the State Treasurer is directed to pay the same.

SEC. 3. This Act is exempted from the operation of section number six hundred and seventy-two of the Political Code.

SEC. 4. This Act shall take effect immediately.

CHAPTER CLXXIII.

An Act to amend section twenty-eight hundred of the Political Code, relating to the purchase of toll roads by counties.

[Approved March 27, 1895.]

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

SECTION 1. Section twenty-eight hundred of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

County may purchase toll road, how.

2800. At any time within five years from filing the certificate of completion of any road constructed under the provisions of this chapter, or at any time after any toll road constructed and under operation under any of the laws of this State has been in existence for ten or more years, a county within which the road or any portion thereof is located, may purchase the same at a fair cash valuation, to be fixed by seven commissioners, all disinterested persons; three to be appointed by the Board of Supervisors of the county, three by the owner of the road, and one by the Judge of the Superior Court of the county, who must estimate the fair cash value of the road, and make report thereof, under oath, to the Board of Supervisors. If, within three months after filing the report, the appraised value thereof is tendered on behalf of the county to the owner of the road, or his authorized managing agent, in gold coin, the right of the

owner to take tolls on the road is terminated, and the road to become the property of the county.

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

CHAPTER CLXXIV.

An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and their payment by taxation upon the property situated in such reclamation districts.

[Approved March 27, 1895.]

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

SECTION 1. Whenever in the opinion of the Board of Trustees of any reclamation district now formed, or hereafter to be formed, under any law of this State, the cost of the works of reclamation according to the plans thereof will be too great to be raised by assessments as provided in the Political Code, said Board of Trustees shall order a special election to be held at some place in said district to be designated by said Board of Trustees, at which said special election shall be submitted to the owners of land in said district the question whether or not the bonds of said district shall be issued in an amount necessary to construct said works of reclamation, which said amount shall be estimated by said Board of Trustees, and stated in the order for such special election.

Trustees shall order election to determine if bonds shall issue.

SEC. 2. Notice of such special election must be given by the Board of Trustees by posting notices thereof in at least three public places in the district, at least twenty days prior thereto, and also by publication for the same time in some newspaper published in each county in which any portion of said district may be situated, if there be a newspaper published in each of such counties, and if there is no newspaper so published, then by such publication in each county in which there is a newspaper published, and such notice must specify the time and place of holding such election, the amount of bonds proposed to be issued, and the names of three land-holders of the district to act as a Board of Election.

Notice of election.

Contents.

SEC. 3. At such election each holder of lands in the district shall be entitled to vote in person or by proxy, and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, the value thereof to be determined from the next preceding assessment roll of the county where the same is situated; and the Board of Trustees of the district shall, prior to the election, procure from the Assessor of each county where any portion of the district is situated, a list, certified by such Assessor, containing a description of all the land of the district situated in such county, the name of the person to whom each tract is assessed, and the value thereof

Qualifications of voter, etc.

as appears from the assessment roll of said county, which said list shall be furnished to and be used by the said Board of Election in determining the number of votes each voter is entitled to cast. No person shall vote by proxy at such election, unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified as grants of real property, and filed with the Board of Election. The ballots cast at such election shall contain the words "Bonds—Yes," or the words "Bonds—No," and also the name of the person casting the ballot, with the number of votes cast by him; and a list of the ballots cast shall be made by the Board of Election, containing the name of the voter, and if the ballot be cast by proxy the name of the person casting it, the number of votes cast, and whether the same be cast for or against the issuing of the bonds.

Ballots,
what to
contain.

Vacancies
on election
boards,
how filled.

Oath.

Polls, time
of.

Canvass.

Bonds.

Interest.

SEC. 4. If the persons, or any of them, appointed and specified in the notice of election as the Board of Election fail to attend at the time and place appointed for the election, the voters present at the time for opening the polls may appoint any land-holder of the district then present to fill the place of any absent member thereof. Each member of such Board of Election must, before entering upon his duties as such, take an official oath as such member of the Board of Election, which said oath may be administered by any officer authorized to administer oaths, or by any land-holder in the district. The polls shall be kept open for the reception of votes from ten o'clock A. M. until four o'clock P. M. At the close of the polls the Board of Election shall at once proceed to canvass the votes, and declare the result and forward a certificate, showing the number of votes cast for and against the issuing of bonds, to the Board of Supervisors of the county where the district was formed, and deliver a duplicate thereof to the Board of Trustees of the district, and shall also deliver to the said Board of Trustees all ballots cast at such election, and all documents and papers used at such election.

SEC. 5. If a majority of the votes cast at such election are in favor of the issuance of bonds, the Board of Trustees of the district shall cause bonds in the amount stated in the order for election to be issued and placed in the custody of the Treasurer of the county in which the district was formed. Said bonds shall be of the denomination of one hundred dollars each, shall be negotiable in form, signed by the President of the Board of Trustees of the district, and the Chairman of the Board of Supervisors of said county, and attested by the Clerk of said Board of Supervisors, and the seal of said Board of Supervisors, shall be numbered consecutively as issued, and bear date at the time of their issue, and shall express on their face that they were issued by authority of this Act, stating its title and date of approval, and the date of the election at which their issuance was authorized. Said bonds shall bear interest at the rate of seven per cent per annum, payable semi-annually on the first day of January and the first day of July in each year, at the office of said County Treasurer, upon the pre-

sentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds, and shall be numbered, signed, and attested, in the same manner as the bond. The principal of said bonds shall be paid as follows, to wit: Ten per cent of the whole amount of bonds issued, according to their consecutive numbers, shall be paid in ten years from the date of their issue, at the office of said County Treasurer, and ten per cent thereof each succeeding year thereafter, until all are paid. If any bond shall not be presented for payment when the same becomes due, it shall cease to draw interest; but if presented at such time, and not paid for want of funds, the said County Treasurer shall so indorse it, and thereafter such bond shall draw interest until paid, at said rate of seven per cent per annum, payable semi-annually.

Payment
of bonds.

SEC. 6. The Treasurer of said county shall place the bonds prepared pursuant to this Act to the credit of said district, and may at any time sell any of said bonds for the best price obtainable therefor, but in no event for less than the face value of said bond, and the accrued interest thereon. Any money derived from the sale of said bonds by said County Treasurer shall be placed in the treasury to the credit of said district, and a proper record of such transaction be placed upon the books of said Treasurer.

Proceeds
from sale
of bonds.

SEC. 7. The Board of Trustees of said district may draw orders upon the said County Treasurer, payable in bonds or money in the proportion and to the amount therein named, to pay for labor or services performed for, or materials or property furnished to, said district, for the purpose of constructing the reclamation works thereof, and the expenses necessarily incident to maintaining the same, and the contingent expenses of said district, which said orders shall be approved by the Board of Supervisors of the county where such district was formed, and thereafter be paid by said Treasurer in the manner therein provided for, if such bonds or money then remaining in said treasury to the credit of said district be sufficient to pay the same.

Disburse-
ments.

SEC. 8. The principal of said bonds, and the interest thereon, shall be paid by revenue derived from a tax levied upon the assessable real property of the district, and the Board of Supervisors of the county wherein said district was formed, at the time of making the levy of taxes for county purposes; must levy a tax for that year, upon the taxable real property in such district, sufficient to pay the interest which may become due upon said bonds during such year, and if any portion of the principal of said bonds will become due during such year, then also in an amount sufficient to pay such portion of said principal. All taxes so levied shall be computed and entered on the assessment roll of the county where such land may be situated, by the County Auditor, and collected by the Tax Collector, at the same time and in the same manner as State and county taxes, and when collected shall be paid into the County Treasury for the use of said district.

Taxes.

Proceed-
ings when
district is
in different
counties.

SEC. 9. When such district is situated partly in different counties, the Assessor of said county, or counties, other than the county where the district was formed, and in which any portion of such district may be situated, shall, prior to the time when the Board of Supervisors meets to make the levy for county purposes in each year, certify to the Board of Supervisors of the county where such district was formed, a statement of the total value of all the taxable real property of said district, situated in his county; and when such Board of Supervisors shall have determined the rate of taxation necessary to be levied upon such property, the Clerk of said Board of Supervisors shall certify the same, under the seal of said Board, to the Auditor of any county other than the county where such district was formed, and such Auditor shall thereupon compute the tax, and enter the same upon the assessment roll of said county. When any taxes shall have been collected under any of the provisions of this Act, and placed in the treasury of any county other than the one in which said district was formed, the Treasurer of such county must, when requested so to do by the Board of Trustees of said district, forward all money in such treasury to the County Treasurer of the county in which such district was formed, who shall receive and receipt for the same, and place such money in the treasury of such county to the credit of said district.

No fees.

Expenses,
how paid.

SEC. 10. No Assessor, Tax Collector, Treasurer, or Clerk shall receive any fee for any service required to be performed by them under the provisions of this Act. All expenses necessarily incurred in carrying out the provisions of this Act shall be paid out of any money to the credit of the district for which the services are performed, in the treasury of the county where the district was formed, upon the order of the Board of Trustees of said district, approved by the Board of Supervisors of said county.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXV.

An Act to add a new section to the Political Code, to be known and designated as section three thousand and twenty-two and one half, relating to the erection, furnishing, maintenance, and government of hospitals and homes for inebriates in counties, and cities and counties, of this State, where land has heretofore been reserved and set apart for said purpose; to provide for the commitment of dipsomaniacs and inebriates thereto; and also to repeal an Act entitled "An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers and the officers thereof," approved April 1, 1870, and all Acts and parts of Acts in conflict with the provisions of this Act.

[Approved March 27, 1895.]

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 and twenty-two and one half:

3022½. *First*—The Board of Supervisors of any county, or city and county, where land has heretofore been reserved, set apart, and designated by said Board of Supervisors, or a committee of said Board, for public use as a Home for Inebriates, shall cause to be erected, before August first, one thousand eight hundred and ninety-six, a suitable hospital and home for the care and treatment of dipsomaniacs and inebriates, and provide for the furnishing and maintenance of the same. The plans of construction of said hospital and home must be drawn under the direction of the Board of Health of said county, or city and county

Super-
visors shall
cause
home for
inebriates
to be
erected.

Second—When the building or buildings constructed under the provisions of this section are so far completed that in the opinion of the Board of Health of said county, or city and county, commitments may properly be made thereto, said Board of Health shall so notify the magistrates of the said county, or city and county; and thereafter the said magistrates may commit to said hospital and home, for a term not exceeding one year, any person given to dipsomania or inebriety, whether in public or private, and who, in his opinion, is a proper subject for its treatment or custody; *provided, however,* that no such person shall be so committed until satisfactory evidence shall be furnished to the magistrate before whom the proceedings for commitment are had, that such person or persons are not of bad repute or of bad character, apart from their habits of inebriety; and in all proceedings relative to the commitment of any such person, it shall be specifically alleged that they are either dipsomaniacs or inebriates, as the case may be.

Who may
be com-
mitted to,
and by
whom.

Liberty permits may be granted.

Third—When it shall appear to the Medical Superintendent and the said Board of Health that any person or persons held in said hospital and home will not continue to be subject to dipsomania or inebriety, or will be sufficiently provided for by themselves or their guardians, relatives, or friends, they may issue to them a permit to be at liberty, upon such conditions as they may deem best, and they may revoke said permit at any time previous to its expiration. The violation, by the holder of such permit, of any of the terms or conditions of the same, shall of itself make said permit void. When a permit becomes void in any manner the Medical Superintendent, or a member of the Board of Health, may issue an order authorizing the arrest of the holder or holders of such permit and their return to the hospital and home, and such order of arrest may be served by any officer authorized to serve criminal process in any county, or city and county, of this State. Any person at liberty from the hospital and home upon a permit, as aforesaid, may voluntarily return to the hospital and home and put himself in the custody of the Medical Superintendent. The holder of said permit, when returned to said hospital and home, as aforesaid, whether voluntarily or otherwise, shall be detained therein according to the term of his original commitment. Such inmates of said hospital and home as are able to pay for their board shall be charged for the same.

Board of Health shall appoint Medical Superintendent.

Qualifications.

Salary.

Fourth—The Board of Health of said county, or city and county, shall provide for the management and government of said hospital and home for dipsomaniacs and inebriates. The said Board of Health must appoint a Medical Superintendent of said hospital and home, and furnish or supply the same with nurses and attachés. The Medical Superintendent shall be an elector of the county, or city and county, a regular graduate of medicine, licensed to practice, and not less than thirty-five years of age, who shall have for a period of at least one year prior to his appointment, devoted his special professional attention to the treatment of dipsomania and inebriety as physician to a public or private home, hospital, asylum, or sanitarium for the care and treatment of dipsomaniacs and inebriates. The Medical Superintendent shall receive an annual salary of three thousand dollars, and shall be paid in equal monthly installments out of the General Fund of said county, or city and county, in the same manner as the salaries of the other officers of said county, or city and county, are paid. Said Medical Superintendent shall not be removed by the said Board of Health except for good cause, duly set forth in a complaint, filed with the Secretary of said Board, a copy of which must be served upon said Medical Superintendent, and an opportunity given him to be heard in his defense.

Act of 1870 repealed.

SEC. 2. The Act entitled "An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers and the officers thereof," approved April first, one thousand eight hundred and seventy,

and all Acts or parts of Acts in conflict with provisions of this Act, are hereby repealed.

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

CHAPTER CLXXVI.

An Act to amend section one of an Act approved March 15, 1883, and 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 re-fund its indebtedness, issue bonds therefor, and provide for the payment of the same," as amended March 1, 1893.

[Approved March 27, 1895.]

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

SECTION 1. 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 the principal of bonds, the Common Council, Board of Trustees, or other governing body thereof, is empowered, by a vote of four fifths of its number, to re-fund the same, and issue the bonds of such city or town therefor; *provided*, that no indebtedness shall be re-funded at a higher rate of interest than the original indebtedness bore. Such bonds shall be of the character known as "serials," not less than one fortieth of principal being payable each year, together with interest due on all sums unpaid. Such bonds may be issued in denominations not to exceed one thousand dollars, and not less than one hundred dollars; principal and interest payable in either gold coin or other lawful money of the United States, as may be expressed in said bonds, either at the office of the Treasurer of said city or town, or at the bank designated in said bond, situated in the city of San Francisco, New York, Boston, or Chicago. Interest on said bonds shall not exceed six per cent per annum, payable annually or semi-annually, as may be expressed in said bonds. Said bonds shall not be disposed of in any manner except in exchange for outstanding bonds for the re-funding of which they are authorized to be issued; *provided*, that if any holder of any such outstanding bonds refuses to exchange any bonds held by him for such re-funding bonds, but will deposit such outstanding bonds held by him with any responsible depository subject to redemption in money, a sufficient number of such re-funding bonds may be sold in a manner provided by such City Council, or other governing body, to the highest bidder, for not less than the face value thereof; the proceeds of such sale shall be placed in the treasury of said municipality to the credit of the Re-

Municipal corporations of other than first class may re-fund indebtedness.

funding Fund, and shall be applied only for the purpose of re-funding the outstanding bonds for the re-funding of which they have been issued. Said Trustees or other governing body shall, at the time of fixing the general tax levy for each year, and in the same manner as such tax levy is made, levy and collect annually, each year, sufficient money to pay one fortieth part of the principal of bonds issued under the terms of the provisions under which such re-funding bonds are authorized to be issued, and also the annual interest upon the portion remaining unpaid.

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

CHAPTER CLXXVII.

An Act fixing and regulating the manner of sale and redemption of real property for delinquent assessments to pay the damages, costs, and expense for or incident to laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in any part, any street, square, lane, alley, court, or place within municipalities in this State.

[Approved March 27, 1895.]

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

Sales and redemptions of certain real property shall be made and had, how.

SECTION 1. All sales, and redemptions after sale, of any real property upon which the assessment levied and assessed to pay the damages, costs, and expense for or incident to laying out, opening, extending, widening, straightening, diverging, curving, constructing, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities in this State, shall remain unpaid and become delinquent under the provisions of any Act or law regulating such matters, shall be made and had in the same time and manner as such sales and redemption were required by law to be made and had on the first day of January, Anno Domini eighteen hundred and ninety-five.

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

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

CHAPTER CLXXVIII.

An Act to create a Court in and for the town of Berkeley, State of California.

[Approved March 27, 1895.]

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 town of Berkeley, State of California, a Court, to be known as the Justice's Court of the town of Berkeley, which Court shall consist of two Justices of the Peace; and the judicial power of the town shall be vested in said Justice's Court and such other Courts as may be provided by law.

Court in town of Berkeley created.

SEC. 2. Two Justices of the Peace shall be elected at the time that other Justices are elected, whose terms of office shall be two years; *provided*, that the two Justices elected for the town of Berkeley at the general election held November sixth, eighteen hundred and ninety-four, shall hold office as Justices of the town of Berkeley until the first Monday in January, eighteen hundred and ninety-seven. The Justices' Courts shall always be open, legal holidays excepted.

Justices.

SEC. 3. The Justice's Court, and the Justice thereof, shall have jurisdiction, concurrently with other Justices' Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the town, and which might be tried in a Justice's Court; *provided, however*, that within the corporate limits of the town, the Town Justices of the Peace and the Town Justices' Courts shall have exclusive jurisdiction and power over all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the town, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance; *provided, moreover*, that the Board of Trustees may, by ordinance, select both or either of said Justices to have jurisdiction of all criminal prosecutions arising under ordinance.

Jurisdiction of Justices' Courts.

SEC. 4. The rules of practice and mode of proceeding shall be the same as are or may hereafter be prescribed for Justices' Courts.

Rules, etc.

SEC. 5. The Justices of the Peace shall be entitled to charge and receive for their services such fees as are or may be allowed by law to Justices of the Peace for like services, and to collect said fees in the same manner as other Justices' fees are collected, excepting that for their services in criminal prosecution for violation of ordinances they shall be entitled to receive only such fees or salary as the Board of Trustees may by ordinance prescribe, which compensation, when once fixed, shall not be altered within two years thereafter.

Justices' fees.

SEC. 6. Each Justice of the Peace shall pay to the Treasurer of said town, on the first Monday of each month, all fines by him collected for violation of ordinances, and file a full monthly

All fines to be paid to Treasurer.

report with the Town Clerk, showing the amount of all fees collected, from whom, and in what case such fines and fees were collected and paid.

Compensation of Justices.

SEC. 7. The Board of Trustees may, at their option, by ordinance, fix a monthly compensation for such Justices, which said compensation shall be in full for all services rendered as Justices; *provided*, that when such monthly compensation is so fixed all fees and fines, other than those required by law to be paid to the county, shall be paid to the Town Treasurer.

In cases of disqualification, etc.

SEC. 8. In all cases where for any reason either of the Justices is disqualified, or in any case of sickness or inability to act, he may call in the other Justices, and if both are disqualified or unable to act, any Justice of the Peace residing in the county.

SEC. 9. This Act shall take effect immediately after its passage.

CHAPTER CLXXIX.

An Act to amend an Act entitled "An Act to reincorporate Salinas City," approved March 2, 1876, with reference to the levy and collection of taxes by said Salinas City.

[Approved March 27, 1895.]

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

Salinas City.

SECTION 1. Section fourteen of the Act entitled "An Act to reincorporate Salinas City," approved March second, eighteen hundred and seventy-six, is hereby amended to read as follows:

Tax levy.

Section 14. The Common Council shall levy annually a tax upon the real and personal property within the city. Such levy shall be estimated upon the assessment roll of the current fiscal year, and shall be for the following purposes, and none other: For the support and maintenance of the public schools of the city, a tax not exceeding twenty-five cents on each one hundred dollars; for the support of the fire department of the city, a tax not exceeding ten cents on each one hundred dollars; for the purposes of sewerage and drainage of said city, a tax not exceeding fifteen cents on each one hundred dollars; and for the general fund, a tax not exceeding fifty cents on each one hundred dollars; and for the school and fire bond interest fund, a tax not exceeding fifteen cents on each one hundred dollars. All license taxes, unless otherwise ordered by the Common Council, shall be apportioned to the general fund, and all taxes and licenses herein authorized to be collected shall be collected in the same currency as may be prescribed in reference to State and county taxes.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXX.

An Act to amend section sixteen of an Act entitled "An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California," approved March 11, 1887, relating to the powers and duties of the Trustees of said hospital, also known as the Southern California State Asylum for the Insane and Inebriates.

[Approved March 27, 1895.]

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

SECTION 1. Section sixteen of an Act entitled "An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California," approved March eleventh, eighteen hundred and eighty-seven, is hereby amended to read as follows:

Section 16. Except in so far as is here limited or enlarged by the provisions of this Act, the said Trustees shall have the same power, duties, responsibilities, and obligations as are conferred by law upon the Trustees of the State Asylum for the Insane at Napa, and shall receive like compensation; *provided, however*, that during the construction of said hospital said Trustees may receive from the State their actual traveling and other expenses while engaged in the duties of their office. The amount of such expenses to be allowed and approved by the State Board of Examiners; *and provided further*, that all contracts for light, heat, power, and electricity may be let for a term not more than two years.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXXXI.

An Act providing for a general primary election in counties of certain classes within the State of California, and to promote the purity thereof by regulating the conduct thereof, and to support the privileges of free suffrage thereat, by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof.

[Approved March 27, 1895.]

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

SECTION 1. The primary elections for delegates to constitute the various respective political conventions for the nomination of candidates for public office shall hereafter be held in this State under and pursuant to this Act. A convention to nominate candidates to be voted for by the electors of the entire

Conventions defined.

State shall be known as a "State Convention." Conventions to nominate members of Congress, of the Board of Equalization, or Railroad Commissioners shall be known as "District Conventions." All other conventions shall be known as "Local Conventions."

Time for holding general primary elections.

A general primary election for the election of delegates to the State and various local and district conventions in the year eighteen hundred and ninety-six, and every two years thereafter, shall be held on the second Tuesday in the month of July in that year. The day for holding such primary shall be a legal holiday, and the Governor of this State shall issue a proclamation to that effect in accordance with this Act.

Proceedings necessary to holding conventions.

SEC. 2. All political parties or organizations of electors, desiring to hold a convention or conventions for the purpose of nominating candidates for public office, to be voted for at the ensuing general election, must petition the Board of Election Commissioners of the county, or city and county, in writing, at least thirty days before the day for such general primary election, which petition must set forth:

First—The names by which such political party or organization is known, or desires to be known.

Second—That such political party or organization is desirous of and intends to hold a convention, or conventions, of delegates representing said party or organization—designating the time and place of holding any such convention, or conventions—for the purpose of nominating candidates for offices to be voted for by the people of the State or county, or city and county, or both, at the next ensuing general election, and is desirous of electing delegates to such convention, or conventions, to be held for that purpose, under the provisions of this Act, and requesting that the Board of Election Commissioners of the county, city or county, perform the services hereinafter prescribed in this Act.

If such political party is one which by reason of its previous vote is entitled to hold a convention defined by sections eleven hundred and eighty-six and eleven hundred and eighty-seven of the Political Code, such petition must be authenticated by the signature of the Chairman and Secretary of its State Committee, selected at its last State convention of such party, verified by the oath of such signers that the facts therein stated are true, and that the said signers are the Chairman and Secretary of said committee. No political party or organization can use the name of another political party or organization, or any name or designation so similar to another party name that it may deceive voters.

When by petition.

SEC. 3. Any political party or political organization which, at the last election preceding the filing of such application, shall not have polled at least three per cent of the entire vote cast in the political division for which nominations are sought to be made, may file with the Election Commissioners of the county, or city and county, in which such general primary election is to be held, a petition, signed by at least three per cent of the voters of the political division for which nominations

are sought to be made, which need not all be on one paper; which petition shall set out all the facts required to be set forth in the application in this Act provided for; and such petition must be verified in the same manner as required for a certificate of nomination mentioned in section eleven hundred and eighty-eight of the Political Code. Upon the filing of such petition, the Election Commissioners of the county, or city and county, in which said primary election is to be held, shall order its Clerk to issue to said political organization a certificate similar to that in this Act provided to be issued to existing political parties, which certificate shall entitle the petitioners to participate in the said general primary election, and shall entitle them to all privileges and rights secured and granted to other political parties heretofore existing, both at said primary election and at the ensuing general election; that is to say, having complied with all the requirements in this Act provided, the petitioners shall be recognized as a political party or organization. Such certificate shall be issued to all parties petitioning, stating the name of the party, the date of the primary, the territory over which it will extend, and be signed by the Clerk of such Board.

SEC. 4. During the month of January of each year in which a general election is to be held, it shall be the duty of the Board of Election Commissioners of each county, and city, and city and county to select from the last assessment roll of the county, or city, or city and county, the names of not less than thirty electors residing in each election precinct of such county, or city, or city and county; such selection to be made from each of the political parties then existing, in as nearly an equal proportion as practicable; and to write the name of each person so selected on a separate piece of paper, and to fold said paper so that the name written thereon cannot be seen or read without unfolding the same; and when the names are so written and folded, to put all of the names so selected from each separate election precinct in an envelope, then to close and securely seal such envelope, and to write the name and number of the precinct from which such selection was made on the outside of such envelope; and when the names so selected from each election precinct in such county, or city, or city and county, shall have been so placed in separate precinct envelopes, and each sealed and numbered so as to designate the precinct from which each selection was so made, then all of the said envelopes so marked and sealed shall be placed in a box, to be provided by each Board of Election Commissioners for that purpose, and such box shall then be securely locked and sealed, and safely kept by said Board of Election Commissioners until required by them for use as hereinafter provided. The names so selected shall be forthwith recorded in a book for that purpose by the Clerk of the Board of Election Commissioners, which book must be kept open at all times to public inspection, and the said Clerk shall also publish said names once in some paper of general circulation in the county, or city and county, within ten days after the names are so selected.

Selection of names of electors to be drawn as election officers.

Manner of
selecting
election
officers.

SEC. 5. Twenty days before the holding of such primary election the said Board of Election Commissioners shall open the said box in the presence of a majority of said Board, and in the presence of each of the members of the various political parties as may be present to witness the same, and shall then take from said box the said envelopes, one at a time, and as each envelope is taken from the box it shall be opened and the names therein contained, without being unfolded, shall be placed in a separate box suitable for the purpose; and, after being thoroughly shaken, the Clerk of said Board, in the presence of the Board, shall draw from said box the name of one person, who shall be the Inspector of the primary election in such precinct; said Clerk shall then draw from said box the names of two persons, who shall be the Judges of such primary election in said precinct; and the names of two other persons shall be drawn in like manner, who shall be the Clerks of such primary election; *provided*, that if the persons whose names are drawn for Judges and for Clerks shall both belong to one political party the Clerk of said Board shall lay aside the last name drawn for Judges, and also for Clerks, and draw other names from such box until only one Judge and one Clerk who belong to the same political party are selected; and the same course shall be pursued in each precinct until the election officers are selected in each precinct in such county, or city, or city and county. Should all the names be drawn from said box and not a sufficient number of election officers be selected, the said Board of Election Commissioners must select and deposit more names in the box, and continue to draw therefrom until all the election officers are selected; *provided*, that such subsequent selection shall be made from the electors of the precinct in the same manner as those first selected, as provided for in section four of this Act.

Publica-
tion.

SEC. 6. It shall be the duty of the Clerk of the Board of Election Commissioners to publish in some newspaper published in the county, of general circulation, as soon as they are selected, the names of the persons so selected, with the names of the precincts in which they severally are to serve, and the locations of the polling places. He shall also send a communication to each person so chosen, through the mail, by registered letter, postage paid, to his post office address, informing him of his selection, and of the precinct, and the capacity in which he is to serve.

Election
officers
must serve.

SEC. 7. It shall be the duty of every person so chosen to act as such election officer at such a general primary election, to perform the services required of him in such capacity; and any person so chosen to act who shall, without having been excused therefrom by the Board of Election Commissioners for sickness of self or family, or other good cause, fail or refuse to act in the capacity for which he is chosen, shall be deemed guilty of a misdemeanor; and in case he is so excused, the Clerk, in the presence of the Board, shall select another person from said box to serve in his place. It shall be the duty of each of the persons so chosen to appear at the polling places in the precinct

for which he is chosen, before the time of opening the polls, and there take the oath of office, as prescribed in the general election law, and perform the duties imposed upon him by the provisions of this Act. But in case of the failure of any of the election officers so selected to appear at the time the polls should be opened, or within ten minutes thereafter, the election officers present must choose some resident elector of the precinct to fill the vacancy. All persons serving as officers of election at a primary election held under the provisions of this Act, shall be exempt from jury duty for the term of one year thereafter, and such person shall receive from the Board of Election Commissioners of the county, or city, or city and county, in which such service is rendered, a certificate, setting forth the fact of such service as an officer of a primary election, stating the time of service; and such certificate, on being presented to a Court in which such election officer has been summoned to appear as a juror, shall be deemed sufficient to excuse the person named therein from service as a juror at any time within one year from the date of service named in such certificate.

Exemption
from jury
duty.

SEC. 8. It shall be the duty of the Board of Election Commissioners of the county, or city and county, to furnish ballot-boxes for each precinct where such primary is to be held, of the kind and character which were required to be used at the general election held in this State in the year eighteen hundred and ninety, and there must be furnished as many separate ballot-boxes at each precinct as there are parties or organizations entitled by law to participate in such primary. Each such ballot-box must have, in distinct letters and words, upon the front of such box, the name of the respective political party or organization for whose use it is intended. All the ballot-boxes must be placed in a row, side by side, fronting so that the front of each box shall be in the same direction, and be where the voters can easily approach such boxes and present their ballots, and the said party name on each box must be on the front of each, so as to be easily seen and distinguished by any voter within six feet of such box. Every person desiring to vote at such primary must deposit one ballot only, upon which must be the names of all delegates for whom he desires to vote; and it shall be the duty of the Clerk of the Board of Election Commissioners of the county, or city and county, in which said general primary election is to be held, to designate in the certificate which is in this Act provided to be furnished to political parties, the color of the paper upon which the ballots are to be printed, and there shall be so designated for each political party participating in said general primary election, a color to be by them used for the paper upon which such ballots are to be printed, which color shall be in each case distinctive and easily distinguishable from the color to be used at said primary election by any other political party; and the name or designation of each political party must be plainly written or printed at the head of each ticket. The election officers shall stand behind the ballot-boxes, and as each voter approaches to vote, when it is ascertained that he

Ballot-
boxes;
number,
etc.

Color of
ballots.

Manner of
voting.

is entitled to vote, he shall be asked by the proper election officer in what box he desires to cast his ballot, and when the voter has declared the fact, it shall be noted in the register by the Clerk in which box he votes, by writing in the register opposite his name the name on the box in which he votes, and thereupon his ballot shall be received by the Judge of Election or Inspector and deposited in the box named by such voter, and in no other, in the presence of the voter.

Polling places.

SEC. 9. There shall be as many polling places for the purpose of such general primary election as are provided for at a general election; that is, a polling place in each precinct; and each political party may file with the Board of Election Commissioners a list of the precincts and number and name of street or locality in town, or township, where they want such polling places, and it shall be the duty of the Board of Election Commissioners to examine said lists and decide which polling places will be the most convenient for the voters of the precinct.

Polls open.

The polls shall be kept open from nine o'clock A. M. to sunset on the day of holding said primary election, and shall be at all times kept open to the public during the reception of ballots, and until the same are counted and the results declared.

Registration, necessary qualification.

There must be furnished, by the Board of Election Commissioners, to the election officers in each precinct, for use at such primary election, a register containing the names of each person entitled to vote in such precinct at the last preceding general election, as shown by the Great or Precinct Register, or both. Before receiving any ballots the election officers must, in the presence of any persons assembled at the polling place, open, and exhibit, and close the ballot-boxes, and thereafter neither of them must be removed from the polling place or presence of the bystanders until all the ballots are counted, nor must either box be opened until after the polls are finally closed. Before the election officers receive any ballots they must cause it to be proclaimed aloud at the place of such primary election that the polls are open, and when the polls are closed that fact must be proclaimed aloud at the place of such election; and after such proclamation no ballots must be received. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain open. The ballots must be so folded when deposited that no person can see any name printed or written thereon. As soon as the polls

Canvass of votes.

are finally closed, the election officers must immediately proceed to count and canvass the votes given at such primary election. The canvass must be public, in the presence of the bystanders, and every political party shall be entitled to have at least two representatives present. The canvass must be continued without adjournment until completed and the result thereof is declared; but one box shall be opened and canvassed at the same time, and no other box shall be opened until such box being canvassed is completed and the result written out and certified and declared. Except as herein otherwise provided, said votes shall be counted, canvassed, listed, strung, numbered, tallied, in the same manner required by law

for the counting, canvassing, listing, stringing, numbering, and tallying of votes at a general election for public officers, and the tally lists, ballots, and registers must be signed, certified, made up, sealed, delivered, preserved, and kept in the same manner as required by law at a general election for public officers.

SEC. 10. When the counting of the ballots is completed the election officers in each such precinct shall officially declare the result, and shall furnish to the candidates having received a plurality of all the votes cast in such precincts for delegates to each political party to the county or district conventions, when a delegate is to represent a precinct, a certificate, which certificate shall be signed by all of the precinct election officers, and be delivered by them to the successful candidate; and such certificate, when so delivered, shall be the only credential required of any delegate to the party convention to which he was elected. They shall canvass the votes of all delegates to the State convention, and when it requires more votes to elect than those of one precinct, they shall certify the result of the ballot in such precinct to the Clerk of the Board of Election Commissioners, and shall seal up the ballots cast in such precinct and the poll lists, and on the outside of the envelope so sealed the election officers of each precinct shall write and sign a certificate to the effect that it contains all the ballots cast in such precinct and the poll lists kept by the Clerks. They shall also, in a separate envelope, send a certificate of the number of votes cast for each delegate to the State convention, and to the county convention, when it takes the votes of more than one precinct to elect a delegate, and said County Clerk shall safely keep such ballots and poll lists until the adjournment of all political conventions in that year, when he shall destroy the same. In case it requires more votes than is cast in one precinct to elect a delegate to the county or State convention, the Clerk shall canvass the votes of the precincts voting for such delegates, as returned by the precinct officers, and issue a certificate of election to the several persons receiving a plurality of the votes of his party in such precincts as are within the county.

Certificates of election.

Delegates to State convention.

SEC. 11. The governing body in the county of each political party taking part in such primary election may furnish to the Board of Election Commissioners, prior to or at the time of the selection by the said Board of the election officers, the name of an elector in each precinct whom such party is desirous to have appointed as general challenger for such party. It shall be the duty of such Board of Election Commissioners, finding that the person named is a resident of such precinct, and that his name appears on the last Precinct Register of said precinct, to appoint such person as such challenger, and cause a certificate to that effect, under its seal, to issue to such person, which the said Clerk shall transmit to such person, in the same manner as provided in this Act for transmitting the certificates to the election officers. At any time after that, and as soon as the third day before the election, any body of resident voters of

General challenger.

Special challenger.

any precinct, not less than the number of delegates of said party to be elected in said precinct, may file a petition with the Board of Commissioners, setting forth that it is their intention to run as candidates at such primary election, and requesting the appointment of some person as a special challenger to act on their behalf, and naming such person. It shall thereupon be the duty of said Board to ascertain if such person has the qualifications hereinbefore provided, and if so, to appoint such person, and cause a like certificate to be issued to him. Such challengers shall act without compensation when so appointed, and shall be sworn, the same as an election officer, and shall have power to challenge the vote of any person by him believed to be voting unlawfully, upon any ground mentioned in the general election law; and such challengers, during the progress of any such primary election, shall be vested with all the powers of a peace officer; he shall have free access to such polling place during the election and the counting of the ballots.

Powers of challengers.

Illegal voting.

SEC. 12. Any person who, at any such primary election, shall vote illegally or attempt so to vote, shall be subject to the same punishment as provided by law in case of such voting or attempting to vote at the general election in this State. No person shall be allowed to vote whose name did not appear upon the Great or the Precinct Register of the county, in the precinct in which he desires to vote, at the last general election, as a person entitled to vote in such precinct. If the election officers at such primary election shall knowingly permit any person to vote after being challenged, who shows, by his examination, that he is not entitled to vote, they shall be guilty of a felony, and upon conviction thereof be imprisoned in State's Prison not less than one nor more than five years.

Primary elections of all parties must be held at same time.

District conventions.

SEC. 13. The primary elections for all political parties or organizations within the State shall be held at the same time under the provisions of this Act. Each political party or organization may determine for itself how many district conventions it will hold for nominating its various candidates; *provided*, all candidates which are to be elected within a given territory must be nominated in the same convention. Delegates to a State convention may, at the option of a party, divide themselves into district conventions to nominate members of Congress, of the Board of Equalization, and Railroad Commissioners, respectively, or any party may, at its option, select separate delegates to compose any or all such district conventions.

The delegates to a county, or city and county convention must nominate all the candidates which it desires to name for a county or city and county office, in such county or city and county, and any party may at its option nominate candidates for State Senator, or Assemblyman, or Supervisors, or Justices of the Peace, or Constable, who are to be voted for in such county, or city and county, or in any part of such county, or city and county; or any party may at its option elect separate delegates to compose any senatorial, assembly, or other local convention. Where any assembly or senatorial district is

composed of more than one county, any political party may select separate delegates to a separate convention, to nominate such Assemblyman or Senator, or it may, at its option, in any county convention select joint delegates to meet joint delegates from any other part of such senatorial or assembly district to compose a convention to nominate such Assemblyman or State Senator.

Every party shall cause to be printed or written upon the ballots used by it in the general primary election, the different sets of delegates it desires to choose at such primary, and each set of delegates must be separated distinctly from every other set named on the ballot, and over each separate set of delegates must be printed or written the designation of the convention to which the delegates named in such set are selected. The tickets shall be substantially in the following form—varied to suit each case:

Form of ballot.

REPUBLICAN PRIMARY TICKET.

Delegates to State Convention. Vote for —

-
- 1 John Doe.
 - 2 Richard Roe.
 - 3 James Black.
 - 4 Philip Ross.
-

Delegates to Railroad District Convention, — District. Vote for —

-
- 1 John Doe.
 - 2 Richard Roe.
 - 3 James Black.
 - 4 Philip Ross.
-

Delegates to Equalization District Convention. Vote for —

-
- 1 John Doe.
 - 2 Richard Roe.
 - 3 James Black.
 - 4 Philip Ross.
-

Delegates to Congressional District Convention for — Congressional District. Vote for —

-
- 1 John Doe.
 - 2 Richard Roe.
 - 3 James Black.
 - 4 Philip Ross.
-

Delegates to County Convention for — County. Vote for —

-
- 1 John Doe.
 - 2 Richard Roe.
 - 3 James Black.
-

Form of
ballot.Delegates to State Senatorial Convention for — Senatorial
District. Vote for —

-
- 1 John Doe.
 - 2 Richard Roe.
 - 3 James Black.
-

Delegates to Assembly Convention for — Assembly District.
Vote for —

-
- 1 John Doe.
 - 2 Richard Roe.
 - 3 James Black.
-

Names of
delegates
to be num-
bered, how.

The names of each proposed delegate in each set shall be numbered consecutively, and opposite each set of delegates shall be expressed the number to be voted for in such set. If there is any delegate written or printed for whom any voter does not desire to vote, or if there be more names in any set than is to be selected, the voter may erase any name by drawing a line through such name with ink, and not otherwise. If any set of delegates contain more names, not erased, than is allowed by law, such ticket cannot be counted as to such set, but must be counted as to any other set correctly voted for.

Apportion-
ment of
delegates.

SEC. 14. At a general primary election held for the purpose of electing delegates to a convention other than a State convention, there shall be elected not less than one delegate for each party convention for each two hundred votes, and each fraction of one hundred or more, cast in such precinct at the last general election; *provided*, that no convention shall be illegal for lack of the election of a delegate or delegates in any precinct. In selecting delegates for a State convention each political party or organization shall determine how many delegates it will choose from each county, city and county, in the State, and name the number in their petition, and the persons receiving the highest vote for each party shall be determined by canvassing the vote in the various precincts as provided in section ten of this Act.

Eligibility.

SEC. 15. At any time in any county, city and county, city, or township, or in any assembly district or political division within this State, or any precinct therein, at which a general primary election is held for the election of delegates to a convention, any voter entitled to vote at such primary election may be a candidate for election as a delegate to any party convention to represent the precinct or district in which he is a voter.

Certificate
of election.

SEC. 16. As soon as the returns are received by the County Clerk, he shall canvass the same and issue a certificate of election for the different State conventions, to the different persons receiving a plurality of the party votes cast for such delegates.

Size of
ballot.

SEC. 17. The ballot to be used at such general primary election shall be of uniform size, twelve inches in length and six inches in width.

SEC. 18. It shall be the duty of the Board of Supervisors of each county within the State of California, to appropriate

from the general funds of the county a sufficient sum of money to pay all necessary expenses of holding any such primary elections within such county; and it shall be the duty of the Auditor of each county within the State of California to draw upon such appropriated funds his several warrants for the payment of all expenses of such primary election as the same shall be certified to him by the County Clerk; such expenses shall consist only of the payment for the box in which to keep the names selected, for polling places, election officers, for printing, for advertising, for stationery, ballot-boxes, and postage stamps and tally sheets. The several political parties shall furnish their own ballots.

Expenses,
how provided for.

SEC. 19. If in any city or county there shall not be by law any Board of Election Commissioners, then all duties enjoined herein upon a Board of Election Commissioners shall be enjoined upon and performed by the Common Council or Trustees of a city or the Board of Supervisors of a county; and all duties enjoined upon the Clerk of a Board of Election Commissioners, where there is no such Board in any city or county, are enjoined upon and shall be performed by the Clerk of a city or by a County Clerk, as the case may be, as fully and with equal force and effect as if specifically set forth in this Act.

Board of
Election
Commission-
ers,
who shall
constitute.

SEC. 20. Any act denounced as an offense by the general laws concerning elections of this State shall also be an offense in all primary elections, and in all matters relating thereto, antecedent or subsequent, and shall be punished in the same form and with like penalties as is prescribed for the punishment of similar offenses against the general election laws; and all the provisions and penalties provided by law shall apply in all cases connected with primary elections with equal force, and shall be as effective as if specifically set out in this Act.

Offenses
defined
and
penalties
prescribed.

SEC. 21. No candidate can have his name printed upon any ballot, to be voted for as a candidate for public office at any general election in this State, unless he shall have been nominated by a convention composed of delegates chosen as provided by this Act; *provided, however,* that nothing in this Act shall prevent any candidate or candidates from being nominated as provided by section eleven hundred and eighty-eight of the Political Code; but such nominees can have no other designation upon a ballot than the word "Independent."

Candi-
dates, how
qualified.

SEC. 22. No ticket or ballot must, on the day of election, be given or delivered to or received by any person except the Inspector, or a Judge acting as Inspector, within one hundred feet of the polling place. No person must, on the day of election, fold any ticket or unfold any ballot which he intends to use in voting, within one hundred feet of the polling place; exhibit to another in any manner, by which the contents thereof may become known, any ticket or ballot which he intends to use in voting. No person must, on the day of the election, within one hundred feet of the polling place, exhibit to another in any manner by which the contents thereof may become known, any ticket or ballot which he intends to use in voting. No person must, on the day of election, within one hundred feet of the poll-

One hun-
dred feet
limit.

ing place, request another person to exhibit or disclose the contents of any ticket or ballot which such other persons intend to use in voting.

Saloons. SEC. 23. No polling place shall be held in any saloon where malt, vinous, or spirituous liquors are sold, or in any room leading from or in any manner connected with such saloon.

Duties of Clerk. SEC. 24. Immediately upon making out the credentials of any delegates elected under this law, the Clerk charged with signing such credentials shall mail to the Secretary of each political party or organization which participated in the primary, a complete list of all delegates to whom credentials shall have been given; and said Clerk must, in a proper book to be by him kept, record the names of all delegates elected, with the vote received by each, specifying those to whom credentials have been given, stating when and where such credentials were mailed; and if any delegate entitled to credentials shall not have received his credentials, or have lost the same, said Clerk must, upon request, issue a new credential to such delegate, which must be stamped "Duplicate."

When Presidential Electors are to be chosen, manner of procedure. SEC. 25. In years when by law Electors of President and Vice-President are to be voted for, a State convention, to select delegates to a National convention, to select candidates for Elector of President and Vice-President, and at its option to divide itself into a district convention, or district conventions, to nominate candidates for Congress or other district nominees, shall be composed of delegates selected pursuant to this Act at a general primary for such purpose, to be held upon the last Tuesday of March in each such year; *provided*, that in all counties which cast less than nine thousand votes for Governor at the last preceding general election any political party or organization entitled to participate in such a State convention shall not be bound to proceed under this Act, but may select delegates to such a State convention in the manner any such party or organization may respectively determine in any such last mentioned county.

Operative, where. SEC. 26. This Act shall apply to, take effect in, and be in force only in counties of the first and second classes.

Free distribution. SEC. 27. Within thirty days after the passage of this Act the Secretary of State shall cause ten thousand copies of this Act to be printed in pamphlet form for free distribution.

SEC. 28. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 29. This Act shall take effect immediately.

CHAPTER CLXXXII.

An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations.

[Approved March 27, 1895.]

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

SECTION 1. The Board of Trustees, Common Council, or other legislative body of any municipal corporation or city in this State, except municipal corporations of the first class, shall have power, and it shall be their duty to fix by ordinance the amount of money necessary to be raised by taxation upon the taxable property therein, as a revenue to carry on the various departments of such municipal corporation or city for the current year, not to exceed the limit fixed by law, and to pay the bonded or other indebtedness of such municipal corporation or city. The Board of Trustees, Common Council, or other legislative body, shall meet for such purpose, and shall so ascertain and fix said amount, on the first Monday in August of each year; *provided, however,* that the provisions of this Act shall not apply to or be in force in any city or municipal corporation until its Board of Trustees, Common Council, or other legislative body, shall have passed an ordinance electing to avail itself of the provisions of this Act, and filed a certified copy of the same with the Auditor of the county in which such municipal corporation or city is situated, on or before the first Monday in February of each year; and thereafter all assessments shall be made and taxes collected by the Assessor and Tax Collector of such county until such city or municipal corporation shall, by ordinance, elect not to avail itself of the provisions of this Act for any longer time.

Powers of Board of Trustees, etc., in cities other than of the first class, relative to taxation.

SEC. 2. The Board of Trustees, Common Council, or other legislative body of any municipal corporation or city in this State, except municipal corporations of the first class, shall have power to elect that the duties of the City Treasurer of such city or municipal corporation shall be performed by the County Treasurer of the county in which such city or municipal corporation is situated; and whenever such Board of Trustees, Common Council, or other legislative body shall, by ordinance, so determine, such duties shall be performed by the Treasurer of the county in which such city or municipal corporation is situated. A certified copy of such ordinance shall be served on the Tax Collector and Treasurer of such county, and such ordinance shall also prescribe the manner in which money shall be

Certain county officers to act for city.

Duties of City Treasurer may be performed by County Treasurer.

drawn out of the various funds belonging to such city or municipal corporation in the hands of the Treasurer.

County Auditor to render statement of value of all property.

SEC. 3. The County Auditor must, on or before the second Monday in August of each year, transmit to the Board of Trustees, Common Council, or other legislative body of such municipal corporation or city within such county, a statement, in writing, showing the total value of all property within each municipal corporation or city, respectively, which value shall be ascertained from the assessment books of such county for such year, as equalized and corrected by the Board of Supervisors of such county.

Board of Trustees, etc., shall fix rate of taxes.

SEC. 4. Each Board of Trustees, Common Council, or other legislative body of such municipal corporation or city shall, on the first Monday in September, fix the rate of taxes, designated in the number of cents upon each hundred dollars, using as a basis the value of the property as assessed by the County Assessor, and so returned to such Board by the County Auditor, as required by section two of this Act, which rate of taxation shall be sufficient to raise the amount so fixed by such Board, as required in section one of this Act, which acts by said Board are declared to be a valid assessment of such property and a valid levy of such rates so fixed. Such municipal or city Board must immediately thereafter transmit to the County Auditor of the county in which such municipal corporation or city is situated a statement of such rate so fixed by such municipal Board.

Auditor to compute taxes to be paid.

SEC. 5. The Auditor must then compute and enter in a separate column in the assessment book, to be headed "City Tax, City of —" (naming it), the respective sums in dollars and cents to be paid as a municipal or city tax on the property therein enumerated and assessed as being in any municipal corporation or city, using the rate of levy so fixed by such municipal Board, and the assessed value as found in such assessment book. Such taxes so levied shall be collected at the same time and in the same manner as State and county taxes; and when collected the net amount as ascertained by sections six and seven of this Act shall be paid to the Treasurer of the municipal corporation or city to which it respectively belongs, under the general requirements and penalties provided by law for the settlement of other taxes; *provided, however*, that when such city has by ordinance, a certified copy of which has been served upon the Tax Collector of such county, elected to avail itself of the provisions of section two of this Act, then such Tax Collector shall pay the money belonging to such city or municipal corporation over to the Treasurer of the county in which such city or municipal corporation is situated.

Additional expenses, how paid.

SEC. 6. The Board of Supervisors, on the filing of itemized statements by the County Auditor and County Tax Collector, showing the additional expense to their offices of assessing and collecting these local taxes, may, by an order spread upon the minutes, deduct such expenses from the taxes of such municipal corporation or city, while in the hands of the County Tax Collector, and cover the same into the County Salary Fund; *provided*, that not more than one per cent shall be charged for

collecting the first twenty-five thousand dollars so collected, and one fourth of one per cent for all sums over that amount.

SEC. 7. Whenever the Board of Trustees, Common Council, or other legislative body of any municipal corporation or city in this State has elected to avail itself of the provisions of section two of this Act, the Board of Supervisors of such county shall also reserve as and for the expenses of the County Treasurer, incurred by reason of the imposing of these duties upon him, the sum of one fourth of one per cent, which sum shall be deducted from the money collected by the County Tax Collector, and covered in to the County Treasurer into the County Salary Fund.

Additional expenses, how paid.

SEC. 8. Whenever the Board of Trustees, Common Council, or other legislative body of any municipal corporation or city in this State shall have availed itself of the provisions of this Act, all duties, other than the assessing of the property of such city or municipal corporation, belonging to the office of the City Assessor shall be transferred to and performed by the Clerk of such city or municipal corporation; and all duties, other than the collection of taxes, belonging to the office of City Tax Collector shall be transferred to and be performed by the City Marshal or Chief of Police of such city or municipal corporation, and thereafter the office of City Assessor, and City Tax Collector, and City Treasurer may be by ordinance abolished.

Offices abolished

SEC. 9. Whenever any real property situate in any city or municipal corporation which has availed itself of the provisions of this Act has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned by the County Treasurer to such city or municipal corporation in the proportion which the tax due to such city or municipal corporation bears to the total tax for which such real property was sold.

Redemption money, how apportioned.

SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 11. This Act shall take effect immediately.

CHAPTER CLXXXIII.

An Act to provide for incorporation, operation, and management of cooperative associations.

[Approved March 27, 1895.]

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

SECTION 1. It shall be lawful for five or more persons to form a cooperative association for the purpose of transacting any lawful business. Such associations shall not have or issue any capital stock, but shall issue membership certificates to each member thereof, and such membership certificates cannot

Coöperative associations, how formed.

be assigned so that the transferee thereof can by such transfer become a member of the association except by the resolution of the Board of Directors of the association. But by the resolution of consent of the Board of Directors, such certificates may be transferred, so that the transferee may become a member in lieu of the last former holder thereof.

Rights and interest of all members, equal.

SEC. 2. In such association the rights and interest of all members shall be equal, and no member can have or acquire a greater interest therein than any other member has. At every election held pursuant to the by-laws each member shall be entitled to cast one vote and no more. All persons above the age of eighteen years, regardless of sex, shall be eligible to membership, if otherwise qualified and elected as the by-laws may provide. The by-laws shall provide for the amount of the indebtedness which such association may incur. And no member shall be responsible individually, or personally liable, for any of the debts or liabilities of the association in excess of his proportion of such indebtedness; but in case of the failure and insolvency of such association, may be required to pay any unpaid dues or installments which have, before such insolvency, become due from such member to the association, pursuant to its by laws.

Liability of members.

Articles of association shall set forth, what.

SEC. 3. Every association formed under this Act shall prepare articles of association, in writing, which shall set forth: The name of the association, the purpose for which it is formed, the place where its principal business is to be transacted, the term for which it is to exist (not to exceed fifty years), the number of the Directors thereof, and the names and residences of those selected for the first year, the amount which each member is to pay upon admission as membership fee, and that each member signing the articles has actually paid in such sum, and that the interest and right of each member therein is to be equal. Such articles of association must be subscribed by the original associates or members, and acknowledged by each before some person competent to take an acknowledgment of a deed in this State. Such articles so subscribed and acknowledged shall be filed in the office of the Secretary of State, who shall furnish a certified copy, thereof, which shall be filed in the office of the County Clerk of the county where the principal business of such association is to be transacted; and from the time of such filing in the office of said County Clerk the association shall be complete, and shall have and exercise all the powers for which it was formed.

By-laws.

SEC. 4. Every association formed under this Act must, within forty days after it shall so become an association, adopt a code of by-laws for the government and management of the association, not inconsistent with this Act. A majority of all the associates shall be necessary to the adoption of such by-laws, and the same must be written in a book, and subscribed by the members adopting the same; and the same cannot be amended or modified except by the vote of a majority of all the members, after notice of the proposed amendment shall be given, as the by-laws may provide. Such association may, by its code

of by-laws, provide for the time, place, and manner of calling and conducting its meetings; the number of Directors, the time of their election, their term of office, the mode and manner of their removal, the mode and manner of filling vacancies in the Board caused by death, resignation, removal, or otherwise, and the power and authority of such Directors, and how many thereof shall be necessary to the exercise of the powers of such Directors, which must be at least a majority; the compensation of any of the Directors, or of any officer; the number of the officers, if any, other than the Directors, and their term of office; the mode of removal, and the method of filling a vacancy; the mode and manner of conducting business; the mode and manner of conducting elections, and may provide for voting by ballots forwarded by mail or otherwise; *provided*, the method shall secure the secrecy of the ballot; the mode and manner of succession of membership, and the qualifications for membership, and on what conditions, and when membership shall cease, and the mode and manner of expulsion of a member, subject to the right that an expelled member shall have a right to have the Board of Directors appraise his interest in the association in either money, property, or labor, as the Directors shall deem best, and to have the money, property, or labor so awarded him paid, or delivered, or performed within forty days after expulsion; the amount of membership fee, and the dues, installments, or labor which each member shall be required to pay or perform, if any, and the manner of collection or enforcement, and for forfeiting or selling of membership interest for non-payment or non-performance; the method, time, and manner of permitting the withdrawal of a member, if at all, and how his interest shall be ascertained, either in money or property, and within what time the same shall be paid or delivered to such member; the mode and manner of ascertaining the interest of a member at his death, if his legal representatives or none of them desire to succeed to the membership, and whether the same shall be paid to his legal representatives in money, or property, or labor, and within what time the same shall be paid, or delivered, or performed; such other things as may be proper to carry out the purpose for which the association was formed.

SEC. 5. The by-laws and all amendments must be recorded in a book and kept in the office of the association, and a copy, certified by the Directors, must be filed in the office of the County Clerk where the principal business is transacted.

By-laws must be recorded, etc.

SEC. 6. The property of such association shall be subject to judgment and execution for the lawful debts of the association. The interest of a member in such association, if sold upon execution, or any judicial or governmental order whatever, cannot authorize the purchaser to have any right, except to succeed, as a member in the association, with the consent of the Directors, to the rights of the member whose interest is thus sold. If the Directors shall choose to pay or settle the matter after such sale, they may either cancel the membership, and add the interest thus sold to the assets or common property of the

Property is subject to execution.

association, or re-issue the share or right to a new member upon proper payment therefor, as the Directors may determine.

Business
may be
changed.

SEC. 7. The purpose of the business may be altered, changed, modified, enlarged, or diminished by a vote of two thirds of all the members, at a special election to be called for such purpose, of which notice must be given the same as the by-laws shall provide for election of Directors.

Profits,
how
divided.

SEC. 8. The by-laws shall provide for the time and manner in which profits shall be divided between the members, and what proportion of the profits, if any, shall be added to the common property or funds of the association. But the by-laws may provide that the Directors may suspend or pass the payment of any such profit, or installment of earnings, at their discretion.

Powers
of asso-
ciation.

SEC. 9. Every association formed under this Act shall have power of succession by its associate name for fifty years; to, in such name, sue and be sued in any Court; to make and use a common seal, and alter the same at pleasure; to receive by gift, devise, or purchase, hold, and convey real and personal property, as the purposes of the association may require; to appoint such subordinate agents or officers as the business may require; to admit associates or members, and to sell or forfeit their interest in the association for default of installments, or dues, or work, or labor required, as provided by the by-laws; to enter into any and all lawful contracts or obligations essential to the transaction of its affairs, for the purpose for which it was formed, and to borrow money, and issue all such notes, bills, or evidences of indebtedness or mortgage as its by-laws may provide for; to trade, barter, buy, sell, exchange, and to do all other things proper to be done for the purpose of carrying into effect the objects for which the association is formed.

Associa-
tions may
be con-
solidated.

SEC. 10. Two or more associations formed and existing under this Act may be consolidated together, upon such terms, and for such purposes, and by such name, as may be agreed upon, in writing, signed by two thirds of the members of each such association. Such agreement must also state all the matters necessary to articles of association, and must be acknowledged by the signers before an officer competent to take an acknowledgment of deeds in this State, and be filed in the office of the Secretary of State, and a certified copy thereof be filed in the office of the County Clerk of the county where its principal business is to be transacted; and from and after the filing of such certified copy, the former associations comprising the component parts shall cease to exist, and the consolidated association shall succeed to all the rights, duties, and powers of the component associations, and be possessed of all the rights, duties, and powers prescribed in the agreement of consolidated association not inconsistent with this Act, and shall be subject to all the liabilities and obligations of the former component associations, and succeed to all the property and interests thereof, and may make by-laws and do all things permitted by this Act.

SEC. 11. Any association formed or consolidated under this Act may be dissolved and its affairs wound up voluntarily by the written request of two thirds of the members. Such request shall be addressed to the Directors, and shall specify reasons why the winding up of the affairs of the association is deemed advisable, and shall name three persons who are members to act in liquidation and in winding up the affairs of the association, a majority of whom shall thereupon have full power to do all things necessary to liquidation; and upon the filing of such request with the Directors, and a copy thereof in the office of the County Clerk of the county where the principal business is transacted, all power of the Directors shall cease and the persons appointed shall proceed to wind up the association, and realize upon its assets, and pay its debts, and divide the residue of its money among the members, share and share alike, within a time to be named in said written request, or such further time as may be granted them by two thirds of the members, in writing, filed in the office of said County Clerk; and upon the completion of such liquidation the said association shall be deemed dissolved. No receiver of any such association, or of any property thereof, or of any right therein, can be appointed by any Court, upon the application of any member, save after judgment of dissolution for usurping franchises at the suit of the State of California by its Attorney-General.

Associations may be dissolved.

SEC. 12. The right of any association claiming to be organized under this Act to do business may be inquired into by *quo warranto*, at the suit of the Attorney-General of this State, but not otherwise.

Rights of Attorney-General to bring suit.

SEC. 13. This Act being passed to promote association for mutual welfare, the words "lawful business" shall extend to every kind of lawful effort for business, educational, industrial, benevolent, social, or political purposes, whether conducted for profit or not, and this Act shall not be strictly construed, but its provisions must at all times be liberally construed, with a view to effect its object and to promote its purposes.

Act to be liberally construed.

SEC. 14. This Act shall take effect immediately.

CHAPTER CLXXXIV.

An Act to amend sections seven hundred and two and seven hundred and three of the Code of Civil Procedure, relating to the redemption of property sold on execution.

[Approved March 27, 1895.]

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

SECTION 1. Section seven hundred and two of the Code of Civil Procedure is hereby amended so as to read as follows:
702. The judgment debtor or redemptioner may redeem the property from the purchaser any time within six months

When property may be redeemed, and redemption money.

after the sale on paying the purchaser the amount of his purchase, with one per cent per month thereon in addition, up to the time of redemption, together with the amount of any assessment or taxes which the purchaser may have paid thereon after purchase, and interest on such amount. And if the purchaser be also a creditor having a prior lien to that of the redemptioner, other than the judgment under which such purchase was made, the amount of such lien with interest.

SEC. 2. Section seven hundred and three of the Code of Civil Procedure is hereby amended so as to read as follows:

When judgment debtor or other redemptioner may redeem.

703. If property be so redeemed by a redemptioner, another redemptioner may, within sixty days after the last redemption, again redeem it from the last redemptioner, on paying the sum paid on such last redemption, with two per cent thereon in addition, and the amount of any assessment or taxes which the last redemptioner may have paid thereon after the redemption by him, with interest on such amount, and in addition the amount of any liens held by said last redemptioner prior to his own, with interest; but the judgment under which the property was sold need not be so paid as a lien. The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner, within sixty days after the last redemption, on paying the sum paid on the last previous redemption, with two per cent thereon in addition, and the amount of any assessments or taxes which the last previous redemptioner paid after the redemption by him, with interest thereon, and the amount of any liens other than the judgment under which the property was sold, held by the last redemptioner previous to his own, with interest. Written notice of redemption must be given to the Sheriff, and a duplicate filed with the Recorder of the county, and if any taxes or assessments are paid by the redemptioner, or if he has or acquires any lien other than that upon which the redemption was made, notice thereof must in like manner be given to the Sheriff, and filed with the Recorder; and if such notice be not filed, the property may be redeemed without paying such tax, assessment, or lien. If no redemption be made within six months after the sale, the purchaser, or his assignee, is entitled to a conveyance; or, if so redeemed, whenever sixty days have elapsed, and no other redemption has been made, and notice thereof given, and the time for redemption has expired, the last redemptioner, or his assignee, is entitled to a Sheriff's deed; but in all cases the judgment debtor shall have the entire period of six months from the date of the sale to redeem the property. If the judgment debtor redeem, he must make the same payments as are required to effect a redemption by a redemptioner. If the debtor redeem, the effect of the sale is terminated, and he is restored to his estate. Upon a redemption by the debtor, the person to whom the payment is made must execute and deliver to him a certificate of redemption, acknowledged or proved before an officer authorized to take acknowledgments of conveyances of real property. Such certificate must be filed and recorded in the office of the Recorder

of the county in which the property is situated, and the Recorder must note the record thereof in the margin of the record of the certificate of sale.

CHAPTER CLXXXV.

An Act to amend section one of an Act entitled 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 privileges in relation thereto, and providing for the punishment thereof.

[Approved March 27, 1895.]

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

Section one of an Act entitled 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 privileges in relation thereto, and providing for the punishment thereof, is amended so as to read as follows:

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 convention 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. All independent candidates must file the names of five persons to act as an auditing committee, in the same manner and at the same time as required by all regular party nominees or candidates, and all members of such an auditing committee acting for an independent candidate are to be governed by the same laws and requirements as the auditing committee of all regular party nominees or candidates. The

Nominations to be filed.

Certificates to be signed.

Auditing committee.

Independent candidates to file names of committee.

Duties
of com-
mittee.

Vacancies
in com-
mittee.

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.

CHAPTER CLXXXVI.

An Act to amend sections ten hundred and ninety-four, ten hundred and ninety-six, eleven hundred and thirteen, eleven hundred and fourteen, eleven hundred and fifteen, and eleven hundred and sixteen of the Political Code of the State of California, relative to registration of voters.

[Approved March 27, 1895.]

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

SECTION 1. Section ten hundred and ninety-four of the Political Code is amended to read as follows:

Great
Register
to be kept.

1094. A register, in which shall be entered the names of the qualified electors of each of the counties in the State, shall be kept at the office of the County Clerk of such county, and in each of the cities and counties in the State such a register shall be kept in the office of the person charged with the registration of voters in such city and county. There shall be in each of the counties, and cities and counties, in the State (where registration is now required by law to take place previous to each general election, and in other counties, or cities and counties, when required by the Board of Supervisors) a new and complete registration of the voters of such counties, and cities and counties, who are entitled thereto, and who apply with the proper proof. Such registration shall commence one hundred and sixty days before a general election, and shall continue for seventy-five days thence next ensuing, when such registration shall cease; *provided*, that any elector who has registered and thereafter moved his residence to another precinct in the

Registra-
tion shall
com-
mence,
when.

same county, thirty days before an election, may have his registration transferred to such other precinct upon his application, verified by oath, setting forth the change of residence, and containing the other facts required for original registration. Upon the filing of such affidavit the County Clerk must write on the register, opposite the name of such elector, "canceled by transfer to —," and reënter in the Great Register, with a change of precinct and address, the registration of such elector, writing thereafter the words, "transferred from —." No transfer from one precinct to another shall be made between a general election and a date twenty-seven days before such election. In cities and counties containing more than one hundred and fifty thousand inhabitants every landlord or keeper of any premises where lodgers abide shall keep a list of the names of all lodgers occupying rooms or sleeping apartments or beds in the premises under his control, commencing such list on the one hundred and fiftieth day previous to any election, and such list shall be kept daily so as to be ready for reference and inspection by the Board of Election Commissioners or a clerk delegated by them for that purpose. Blank lists shall be furnished to every landlord or keeper of premises where lodgers abide, and shall be collected daily, by order of the Election Commissioners; such blanks shall be ruled in columns showing the name of the lodger, the number of room, and the story of the building, and at any time from the beginning of registration to the day of election, shall be furnished to the Board of Election Commissioners upon their request therefor. Any landlord or keeper of premises where lodgers abide, neglecting or refusing to comply with the provisions of this Act, shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be fined the sum of fifty dollars; and in the event of non-payment of such fine shall be committed to the county jail for a term of days, at the rate of one dollar per day for each dollar of said fine. Any voter registered in premises in which the landlord or keeper neglects or refuses to comply with this Act shall be cited to appear before the Election Commissioners within five (5) days in order to verify his right to vote. It shall be considered as a proper citation to such voter if the citation is addressed to the name of party registered, the number of room and place of registration; and if the party cited does not appear in answer to the citation at the time appointed, his name shall be stricken from the register of voters. The landlord or keeper of premises from which the voter is registered shall also be cited to appear at the same time and place at which the citation of his alleged lodger is returnable.

Transfers.

Landlords shall keep list of lodgers.

Penalty for neglect to keep list.

Sec. 2. Section ten hundred and ninety-six of the Political Code is hereby amended to read as follows:

1096. Such entry must show:

1. The name at length.
2. Business or occupation.
3. The age, omitting fractions of years.
4. The height.

Substance of entry on Great Register.

Substance
of entry on
Great
Register.

5. The complexion.
6. The color of eyes.
7. The color of hair.
8. The visible marks or scars, if any, and their locality.
9. The country of nativity.

10. The place of residence (giving ward and precinct); and in cities, and cities and counties of over ten thousand inhabitants, by specifying the name of the street, avenue, or other location of, and dwelling of such elector, with the number of such dwelling, if the same has a number, and if not, then with such description of the place that it can be readily ascertained and identified. If the elector be not the proprietor or head of the house, then it must show that fact, and upon what floor thereof and what room such elector occupies in such house.

11. If naturalized, the time and place of naturalization.

12. The date of the entry of each person; each name must be numbered in the order of its entry.

13. The post office address at date of entry of each person.

14. The fact whether or not the elector desiring to be registered is able to read the Constitution in the English language and to write his name, and whether or not the elector has any physical disability, by reason of which he cannot mark his ballot; and if he cannot mark his ballot by reason of physical disability, then the nature of such disability must be entered, and the fact that by reason thereof he cannot mark his ballot.

SEC. 3. Section eleven hundred and thirteen of the Political Code of the State of California is hereby amended to read as follows:

Clerk to
arrange
registrations
by
precincts.

1113. The County Clerk, or the person charged with the registration of voters in any county or city and county, must arrange all registration affidavits in precinct packages as fast as received. At the close of registration in counties where a new registration has been ordered, the County Clerk, or person charged with the registration of voters in any city, or county, or city and county must arrange alphabetically, according to surnames, the previously separated packages of all the registration affidavits of his county, or city, or city and county, and enter the substance thereof, so arranged, in separate precinct books; such entries to be completed at least seventy-two (72) days before a general election. Such precinct books shall at all times be open to public inspection.

SEC. 4. Section eleven hundred and fourteen of the Political Code of the State of California is hereby amended to read as follows:

Clerk shall
keep sup-
plemental
register,
showing
changes.

1114. In counties in which a new registration shall not have been ordered in any even-numbered year, the County Clerk, or person charged with the registration of voters in any county, or city and county, shall keep a book, to be known as the supplemental register, in which shall be entered, under the appropriate precinct heading, all changes made since the last printed register, including, under the head "Additions," all new registrations and all transfers to a precinct from another precinct; and under the head "Cancellations," all names stricken

from the register by reason of death, removal from the county, removal from the precinct of original registration, adjudication that the elector is insane or legally incapable, or has been convicted of an infamous crime or embezzlement or misappropriation of public money, or by reason of a judgment directing cancellation, or at the request of the party registered.

SEC. 5. Section eleven hundred and fifteen of the Political Code of the State of California is hereby amended to read as follows:

1115. Twenty-six days before a general election, in counties where a new registration shall have been ordered, the County Clerk, or person charged with the registration of voters, shall furnish to the printer with whom a contract for the printing of the register shall have been made, the precinct books provided for in section eleven hundred and thirteen of the Political Code. Such precinct book shall, at the time of delivery to the printer, show all transfers and have stricken therefrom all cancellations since the close of registration. The registers must be printed and delivered, together with the precinct books used as copy, at least ten days before the election. Such registers shall be printed in the form prescribed by the Board of Supervisors or Election Commissioners, either in separate precinct books or in books containing all the precincts, in which last case the precincts in such books shall be alphabetically and numerically arranged, and the names placed therein alphabetically under their appropriate precinct headings. In counties where a new registration shall not have been had in any even-numbered year, there shall be printed, within the time prescribed in this section for printing the registers, a supplemental register, containing all additions, changes, and cancellations, alphabetically arranged under their appropriate precinct headings, since the last printed register, as shown by the supplemental register provided for in section eleven hundred and fourteen of the Political Code. There shall be but one edition of a supplemental register used in connection with the printed register at any general election, and such edition shall show all additions, changes, and cancellations made since the last printed register, although a part of such additions, changes, and cancellations may have appeared in a former printed supplemental register. The County Clerk, or person charged with the registration of voters, must have printed a sufficient number of copies of registers and supplemental registers to supply each election precinct in the county with not less than ten copies thereof, and fifty additional for every one thousand votes cast in the county at the next preceding general election; but the Board of Supervisors or Election Commissioners may order printed a larger edition, if in their judgment a larger edition is required for subsequent elections or for any other reason.

SEC. 6. Section eleven hundred and sixteen of the Political Code of the State of California is hereby amended to read as follows:

1116. The County Clerk, or person charged with the registration of voters, must, as soon as such copies of the Great

Great Register must be printed.

Form.

Printing supplemental register.

Number of copies.

Printed copies, how distributed.

Printed registers, how distributed.

Registers, precinct registers, or supplemental registers are printed:

1. Post one copy in some public place in the court-house.
2. Deliver, upon demand, one copy to each county and township officer in the county.
3. Transmit and cause to be delivered not less than ten copies to each Board of Election in the county.
4. Preserve five copies in the office for the inspection of the public.
5. Transmit to the State Library, Mercantile Library, Mechanics' Institute, and Odd Fellows' Library, of San Francisco, one copy each.
6. Deliver one copy to each elector of the county or respective precinct applying therefor, until the remainder of the edition printed is exhausted.

Provided, that nothing in this section, except the first, third, and fourth subdivisions thereof, shall apply to counties other than of the first class.

CHAPTER CLXXXVII.

An Act to authorize the Board of Trustees of the Southern California State Asylum for the Insane and Inebriates to convey certain water rights.

[Approved March 27, 1895.]

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

Trustees
Southern
California
Insane
Asylum to
convey cer-
tain water
rights.

SECTION 1. The Board of Trustees of the Southern California State Asylum for the Insane and Inebriates are hereby authorized to convey, by deed of trust, to the North Fork Water Company, a corporation, all water rights now or hereafter acquired or owned by the State of California for the use of said hospital and the lands pertaining thereto, in exchange for shares of the capital stock of said corporation; such shares to be issued to the said Board of Trustees in the same manner and in the same proportion, according to the extent of water rights conveyed, as other shares that shall be issued by said corporation to other parties in exchange for other water rights; and such conveyance to be made to said corporation upon the same trusts, conditions, and limitations as other conveyances that shall be made by other parties conveying water rights to said corporation.

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

CHAPTER CLXXXVIII.

An Act to amend sections five hundred and thirty-one and five hundred and thirty-two of the Political Code, and section ninety-nine of the Penal Code of the State of California, relative to the duties and qualifications of the Superintendent of State Printing of said State.

[Approved March 27, 1895.]

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

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

531. The duties of the Superintendent of State Printing shall be as follows: He shall have the entire charge and superintendence of the State printing and binding. He shall take charge of and be responsible on his bond for all manuscripts and other matter which may be placed in his hands to be printed, bound, engraved, or lithographed, and shall cause the same to be promptly executed. He shall receive from the Senate or Assembly all matter ordered by either house to be printed and bound, or either printed or bound, and shall keep a record of the same, and of the order in which it may be received; and when the work shall have been executed, he shall deliver the finished sheets or volumes to the Sergeant-at-Arms of the Senate or Assembly, or of any department authorized to receive them, whose receipt therefor shall be a sufficient voucher to the said Superintendent of State Printing for their delivery. He shall receive and promptly execute all orders for printing or binding required to be done for the various State officers; *provided*, that the said Superintendent of State Printing shall have discretionary authority to revise, reduce, or decline to execute any order, or part of any order, which in his judgment is unnecessary or unwarranted by law, and which will tend to unnecessarily consume the appropriation for support of the State Printing Office; *and provided further*, that in the event that any State officer, board, commission, or State institution shall consider the decision of the said Superintendent of State Printing unfair, he may refer the matter to the State Board of Examiners, which Board shall determine the matter. He shall employ such compositors, pressmen, and assistants as the exigency of the work from time to time requires, and may at any time discharge such employés; *provided*, that at no time shall he pay said compositors, pressmen, or assistants a higher rate of wages than is paid by those employing printers in Sacramento for like work. He shall at no time employ more compositors or assistants than the absolute necessities of the State printing may demand, and he shall not permit any other than State work to be done in the State Printing Office. The Superintendent of State Print-

Superintendent of State Printing, duties of.

Shall have certain discretionary authority.

What wages, shall pay.

Report to
Governor.

ing shall, on or before the fifteenth day of September of each year, make a report, in writing, to the Governor, embracing a record of the complete transactions of his office for the preceding fiscal year, which report shall show in detail all the items of expense attending the State printing and all the expenses of the office, including repairs and the purchase of materials of all kinds. Said report shall also state the number of reams and various kinds of paper delivered to him, and the amount and quality remaining on hand, which report shall be printed, biennially, for the use of the Legislature.

SEC. 2. Section five hundred and thirty-two of the Political Code of the State of California is hereby amended so as to read as follows:

Letting of
contracts
for paper.

532. In April, eighteen hundred and ninety-six, and in April of every year thereafter, the Superintendent of State Printing shall submit to the State Board of Examiners samples of the various kinds, sizes, and qualities of paper that will probably be required in his office during the year commencing on the then next first Monday in July, an estimate of the probable quantity of each kind, size, and quality that will be so required. Upon being satisfied that the kinds, sizes, quantities, and qualities of paper so suggested will be required, they shall direct the Superintendent of State Printing to advertise for thirty days, in two daily newspapers, one of which shall be published in the city of San Francisco, and one in the city of Sacramento, for proposals to furnish such paper, or so much thereof as may be required during the year commencing as aforesaid, which bids shall be opened in his office, at twelve o'clock m. on the day appointed, in the presence of the said Superintendent, and at least two of the State Board of Examiners; and the said Superintendent of State Printing, and the members of the State Board of Examiners then and there present, shall constitute a Board to award the contract to the lowest and best responsible bidder. No bid shall be considered unless accompanied by a certified check, in the sum of two thousand dollars, gold coin, payable to the Governor for the use of the people of the State of California, conditioned that if the bidder receives the award of the contract he will, within thirty days, enter into bonds in the sum of ten thousand dollars, with two or more sureties, to be approved by the Governor of the State, that he will faithfully perform the conditions of his contract. All bids must be for the furnishing and delivery of the paper and materials at the State Printing Office, in the city of Sacramento, so that the State shall not be charged with any cost of transportation or delivery, which must be specified in the advertisement for bids. If all the bids opened shall be deemed too high by said Board, they may decline them and advertise again. If the second set of bids are considered too high, the said Board may again decline them, and the Superintendent of State Printing may purchase such paper in the open market. The prices paid shall in no case be higher than the lowest price at which such paper was offered to be furnished by the bids so rejected.

Sec. 3. Section ninety-nine of the Penal Code of the State of California is hereby amended so as to read as follows:

99. The Superintendent of State Printing shall not, during his continuance in office, have any interest, either directly or indirectly, in any contract in any way connected with his office as Superintendent of State Printing; nor shall he, during said period, be interested, either directly or indirectly, in any State printing, binding, engraving, lithographing, or other State work of any kind connected with his said office; nor shall he, directly or indirectly, be interested in any contract for furnishing paper, or other printing stock or material, to or for use in his said office; and any violations of these provisions shall subject him, on conviction before a Court of competent jurisdiction, to imprisonment in the State Prison for a term of not less than two years nor more than five years, and to a fine of not less than one thousand dollars nor more than three thousand dollars, or by both such fine and imprisonment.

shall not have any interest in contract of any kind connected with his office.

Penalty.

SEC. 4. All Acts and parts of Acts in conflict herewith are hereby repealed; and this Act shall take effect immediately.

CHAPTER CLXXXIX.

An Act to repeal sections one, two, three, four, five, six, seven, and ten of an Act entitled "An Act for the promotion of the viticultural industries of the State," approved April 15, 1880; also, an Act entitled "An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture," approved March 4, 1881; also, an Act entitled "An Act to enlarge the duties of the Board of State Viticultural Commissioners," approved February 26, 1885; to provide for completion of unfinished work, for the transfer of the property of the Viticultural Commission, and making an appropriation therefor.

[Approved March 27, 1895.]

WHEREAS, It has been and now is the policy of the State of California to encourage the viticultural industries of the State; and whereas, the Board of State Viticultural Commissioners has been empowered by the several Acts of the Legislature of the State of California to perform certain duties for the encouragement of these industries; and whereas, the University of California is fully empowered to continue the work; now, therefore,

Preamble.

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

SECTION 1. Sections one, two, three, four, five, six, seven, and ten of an Act entitled "An Act for the promotion of the viticultural industries of the State," approved April fifteenth,

Acts repealed.

eighteen hundred and eighty; also, an Act entitled "An Act to define and enlarge the duties and powers of the Board of State Viticultural Commissioners, and to authorize the appointment of certain officers, and to protect the interests of horticulture and viticulture," approved March fourth, eighteen hundred and eighty-one; also, an Act entitled "An Act to enlarge the duties of the Board of State Viticultural Commissioners," approved February twenty-sixth, eighteen hundred and eighty-five, are hereby repealed. All Acts and parts of Acts prescribing the duties of the University of California remain in force. The provisions of this section shall take effect and be in force on the thirty-first day of December, Anno Domini eighteen hundred and ninety-five.

To complete unfinished work.

SEC. 2. The Board of State Viticultural Commissioners is hereby directed to proceed to complete all unfinished work which it has heretofore undertaken, and to perform such other duties as the laws now require; *provided, however*, that no new work or investigations shall be undertaken which cannot be completed before the time specified in section one of this Act; *provided further*, that no further obligations calling upon the State for support shall be created.

To transfer all property to University.

SEC. 3. The said Board is hereby directed to transfer, on or before the thirty-first day of December, Anno Domini eighteen hundred and ninety-five, all property in its possession, or under its control, belonging to the State, to the Regents of the University of California, for the further promotion of the viticultural industries of the State.

Appropriation.

SEC. 4. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the uses of said Regents of the University of California, for the forty-seventh and forty-eighth fiscal years, the sum of five thousand dollars.

CHAPTER CXC.

An Act to amend section twenty-eight of an Act passed March 23, 1893, entitled "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 (2), of Sutter County,' passed March 23, 1876, in relation to the election of officers for said district, funding the floating debt, and re-funding the funded debt thereof."

[Approved March 27, 1895.]

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

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

Who qualified to vote for officers of Levee District No. 2.

Section 28. At all elections hereafter held for the election of Directors, Assessors, and Tax Collectors 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 (levee) purposes assessed against him or her, as the same appears on the last assessment roll of said district.

CHAPTER CXCI.

An Act to amend section three of "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and an Act amendatory thereof, approved March 31, 1891.

[Approved March 27, 1895.]

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

SECTION 1. Section three 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, is hereby amended to read as follows:

Section 3. That after such plans, descriptions, bills of materials, and specifications and estimates as are in this Act required are made and approved, in accordance with the requirements of this Act, it shall be and is hereby made the duty of such Commissioners, Directors, Trustees, or other officer or officers to whom the duty of devising and superintending the erection, addition to, alteration, or improvement of such institution, asylum, or other improvement as in this Act provided, to give or cause to be given public notice of the time and place when and where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of such institution, asylum, or other improvement, or for the adding to, altering, or improvement thereof, and a contract or contracts based on such sealed proposals will be made, which notice shall be published weekly for four consecutive weeks next preceding the day named for the making of such contract or contracts, in the paper having the largest circulation in the county where the work is to be let, and in three daily papers having the largest circulation and published one in each of the cities of Los Angeles, Sacramento, and San Francisco, and shall state when and where such plan or plans, descriptions, bills, and specifications can be seen, and which shall be open to public inspection at all business hours between the date of such notice and the making of such contract or contracts. The aforesaid notice must state that separate bids will be received and separate contracts let for the performance of each of the following parts of said erection, addition, alteration, or improvement, including the furnishing of materials and labor necessary therefor, viz.: first, for the masonry work, including all brick, stone, terra cotta, and concrete work, and all necessary excavations and filling; second, for the iron work; third, for the carpenter, plastering, electric, and glazing work; fourth,

Public notice of letting of contracts must be given.

By publication in newspapers, where.

Separate bids.

for the plumbing and gasfitting work; fifth, for the heating work; sixth, for the tinning, galvanized iron, and slating work; and seventh, for the painting and graining work; and there shall be in all such cases as many separate contracts let therefor as there are different kinds of work, according to the foregoing classification, whether the same be let by the State Board of Harbor Commissioners or any other of the aforesaid Commissioners, Directors, Trustees, or other officer or officers.

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

CHAPTER CXCII.

An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor.

[Approved March 27, 1895.]

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

Superintendent of Public Instruction to appoint clerk.

SECTION 1. The Superintendent of Public Instruction may appoint an additional clerk, who shall be a stenographer, at a salary of twelve hundred dollars per year, payable in the same manner as the salaries of other civil officers of the State are paid.

Appropriation.

SEC. 2. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of twenty-four hundred dollars, for the payment of said clerk's salary for the forty-seventh and forty-eighth fiscal years, commencing July first, eighteen hundred and ninety-five.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCIII.

An Act appropriating money to pay the claims of H. P. Dyer, E. F. Dyer, C. A. Granger, Gaston Goldsmith, and Sullivan & Sullivan.

[Approved March 27, 1895.]

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

Appropriation to pay claims against State in American Sugar Refinery case.

SECTION 1. The sum of eight thousand six hundred and forty-five dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of H. P. Dyer for four hundred and six dollars; C. A. Granger for four hundred and thirty-one dollars; E. F. Dyer for two thousand seven hundred and seventy-five dollars; Gaston Goldsmith for thirty-three dollars; and Sullivan & Sullivan

for five thousand dollars; which amounts have been assessed as costs against the State of California in the case of *The People of the State of California vs. The American Sugar Refinery Company*, number twenty-four thousand three hundred and eighty-one, in the Superior Court of the State of California, in and for the City and County of San Francisco.

SEC. 2. The Controller is hereby directed to draw his warrants on the State Treasurer for the said sums of four hundred and six dollars in favor of H. P. Dyer; four hundred and thirty-one dollars in favor of C. A. Granger; two thousand seven hundred and seventy-five dollars in favor of E. F. Dyer; thirty-three dollars in favor of Gaston Goldsmith; five thousand dollars in favor of Sullivan & Sullivan; and the State Treasurer is hereby directed to pay said warrants.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCIV.

An Act appropriating the sum of five thousand dollars for the purchase of furniture and apparatus for the State Normal School at Los Angeles, California.

[Approved March 27, 1895.]

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 by the Board of Trustees of the State Normal School at Los Angeles, California, in the purchase of additional furniture and apparatus for the use and convenience of students in said school.

Appropriation for furniture and apparatus, Los Angeles Normal School.

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, upon approval by the State Board of Examiners.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCIV.

An Act to provide for the purchase of additional grounds for the State Insane Asylum at Napa.

[Approved March 27, 1895.]

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

Trustees of Napa Asylum to purchase certain land.

Description.

SECTION 1. The Board of Trustees of the Napa State Asylum for the Insane are hereby authorized to purchase from John F. Zollner, for the State of California, that tract of land contiguous to the tract of land now used as the grounds of the Insane Asylum at Napa. Said land to be purchased being described as follows: Commencing at a stake marked (S 13—S 24—S 18 and S 19), said stake being at the northeast corner of section twenty-four of township five north, range four west, Mt. Diablo meridian; thence running due west along the line between sections thirteen and twenty-four of said township, twenty-two and thirty hundredths chains, to a stone fence; thence along said stone fence south seventy-four degrees, east fourteen and thirty hundredths chains, to an angle; thence south eighty-one and three fourths degrees, east two and forty-five hundredths chains, to a second angle; thence south eighty-three and one half degrees, east six and twenty hundredths chains, to the east line of said section twenty-four; thence along said east line due north five chains, to the place of beginning, and containing six and fifty-three one hundredths acres of land; *provided*, a good title, free and clear of incumbrance, can be obtained; *and provided further*, that the purchase price shall not exceed six hundred and fifty-three dollars, gold coin of the United States of America.

Appropriation.

SEC. 2. The sum of six hundred and fifty-three dollars, or such portion thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purchase mentioned in the first section of this Act; and the Controller is hereby authorized to draw his warrant for said amount, and the Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCVI.

An Act making an appropriation for elevator attendant's salary for last four months of forty-sixth fiscal year.

[Approved March 27, 1895.]

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

SECTION 1. The sum of three hundred (300) dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of elevator attendant's salary for the last four months of the forty-sixth fiscal year; said months commencing March first, one thousand eight hundred and ninety-five, and ending June thirtieth, one thousand eight hundred and ninety-five.

Appropriation to pay salary of elevator attendant.

SEC. 2. This Act shall take effect March first, one thousand eight hundred and ninety-five.

CHAPTER CXCVII.

An Act amending the Civil Code of the State of California, adding thereto two new sections, to be numbered four hundred and ninety-two and four hundred and ninety-three, concerning franchises for the construction of elevated and underground railroad tracks.

[Approved March 27, 1895.]

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

SECTION 1. A new section is hereby added to the Civil Code of the State of California, numbered section four hundred and ninety-two, as follows:

492. The legislative or other body to whom is intrusted the government of the county, city and county, city, or town, under such regulations, restrictions, and limitations, and upon such terms and payment of license tax as the county, city and county, city, or town authority may provide, may grant franchises for the construction of elevated or underground railroad tracks over, across, or under the streets and public highways of any such county, city and county, city, or town, for the term not exceeding fifty years; *provided*, that before granting such franchise there shall be presented to such legislative or other body a petition signed by the owners of a majority of the landed property, other than public property, on the line of said elevated portion applied for.

Legislative or governing body may grant franchises for elevated or underground railroads.

SEC. 2. A new section is hereby added to the Civil Code of the State of California, numbered section four hundred and ninety-three, as follows:

Applica-
tion of Act.

493. This Act shall apply to all railroad companies heretofore and hereafter incorporated.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCVIII.

An Act conferring power upon the Common Council, Board of Supervisors, or other governing body of cities, or cities and counties, of over one hundred thousand inhabitants, to acquire or condemn land for a suitable site, and erect thereon a suitable building or buildings for municipal purposes.

[Approved March 27, 1895.]

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

Governing
body in
certain
cities and
counties
may provide
for
municipal
building.

SECTION 1. Power and authority is hereby conferred upon the Common Council, Board of Supervisors, or other governing body of every city, or city and county, in this State having a population of over one hundred thousand inhabitants, to provide for the erection and construction in such city, or city and county, and at the expense of the same, such additional or other municipal building or buildings as the Common Council, Board of Supervisors, or other governing body of such city, or city and county, may determine upon for the accommodation of the criminal department of the Superior Court, Police Courts, police stations, prisons, morgues, or Coroner's offices of such city, or city and county, and for such other municipal uses as may be deemed necessary.

Powers of
governing
body and
method of
procedure.

SEC. 2. In the event that the Common Council, Board of Supervisors, or other governing body of such city, or city and county, shall deem it expedient, and in their judgment that the public good requires the construction of such building or buildings, for the construction of which power is conferred upon them by section one of this Act, in the manner and mode prescribed by this Act, they are hereby authorized and empowered to express such judgment by resolution or order, in such manner as they may deem proper. And for the purpose of raising the money necessary to complete said building or buildings, the said Common Council, Board of Supervisors, or other governing body of such city, or city and county, is hereby authorized and empowered to levy and collect, in the same manner and at the same time as other taxes are levied and collected in such city, or city and county, for municipal purposes, an ad valorem property tax on real and personal property, which shall not in the aggregate exceed the sum of three hundred thousand dollars, which sum shall cover all the expense of the said building or buildings.

Ad valorem
tax.

May condemn
site.

SEC. 3. As a site for the erection and construction of said building or buildings, power is hereby conferred upon the Common Council, Board of Supervisors, or other governing body of

such city, or city and county, to acquire by purchase, or to condemn and acquire under the laws of eminent domain, such land as may be necessary therefor.

SEC. 4. The money arising from the tax hereby authorized to be levied and collected shall be kept by the City, City and County Treasury of such city, or city and county, in a fund to be known as the "Public Building Fund," and out of which said fund all claims for work, labor, and materials used in the construction of said building, and all other expenses authorized to be incurred under the provisions of this Act, shall be paid. All claims against the said fund shall be allowed by the Common Council, Board of Supervisors, or other governing body of such city, or city and county, by resolution entered upon the minutes in the same manner and form as other expenditures are authorized, before the Auditor shall be authorized to audit the same; and in no case shall any portion of said fund be used or expended for any other purpose than those herein indicated, nor shall any part of the cost of the construction of said building be paid out of any other or different fund; nor shall any lien for work, labor, or material at any time attach to the said building or buildings, nor the land upon which the same is located, in any manner whatever.

SEC. 5. When work is to be done upon said building or buildings, or materials to be furnished, it shall be the duty of the Common Council, Board of Supervisors, or other governing body of such city, or city and county, to advertise for at least ten days in a daily newspaper published and circulated in such city, or city and county, for sealed proposals for doing both said work and furnishing said material. The said work and material shall be of the best quality. The advertisement shall contain a general description of the work to be done and the materials to be furnished, the time within which the same is to be done or furnished, and may refer to plans and specifications for such other details as may be necessary to give a correct understanding regarding the work or materials. The advertisement shall also state the day and an hour of said day within which bids will be received. At the hour and day stated in the advertisement, the said Board or body shall proceed to open the bids in the presence of the bidders, and an abstract of each shall be recorded in the minutes by the Clerk. A day and hour shall then be fixed for considering the bids and awarding the contract. An abstract of said bids, showing the name of each bidder, the price at which work, labor, and materials are offered to be done or furnished by each, and such other things as may be necessary to show or explain the offer, shall be made by the Clerk and published for five days in a daily newspaper of general circulation published in such city, or city and county. At the expiration of five days after the first publication of the abstract, on the day and at the hour fixed by said Board or body, the said Board or body shall proceed to consider the several bids and award the contract for doing the work and supplying the material for which proposals are invited, and for none other, to the lowest

Public
Building
Fund.

Must
advertise
for sealed
proposals.

Abstract of
bids must
be pub-
lished.

bidder, who shall furnish sufficient sureties to guarantee the performance of the contract; *provided*, the advertisement hereinafore provided for shall invite proposals and bids for the performance of all the work and the furnishing of all the materials which may be required for the erection and completion of the entire building or buildings; and the contract herein provided for shall cover the erection and completion of the entire building or buildings, and the whole thereof shall be erected and completed and made ready for occupancy under and by a single contract. Said Board or body shall have the right to reject any or all bids when in their judgment the public interests may be thereby promoted. Such contract shall be executed on behalf of such city, or city and county, by the Mayor, or President of the Common Council, Board of Supervisors, or other governing body of such city, or city and county. No change in the plans or specifications shall be made after proposals for doing work and furnishing materials have been called for; nor shall any contractor be allowed a claim for work done or materials furnished not embraced in his contract. All contracts shall be in writing, and shall be carefully drawn by the City Attorney, City and County Attorney, or other law officer of such city, or city and county, and shall contain detailed specifications of the work to be done, the manner in which the same shall be executed, the quality of the material, and the time within which the same shall be completed; and such penalty for the non-performance of such contract as said Board or body may deem just and reasonable. All contracts shall be signed in triplicate—one copy of which, with the plans and specifications of the work to be done, shall be filed with the Clerk or Secretary of said Board or body, and shall at all times, in office hours, be open to the inspection of the public; one, with the plans and specifications, shall be kept in the office of said Board or body, and the other copy, with plans and specifications, shall be delivered to the contractor.

Contracts.

Payments
on con-
tracts.

SEC. 6. The Common Council, Board of Supervisors, or other governing body of such city, or city and county, may make payments on such contract from time to time, as work progresses or materials are furnished; but until the contract is completed, at no time shall the payments exceed seventy-five per centum of the value of the labor or materials furnished.

Plans and
specifica-
tions.

SEC. 7. The plans and specifications herein referred to shall be secured by said Board or body after the publication for ten days in a daily newspaper of general circulation in such city, or city and county, of a resolution inviting the submission of competitive plans and specifications for said building or buildings. Said resolution shall contain a general statement of the purposes for which said building or buildings are to be used, the cost thereof, and the character of the design required. Said plans and specifications may be submitted to such Board or body under such requirements and conditions, and at such time as said Board or body may prescribe.

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

CHAPTER CXCIX.

An Act to amend sections eighteen hundred and eighty, eighteen hundred and eighty-four, and eighteen hundred and eighty-six of the Political Code of the State of California, relating to public schools.

[Approved March 27, 1895.]

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 of the Political Code is hereby amended to read as follows:

1880. The Board of Trustees, Board of Education, or other governing body of any school district may, when in their judgment it is advisable, and must upon a 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, or for any or all of said purposes, and for liquidating any indebtedness already incurred for said purposes.

Election must be held, on issuing school district bonds for certain purposes.

SEC. 2. Section one thousand eight hundred and eighty-four of the Political Code is hereby amended to read as follows:

1884. On the seventh day after said election, at one o'clock P. M., the returns having been made to the Board of Trustees, Board of Education, or other governing body of such school district, the Board must meet and canvass said returns, and if it appears that two thirds of the votes cast at said election was in favor of issuing such bonds, then the Board shall cause an entry of that fact to be made upon its minutes, and shall certify to the Board of Supervisors of the county all the proceedings had in the premises, and thereupon said Board of Supervisors shall be and they are hereby authorized and directed to issue the bonds of such district, to the number and amount provided in such proceedings, payable out of the Building Fund of such district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district, for the redemption of said bonds and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed five per cent of the taxable property of the district, as shown by the last equalized assessment book of the county.

Canvass of vote, and duties of Trustees in certain contingency.

SEC. 3. Section one thousand eight hundred and eighty-six of the Political Code is hereby amended to read as follows:

1886. Said bonds must not bear a greater amount of interest than eight per cent, said interest to be payable annually or semi-annually; and said bonds must be sold in the manner prescribed by the Board of Supervisors, but for not less than par, and the proceeds of the sale thereof must be deposited in the County Treasury to the credit of the Building Fund of said

Bonds.

Validity
of proceed-
ings.

school district, and be drawn out for the purposes aforesaid as other school moneys are drawn out. All the proceedings of every school district and of every Board of Trustees, Board of Education, Board of Supervisors, and of all officers of school districts and counties, purporting to have been taken under or by authority of sections one thousand eight hundred and eighty to one thousand eight hundred and eighty-eight, inclusive, of the Political Code, shall be valid, in the same manner and to the same extent as if sections one thousand eight hundred and eighty and one thousand eight hundred and eighty-four of said Code, at the time when such proceedings were taken, in express language empowered the governing body of all school districts, by whatever name such governing body should be known, to call elections for the purposes set forth in said section one thousand eight hundred and eighty, and to receive and canvass returns, to cause a minute entry of the result of elections, and to certify proceedings to the Board of Supervisors, as provided by said section one thousand eight hundred and eighty-four. And all bonds of school districts purporting to have been issued under or by virtue of any or all of the following sections, to wit: sections one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, of the Political Code, shall be valid in the same manner and to the same extent as if said sections used the words "Board of Education, Board of Trustees, or other governing body," in place of the words, "Board of Trustees," whenever the words "Board of Trustees" occur in said sections.

Validity
of bonds
issued.

SEC. 4. This Act shall take effect immediately.

CHAPTER CC.

An Act to add a new section to the Penal Code of California, to be known and numbered as section three hundred and ten and one half of said Code, relating to the keeping open and conducting of barber shops, hair-dressing establishments, and bath houses on Sundays and legal holidays.

[Approved March 27, 1895.]

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 of the State of California, to be known and numbered as section three hundred and ten and one half, and to read as follows:

310 $\frac{1}{2}$. Every person who as proprietor, manager, lessee, employé, or agent keeps open or conducts, or causes to be kept open or conducted, any barber shop, bath house and barber shop, barber shop of a bathing establishment, or hair-dressing establishment, or any place for shaving or hair dressing, used or conducted in connection with any other place of business or resort, or who engages at work or labor as a barber in any such shop or establishment on Sunday, or on a legal holiday, after the hour of twelve o'clock m. of said day, is guilty of a misdemeanor.

Barber shops and bath houses must not be conducted after 12 m. on Sundays.

CHAPTER CCI.

An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same.

[Approved March 27, 1895.]

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

SECTION 1. Whenever the Board of Supervisors of any county in this State may deem it proper to improve and rectify the channel of any innavigable stream or watercourse within the county, and to prevent the overflow of such stream by widening, deepening, or straightening its course, or by erecting levees or dikes upon its banks, the Board may, upon a petition of ten property holders of the district to be affected by such improvements, pass a resolution signifying its intention to improve such innavigable stream or watercourse, describing the exterior boundaries of the district of lands to be affected or benefited by such work or improvement, and to be assessed to pay the damages, cost, and expenses thereof, the character of work or improvement contemplated, and the place where the proposed work or improvement is to be done. Such resolution shall also contain a notice, to be published, which notice shall be headed "Notice of Intention of the Board of Supervisors to form a Protection District," and shall state the fact of the passage of such resolution, with the date thereof, and briefly, the work or improvement proposed, and the statement that it is proposed to assess all property affected or benefited by such improvement for the expenses thereof, and refer to the resolution for further particulars. Such notice to be given by the Board of Supervisors, and signed by its Clerk.

Board of Supervisors may pass resolution of intention of formation of "Protection District."

SEC. 2. Such notice shall be published for a period of thirty days, in one daily newspaper published and circulated in such county, and designated by said Board of Supervisors; or if there

Publication.

is no daily newspaper so published and circulated in said county, then by four successive insertions in a weekly or semi-weekly newspaper so published, circulated, and designated.

Who may
make writ-
ten objec-
tion.

SEC. 3. Any person interested, objecting to such work or improvement, or to the extent of the district of lands to be affected or benefited by such work or improvement, and to be assessed to pay the cost and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of said Board of Supervisors, who shall indorse thereon the date of its reception by him, and at the next regular meeting of such Board of Supervisors, or at an adjourned meeting, or a special meeting called for that purpose, after the expiration of said ten days, lay such objections before said Board of Supervisors, which shall fix a time for hearing said objection, not less than fifteen days thereafter, and direct its clerk to notify each person objecting of such day fixed for hearing, by depositing a notice thereof in the post office at the county seat of such county, postage prepaid, addressed to such person objecting, which said notice shall be deposited in the post office not less than ten days before the day set for hearing.

Hearing,
etc.

SEC. 4. At the time specified or to which the hearing may be adjourned, the Board of Supervisors shall hear the objections urged and pass upon the same. Such Board may, in its discretion, sustain, in whole or in part, any or all of the objections made and filed, and may change or alter the boundaries of such district to conform to the needs of the district, and may, in their discretion, declare such protection district formed as a subdivision of such county, and shall designate such district by name as the — Protection District of — County, and thereafter the Board of Supervisors shall be deemed to have acquired jurisdiction to purchase or receive by donation, in the name of the district, any real or personal property necessary to properly carry out the purposes of the formation of such district, under the same rules as govern the purchase of property in the name of the county; but no district shall be formed wherein a majority of the property holders within its limits protest in writing against such action.

May con-
demn land.

SEC. 5. The Board of Supervisors of such county shall also have power to condemn land for the purpose of widening, deepening, or straightening any innavigable stream flowing through such protection district, and for that purpose all of the provisions of part three, title seven, of the Code of Civil Procedure are hereby made applicable to the exercise of the right of eminent domain for such purposes, or to any purpose necessary to the needs of such district when formed.

Survey.

SEC. 6. Having acquired jurisdiction, as provided in section four hereof, the Board of Supervisors shall cause a survey of said contemplated improvement to be made, or adopt a survey already made; and a map of the survey must be adopted by such Board, and thereafter such survey and map shall be the plans to be followed in making such improvements.

SEC. 7. After adopting such survey, the Board of Supervisors shall appoint three Commissioners to assess benefits and damages, to estimate the total cost of making the proposed improvements and performing such proposed work, which estimate shall include all expenses of every kind incurred or to be incurred, either directly or indirectly, in carrying out the said work and improvements. Before entering upon the discharge of their duties as such Commissioners, they shall each take and subscribe to an oath to perform the duties of such Commission to the best of their abilities, and shall each file, with the Clerk of the Board of Supervisors, a bond to the State of California, in the sum of three thousand dollars, to faithfully perform the duties of his office as such Commissioner, which said bond must be approved by the Chairman of the Board of Supervisors. The Board of Supervisors 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 from any cause.

Commissioners to assess damages and benefits.

Oath.

Bond.

SEC. 8. The Commissioners shall have all powers necessary and proper to carry out the provisions of this Act, and the act of a majority shall be the act of the Board.

Powers.

SEC. 9. 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 hereafter. All claims, as well for the land and improvements taken or damaged as for the charges and expenses, shall be paid as are other claims against the county and upon order of the Board of Supervisors, and the claims shall be itemized in the same manner as are other claims against the county.

Charges and expenses, how paid.

SEC. 10. Said Commissioners shall proceed to view the lands embraced within the boundaries of such protection district, and may examine witnesses on oath, to be administered by any one of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and the damage to improvements and property affected, and also the estimated amount of the cost of the proposed work or improvements, and the expenses incident thereto, and having determined the same, shall proceed to assess the same upon the lands embraced within the exterior boundaries of such protection district. Such assessment shall be made in the manner following, to wit: The Board of Supervisors may assess to the county, as an interested and benefited party, such portion of said assessment, not exceeding one third, as in their judgment they may determine, and the remainder of such assessment shall be made upon the lands within said district in proportion to the benefits to be derived from said work or improvement, so far as the said Commission can reasonably estimate the same, including in such estimate the property of any railroad company within said district, if such there be.

Commissioners shall view lands and determine value, etc.

Assessment.

SEC. 11. Said Commissioners, having made their assessment of benefits and damages, shall, with all diligence, make a written report thereof to the Board of Supervisors, and shall accompany

Commissioners shall make report, with plat of district.

their report with a plat of the district, showing the land taken or to be taken for the work or improvement; and the lands assessed, showing the relative location of each district, block, lot, or portion of lot or other piece of land, and its dimensions, so far as the Commissioners can reasonably ascertain the same. Each block and lot, or portion of lot, or other parcel or parcels of land 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 all respects. When the report and plat are approved by the Board of Supervisors, a copy of said plat (appropriately designated and certified by the Clerk of said Board as a correct copy of the plat on file in his office) shall be, by the Clerk of said Board, recorded in the office of the Recorder of the county. Said report of the Commissioners shall also contain the names of the persons owning lands taken, or to be taken, for such work or improvement; the names of the land owners who consent to give the right of way, and their written consent thereto; the names of land owners who do not consent, and the amount of damage claimed by each, and the amount of damages awarded to each by the Commissioners.

Report shall contain what.

SEC. 12. Said report shall specify each lot, subdivision, or piece of property taken or injured by the widening, deepening, or straightening of such innavigable stream, or other improvement made or work done, or assessed therefor, together with the name of the owner or claimants thereof, or of persons interested therein as lessees, incumbancers, or otherwise, so far as the same are known to the Commissioners, and the particulars of their interests, so far as the same can be ascertained, and the amount of value or damages, or the amount assessed, as the case may be.

Conflicting claims.

SEC. 13. If in any case the Commissioners find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any piece of land or of any improvement thereon, or of any interest in such land or improvement, it shall be set down as belonging to unknown owners. Errors in the designation of the owner or owners of any land or improvement, or of the particulars of their interests, shall not affect the validity of the assessment, or of any condemnation of the property to be taken.

Compensation of Commissioners.

SEC. 14. The Commissioners shall receive for their services such compensation as the Board of Supervisors may determine from time to time; *provided*, that the compensation shall not exceed the sum of one hundred dollars per month each, nor continue for more than six months, unless the Board of Supervisors shall, by order, extend such time. The compensation of the Commissioners shall be considered as an expense of the work or improvement, and shall be chargeable and payable as are other expenses thereof.

Report and plat to be filed, and notice given.

SEC. 15. The report of such Commissioners, and the plat accompanying it, shall be filed with the Clerk of the Board of Supervisors, and thereupon the said Clerk shall give notice of such filing by publication for at least ten days, in one daily

newspaper published and circulated in said county; or if there be no daily paper, by three successive insertions in a weekly or semi-weekly newspaper so published and circulated. Said notice shall require all persons interested to show cause, if any they have, why such report should not be adopted and confirmed by the Board of Supervisors, on or before a day fixed by the Clerk thereof, and stated in said notice; which day shall not be less than thirty days from the last publication thereof. Such notice shall be substantially in the following form:

Notice of the filing of the report of the Board of Commissioners of — Protection District. Form of notice.

Notice is hereby given that the Board of Commissioners of — Protection District did, on the — day of — 189—, file its report of the assessment of benefits and award of damages in said protection district with the Clerk of the Board of Supervisors of — County, which said report is now on file in the office of said Board, in the county court-house, in the city of —, in said county. Said report is hereby made a part hereof, and is hereby referred to for further particulars. All persons interested are hereby required to show cause, if any they have, why such report should not be adopted and confirmed by such Board of Supervisors.

All objections to such adoption of such report shall be in writing and signed by the person objecting, giving post office address, and filed with the Clerk of said Board of Supervisors on or before the — day of —, 189—.

— — —,
Clerk of the Board of Supervisors of — County.

SEC. 16. All objections shall be in writing and filed with the Clerk of the Board of Supervisors, who shall, at the next meeting of the Board (whether an adjourned meeting, a regular monthly meeting, or a special meeting called for that purpose) after the day fixed in the notice to show cause, lay the said objections, if any have been filed, before the said Board, which shall, by order, fix a time for hearing the same, and direct the Clerk to notify the objectors in the manner prescribed in section three hereof. At the time fixed for hearing, or at such other time as the hearing may be adjourned to, the Board of Supervisors shall hear such objections and pass upon the same; and at such time, or if there be no objections, at the first meeting after the day set in such order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct, or modify the same, or may order the Commissioners to make a new assessment, report, and plat, which shall be filed, notice given, and hearing had as in the case of an original report. When such report has been adopted and confirmed, the said Board may, by order entered upon its minutes, discharge such Commissioners, and their authority shall thereupon cease. Objections shall be in writing.

SEC. 17. After said report has been adopted as provided in the preceding section, the Board of Supervisors, if they consider the sum to be raised for the payment of the expenses of such work or improvement too great to be properly expended in one Powers and duties of Board of Supervisors relative to taxes and assessments.

year, or too great to be raised in one year by assessments against the property of such protection district, may, by order entered upon its minutes, provide that any part of such expenses shall be raised or expended in one year, and that such assessments shall continue for a number of years sufficient to raise by assessment, and expend, the total sum required by such report for the work or improvement. When the Board has determined the sum to be assessed for each year, and the number of years that such assessment shall continue, they shall cause the Clerk of the Board of Supervisors to forward to the Tax Collector of the county in which such district is situated, a certified copy of the report, assessment, and plat as adopted and confirmed by the said Board of Supervisors, together with a certified copy of the order of said Board, fixing the sum to be raised by such assessment each year and the number of years such assessment shall continue, and from and after the filing of such certified copy the charges assessed upon each piece of land or improvement thereon for the first year shall become due and payable immediately and shall constitute a lien thereon; and thereafter the assessments for the succeeding years shall become due and payable on the first day of October of each year, and shall, upon becoming due and payable, constitute a lien upon the land or improvements upon which it is assessed. Before such sums become delinquent, the Board of Supervisors shall direct the County Treasurer to transfer from the money then in the General Fund of such county to the fund raised by such assessment, a sum of money to be named in the order, great enough to pay the assessment made against the county for that year for such work and improvements.

Protection
District
Fund.

SEC. 18. All moneys paid upon such assessments, either by property owners or by the county, and moneys received from any source for the benefit of such protection district, shall be, by the County Treasurer, placed in a fund to be called the — Protection District Fund; and all payments of any of the expenses of the work or improvements or other expenses of such district shall be made upon warrants drawn by the County Auditor upon such fund, and paid by such Treasurer.

Duty of
Tax Collec-
tor.

SEC. 19. Upon the filing of such certified copy of such report, assessment plat, and order with the Tax Collector of the county, as prescribed in section eighteen hereof, the County Tax Collector shall give notice, by ten days' publication in a newspaper printed in the county, that the assessment list of — Protection District has been filed in his office, with the date of such filing; that the amounts entered thereon are due and payable; that if not paid on or before the first Monday in January next ensuing, the same will become delinquent and will be collected as are delinquent taxes. He shall note on said assessment list all assessments paid, giving receipts as in the payment of taxes, and shall pay all money collected into the County Treasury at the same time and in the same manner as money collected for taxes is paid into said treasury. All subsequent collections of assessments shall be made in the same manner above set forth, and the Tax Collector shall annually (after the first year),

immediately after the first day of October, publish a notice containing all the statements required to be made as hereinbefore in this section set forth, and the same proceedings shall be had as upon the collection of the first assessment.

SEC. 20. When said assessments have become delinquent the Tax Collector of such county shall proceed to collect such delinquent assessments, with five per cent added thereon, and pay the same, including the five per cent so collected, over to the County Treasurer, in the same manner as State and county taxes are collected and paid over; and for the purpose of collecting such assessments and delinquent assessments all of the provisions of chapter seven, title nine, part three, of the Political Code not in conflict with any of the provisions of this Act are hereby made applicable to the collection of assessments and delinquent assessments in such protection districts.

Delinquent assessments.

SEC. 21. If, at the completion of such work or improvements, there should be, from any cause, a surplus of money left in such Protection District Fund, the Board of Supervisors may ascertain the pro rata amount belonging to each person paying such assessments, and upon the filing of claims for such rebate, properly itemized, shall refund such money to the parties who paid the same; and when all of such money has been refunded, shall, by order, direct the County Treasurer to abolish such Protection District Fund.

Surplus money to be refunded pro rata.

SEC. 22. When sufficient money is in such Protection District Fund to pay for the property taken and damaged, according to the award of damages made in the report adopted by the Board of Supervisors, as provided in section seventeen hereof, the Clerk of the Board of Supervisors shall notify the owner, possessor, or occupant of any land or improvement thereon to whom damages shall have been awarded, that such award has been made, and the amount thereof, and that upon such person filing a claim and tendering a conveyance of any property to be taken, such claim will be allowed and such damages paid. Such notice shall be given by depositing such notice in the post office at the county seat of such county, postage prepaid, addressed to such owner, possessor, or occupant, if his name be known. In case the property is unoccupied, and the name of the owners is unknown, or in case such unoccupied property is set down as belonging to unknown owners for the reasons given in section fourteen hereof, such notice shall be delivered to the Sheriff or to a Constable, who shall serve the same by posting a copy in a conspicuous place upon the property named in said notice, and indorse a certificate of service upon the original notice, and file the same with the Clerk of the Board of Supervisors.

Notice of award of damages.

Notice to unknown owners, how given

SEC. 23. Whenever the Clerk of the Board of Supervisors or other officer is, by this Act, empowered to serve any notice by mailing, a certificate of such mailing, in conformity to the provisions of this Act and filed with the records of such Supervisors, shall be sufficient proof of such service.

Proof of service.

Institution of proceedings to procure right of way.

SEC. 24. If any award of damages is not accepted within fifteen days after the mailing or posting of such notice, it shall be deemed as rejected by the property owner, and thereupon the Board of Supervisors may direct proceedings to procure the right of way to be instituted, in the name of the county, by the District Attorney, under and as provided in title seven, part three, of the Code of Civil Procedure, against all non-accepting property owners; and when thereunder the right of way is procured, the work or improvement must be commenced as herein-after provided. In such suit no informality in the proceedings of the Board of Supervisors, or in the proceedings of the Commissioners, shall vitiate said suit, but the said order of the Board of Supervisors, directing the District Attorney to bring suit, shall be conclusive proof of the regularity thereof; and the said suit shall be determined by the Court or jury in accordance with the rights of the respective parties as shown in Court, independent of said proceedings before said Board of Supervisors or before said Commissioners.

Procedure when right of way is defective.

SEC. 25. If any right of way, attempted to be acquired by virtue of this Act, shall be found to be defective from any cause, the Board of Supervisors may again institute proceedings to acquire the right of way as in this Act provided, or otherwise, or may purchase the same and include the cost thereof in the expenses of such work or improvement.

Work may be done by contract.

SEC. 26. The Board of Supervisors shall determine the amount of work to be done in each year and the place where such work is to be done, and may let a contract for any portion of such work that they may think proper. When the work is let by contract, either as a whole work or for a portion thereof, the Board shall give notice, by publication thereof, not less than ten days, in a newspaper published in such county, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the Board, and that the Board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposal, and how such sealed proposals shall be addressed, which, at the time and place appointed, shall be opened, and, as soon thereafter as convenient, the Board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or they may reject any and all bids and readvertise for proposals. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the Board, payable to said county for the use of such protection district, for double the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the Board of Supervisors.

Bids for construction must be advertised for.

Contents of notice.

Contractor to give a bond.

"Straightening" includes what.

SEC. 27. If, according to the survey and map as adopted by the Board of Supervisors, as provided in section seven hereof, it is necessary, in order to shorten or straighten the course of

any innavigable stream, to dig canals, cut off bends, change the channel or course of such stream, or to turn the water from its present channel into a former but now dry channel, then such work shall be considered as the straightening of the channel and course of such innavigable stream, and all of the provisions of this Act are hereby declared to be applicable to such work.

SEC. 28. If, at any time, in the opinion of the Board of Supervisors, the expenditure of money is absolutely necessary to the welfare of such protection district, and there is no money in the fund of such district to make such necessary expenditure, or the money in such fund is insufficient to make such necessary expenditure, then the Board of Supervisors may advance such money out of the General Fund of the county, and the same shall be a credit to the county as a payment of the assessments against the county to that extent; or if such money advanced shall exceed the assessments against the county, then as soon as there is sufficient money in the fund of such protection district to pay the excess, the Board of Supervisors shall direct the County Treasurer to transfer to the General Fund from the fund of such protection district, a sum great enough to balance the accounts.

Money
may be
advanced
out of the
General
Fund.

SEC. 29. The provisions of this Act shall be liberally construed to promote the objects thereof.

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

CHAPTER CCII.

An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-three, six hundred and thirty-four, six hundred and thirty-five, and six hundred and thirty-six of, and to add nineteen new sections, to be numbered six hundred and twenty-six a, six hundred and twenty-six b, six hundred and twenty-six c, six hundred and twenty-six d, six hundred and twenty-six e, six hundred and twenty-six f, six hundred and twenty-six g, six hundred and twenty-six h, six hundred and twenty-six i, six hundred and twenty-seven, six hundred and twenty-seven a, six hundred and twenty-seven b, six hundred and twenty-seven c, six hundred and twenty-seven d, six hundred and twenty-eight, six hundred and twenty-eight a, six hundred and twenty-nine, six hundred and thirty-two a, six hundred and thirty-two b, to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

[Approved March 27, 1895.]

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 an Act entitled "An Act to establish a Penal Code," approved Feb-

ruary fourteenth, eighteen hundred and seventy-two, is hereby amended to read as follows:

Destruction of quail, robin, duck or rail, when prohibited.

626. Every person who, in the State of California, between the fifteenth day of February and the fifteenth day of October in each year, shall hunt, pursue, take, kill, or destroy, or have in his possession, whether taken in the State of California, or shipped into the State from any other State, Territory, or foreign country, except for purposes of propagation, any valley quail, bob-white, partridge, robin, or any kind of wild duck or rail, shall be guilty of a misdemeanor; *provided*, that the right to have in possession for the purposes of propagation shall first be obtained, by permit, in writing, from the Game Warden of the county wherein said birds are to be caught.

SEC. 2. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-six *a*, to read as follows:

Mountain quail or grouse.

626*a*. Every person who, in the State of California, between the fifteenth day of February and the fifteenth day of August in each year, shall hunt, pursue, take, kill, or destroy, or have in his possession, whether taken or killed in the State of California, or shipped into the State from any other State, Territory, or foreign country, except for purposes of propagation, any mountain quail, or grouse, shall be guilty of a misdemeanor; *provided*, that the right to have in possession for the purposes of propagation shall first be obtained, by permit, in writing, from the Game Warden of the county wherein said birds are to be caught. Every person who, in the State of California, shall take, gather, or destroy the eggs of any quail, bob-white, partridge, pheasant, grouse, dove, or robin, or any kind of wild duck, shall be guilty of a misdemeanor.

Destruction of eggs a misdemeanor.

SEC. 3. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-six *b*, to read as follows:

Doves.

626*b*. Every person who, in the State of California, between the fifteenth day of February and the first day of July in each year, shall hunt, pursue, take, kill, or destroy, or have in his possession any dove or doves, shall be guilty of a misdemeanor.

SEC. 4. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-six *c*, to read as follows:

Male deer.

626*c*. Every person who, in the State of California, shall hunt, pursue, take, kill, or destroy any male deer, between the fifteenth day of October and the fifteenth day of July of the following year, shall be guilty of a misdemeanor.

SEC. 5. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-six *d*, to read as follows:

Female deer, spotted fawn, elk, etc.

626*d*. Every person who, in the State of California, shall at any time hunt, pursue, take, kill, or destroy any female deer, or spotted fawn, or any antelope, elk, or mountain sheep, shall be guilty of a misdemeanor.

SEC. 6. A new section is hereby added to said Penal Code,

to be numbered section six hundred and twenty-six *e*, to read as follows:

626*e*. Every person who, in the State of California, shall at any time buy, sell, or offer for sale the hide or meat of any deer, elk, antelope, or mountain sheep, whether taken or killed in the State of California, or shipped into the State from any other State or Territory, shall be guilty of a misdemeanor; *provided*, that nothing in this section shall be held to apply to the hide of any of said animals taken or killed in Alaska, or any foreign country.

Sale of hides and meat prohibited.

SEC. 7. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-six *f*, to read as follows:

626*f*. Every person who shall buy, sell, offer, or expose for sale, transport, or carry, or have in his possession the skin, hide, or pelt of any deer from which the evidence of sex has been removed, shall be guilty of a misdemeanor.

Sale or transportation prohibited.

SEC. 8. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-six *g*, to read as follows:

626*g*. Every person who, in the State of California, shall, within the three years next after the passage of this Act, hunt, pursue, take, kill, or destroy, or have in his possession, except for the purposes of propagation, any pheasant, shall be guilty of a misdemeanor.

Pheasants protected for three years.

SEC. 9. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-six *h*, to read as follows:

626*h*. 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 buy, sell, expose, or offer for sale, or give away, or have in his possession, in this State, any quail, bob-white, partridge, pheasant, grouse, dove, or wild duck, during the time it shall be unlawful to kill such birds, whether taken or killed in the State of California, or shipped into the State from any other State, Territory, or foreign country, shall be guilty of a misdemeanor.

Having game in possession during close season, a misdemeanor.

SEC. 10. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-six *i*, to read as follows:

626*i*. Every cold-storage company, and every person keeping a cold-storage warehouse, tavern, hotel, restaurant, or eating-house, and every marketman or other person, who shall buy, sell, expose, or offer for sale, in this State, any quail, bob-white, partridge, grouse, dove, or wild duck, whether taken or killed in the State of California, or shipped into the State from any other State, Territory, or foreign country, except between the fifteenth day of November and the fifteenth day of January of the following year, shall be guilty of a misdemeanor.

Same.

SEC. 11. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-seven, to read as follows:

Shotguns
of larger
than No. 10
gauge.

627. Every person who shall use a shotgun of a larger caliber than that commonly known and designated as a number ten gauge, shall be guilty of a misdemeanor. The proof of the possession of said gun in the field, on marsh, bay, lake, or stream, shall be *prima facie* evidence of its illegal use.

SEC. 12. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-seven *a*, to read as follows:

Shooting
upon
posted
land, ex-
cept salt
marsh
land.

627*a*. Every person who, upon any inclosed or cultivated grounds, which are private property, and where signs are displayed forbidding such shooting, except salt water marsh land, shall shoot any quail, bob-white, pheasant, partridge, grouse, dove, deer, or wild duck, without permission first obtained from the owner or person in possession of such grounds, or who shall maliciously tear down, mutilate, or destroy any sign, signboard, or other notice forbidding shooting on private property, shall be guilty of a misdemeanor.

SEC. 13. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-seven *b*, to read as follows:

Transpor-
tation of
game or
skins out
of State, a
misde-
meanor.

627*b*. Every railroad company, express company, transportation company, or other common carrier, their officers, agents, and servants, and every other person, who shall transport, carry, or take out of this State, or shall receive for the purpose of transporting from the State, any deer, deer skin, buck, doe, or fawn, or any quail, partridge, pheasant, grouse, prairie chicken, dove, or wild duck, except for purposes of propagation, or who shall transport, carry, or take from the State, or receive for the purpose of transporting from this State, any such animal or bird, shall be guilty of a misdemeanor; *provided*, that the right to transport for the purposes of propagation shall first be obtained by permit, in writing, from the Board of Fish Commissioners of the State of California.

SEC. 14. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-seven *c*, to read as follows:

Protection
to song
birds and
their nests.

627*c*. Every person who, in the State of California, shall at any time hunt, shoot, shoot at, take, kill, or destroy, buy, sell, give away, or have in his possession, except for the purpose of propagation, or for educational or scientific purposes, any English sky-lark, canary, California oriole, humming-bird, thrush, or mocking-bird, or any part of the skin, skins, or plumage thereof, or who shall rob the nests, or take or destroy the eggs, of any of the said birds, shall be guilty of a misdemeanor.

SEC. 15. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-seven *d*, to read as follows:

Penalties.

627*d*. Any person found guilty of a violation of any of the provisions of the foregoing sections of this chapter 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. All moneys so collected shall be paid into the General Fund of the county in which the conviction is had. It shall be no defense to a prosecution under this section, or for the violation of any provision of the law for the protection or preservation of fish or game, that the fish or game was caught or killed outside of this State.

SEC. 16. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-eight, to read as follows:

628. Every person who takes or catches, buys, sells, or has in his possession any striped bass of less than three pounds in weight, is guilty of a misdemeanor. Every person who, at any time, buys, sells, offers or exposes for sale, or has in his possession any sturgeon less than three feet in length is guilty of a misdemeanor. Every person who, at any time between the first day of April and the first day of September of each year, takes or catches, buys, sells, or has in his possession any fresh sturgeon is guilty of a misdemeanor. Any person found guilty of a violation of any of the provisions of this section shall be fined in a sum not less than fifty dollars or be imprisoned in the county jail in the county in which the conviction shall be had not less than fifty days, or be punished by both such fine and imprisonment. It shall be no defense in the prosecution for a violation of the provisions of this section that the sturgeon sold or possessed were caught outside of this State. Every person who, between the first day of January and the first day of July, takes or catches, buys, sells, or has in his possession any black bass is guilty of a misdemeanor.

SEC. 17. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-eight *a*, to read as follows:

628*a*. Every person who, in the State of California, shall take, catch, or kill, or sells, exposes or offers for sale, or has in his possession any lobster or crawfish, between the fifteenth day of May and the fifteenth day of July of each year, shall be guilty of a misdemeanor. Every person who, in the State of California, shall at any time buy, sell, barter, exchange, offer, expose for sale, or have in his possession any lobster or crawfish of less than one pound in weight, shall be guilty of a misdemeanor. It shall be no defense in a prosecution for a violation of the provisions of this section that the lobsters or crawfish sold or possessed were caught outside of this State.

SEC. 18. A new section is hereby added to said Penal Code, to be numbered section six hundred and twenty-nine, to read as follows:

629. Any person or persons, corporation or corporations, owning, in whole or in part, or leasing, operating, or having in charge, any mill race, irrigating ditch, or canal, taking or receiving its waters from any river, creek, stream, or lake in which fish have been placed or may exist, shall put, or cause to be placed and maintain over the inlet of said ditch, canal, or mill race, a wire screen of such construction and fineness, strength and quality, as shall prevent any such fish from

entering such ditch, canal, or mill race, when required to do so by the Fish Commissioners. Any person or corporation violating the provisions of this section, or who shall neglect or refuse to put up or maintain such screen, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and may be imprisoned at the rate of two dollars per day until such fine be paid or satisfied; *provided*, that the continuance from day to day of the neglect or refusal, after notification in writing by the Fish Commissioners, shall constitute a separate offense.

SEC. 19. Section six hundred and thirty-one of the same Act is hereby amended to read as follows:

Netting
and trap-
ping of
quail, par-
tridge, or
grouse,
prohibited.

631. Every person who shall, at any time, net or pound, cage or trap, 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 by means of any net or pound, cage or trap, whether taken in the State of California, or shipped into the State from any other State, Territory, or foreign country, is guilty of a misdemeanor; *provided*, the same may be taken for the purposes of propagation, written permission having been first obtained from the Game Warden of the county wherein said birds are to be taken. 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 net or pound.

SEC. 20. Section six hundred and thirty-two of the same Act is hereby amended to read as follows:

Trout to be
taken only
by hook
and line.

632. Every person who, in the State of California, at any time takes or catches any trout, except with hook and line, is guilty of a misdemeanor.

SEC. 21. A new section is hereby added to said Penal Code, to be numbered section six hundred and thirty-two *a*, to read as follows:

Explo-
sives, use
of, pro-
hibited.

632*a*. Any person who shall place, or cause to be placed, in any of the waters of the State, dynamite, gunpowder, or other explosive compound, for the purpose of killing or taking fish, or who shall at any time take, procure, kill, or destroy any fish of any kind by means of explosives, shall be guilty of a misdemeanor. Every person found guilty of a violation of any of the provisions of this section shall be fined in a sum not less than one hundred dollars, or be imprisoned in the county jail in the county in which the conviction shall be had not less than one hundred days, or be punished by both such fine and imprisonment.

SEC. 22. A new section is hereby added to said Penal Code, to be numbered six hundred and thirty-two *b*, to read as follows:

632b. Every person who shall at any time, except with hook and line, take or catch fish of any kind, from any river or stream within the State of California, upon which a United States fish hatchery is in operation, shall be guilty of a misdemeanor.

Only hook and line to be used in streams where U. S. hatchery is located.

SEC. 23. Section six hundred and thirty-three of the same Act is hereby amended to read as follows:

633. Every person who takes, catches, or kills, or exposes for sale, or has in his possession, any speckled trout, brook or salmon trout, or any variety of trout, between the first day of November and the first day of April in the following year, is guilty of a misdemeanor; *provided, however,* that steel-head trout may be possessed at any time, when taken with rod and line in tide water. Every person who buys or sells, or offers or exposes for sale, within this State, any kind of trout less than six inches in length, is guilty of a misdemeanor.

Trout, close season for.

Steel-head excepted.

SEC. 24. Section six hundred and thirty-four of the same Act is hereby amended to read as follows:

634. Every person who, between the thirty-first day of August and the first day of November of each year, takes or catches, buys, sells, offers or exposes for sale, or has in his possession any fresh salmon, is guilty of a misdemeanor. Every person who shall set or draw, or assist in setting or drawing, any net or seine for the purpose of taking or catching salmon, shad, or striped bass in any of the public waters of this State, at any time between sunrise of each Saturday and sunset of the following Sunday, is guilty of a misdemeanor. Every person who shall, for the purpose of catching shad, salmon, or striped bass in any of the public waters of this State, fish with or use any seine or net, drag net or paranzella, the meshes of which are, when drawn closely together and measured inside the knot, less than seven and one half inches in length, is guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars, or in default, not less than one hundred days in the county jail. All moneys collected for fines for the violation of any of the provisions of this chapter shall be paid into the General Fund of the county in which the conviction is had.

Salmon, close season.

Nets; size of meshes.

SEC. 25. Section six hundred and thirty-five of the same Act is hereby amended to read as follows:

635. Every person who places or allows to pass into any of the waters of this State any lime, gas, tar, cocculus indicus, sawdust, shavings, slabs, edgings, mill or factory refuse, or any substance deleterious to fish, is guilty of a misdemeanor. Every person who shall catch, take, or carry away any trout or other fish from any stream, pond, or reservoir, belonging to any person or corporation, without the consent of the owner thereof, which stream, pond, or reservoir has been stocked with fish by hatching therein eggs or spawn, or by placing the same therein, is guilty of a misdemeanor. Any person found guilty of a violation of any of the provisions of this section shall be fined in a sum not less than one hundred dollars, or be imprisoned in the county jail in the county in which the conviction

Pollution of streams by poisonous refuse, etc., a misdemeanor.

Fishing in private pond, without consent.

Penalty.

shall be had not less than fifty days, or be punished by both such fine and imprisonment.

SEC. 26. Section six hundred and thirty-six of the same Act is hereby amended to read as follows:

Nets, traps,
or other
permanent
contrivance pro-
hibited.

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. Any net shall be considered a set-net when fastened in any way to a fixed or stationary object. 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 "Chinese shrimp or bag-nets," or nets of similar character, for the catching of fish in the waters of this State, is guilty of a misdemeanor. Every person who shall cast, extend, set, use, or continue, or have in his possession, or who shall assist in casting, extending, using, or continuing "Chinese sturgeon lines," or lines of similar character, is guilty of a misdemeanor. Every person who, by seine or 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. Any person found guilty of a violation of any of the provisions of this section shall be fined in a sum not less than one hundred dollars, or be imprisoned in the county jail in the county in which the conviction shall be had not less than one hundred days, or be punished by both such fine and imprisonment. Nothing in this chapter shall prohibit the United States Fish Commissioners, or the Fish Commissioners of the State, from taking such fish as they deem necessary for the purpose of artificial hatching at all times.

Young fish
of all
species to
be pre-
served and
returned
alive.

SEC. 27. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 28. This Act shall take effect from and after its passage.

CHAPTER CCIII.

An Act to create a Bureau of Highways, and prescribe its duties and powers, and to make an appropriation for its expenses.

[Approved March 27, 1895.]

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 three competent persons to compose a Bureau of Highways, who shall hold office for two years from the date of their qualifying. The persons so appointed shall be selected with particular reference to their qualifications for the duties devolving on them. They shall not be actively engaged in any other pursuit while serving as such Commissioners, and shall devote their entire time to the services of the Bureau of Highways. In case of a vacancy occurring on the said Bureau, the Governor shall, within ten days, appoint a person of proper qualifications to fill such vacancy.

Bureau of Highways created.

Qualifications.

Vacancy.

SEC. 2. The members of the Bureau of Highways, before entering on the duties of their office, must execute an official bond in the sum of five thousand dollars, and take the oath of office as prescribed in the Political Code for the State officers in general.

Bond.

SEC. 3. Among the duties of the Bureau of Highways shall be to gather from each county in the State statistics showing the total mileage of highways, their condition of improvement, the condition of the titles to the right of way, the method of obtaining title and of keeping the records thereof, the method of procedure in granting, closing, and altering roads, and the manner of preserving the records of the same, the manner in which roads are constructed and maintained, the manner of payment for the construction and maintenance of roads, the manner in which the accounts pertaining to the same are kept, the manner in which the money for highway purposes is raised, the amount expended in the past ten years for highway purposes, with the rate of taxation on one hundred dollars that is apportioned to the Road Fund. It shall inquire into the topographical and geological features of each county, and more particularly with reference to the accessibility of water for road-sprinkling purposes, and stone quarries, deposits of gravel, bituminous rock, sand, adobe, or any other materials suitable for road-making purposes. It shall ascertain all laws, now in force in this State, appertaining to the highways, and shall segregate all such as in the judgment of the members of the Bureau are ineffective or obsolete from such as are effective. Inquiry shall be made into what laws and methods are in use in other States in regard to road matters, and an abstract shall be made of such as are best adapted to the State of California. It shall prepare such cross-sections of roads, plans for draining or watering of roads, and for culverts, small bridges, and road

Duties of Bureau.

Duties relative to laws pertaining to roads and highways.

- appliances as may be deemed expedient. It shall prepare such blank forms as may be necessary to systemize all Acts pertaining to the highways, and shall furthermore make any other inquiries in matters regarding highway improvement as will be of interest or benefit to the objects of the said Bureau. Information and advice shall be furnished by the Bureau of Highways, on matters connected with highway improvement and kindred subjects, at any and all times, to all county officials, or others connected with the highways, who may apply for the same, and any and all such information and advice shall be furnished free of charge. It shall receive orders for road material, to be prepared at the State Prisons, and shall forward the same to the governing body of the prisons, and in case the orders exceed the rate of supply, shall make an equitable distribution of the product.
- Information and advice.** **SEC. 4.** One or more members of the Bureau of Highways shall visit each county in the State at least once in each year, and shall hold therein a public meeting, at which there shall be an open discussion of all matters relating to highways or highway improvement.
- Orders for material.** **SEC. 5.** The Bureau of Highways shall have power to call on the Clerk of the Board of Supervisors, Surveyor, Auditor, or any other official, for such assistance as may be necessary for gathering the information it may desire. It may take testimony of any persons deemed necessary, in relation to matters pertaining to highways, and shall, in doing so, follow the methods set forth in an Act entitled "An Act creating a Board of Bank Commissioners."
- Public meetings.** **SEC. 6.** The members of the Bureau of Highways shall each receive a salary of three thousand dollars per annum, which shall be audited by the State Controller, and paid by the State Treasurer, in the same manner as are salaries of other State officials.
- Power to call for assistance.** **SEC. 7.** Within ten days after the appointment of the members of the Bureau of Highways, they shall assemble at the office of the Surveyor-General at the State Capitol, in the city of Sacramento, and shall be called to order by that official, and shall forthwith elect a Chairman from among their number, who shall preside at all the meetings of said Bureau of Highways, and exercise the duties usually devolving upon a presiding officer.
- Salary.** **SEC. 8.** The office of the Bureau of Highways shall be located in the State Capitol building, in the city of Sacramento. The Secretary of State is hereby directed to provide said Bureau of Highways with a room suitably furnished for that purpose. The office before named shall be the office of the Bureau of Highways, but the members thereof shall visit such portions of the State and at such times as they may deem advisable or the duties devolving on them may require.
- Organiza- tion of Bureau.** **SEC. 9.** The Bureau of Highways shall have the power to employ such clerical, expert, or other assistance as may be necessary for the purpose of conducting the affairs of its office, subject to the approval of the State Board of Examiners. The
- Location of office.**
- Power to employ clerical and expert assistance.**

members of the Bureau of Highways, or any employé thereof, shall be allowed their actually necessary traveling expenses when in the discharge of their duty. The Bureau of Highways shall be allowed all necessary supplies and conveniences for the purpose of conducting the affairs of its office. All claims against the State, contracted by the Bureau of Highways, shall, before payment, be examined, audited, and approved by the Board of Examiners. Traveling expenses.

SEC. 10. The Bureau of Highways shall have a seal, which shall be affixed to all necessary papers and documents in the usual manner. It shall also cause to be kept proper books, as records of all acts done by it under the provisions of this Act. Seal, etc.

SEC. 11. It shall be the duty of the State Mineralogist to furnish the Bureau of Highways such data and information as it may call for. Data.

SEC. 12. It shall be the duty of the Attorney-General to advise the Bureau of Highways on all legal matters, when requested to do so. Legal advice.

SEC. 13. It shall be the duty of the Bureau of Highways to prepare a report, which shall be submitted to the Governor, in the manner and at the time prescribed by law for the submission of such reports. Said report shall embrace the work and investigation of the Bureau for the previous two years, with recommendations that will be useful in framing a practicable road law, together with such information as will be useful in the improvement of the highways. There shall also be published from time to time, as may be deemed advisable by the Bureau, bulletins containing useful recommendations and instructions regarding highway construction, maintenance, and kindred subjects. Shall report to Governor.
Bulletins.

SEC. 14. It shall be the duty of the State Printer, upon proper order from the Board of Examiners, to print the report of the Bureau of Highways, together with such bulletins as it may desire to publish, and the distribution shall be made under proper order from the Board of Examiners. State Printer.

SEC. 15. The Bureau of Highways shall, upon the expiration of its existence, which shall be two years after its organization, deliver to the State Controller, all property, books, reports, and papers of every description pertaining to its office. To exist two years.

SEC. 16. The sum of thirty-one thousand dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the expenses of the said Bureau, and the State Controller is hereby directed to draw his warrant for the same from time to time, as necessary, and the State Treasurer is hereby directed to pay the same. Said appropriation shall cover all the expenses of the Bureau of Highways, and in no case shall an indebtedness over and above the amount so appropriated be created or allowed. One half of the appropriation herein made shall be available during the forty-seventh fiscal year, and the other half during the forty-eighth fiscal year. Appropriation.

SEC. 17. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 18. This Act shall take effect and be in force from and after its passage and approval.

CHAPTER CCIV.

An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending section eight hundred and fifty-one thereof, relative to the officers of municipal incorporations of the sixth class.

[Approved March 27, 1895.]

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

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

Officers:

Municipal
corpora-
tions of
sixth class,
govern-
ment of.

Section 851. The government of such city or town shall be vested in a Board of Trustees, to consist of five members; a Clerk, who shall be ex officio Assessor; a Treasurer; a Marshal, who shall be ex officio Tax and License Collector; a Recorder, to be appointed by the Board of Trustees; and such subordinate officers as are hereinafter provided for.

This Act shall take effect from and after its passage.

CHAPTER CCV.

An Act making an appropriation for the support of the Southern California State Asylum for the Insane and Inebriates for the remainder of the forty-sixth fiscal year.

[Approved March 27, 1895.]

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

Appropriation sup-
port South-
ern Cali-
fornia In-
sane
Asylum.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be paid to the Board of Trustees of the Southern California State Asylum for the Insane and Inebriates, to be expended by them for the support of said asylum for the remainder of the forty-sixth fiscal year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCVI.

An Act authorizing the payment of salaries by Boards of Supervisors to persons who have been employed to collect county licenses, and legalizing all payments heretofore made to such persons.

[Approved March 27, 1895.]

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

SECTION 1. That the Board of Supervisors of any county in which such Board has appointed persons to collect the county license, are hereby empowered and directed to pay to any person so appointed, and who have actually performed services in collecting such licenses, the amount agreed upon as compensation for such services at the time of such appointment; *provided*, that no such payment shall be made for services rendered after the passage of this Act.

Boards of Supervisors authorized to pay for license collections.

SEC. 2. All acts of such Board in making such appointment and payment made by them for services heretofore rendered in the collection of such licenses, are hereby approved and legalized.

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

CHAPTER CCVII.

An Act to establish the fees of county, township, and other officers, and of jurors and witnesses, in this State.

[Approved March 28, 1895.]

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

SECTION 1. The following county, township, and other officers shall charge and collect the following fees:

COUNTY CLERK.

On the commencement of any action or proceeding in the Superior Court, except probate proceedings, or on an appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars.

County Clerk's fees.

On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner; *provided*, that at the time of filing the inventory and appraisal in any such proceeding there shall be an additional deposit of one dollar for each additional thousand dollars of the appraised valuation, in excess of three thousand dollars.

County
Clerk's
fees.

On filing the petition to contest any will or codicil, three 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.

On placing any action, excepting a probate proceeding or default case, on the calendar for trial or hearing, to be paid by the party at whose request such action or proceeding is so placed, two dollars.

For every additional defendant appearing separately, one dollar.

The foregoing fees shall be in full for all services rendered by such Clerk in the cause, to and including the making up of the judgment roll.

On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing 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, two dollars.

For issuing an execution or order of sale in any action, one dollar.

In all proceedings begun or acts performed prior to this Act becoming a law, such fees and charges as were provided by law at the time such proceedings were begun or acts performed.

The Clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the Clerk relating to any civil action pending in said Court, when 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 marriage license, one half to be paid to the County Recorder, two dollars.

For filing and indexing articles of incorporation, one dollar.

For filing and indexing certificates of co-partnership, one dollar.

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, and one cent per folio for comparing the said copy with the original.

For making satisfaction of or credit on judgment, twenty-five cents. County Clerk's fees.

For receiving and filing remittitur from Supreme Court, fifty cents.

For administering each oath, without certificate, except in a pending action or proceeding, ten cents.

For taking any affidavit, except in criminal cases, twenty-five cents.

For taking and approving each undertaking, and the justification thereof, except in criminal cases, 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, twenty-five cents.

SHERIFF.

For serving any process, writ, order, or paper, except as hereinafter provided, required by law to be served by the Sheriff, fifty cents. Sheriff's fees.

For serving a writ of 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 a 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, exclusive of cost of publication, or furnishing notice for publication, each, fifty cents.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the Court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, 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, ten 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, when such travel can be made by rail; in other cases, twenty-five cents. No constructive mileage to be allowed. Mileage.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one half of one per cent on all sums over one thousand dollars.

Sheriff's fees. For executing and delivering Sheriff's deed, one dollar and fifty cents.

For executing and delivering certificate of sale, fifty cents.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, ten cents per folio.

RECORDER.

Recorder's fees. 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, twenty 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 where the same is copied in a book of record, for each course, ten cents.

For recording each map or plat where the same is not copied in a book of record, fifty cents.

For figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for 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, fifty 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.

Clerk, Sheriff, and Recorder to account for fees. The Clerk, Sheriff, and Recorder shall account for all fees in this section provided for, and the Clerk, Sheriff, and Recorder, unless otherwise provided by law, shall pay the same to the County Treasurer on the first Monday of the month following their collection, as provided in this Act.

CONSTABLES AND MARSHALS.

Constable's and Marshal's fees. For serving summons and complaint, for each defendant served, fifty 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 subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint, or subpoenas, for each person served, fifty cents.

For writing and posting each notice of sale of property, twenty-five cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, 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 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 only, 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 necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, five cents; *provided*, that no mileage shall be charged for a warrant of arrest or criminal process served outside of his township, except such service be approved 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; *provided*, that in criminal cases he shall not receive more than one hundred dollars in any one month, and not more than one thousand dollars in any one year.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into Court, one dollar.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to the county jail, the actual cost of such transportation.

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

Constable's and Marshal's fees.

Mileage.

Supervisors may reject.

in which the District Attorney has not, in writing, approved the issuance of the warrant of arrest.

Fees in
advance.

County officers must, and township officers may, demand the payment of all fees in civil cases, in advance.

JUSTICES OF THE PEACE.

Fees of
Justices of
the Peace.

Justices of the Peace may, for their own use, collect the following fees, and no others:

Each Justice of the Peace shall be allowed, in a civil action before him, for all services to be performed by him before trial, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars; *provided, however,* that no more than the sum of seventy-five dollars in any one month shall be allowed out of the County Treasury, in misdemeanor cases, to any one Justice.

For taking bail after commitment by another magistrate, fifty cents.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten 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 an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

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 all services connected with the posting of estrays, one dollar.

In cases before the Justice 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 one dollar; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

When act-
ing as Cor-
oner.

For performing the duties of Coroner, when the Coroner fails to act, the same fees and mileage as are allowed the Coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued not otherwise herein provided for, twenty-five cents.

For administering oath or affirmation not otherwise herein provided for, ten cents.

For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

19. Jurors' and witness' fees shall be as follows:

JURORS' FEES.

For attending as a grand juror or juror in the Superior Court, for each day's attendance, per day, two dollars. Jurors' fees.

For attending Justice's Court, for each juror sworn to try the cause, per day, in civil cases only, two dollars.

For each mile actually traveled in attending Court as a juror, except in criminal cases in Justice's Court, for which no allowance shall be made, in going only, per mile, fifteen cents.

WITNESS' FEES.

For each day's actual attendance, when legally required to attend upon the Superior Court, per day, two dollars in civil cases, and one dollar and fifty cents in criminal cases. Witness' fees.

Mileage actually traveled, one way only, per mile, ten cents; *provided, however,* that in criminal cases, such per diem and mileage shall only be allowed upon a showing to the Court, by the witness, that the same are necessary for the expenses of the witness in attending, and the Court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

For each day's attendance upon Justice Court, in civil cases only, when legally required to attend, per day, one dollar.

For each mile actually traveled, in civil cases only, in Justice's Court, in going only, ten cents.

Witnesses in civil cases may demand the payment of their mileage and fees for one day in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

CORONER.

Coroners may, for their own use, collect the following fees, Coroner's fees. and no others:

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. Mileage.

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.

PUBLIC ADMINISTRATOR.

Public
Adminis-
trator's
fees.

The Public Administrator shall charge and collect such fees as are now or may hereafter be allowed by law.

COUNTY SURVEYOR.

County
Surveyor's
fees.

The County Surveyor shall charge and collect such fees as are now or may hereafter be allowed by law.

No fees for
issuing
citizenship
papers.

SEC. 2. No fees or other compensation shall be paid for certificate of declaration to become a citizen of the United States, and for making a record thereof, or for issuing a certificate of citizenship to become a citizen of the United States, or for making a record thereof; and no fees or other compensation shall be paid for filing the statement and affidavit of a committee or candidate voted for at any public election held within the State; and this section shall apply to all the counties in this State.

No fees for
filing can-
didate's
affidavit.

SEC. 3. All Acts or portions of Acts inconsistent herewith are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCVIII.

An Act providing for the erection and operation of rock-crushing plants at the State Prisons, for the preparation of highway material for the benefit of the people of the State, and providing for the necessary advances and appropriation of money to carry out said work.

[Approved March 28, 1895.]

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

Rock-
crushing
plants may
be estab-
lished.

SECTION 1. The Governor of the State, the State Prison Directors, and the Bureau of Highways (or if the latter shall not be established, then and in that case the two first named) shall, when satisfied that fifty thousand cubic yards of prepared road or highway metal, as hereinafter described, will be taken for highway purposes, purchase, establish, and operate at one or both of the State Prisons, a rock or stone crushing plant, to be operated by convict labor and by the application of power under control of the State Prison Directors, and with such free labor as is necessary for superintendence and direction, to crush rock or stone into road metal for highway purposes, of different and necessary degrees of fineness; *provided*, that the authority and direction hereby and herein conferred and given, shall not be exercised or employed until the Governor and the State Prison Directors are satisfied that transportation can be had for such highway metal for highway purposes at just and

reasonable rates, and so as to justify the setting up and operation herein provided for of said plant.

SEC. 2. When such plant described in section one is set up and operated there shall be taken into account in ascertaining the cost of producing highway metal therefrom, only the cost of necessary explosives, oil, fuel, tools, and machinery exclusive of the plant itself, repairs, superintendence, and direction, and the preparation and maintenance of beds, boxes, crates, or other unloading devices for carriage and delivery from cars of said highway metal.

Cost of product, how to be estimated.

SEC. 3. To said cost of production so ascertained, as set out in section two, there shall be added for and to each and every cubic yard of highway metal so produced, ten per cent, and the result or product of such addition shall be the sale price of such metal delivered from the plant free on board of the cars or other vehicles of transportation.

Sale price, to be.

SEC. 4. Said ten per cent shall, as realized, and not less frequently than semi-annually, be paid into the State Treasury, until there shall have been paid in the full sum of twenty-five thousand dollars, and thereafter said percentage shall be reduced to five per cent, and the same, as realized, shall be paid into the fund for the support of the State Prisons.

Profit to be paid into State Treasury.

SEC. 5. The State Prison Directors are hereby authorized to lease railroad cars with equipment suitable for the rapid and economical handling and delivery of highway material prepared as aforesaid, whenever in their judgment the interests of the people of the State will be conserved thereby in the matter of highway construction by the use of such highway metal so produced, as in this Act provided. The cost of such leasing shall in such case be carried into the cost of production described in section two.

Prison Directors may lease railroad cars.

SEC. 6. The sum of thirty thousand dollars is hereby advanced by the State, for the purposes of this Act, and said sum is hereby appropriated out of the General Fund of the Treasury, subject to the demand of the State Prison Directors; and the State Controller shall, on presentation of such demand, in writing, draw his warrant upon the Treasurer for the said sum of money in behalf of said State Prison Directors, and the State Treasurer shall, on presentation of such warrant, pay the same. Twenty-five thousand dollars of said sum of money so advanced and appropriated shall be returned to the fund from which drawn, as is specified and directed in this Act.

Appropriation.

SEC. 7. The sum of five thousand dollars is hereby set apart out of the money so appropriated in the previous section, to and for the usage of the State Prison Directors, to provide and maintain a permanent revolving fund for the purchase of tools, machinery, and other material and appliances, exclusive of the establishment of the plant described in this Act, to be used in the process of crushing and handling rock or stone at the State Prisons for the purposes contemplated and set out in this Act. All money taken from said revolving fund shall be used exclusively in payment for such supplemental machinery, tools, material, and appliances necessary to the proper quarry-

Revolving fund.

ing, handling, and preparing of highway material at said State Prisons; and so much of the money received for sale of highway metal as shall be necessary to that end shall be returned to said revolving fund as is needed to keep the same constantly at the said figure of five thousand dollars.

SEC. 8. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAPTER CCIX.

An Act to provide for certain improvements and repairs at the Folsom State Prison, and making an appropriation therefor.

[Approved March 28, 1895.]

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

Appropriation for repairs at Folsom Prison.

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of twenty thousand dollars, to be paid to the State Board of Prison Directors, and to be expended by them at the Folsom State Prison, for the following improvements, viz.: For the completion and furnishing of the convict dining-room and kitchen, and officers' and guards' quarters; for the erection of a barn; for putting in a cold-storage room and the erection of an ice warehouse, and other expenses incidental thereto.

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

SEC. 3. All bills of materials for such improvements and repairs shall be first audited by the Board of Directors and approved by the State Board of Examiners before being paid.

SEC. 4. This Act shall take effect and be in force from and after January first, eighteen hundred and ninety-six.

CHAPTER CCX.

An Act to pay the claim of Cornelius Lynch against the State of California, and to appropriate money therefor.

[Approved March 28, 1895.]

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

SECTION 1. The sum of two thousand five hundred dollars is hereby appropriated out of any moneys in the Treasury of the State of California not otherwise appropriated, to pay the claim of Cornelius Lynch; and the Controller of State is hereby directed to draw his warrant for said amount, and the Treasurer of State is hereby authorized to pay the same. Appropriation to pay claim of Cornelius Lynch.

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

CHAPTER CCXI.

An Act appropriating the sum of six thousand (6,000) dollars for tiling the first floor of the State Capitol.

[Approved March 28, 1895.]

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

SECTION 1. The sum of six thousand (6,000) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be expended by the Secretary of State in tiling the first floor of the State Capitol. Appropriation to pay for tiling Capitol floor.

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

SEC. 3. This Act shall take effect from and after January first, eighteen hundred and ninety-six.

CHAPTER CCXII.

An Act authorizing the State Capitol Commissioners to improve certain streets in the city of Sacramento, to wit: L Street from the east line of Tenth Street to the west line of Fifteenth Street, and Fifteenth Street from the north line of L Street to the south line of N Street, and N Street from the east line of Tenth Street to the west line of Fifteenth Street; also, to reconstruct Tenth Street from the center line of L Street to the center line of N Street, and to appropriate money therefor.

[Approved March 23, 1895.]

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

Capitol
Commis-
sioners to
improve
certain
streets.

SECTION 1. The State Capitol Commissioners are hereby authorized and empowered to improve, in connection with the city of Sacramento, under the provisions of a general law of this State 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 Acts supplementary thereto and amendatory thereof, and to pay the proportion of the costs thereof chargeable against the State, the following streets in the city of Sacramento and surrounding the State Capitol grounds and buildings, to wit: L Street from the east line of Tenth Street to the west line of Fifteenth Street, Fifteenth Street from the north line of L Street to the south line of N Street, N Street from the east line of Tenth Street to the west line of Fifteenth Street; the said streets to be improved by removing cobbles and gravel, grading, and laying a street-way of concrete. Also, said State Capitol Commissioners are hereby authorized and empowered to cause to be reconstructed Tenth Street from the center line of L Street to the center line of N Street.

Appropriation.

SEC. 2. The sum of thirty-three thousand seven dollars and forty cents (\$33,007 40) is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, for the purposes provided in section one of this Act.

SEC. 3. The State Controller is hereby directed to issue a warrant, payable out of the General Fund of the State Treasury, for said sum of thirty-three thousand seven dollars and forty cents (\$33,007 40), in favor of the State Capitol Commissioners, who shall pay out so much of said sum as may be necessary for paying for the State's said proportion of the expense of 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.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCXIII.

An Act to amend the Penal Code by adding a new section, to be known as section ten hundred and eighty-nine of the Penal Code of the State of California, relating to alternate jurors.

[Approved March 28, 1895.]

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

SECTION 1. The Penal Code of the State of California is hereby amended by adding a new section thereto, to be known as section ten hundred and eighty-nine, to read as follows:

1089. Whenever, in the opinion of a Judge of a Superior Court about to try a defendant against whom has been filed any indictment or information for a felony, the trial is likely to be a protracted one, the Court may cause an entry to that effect to be made in the minutes of the Court, and thereupon, immediately after the jury is impaneled and sworn, the Court may direct the calling of one or two additional jurors, in its discretion, to be known as "Alternate Jurors." Such jurors must be drawn from the same source, and in the same manner, and have the same qualifications as the jurors already sworn, and be subject to the same examination and challenges; *provided*, that the prosecution shall be entitled to one, and the defendant to two, peremptory challenges to such alternate jurors. Such alternate jurors shall be seated near, with equal power and facilities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the cause in company with the other jurors; and for a failure so to do are liable to be punished for contempt. They shall obey the orders of and be bound by the admonition of the Court upon each adjournment of the Court; but if the regular jurors are ordered to be kept in the custody of the Sheriff during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors; and except, as hereinafter provided, shall be discharged upon the final submission of the case to the jury. If, before the final submission of the case, a juror die, or become ill, so as to be unable to perform his duty, the Court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury-box, and be subject to the same rules and regulations as though he had been selected as one of the original jurors.

Alternate jurors, how chosen.

Rights and duties of alternate jurors.

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

CHAPTER CCXIV.

An Act making appropriations for the support of the government of the State of California for the forty-seventh and forty-eighth fiscal years.

[Approved March 23, 1895.]

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

General appropriation bill, forty-seventh and forty-eighth fiscal years.

Legislation.

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-seventh and forty-eighth fiscal years:

For per diem and mileage of Lieutenant-Governor and Senators, twenty-one thousand five hundred dollars.

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, thirty-five thousand dollars.

For contingent expenses of the Assembly, forty thousand dollars.

Supreme and Superior Courts.

For salaries of Justices of Supreme Court, eighty-four thousand dollars.

For State's portion of salaries of Judges of Superior Courts, three hundred and twenty 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 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 salaries of Supreme Court Commissioners, sixty thousand dollars. Supreme Court Commissioners

For salary of Secretary of Supreme Court Commissioners, four thousand eight 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, ten thousand dollars; exempt from provisions of sections four hundred and thirty-three and six hundred and seventy-two of Political Code.

For postage, expressage, telegraphing, and contingent expenses, Governor's office, two thousand dollars.

For official advertising, three thousand dollars.

For payments of rewards offered by the Governor, five thousand dollars.

For payment 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 salary of Secretary to Board of Examiners, six thousand dollars. Board of Examiners.

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 salary of Expert to Board of Examiners, four thousand dollars.

For traveling expenses of Board of Examiners and expert, two thousand 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.

For salary of Secretary of State, six thousand dollars.

For salary of Deputy Secretary of State, four thousand eight hundred dollars. Secretary of State's office.

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 salary of Keeper of Archives, Secretary of State's office, three thousand two hundred dollars.

Secretary
of State's
office.

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-eighth fiscal year, one thousand 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 purchase of ballot paper, five thousand dollars.

For stationery, fuel, light, supplies, etc., Legislature and State officers, twenty thousand dollars.

For purchase of implements, hose, etc., Capitol grounds, five thousand dollars.

For repairs to Capitol building and furniture, and purchase of carpets and furniture, exempt from the provisions of section four of this Act, five thousand dollars.

For pay of employes of State Capitol building and grounds, fifty-five thousand three hundred and sixty dollars.

For salaries of policemen, Capitol grounds, seven thousand two hundred dollars.

For salary of elevator attendant, one thousand eight hundred dollars.

For lighting Capitol 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.

Controll-
er'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.

For salary of Treasurer, six thousand dollars.

State
Treasurer's
office

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, three thousand two hundred dollars.

For salaries of Watchmen, State Treasurer's office, seven thousand two 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, five hundred dollars.

For salary of Attorney-General, six thousand dollars.

Attorney-General's office.

For salaries of Deputies Attorney-General, fourteen thousand four hundred dollars.

For salary of Clerk, Attorney-General's office, three thousand two hundred dollars.

For salary of Stenographer, Attorney-General's office, three thousand two 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 office rent of Attorney-General in San Francisco, nine hundred and sixty dollars.

For salary of Surveyor-General, six thousand dollars.

Surveyor-General's office.

For salary of Deputy Surveyor-General, four thousand eight hundred dollars.

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, one thousand 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 two hundred dollars.

For contingent and traveling expenses, Superintendent of Public Instruction, two thousand two hundred and fifty dollars.

- Board of Education. For traveling expenses of State Board of Education, seven hundred dollars.
- State Library. For salary of State Librarian, six thousand dollars.
For salary of two Deputy State Librarians, seven thousand two hundred dollars.
For salary of Porter, State Librarian's office, nine hundred and sixty 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, twenty-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.
For armory rents and other expenses of the National Guard, including the Naval Brigade, two hundred thousand dollars.
For target practice, National Guard of California, eight thousand dollars.
- State Printer and printing office. For salary of Superintendent of State Printing, six thousand dollars.
For support of State Printing Office, including pay of employes, etc., two hundred and fifty thousand dollars; exempt from provisions of section four of this Act.
For School Text-books Department, pay of employes, and for stock and material, etc., forty thousand dollars; subject to the provisions of an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor," approved March eighteenth, eighteen hundred and eighty-seven. And the same is hereby exempted from the provisions of section four of this Act.
- State Board of Health. For salary of Secretary to State Board of Health, five thousand dollars.
For traveling and contingent expenses of the State Board of Health, three thousand dollars.
- Insurance Commissioner's office. For salary of Insurance Commissioner, six thousand dollars.
For salary of Deputy Insurance Commissioner, three thousand six hundred dollars.
For traveling and contingent expenses and attorney's fees of the Insurance Commissioner, four thousand dollars.
- Railroad Commissioners' office. For salaries of Railroad Commissioners, twenty-four thousand dollars.
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 pay of Stenographer, Railroad Commissioners, one thousand dollars.
For fuel, lights, postage, expressage, and incidental expenses, Railroad Commissioners, one thousand dollars.

For traveling expenses, etc., Railroad Commissioners, five hundred dollars.

For office rent, Railroad Commissioners, one thousand two hundred 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 traveling and contingent clerical expenses, State Board of Equalization, ten thousand dollars.

For postage, expressage, etc., State Board of Equalization, seven hundred and fifty dollars.

For salary of Commissioner of Public Works, for twenty months, six thousand six hundred and sixty-six dollars and sixty-six cents. Commissioner of Public Works.

For salary of Secretary of Commissioner of Public Works, twenty months, three thousand dollars.

For salary of Guardian Yosemite Valley, three thousand dollars. Yosemite Valley.

For traveling expenses of Yosemite Valley Commissioners, one thousand five hundred dollars.

For care of Yosemite Valley, fifteen thousand dollars.

For care of Mariposa Big Tree Grove, twenty-five hundred dollars.

For salary of Debris Commissioner, seven thousand two hundred dollars. Debris Commissioner.

For salary of Secretary to Debris Commissioner, three thousand dollars.

For support of Insane Asylum at Stockton, four hundred and fifty thousand dollars. Insane Asylums.

For support of Insane Asylum at Napa, four hundred thousand dollars.

For support of Insane Asylum at Aguews, two hundred and sixty-two thousand dollars.

For support of Mendocino Asylum, one hundred and forty-five thousand dollars.

For support of Southern California Hospital for Insane and Inebriates, one hundred and sixteen thousand eight hundred dollars.

For support of Deaf, Dumb, and Blind Asylum at Berkeley, one hundred and nineteen thousand three hundred dollars. Charitable and punitive institutions.

For support of Home for Feeble-Minded Children, one hundred and forty thousand dollars.

For support of Home for Adult Blind, fifty thousand dollars.

For transportation of insane, sixty thousand dollars.

For support of State Prison at San Quentin, two hundred and ninety-five thousand one hundred and fifty-three dollars and forty cents.

For support of State Prison at Folsom, two hundred and nineteen thousand dollars.

For transportation of prisoners to the State Prisons, and

- children committed to the Whittier State School and Preston School of Industry, eighty thousand dollars.
- (Vetoed.) For support of Whittier State School, two hundred and forty-five thousand dollars.
For support of Preston School of Industry, one hundred 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, eighty thousand dollars.
For support of State Normal School at Chico, fifty-two thousand dollars.
- (Vetoed) For purchase of periodicals, scientific apparatus, and use of library, museum, and furniture at San José Normal School, seven thousand dollars.
- (Vetoed.) For care and improvement of grounds at San José Normal School, three thousand dollars.
- (Vetoed.) For purchase of scientific apparatus and periodicals, and use of library and museum, at Los Angeles Normal School, four thousand five hundred dollars.
For care and improvement of grounds at Los Angeles Normal School, three thousand dollars.
- (Vetoed) For purchase of scientific apparatus and periodicals, and use of library and museum at Chico Normal School, two thousand five hundred dollars.
For care and improvement of grounds at Chico Normal School, twenty-five hundred dollars.
- Viticulture. For use of the State Board of Viticulture, twenty-five hundred dollars. This appropriation shall not be subject to the provisions of section four of this Act.
- Fish Commission. For restoration and preservation of fish and game, twenty thousand dollars.
For support and maintenance of State hatcheries, fifteen thousand dollars.
For costs and expenses of suits for violation of fish and game laws, etc., four thousand dollars.
- 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.
- Burial Grounds. For care of State Burial Grounds, two hundred dollars.
- Wine labels. For pure wine labels, three hundred dollars.
- Hastings College. 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.
- Marshall monument. For salary of Guardian Marshall monument and grounds, one thousand two hundred dollars.
- (Vetoed) For orphans, half-orphans, etc., six hundred and fifty thousand dollars.
- Veterans' Home at Yountville. For the support and maintenance of the Veterans of the Mexican and Civil Wars, in indigent circumstances, residing in the Veterans' Home at Yountville, under the auspices of the Veterans' Home Association, the sum of ninety thousand dol-

lars; *provided*, that no money herein appropriated shall be used for the support or maintenance of any office or any salaried officer, at any other place than at the Home at Yountville; *and provided further*, that the Board of Directors of said Veterans' Home Association shall contract for all supplies purchased for said Home by virtue of this appropriation, after having first advertised for such contracts for two consecutive weeks before the letting thereof, in one newspaper published in the City and County of San Francisco, one newspaper published in the city of Sacramento, and one newspaper published in the county of Napa, which said advertisement shall state the time, place, and conditions of the letting of such contracts; *and provided further*, that all such contracts shall be for a period of not less than six nor more than twelve months, and shall be awarded to the lowest responsible bidder, at a public letting thereof.

For aid to State Agricultural Society, forty thousand dollars; *provided*, that the State Agricultural Society maintain a statistical department, for the annual collection, compilation, and distribution of statistics relating to the products and resources of the State. State Agricultural Society.

For aid to District Agricultural Society Number One, seven thousand dollars. (Aid to District Societies, vetoed.)

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, three thousand dollars.

For aid to District Agricultural Society Number Twelve, five thousand dollars.

For aid to District Agricultural Society Number Thirteen, six thousand dollars.

For aid to District Agricultural Society Number Fourteen, four thousand dollars.

For aid to District Agricultural Society Number Fifteen, three thousand dollars.

For aid to District Agricultural Society Number Sixteen, four thousand five hundred dollars.

(Aid to
District
Societies,
vetoed.)

For aid to District Agricultural Society Number Seventeen, four thousand five hundred dollars.

For aid to District Agricultural Society Number Eighteen, six thousand dollars.

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, three thousand 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. (Aid to District Societies, vetoed.)

For aid to District Agricultural Society Number Forty-four, to be created, three thousand dollars.

For aid to District Agricultural Society Number Forty-five, to be created, three thousand dollars.

Provided, that no moneys appropriated for agricultural societies shall be drawn, used, or paid for racing or speed contests.

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 employes, 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. How money is to be disbursed.

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. Biennial statement. Demands to be in itemized form.

SEC. 4. Not more than one twenty-fourth part of the amount appropriated under this Act for each department or institution for the two years ending June thirtieth, eighteen hundred and ninety-seven, shall be expended during any one month, unless by consent of the State Board of Examiners. Limit of monthly expenditures.

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 Not permitted to incur deficiencies.

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.

Liabie on
official
bond.

Insurance.

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.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, March 28, 1895. }

Governor's
vetoes.

This bill, being Assembly Bill No. 617, entitled "An Act making appropriations for the support of the government of the State of California for the forty-seventh and forty-eighth fiscal years," is approved with the exception of the following items, to which I object, to wit:

Whittier
School.

"For support of Whittier State School, two hundred and forty-five thousand dollars."

This item is objected to and not approved, for the reason that the support of the said Whittier State School for the forty-seventh and forty-eighth fiscal years is provided for in a separate and independent bill, which I have already approved.

San José
Normal.

"For purchase of periodicals, scientific apparatus, and use of library, museum, and furniture of San José Normal School, seven thousand dollars."

These items are objected to and not approved, for the reason that the same are excessive, and may be taken from the amount appropriated for the support of said institution, by and with the consent of the Board of Examiners, when the same is found to be necessary.

"For care and improvement of grounds at San José Normal School, three thousand dollars."

This item is objected to and not allowed, for the reason that a separate bill for the care and improvement of said grounds has already been passed by the Legislature and approved by me.

Los Angeles Nor-
mal.

"For purchase of scientific apparatus and periodicals, and use of library and museum at Los Angeles Normal School, four thousand five hundred dollars."

These items are objected to and not approved, for the reason that the same are excessive, and may be taken from the amount appropriated for the support of said institution, by and with the consent of the Board of Examiners, when the same is found to be necessary.

Chico Nor-
mal.

"For purchase of scientific apparatus and periodicals, and use of library and museum at Chico Normal School, two thousand five hundred dollars."

These items are objected to and not approved, for the reason that the same are excessive, and may be taken from the amount appropriated for the support of said institution, by and with the consent of the Board of Examiners, when the same is found to be necessary.

Orphans.

"For orphans, half-orphans, etc., six hundred and fifty thousand dollars."

This item is objected to and not approved, for the reason that the support of orphans and half-orphans is fully provided for by an existing law, and under article four of section twenty-nine of the Constitution of the State of California, this item cannot be included in a general appropriation bill.

"For aid to District Agricultural Society Number One, seven thousand dollars."

District
Agricul-
tural
Societies.

This item is objected to and not approved, for the reason that the same is excessive, and not necessary, and is an uncalled-for tax upon the people of

the State of California, and also for the causes set forth in my inaugural address, delivered upon January 11, 1895, which are as follows: "The Agricultural Societies, as now managed, are of but little or no benefit to the people. There is but slight competition between classes or sections, and but small rivalry in anything but horse-racing. Three annual fairs, one south of Tehachapi, one between that point and Sacramento, and one north of Sacramento, would serve better to stimulate a wholesome spirit of emulation and rivalry than the present plan of a fair in nearly every county, encouraged by State aid. The place of meeting could be changed yearly, and an annual appropriation of five thousand dollars for each would be amply sufficient, in addition to the means provided by the local directors. Three district societies and one State society would be far better than the existing system."

District
Agricul-
tural
Societies.

And further, because of the figures given in said inaugural address, showing that while California is twenty-second in population, it was first in rank of expenditures for its agricultural fairs. Had the appropriation for the District Agricultural Fairs been reduced to a reasonable figure, I would have willingly approved of aid to them, until a proper system could have been inaugurated. But under the circumstances and in view of the hard times, it is impossible for me to approve of any appropriation for any fair except the State Fair.

"For aid to District Agricultural Society Number Two, seven thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Three, four thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Four, six thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Five, six thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Six, six thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Seven, three thousand five hundred dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Eight, four thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Nine, four thousand five hundred dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Ten, four thousand five hundred dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Eleven, three thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Twelve, five thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Thirteen, six thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Fourteen, four thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Fifteen, three thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Thirty-five, four thousand dollars." District Agricultural Societies.

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Thirty-six, four thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Thirty-seven, three thousand dollars."

This item is objected to and not approved, for the reasons stated in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Thirty-eight, four thousand dollars."

This item is objected to and not approved, for the reasons stated in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Thirty-nine, three thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Forty, five thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Forty-one, three thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Forty-two, three thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Forty-three, three thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Forty-four, to be created, three thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

"For aid to District Agricultural Society Number Forty-five, to be created, three thousand dollars."

This item is objected to and not approved, for the reasons given in my objections to the appropriation for District Agricultural Society Number One.

JAMES H. BUDD, Governor.

CHAPTER CCXV.

An Act to amend sections sixteen hundred and seventy and sixteen hundred and seventy-one of the Political Code, relating to high schools.

[Approved March 28, 1895.]

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

SECTION 1. Section sixteen hundred and seventy of the Political Code is hereby amended to read as follows:

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.

High schools, how established

Election on
petition.

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.

Procedure.

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.

Union
high
school
district.

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 contiguous 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.

Location
of high
school.

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' 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.

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 four and five of this section.

Location of
union high
school.

Change of
location.

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
Boards,
who
compose.

Eighth—In union high school districts composed of more than two school districts, the High School Board shall be composed of one member elected from each district composing the high school district at the time and in the manner prescribed for the election of School Trustees, except as otherwise provided in this Act. The Superintendent (or Superintendents by concurrent action in joint high school districts) shall, in union high school districts composed of three or more school districts, divide the districts composing the union high school district into three classes, as nearly equal in number of school districts as possible, to be designated by him as Class A, B, and C, respectively. At the first annual school election following the passage of this Act, the districts in Class A, as above divided and designated, shall each elect a High School Trustee for one year; the districts in Class B shall each elect a High School Trustee for two years; the districts in Class C shall each elect a High School Trustee for three years. At each annual election thereafter, as terms of office expire, the High School Trustees

Same.

shall be elected for three years, and in case of expiration of term of appointment, for the unexpired term. Vacancies in the High School Board shall be filled by appointment by the County Superintendent of Schools (and in case of joint union high school districts, by concurrent action of the County Superintendents of Schools); the appointee or appointees to hold until the first day of July succeeding the appointment. The Trustees serving on Union High School Boards, composed of more than two school districts at the time of the passage of this Act, shall hold until their successors are elected and shall qualify under the provisions of this Act; in the formation of new union high school districts the representatives selected according to the provisions of subdivision sixth of this section shall constitute the Union High School Board until their successors are elected, or appointed, and qualified, as provided in this Act. In union high school districts consisting of but two school districts the Union High School Board shall be composed of the Boards of School Trustees of both said districts.

Meetings
of High
School
Boards.

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.

Same.

Tenth—The 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. 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; *provided*, that in union high school districts composed of more than two districts the regular meetings as above provided shall be quarterly; *and provided further*, that the Union High School Board in said union high school districts may appoint an Executive Committee, consisting of the President and Secretary and one other member of the Board, no two of whom shall be from the same school district, to attend to the routine business of the Board, their action to be reported to the Board for ratification at its first regular meeting ensuing.

Powers.

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.

Twelfth—The course of study 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 High School Board may prescribe an additional course or additional courses of study, subject to the approval, as hereinbefore provided. 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.

Text-books.

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; *provided*, that no applicant shall be admitted to the high school who has not practically completed the work of the grammar grades of the county in which the high school is located. Proficiency is to be determined by the Principal, subject to approval by the County Board of Education. 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.

Admissions to high schools.

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 first day 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 first day of September, an estimate of the amount of money required for conducting the school for the school year.

Tax for high school building.

Fifteenth—When such estimate shall have been made and submitted it shall be the duty of the authorities whose duty it is to levy taxes 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 in amount to maintain the high school. Said tax shall be computed, entered upon the tax roll, and collected, in the same manner as other taxes are computed, entered, and collected.

Same.

Sixteenth—Should the High School Board of any city, incorporated town, school district, or union high school district, fail to make the estimate provided for in subdivision fourteen of

Superintendent of Schools may estimate tax, when.

this section, it shall be the duty of the Superintendent of Schools, upon the petition of five qualified electors thereof, to make such estimate.

County Auditor may levy tax, when.

Seventeenth—Should the authorities whose duty it is to levy the tax, as provided in subdivision fifteen of this section, fail 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.

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.

County high schools.

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; *provided further*, that in counties where one or more city high schools, district high schools, or union district high schools are maintained, the Board of Supervisors shall, upon the petition of two thirds of the heads of families in the city high school district, district high school district, and in each school district composing the union high school district or districts, if there be more than one in the county, submit to all the qualified electors of the county the question of establishing and maintaining a county high school, and shall take such further steps as provided in section sixteen hundred and seventy-one of this Act, relating to high schools. If the majority of all the votes cast on the proposition to establish a county high school are in the affirmative, the Board of Supervisors shall, upon the establishment of the same, declare the high school or high schools existing in the county at the time of the election for a county high school, to be lapsed, and the property of such lapsed high school or schools shall be held or sold by the Board of Supervisors for the benefit of the county high school.

Twenty-first—When the boundaries of school districts shall be changed, such change shall not affect the high school district. Boundaries.

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. Adjacent districts may be admitted.

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 Superintendent 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. High school lapses, when.

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, upon such terms as the two Boards may arrange. Pupils from other districts.

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 Same.

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.

Joint
Union
High
School
Board.

(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 provided 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 the amount to be raised in each district shall be in proportion to the taxable property therein, as shown by the last preceding assessment roll thereof.

Tax for
Joint union
high
schools.

(4) All the provisions relative to the levy and collection of the tax necessary to maintain the high school 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.

SEC. 2. Section sixteen hundred and seventy-one of the Political Code is hereby amended to read as follows:

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.

Election on
petition.

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."

Duties of
Board of
Supervis-
ors.

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 con-

ducting 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.

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, furnishing 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.

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 text-books (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 employés, and discharge such employés 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 embrace a period not less than three years, and it shall be such as will prepare graduates therein for admission to the State University.

Seventh—It shall be the duty of the Board of Supervisors to include in their annual tax levy an amount sufficient to maintain 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

Shall levy
special tax.

Deed of
high
school
property.

Duty of
County
Board of
Education.

Course of
study.

Tax levy
for county
high
school.

Warrants
on County
High
School
Fund.

other respects, except as specified in this Act, shall be subject to the law governing school districts.

Additional schools.

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.

Who shall be admitted.

Ninth—All county high schools shall be open for the admission of graduates holding diplomas from the grammar schools of the county, and to all pupils of the county who can pass the examination for admission. The examination for admission shall be conducted by the County Board of Education and the Principal of the county high school.

Principal of school.

Tenth—Nothing in this Act shall be construed so as to prevent the Principal of the high school from acting as Principal of the grammar school of the school district in which the high school is located, if so desired by the trustees of said school district.

Schools established prior to this Act.

Eleventh—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-five; thereafter they shall be conducted in accordance with the provisions of this Act.

CHAPTER CCXVI.

An Act entitled an Act to amend sections eleven hundred and forty-two, eleven hundred and ninety-two, eleven hundred and ninety-nine, twelve hundred and three, twelve hundred and four, twelve hundred and seven, twelve hundred and eight, and twelve hundred and fifty-eight of the Political Code, relating to elections.

[Approved March 28, 1895.]

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

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

Boards of Election, how appointed.

1142. When an election is ordered, the Board of Supervisors, or other Board having charge and control of elections in each of the counties, and cities and counties, of the State, shall appoint for each precinct, from the electors thereof whose names appear upon the last assessment roll of said county, or city and county, two Inspectors, two Judges, and two Clerks, the Inspectors, Judges, and Clerks to be selected, respectively, from the several respective political parties which, respectively, cast five per cent of the entire vote of the State at the last preceding general election for Electors of President and Vice-President nominated by such political party, so that each such political

party shall have at least one representative upon such Board; and the remaining officers upon such Board shall be apportioned as nearly as may be equally between the two political parties which, respectively, cast the highest and next highest number of votes for said Electors at said election. The Inspectors and Judges so appointed shall constitute a Board of Election for such precinct. Such Board of Election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said Board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificate shall be signed by a majority of the whole. No person shall be eligible to act as an officer of election at any precinct who has been employed in any official capacity in the county, or city and county, in the State, within ninety days next preceding any election. No person shall be eligible to act as a member of any Election Board, or as a Clerk upon such Board, who cannot read and write the English language. Any person acting as a member of any Election Board, or as a Clerk upon such Board, who cannot read and write the English language, and any person who refuses to act upon such Board, or as a Clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of five hundred dollars, and upon failure to pay said fine shall be imprisoned in the county jail of such county, or city and county, for the period of one day for each one dollar of said fine.

Qualifica-
tions and
eligibility.

SEC. 2. Section eleven hundred and ninety-two of the Political Code is hereby amended so as to read as follows:

1192. Certificates of nomination required to be filed with the Secretary of State shall be filed not more than sixty days and not less than forty days before the day fixed by law for the election of the persons in nomination, when the nomination is made by a convention, and not more than sixty days and not less than thirty days before the day of election, when the nomination is made by electors, as provided in section one thousand one hundred and eighty-eight of this Code. Certificates of nomination required to be filed with the County Clerks, or with the Clerk or Secretary of the legislative body of any city or town, shall be filed not more than fifty nor less than thirty days before the day of election, when the nomination is made by a convention, and not more than fifty days nor less than twenty days before the day of election, when the nomination is made by electors. Should a vacancy in the list of nominees of a convention occur, such vacancy may be filled by the convention, or if it has delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancy, proceed to fill the same; *provided*, that no nomination shall be made or certified at a period before the day of election less than the minimum number of days provided for filing certificates of nomination made under this Code. The Chairman and Secretary of the convention or of

Certifi-
cates of
nomina-
tion shall
be filed,
when.

Vacancy
in list of
nominees.

such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. When a certificate to fill any vacancy shall be filed with the Secretary of State, he shall, in certifying the nomination to the various County Clerks, insert the name of the person who has been thus nominated to fill a vacancy in the place of that of the original nominee. Any person whose name has been presented as a candidate, may, at least five days before the making of the publication of the nominations prescribed in this section, cause his name to be withdrawn from nomination, by filing with the Secretary of State and County Clerk his request therefor, in writing, signed by him and acknowledged before the County Clerk of the county in which he resides; and no name so withdrawn shall be printed on the ballot. Whenever any certificate of nomination is presented for filing to any officer authorized to file the same, such officer shall forthwith, upon receipt of the same and before filing, examine the same, and if there is any defect, omission, or reason why the same should not be filed, such officer shall then and there forthwith designate, in writing, the defect, omission, or reason why such certificate cannot be filed, and return the said certificate to the person presenting the same, with such written designation of defect, omission, or reason for not filing the same; and after the filing of any certificate of nomination, no officer required by law to transmit any nomination, or to make up or print any ballot, shall fail or omit to transmit such nomination, or omit to print the name of any nominee or candidate named in any certificate of nomination which has been filed; and unless a certificate of nomination is returned as herein required, the officer to whom the same is properly presented shall file the same as soon as he shall receive and examine the same as herein required, and must file it as of the day it is presented.

SEC. 3. Section eleven hundred and ninety-nine of the Political Code is hereby amended so as to read as follows:

1199. The County Clerk of each county shall provide for each election precinct in the county, not less than one hundred general tickets for every fifty or fraction of fifty electors registered in the election precinct; and in case of a consolidated city and county, an equal number of municipal tickets, when any city and county officers are to be elected; and the Clerk or Secretary of the legislative body of any incorporated city or town shall furnish a like number of municipal tickets when any city or town officer is to be elected. And upon the day of an election, immediately upon the arrival of the hour when the polls are required by law to be closed, the County Clerk in each county shall openly, in his main office, in the presence of as many persons as may there assemble to observe his act, proceed to destroy every unused ballot which shall have remained

With-
drawal.

Proper
officer may
refuse to
file certifi-
cate, for
reasons.

Ballots
to be
provided.

Unused
ballots
to be
destroyed.

in his possession, custody, or control, and forthwith make and file his affidavit, in writing, as to the number of ballots so destroyed.

SEC. 4. Section twelve hundred and three of the Political Code is hereby amended so as to read as follows:

1203. All officers upon whom is imposed by law of the 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. And the election officers shall especially see that the stamps and ink-pads required are at all times in such booths and in condition for proper use; and all officers upon whom is imposed by the law the duty of designating polling places, shall supply each polling place with several stamps and several ink-pads for each booth, and such stamps shall be so made that a cross (X) may be made with either end of such stamp, and the same must be so constructed that the portion with which such cross (X) is to be made shall not be fastened on by any glue or like substance which may loosen when wet, but the said stamp shall be one solid piece.

SEC. 5. Section twelve hundred and four of the Political Code is hereby amended so as to read as follows:

1204. Any person desiring to vote shall give his name and address to one of the Ballot Clerks, who shall then, in an audible tone of voice, announce the same, and if the other Ballot Clerk finds the name on the register, he shall, in like manner, repeat the name and address, whereupon a challenge may be interposed, as provided in section one thousand two hundred and thirty of this Code. If the challenge be overruled, the Ballot Clerk shall give him a ticket, and the Clerk shall write on the register, opposite the name of the voter, the number of the general ticket given him, and also the number of the municipal ticket given him, when any city, city and

county, or town officer is to be elected; and the voter shall be allowed to enter the place inclosed by the guard-rail, as above provided. The Ballot Clerk shall give him but one general ticket, and where any city, county, or town officers are to be elected, also one municipal ticket, and only one ballot of each kind; and in order to prevent voters from marking their ballots with a pencil, or otherwise contrary to law, it shall be the duty of a Ballot Clerk, whenever he shall deliver a ballot to any voter, to then orally, distinctly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law, or it will not be counted.

SEC. 6. Section twelve hundred and seven of the Political Code is hereby amended so as to read as follows:

Spoiled
ballots.

1207. Any voter who shall spoil a ballot shall return such spoiled ballot to the Ballot Clerk and receive another one in its place, one at a time, not to exceed three in all. All the ballots thus returned shall be immediately canceled, and, with those not distributed to the voters, shall be returned with the registered list and ballots, as now provided in sections one thousand two hundred and sixty-three and one thousand two hundred and sixty-four of this Code. Every elector who does not vote the ballot delivered to him, shall, before leaving the polling place, return such ballot to the Ballot Clerks having charge of the ballots, who shall immediately cancel the same and return them in the same manner as spoiled ballots. The Ballot Clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them, and it shall be the duty of the officers receiving such returned ballots to compel such an accounting; and immediately upon the closing of the polls, and before any ballot shall be taken from the ballot-boxes, or either thereof, the Ballot Clerks must, in the presence of all persons in the room who may desire to observe the same, proceed to deface every unused or spoiled ballot, by drawing across the face thereof, in writing ink, with a pen, two lines which shall cross each other, and said Ballot Clerks shall thereupon immediately, and before any ballots be taken from the ballot-box, or either thereof, place all said ballots thus defaced within an envelope and seal said envelope, and thereupon a majority of the election officers shall immediately write their names across the sealed portion of said envelope.

Ballot
Clerks
must
account for
all ballots.

Unused
ballots
must be
canceled.

SEC. 7. Section twelve hundred and eight of the Political Code is hereby amended so as to read as follows:

Assistance
to electors
unable to
read. Who
shall
render.

1208. When it appears from the register that any elector has declared under oath, when he registered, that he cannot read, or that by reason of physical disability he is unable to mark his ballot, he 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 officers making such appointments shall make the same in writing, and sign the same, and upon the same paper the persons so appointed shall subscribe and take the following oath before assisting such elector:

Appoint-
ment of
officers to
assist in
marking
ballot.

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 the 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. 18—.

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.

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. As amended March twenty-third, eighteen hundred and ninety-three.

Lists of
assisted
electors.

SEC. 8. Section twelve hundred and fifty-eight of the Political Code is hereby amended so as to read as follows:

1258. Each clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for to fill such office, and keep the number of votes by tallies, as they are read aloud. Such tallies must be made with pen and ink, and immediately upon the completion of the tallies the clerks who respectively complete the same must draw two heavy lines in ink from the last tally mark to the end of the line in which such tallies terminate, and also write the initials of the person making the last tally in such line.

Tally
sheets
how filled.

SEC. 9. This Act shall take effect immediately.

CHAPTER CCXVII.

An Act to repeal an Act of the Legislature of the State of California entitled "An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco," approved March 18, 1874, and requiring all counties and cities and counties of this State to conform to the requirements of the provisions of the Political Code in relation to the assessment, equalization, levy, and collection of taxes for revenue purposes.

[Approved March 28, 1895.]

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

Repealed.

SECTION 1. An Act entitled "An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco," approved March eighteenth, eighteen hundred and seventy-four, is hereby repealed.

All laws general, relative to assessment and collection of taxes.

SEC. 2. All counties and cities and counties of this State are hereby required to conform to the provisions of the Political Code in relation to the assessment, equalization, levy, and collection of taxes on real and personal property for revenue purposes, and all laws now in force in relation to revenue are hereby made applicable to all such counties and cities and counties.

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

SEC. 4. This Act shall take effect immediately.

CHAPTER CCXVIII.

An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding new section thereto, to be numbered three thousand six hundred and forty, three thousand six hundred and eighty, three thousand eight hundred and one, and three thousand eight hundred and thirty-one; also, by amending sections three thousand six hundred and seven, three thousand six hundred and seventeen, three thousand six hundred and twenty-eight, three thousand six hundred and thirty, three thousand six hundred and fifty, three thousand six hundred and fifty-one, three thousand six hundred and fifty-three, three thousand six hundred and fifty-four, three thousand six hundred and fifty-five, three thousand six hundred and fifty-six, three thousand six hundred and fifty-eight, three thousand six hundred and sixty-one, three thousand six hundred and sixty-two, three thousand six hundred and sixty-three, three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and seventy, three

thousand six hundred and seventy-eight, three thousand six hundred and ninety-two, three thousand six hundred and ninety-three, three thousand six hundred and ninety-four, three thousand seven hundred and four, three thousand seven hundred and five, three thousand seven hundred and fourteen, three thousand seven hundred and nineteen, three thousand seven hundred and twenty-eight, three thousand seven hundred and thirty, three thousand seven hundred and thirty-one, three thousand seven hundred and thirty-two, three thousand seven hundred and thirty-four, three thousand seven hundred and thirty-six, three thousand seven hundred and thirty-eight, three thousand seven hundred and forty-six, three thousand seven hundred and forty-seven, three thousand seven hundred and forty-eight, three thousand seven hundred and fifty-two, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and fifty-nine, three thousand seven hundred and sixty-two, three thousand seven hundred and sixty-four, three thousand seven hundred and sixty-five, three thousand seven hundred and sixty-six, three thousand seven hundred and sixty-seven, three thousand seven hundred and seventy, three thousand seven hundred and seventy-one, three thousand seven hundred and seventy-two, three thousand seven hundred and seventy-six, three thousand seven hundred and seventy-seven, three thousand seven hundred and eighty, three thousand seven hundred and eighty-one, three thousand seven hundred and eighty-five, three thousand seven hundred and eighty-seven, three thousand seven hundred and eighty-eight, three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety, three thousand seven hundred and ninety-three, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, three thousand eight hundred, three thousand eight hundred and four, three thousand eight hundred and five, three thousand eight hundred and eight, three thousand eight hundred and thirteen, three thousand eight hundred and fourteen, three thousand eight hundred and fifteen, three thousand eight hundred and sixteen, three thousand eight hundred and seventeen, three thousand eight hundred and eighteen, three thousand eight hundred and nineteen, three thousand eight hundred and twenty, three thousand eight hundred and twenty-three, three thousand eight hundred and twenty-six, three thousand eight hundred and twenty-nine, three thousand eight hundred and forty, three thousand eight hundred and forty-one, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-eight, three thousand eight hundred and sixty-seven, three thousand eight hundred and seventy, three thousand eight hundred and seventy-one, three thousand eight hundred and seventy-three, three thousand eight hundred and seventy-eight, three thousand eight hundred and eighty-one, three thousand eight hundred and eighty-eight, three thousand eight hundred and ninety-seven, three thousand eight hundred and ninety-eight, three thousand eight hundred and ninety-nine, three thousand nine hundred; also, by repealing sections three thousand seven hundred and thirty-three, three thousand seven

hundred and thirty-seven, three thousand seven hundred and sixty-eight, three thousand seven hundred and seventy-three, three thousand seven hundred and seventy-four, three thousand seven hundred and seventy-five, three thousand seven hundred and seventy-eight, three thousand seven hundred and seventy-nine, three thousand eight hundred and three, three thousand eight hundred and ten, three thousand eight hundred and eleven, three thousand eight hundred and twelve, three thousand eight hundred and thirty, three thousand eight hundred and eighty-six, three thousand eight hundred and ninety-three, three thousand eight hundred and ninety-four, three thousand eight hundred and ninety-five, and three thousand eight hundred and ninety-six, all relating to the revenue and taxes of this State.

[Approved March 28, 1895.]

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

SECTION 1. Section three thousand six hundred and seven is hereby amended so as to read as follows:

Property
subject to
taxation.

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

SEC. 2. Section three thousand six hundred and seventeen is hereby amended so as to read as follows:

Certain
terms and
phrases de-
fined.

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

✕ *First*—The term “property” includes moneys, credits, bonds (except of railroad or quasi-public corporations), stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. ✕

Second—The term “real estate” includes:

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

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

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

4. Improvements.

Third—The term “improvements” includes:

Certain
terms and
phrases de-
fined

1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land, except telephone and telegraph lines.

2. All fruit, nut-bearing, or ornamental trees and vines, not of natural growth, excepting fruit and nut-bearing trees under four years of age, and grapevines under three years of age.

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

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

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

SEC. 3. Section three thousand six hundred and twenty-eight is hereby amended so as to read as follows:

3628. 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, as hereinafter provided for. Other franchises, if granted by the authorities of a county, city, or city and county, must be assessed in the county, city, or city and county within which they were granted; if granted by any other authority, they must be assessed in the county in which the corporations, firms, or persons owning or holding them have their principal place of business. All other taxable property shall be assessed in the county, city, or city and county, town, township, or district in which it is situated. Land shall be assessed in parcels or subdivisions, not exceeding six hundred and forty acres each; and tracts of land containing more than six hundred and forty acres, which have been sectionized by the United States Government, shall be assessed by sections or fractions of sections. Lands sold by the State for which no patent has been issued, shall be assessed the same as other lands, but the owner shall be entitled to a deduction from such assessed valuation in the amount due the State as principal upon the purchase price. The Assessor must, between the first Mondays in March and July of each year, ascertain the names of all taxable inhabitants, and all the property in his county subject to taxation, except such as is required to be assessed by the State Board of Equalization, and must assess such property to the persons by whom it was owned or claimed, or in whose pos-

Property,
where
assessed

Lands,
how
assessed

Assess-
ment to be
made,
when.

session or control it was, at twelve o'clock meridian, of the first Monday in March next preceding; but no mistake in the name of the owner or supposed owner of real property shall render the assessment thereof 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 this State.

SEC. 4. Section three thousand six hundred and thirty is hereby amended so as to read as follows:

Supervis-
ors to fur-
nish blank
forms of
state-
ments, etc.

3630. The Board of Supervisors must furnish the Assessor with blank forms, as prescribed by the State Board of Equalization, of the statements provided for in the preceding sections, affixing thereto an affidavit, which must be substantially as follows:

"I, — — —, do swear that I am a resident of the county of (naming it); that the above list contains a full and correct statement of all property subject to taxation which I, or any firm of which I am a member, or any corporation, association, or company of which I am President, Cashier, Secretary, or Managing Agent, owned, claimed, possessed, or controlled, at twelve o'clock M., on the first Monday in March last, and which is not already assessed this year; and that I have not, in any manner whatsoever, transferred or disposed of any property, or placed any property out of said county or my possession for the purpose of avoiding any assessment upon the same, or of making this statement; and that the debts therein stated as owing by me are owing to *bona fide* residents of this State, or to firms or corporations doing business in this State."

The affidavit to the statement on behalf of a firm or corporation must state the principal place of business of the firm or corporation, and in other respects must conform substantially to the preceding form.

SEC. 5. A new section is hereby added to the Political Code of the State of California, to be known and designated as section three thousand six hundred and forty:

Assessor to
make field-
enrollment
as required
by State
Board of
Equaliza-
tion.

3640. The Assessor or his deputies must, before the first Monday in June of each year, in each of the counties and cities and counties, visit each house and place of business in their districts, and enroll in a field-enrollment book, in such form as may be required by the State Board of Equalization, all male persons residing in said county over eighteen years of age and under sixty years of age on the first Monday in March of that year. On such field-enrollment book shall be stated whether the person enrolled is liable to a State poll tax, a road poll tax, or military duty; give the number of the poll tax receipt, and the amount paid, if poll taxes are collected; where his residence is, post office address, giving street and number, if any; occupation, by whom employed; whether the owner of real estate; the State or country of nativity; whether naturalized or not, and any reason that may be given why poll tax was not paid. From such field-enrollment books the military roll, as required by section one thousand eight hundred and ninety-seven, and the roll of poll-tax payers, required by section three thousand eight hundred and fifty-seven, shall be made. Personal property

Poll tax
and per-
sonal prop-
erty-tax.

unsecured by real estate must be assessed and taxes collected at the time of enrollment of persons for poll taxes; receipt must be issued for personal property tax from a stub-book, having the stubs numbered the same as the receipt; such stub-books shall have a line for the name of the person assessed, the amount of the assessment, the rate collected, and lines for the items assessed for collection, the total amount, the date of collection, and the name of the deputy making the collection. Such blank personal-tax receipt books shall be furnished for such purpose by the Auditor, and all unused receipts must be turned in by the Assessor with his settlement for personal property taxes on the first Monday in August of each year. The Assessor or his deputies shall also note on the assessment statement, against each tract of land or lot assessed, the condition of surface of each tract, using the words level, rolling, broken, hilly, or rocky; also, the quality of soil, using the words fruit, grain, pasture, timber, or rocks; also, whether it is wet, dry, semi-moist, or has water rights; also, the kind and value of improvements located on each tract or lot.

Assessor to
note char-
acter of
land

SEC. 6. Section three thousand six hundred and fifty is hereby amended so as to read as follows:

3650. The Assessor must prepare an assessment book, with appropriate headings as directed by the State Board of Equalization, in which must be listed all property within the county, under the appropriate head.

Property,
how listed
by
Assessor.

1. The name of the person to whom the property is assessed.

2. Land, by township, range, section, or fractional section; and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, not exceeding in each and every tract six hundred and forty acres, locality, and the improvements thereon. When any tract of land is situated in two or more school, road, or other revenue districts of the county, the part in each township or district must be separately assessed. The improvements to be assessed against the particular section, tract, or lot of land upon which they are located.

3. City and town lots, naming the city or town, and the number of the lot and block, according to the system of numbering in such city or town, and the improvements thereon.

4. All personal property, showing the number, kind, amount, and quality; but a failure to enumerate in detail such personal property does not invalidate the assessment.

5. The cash value of real estate, other than city or town lots.

6. The cash value of improvements on such real estate.

7. The cash value of city and town lots.

8. The cash value of improvements on city and town lots.

9. The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

10. The cash value of all personal property, exclusive of money.

11. The amount of money.

Property,
how listed
by
Assessor.

12. The assessment of the franchise, roadway, roadbeds, rails, and rolling stock of any railroad, as apportioned to his county by the State Board of Equalization, and also such other apportionments of such franchises, roadways, roadbeds, rails, and rolling stock as may be made by such Board, and furnished to him for the purpose of taxation in any district in his county. Taxable improvements owned by any person, firm, association, or corporation, located upon land exempt from taxation, shall, as to the manner of assessment, be assessed as other real estate upon the assessment book. No value shall, however, be assessed against the exempt land, nor under any circumstances shall the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.

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

14. The total value of all property.

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

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

17. Such other things as the State Board of Equalization may require.

SEC. 7. Section three thousand six hundred and fifty-one is hereby amended so as to read as follows:

Index to
assessment
book.

3651. The Assessor must prepare an index to the assessment book, which must show the name of the taxpayer, each page whereon his assessment appears, the post office address, or the post office address of his agent, secretary, or managing agent, when known. The State Board of Equalization shall prescribe the form of such index.

SEC. 8. Section three thousand six hundred and fifty-three is hereby amended so as to read as follows:

Certified
copy of
assessment
book to be
furnished
cities and
towns, on
request.

3653. 1. On or before the third Monday in July of each year, the Assessor must furnish such incorporated cities and towns within the county as shall make written request for the same, on or before the first Monday in March of each year, a complete certified copy of his assessment book, so far as such assessment book pertains to property within the limits of said incorporated cities and towns.

2. The Assessor may charge incorporated cities and towns five cents per folio of one hundred words for each copy of his assessment book furnished such incorporated cities and towns.

3. The Assessor must, on the first Monday of each month, furnish all such incorporated cities and towns within the county as shall make written request for the same, a description of all personal property, the name and address, by street and number, of the owners, and assessed value thereof, whenever the tax on such property is collected by the Assessor.

Also, description of personal property.

4. The Assessor may charge incorporated cities and towns five cents per folio of one hundred words for such description of personal property.

SEC. 9. Section three thousand six hundred and fifty-four is hereby amended so as to read as follows:

3654. As soon as completed, the assessment book, together with the map books, statements, and military roll, must be delivered to the Clerk of the Board of Supervisors, who must immediately give notice thereof, and of the time the Board will meet to equalize assessments, by publication in a newspaper, if any is printed in the county; if none, then in such manner as the Board may direct. In the meantime, the assessment book, map books, and statements must remain in his office for the inspection of all persons interested. After the Board of Equalization has completed its labors, the map books and statements shall be returned to the County Assessor's office, and shall be kept in said office for future reference.

Assessment, map books, etc., to be delivered to Clerk of the Board of Supervisors.

SEC. 10. Section three thousand six hundred and fifty-five is hereby amended so as to read as follows:

3655. On the second Monday in July of each year, the Assessor of each county must transmit to the State Board of Equalization, in such form as said Board shall require, a statement, showing:

Statement by Assessor to State Board of Equalization, to show what.

1. The several kinds of personal property.
2. The average and total value of each kind.
3. The number of live stock, number of bushels of grain, number of gallons of wines or liquors, number of pounds or tons of any article sold by the pound or ton.
4. When practicable, the separate value of each class of land, specifying the classes and the number of acres of each.
5. A true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as said Board shall require.

SEC. 11. Section three thousand six hundred and fifty-six is hereby amended so as to read as follows:

3656. Every Assessor who fails to complete his assessment book, or who fails to transmit the statement mentioned in the preceding section to the State Board of Equalization, forfeits the sum of one thousand dollars, to be recovered on his official bond, for the use of the county, in an action brought in the name of the People by the Attorney-General, when directed to do so by the State Board of Equalization.

Penalty for failure to complete and transmit statement.

SEC. 12. Section three thousand six hundred and fifty-eight is hereby amended so as to read as follows:

Supervisors to furnish Assessors with maps.

3658. The Board of Supervisors of each county must provide map and plat books for the use of the Assessor, showing the private lands owned or claimed in the county, and if surveyed under the authority of the United States, the divisions and subdivisions of the survey; if held under Spanish grant, the exterior boundaries of such grants, the divisions and subdivisions and number of acres claimed. Maps of cities and villages and school districts must in like manner be provided. The State Board of Equalization shall prescribe the forms for such map and plat books, and may require such map and plat books to be indexed to show owners' names, give correct description for assessment, show improvements, and assessed value. The cost of making such map and plat books is a county charge, and must be paid from the county General Fund.

Costs, how paid.

SEC. 13. Section three thousand six hundred and sixty-one is hereby amended so as to read as follows:

District Attorney to prosecute Assessor for unpaid taxes, when.

3661. Any taxpayer who shall have knowledge of any property that has escaped taxation as provided in the preceding section, may file with the Board of Supervisors an affidavit, setting forth the fact that such property has, through the willful failure or neglect of the Assessor, escaped taxation, together with a description of the property as near as such taxpayer may be able to give; whereupon said Board shall direct the District Attorney to commence an action on the Assessor's bond for the amount of taxes lost from such willful failure or neglect.

SEC. 14. Section three thousand six hundred and sixty-two is hereby amended so as to read as follows:

Judgment when entered against Assessor.

3662. On the trial of such action, the value of the property unassessed being shown, judgment for the amount of taxes that should have been collected thereon must be entered. The amount thus recovered shall be distributed as provided in section three thousand eight hundred and sixteen of this Code.

SEC. 15. Section three thousand six hundred and sixty-three is hereby amended so as to read as follows:

Ditches, roads, telegraph and telephone lines, how assessed.

3663. Water ditches constructed for mining, manufacturing, or irrigating purposes, and wagon and turnpike toll roads, must be assessed the same as real estate by the Assessor of the county, at a rate per mile for that portion of such property as lies within his county. All telegraph and telephone lines shall be described in the same manner as real estate is described, but assessed as personal property by the Assessor of the county, at a rate per mile for that portion of such property as lies within his county.

SEC. 16. Section three thousand six hundred and sixty-six is hereby amended so as to read as follows:

Record of assessments of railways.

3666. The State Board of Equalization must prepare each year a book, to be called "Record of Assessments of Railways," in which must be entered each assessment made by the Board, either in writing or by both writing and printing. Each assessment so entered must be signed by the Chairman and Clerk. The record of the apportionment of the assessments made by the Board to the counties, and cities and counties, must be

made in a separate book, to be called "Record of Apportionment of Railway Assessments." In such last described book must be entered the names of the railways assessed by the Board; the names of the corporations to which, or the name of the person or association to whom was assessed each railway in the State; the number of miles thereof in each county, or city and county; the total assessment of the franchise, roadway, roadbed, rails, and rolling stock, for purposes of State taxation; and the amount of the apportionment of such total assessment to each county, and city and county, for county, or city and county taxation. Before the third Monday in September of each year, the Clerk of the State Board of Equalization must prepare and transmit to the Controller of State duplicates of the "Record of Assessment of Railways" and "Record of Apportionment of Railway Assessments," each certified by the Chairman and Clerk of the Board, and to be known, respectively, as "Duplicate Record of Assessment of Railways" and "Duplicate Record of Apportionment of Railway Assessments." In the last-named duplicate all necessary appropriate columns must be added, in which the Controller must enter the amount of taxes in installments due the State upon the whole assessment, by each corporation, person, or association, and the amount of taxes, in installments, due each county, or city and county, upon the assessment apportioned to each county, or city and county, by each corporation, person, or association. The two duplicates constitute the warrant for the Controller to collect the State and county, and city and county taxes levied upon such property assessed by the Board, and the amount of the apportionment of the assessment to each county and city and county, respectively.

Record of apportionment of railway assessments.

What constitutes Controller's warrant to collect.

SEC. 17. Section three thousand six hundred and sixty-seven is hereby amended so as to read as follows:

3667. When the Board of Supervisors of each county, and city and county, to which the State Board of Equalization has apportioned the assessment of railways, shall have fixed the rate of county, or city and county, taxation, the Clerk of the Board of Supervisors must, within three days after such rate has been fixed, transmit by mail, postage paid, to the Controller, in such form as the Controller shall direct, a statement of the rate of taxation levied by the Board of Supervisors for county, or city and county, taxation. If the Clerk fails to transmit such statement in the time herein provided for, he shall forfeit to the State one thousand dollars, to be recovered in an action brought by the Attorney-General, in the name of the Controller. On or before the second Monday of October, the Controller must compute and enter in separate money columns, in the "Duplicate Record of Apportionment of Railway Assessments," the respective sums, in dollars and cents, rejecting fractions of a cent, to be paid by the corporation, person, or association liable therefor, as the State tax upon the total amount of the assessment, and the county, or city and county, tax upon the apportionment of the assessment to each county, and city and county, of the property

Supervisors must fix rate of taxation, and Clerk must notify Controller.

assessed to such corporation, person, or association named in said duplicate record.

SEC. 18. Section three thousand six hundred and seventy is hereby amended so as to read as follows:

Controller must bring action for collection of delinquent taxes.

3670. Within sixty days after the first Monday in June of each year, the Controller must begin an action in the proper Court, in the name of the People of the State of California, to collect the delinquent taxes upon the property assessed by the State Board of Equalization; such suit must be for the taxes due the State, and all the counties, and cities and counties, upon property assessed by the Board of Equalization, and appearing delinquent upon the "Duplicate Record of Apportionment of Railway Assessments." The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals, are applicable to the proceedings herein provided for. In such action, should a writ of attachment be demanded and issued, no bond nor affidavit previous to the issuing of said attachment is required. If in such action the plaintiff recover judgment, there shall be included in the judgment as counsel fees, and in case of judgment of taxes, after suit brought but before judgment, the defendant must pay as counsel fees such sum as the Court may determine to be reasonable and just. Payment of the taxes, or the amount of the judgment in the same, must be made to the State Treasurer. In such actions the "Duplicate Record of Assessments of Railways," and the "Duplicate Record of Apportionment of Railway Assessments," or a copy of them, certified by the Controller, showing unpaid taxes against any corporation, person, or association for property assessed by the State Board of Equalization, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount of the taxes due and unpaid to the State, and counties, or cities and counties therein named, and that the corporation, person, or association is indebted to the people of the State of California in the amount of taxes, State and county, and city and county, therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

Counsel fees.

Duplicates. prima facie evidence.

SEC. 19. Section three thousand six hundred and seventy-eight is hereby amended so as to read as follows:

County Recorder must transmit abstract of mortgages, etc.

3678. To assist the Assessor in the performance of his duties, the Recorder must annually transmit to the Assessor, on or before the first Monday in April of each year, a complete abstract of all mortgages, deeds of trust, contracts, and other obligations by which any debt is secured, remaining unsatisfied on the records of his office, not barred by the statute of limitation, at twelve o'clock meridian, on the first Monday of March of said year. Such abstract shall be written under appropriate headings, to embrace all information requisite for the Assessor, in a book or books to be furnished by the Board of Supervisors upon the requisition of the Assessor. Should any such list be found to contain any instrument relating to lands situated in more than one county, it shall be the duty of the Assessor to transmit to the State Board of Equalization all

information relating thereto on or before June first of said year; and it shall be the duty of the said Board to attach an apportionment of valuation of such instrument to be assessed in each county, and the Board shall transmit to the Assessor of each county mentioned as affected in said instrument, a statement of valuation of assessment to be levied against said instrument in each county. The valuation so set by said Board shall be final, and the Assessor shall accept said valuation and charge said assessment upon said instrument accordingly. Should the list contain any instrument mortgaging or pledging two or more subdivisions of land, or land assessed in two or more subdivisions in the same county, township, district, or city, the Assessor shall apportion the amount of assessment to be deducted from each subdivision on account of assessment against said instrument. Any assessment on a mortgage, or deed of trust, which has been erroneously taxed to the mortgagee, or party loaning the money, when the same has been paid or satisfied prior to the first Monday in March, shall be valid only as against the real estate from the assessment on which a reduction has been previously made. When partial payments have been made on a debt secured by mortgage, or deed of trust, the owner is authorized to make the proper deduction, listing only the balance due on the first Monday in March. The Recorder must, at the time he furnishes the abstract of mortgages to the Assessor, furnish said officer with a complete and true statement of all property which has been redeemed under or by virtue of any sale made to the State for delinquent taxes, together with a complete and true statement of all property sold to the State and remaining unredeemed. When necessary, the Board of Supervisors of each county must provide for the payment of such additional clerical force as may be required to enable the County Recorder to comply with this section.

Sec. 20. A new section is hereby added to the Political Code of the State of California, to be known and designated as section three thousand six hundred and eighty, to read as follows:

3680. Whenever property has been sold for taxes and remains unredeemed, upon each subsequent assessment the Assessor shall enter upon the assessment book, immediately after the description of the property, the fact that said property has been sold for taxes, and the date of such sale. Upon all bills or statements of or for taxes accruing on said property, subsequent to the date of said sale and prior to the redemption of said property, or the execution to the State of a deed therefor, shall be distinctly and legibly written, printed, or stamped, the words, "Sold for taxes," and also the date of such sale.

Property
sold for
taxes.

Sec. 21. Section three thousand six hundred and ninety-two is hereby amended so as to read as follows:

3692. The powers and duties of the State Board of Equalization are as follows:

General
duties of
Board of
Equaliza-
tion.

1. To prescribe rules for its own government and for the transaction of its business.

2. To prescribe rules and regulations, not in conflict with the

General
duties of
Board of
Equaliza-
tion.

Constitution and laws of the State, to govern Supervisors when equalizing, and Assessors when assessing.

3. To make out, prepare, and enforce the use of all forms in relation to the assessment of property, collection of taxes, and revenue of this State.

4. To hold regular meetings at the State Capitol, on the second Monday in each month, and such special meetings as the Chairman may direct.

5. To annually assess the franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State, at their actual value, on the first Monday in March, at twelve o'clock *m.*, and to apportion such assessment to the counties and cities and counties in which such railroads are located, in proportion to the number of miles of railway laid in such counties and cities and counties, in the manner provided for in section three thousand six hundred and sixty-four of said Code.

6. To equalize the assessment of each mortgage, deed of trust, contract, or other obligation by which a debt is secured, and which affects property situate in two or more counties, and to apportion the assessment thereof to each of such counties.

7. To transmit to the Assessor of each county, or city and county, its apportionment of the assessments made by said Board upon the franchises, roadways, roadbeds, rails, and rolling stock of railroads, and also its apportionment of the assessments made by such Board upon mortgages, deeds of trust, contracts, and other obligations by which debts are secured, in the manner provided for in section three thousand six hundred and sixty-four of said Code.

8. To meet at the State Capitol on the first Monday in August, and remain in session from day to day, Sundays excepted, until the second Monday in September.

9. At such meeting to equalize the valuation of the taxable property of the several counties in this State for the purposes of taxation; and to the end, under such rules of notice to the Clerk of the Board of Supervisors of the county affected thereby, as it may prescribe, to increase or lower the entire assessment roll so as to equalize the assessment of the property contained in said roll, and make the assessment conform to the true value in money of the property assessed; and to fix the rate of State taxation, and to do the things provided in section three thousand six hundred and ninety-three of said Code; *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.

10. To visit as a Board, or by the individual members thereof, whenever deemed necessary, the several counties of the State, for the purpose of inspecting the property and learning the value thereof.

11. To call before it, or any member thereof, on such visit, any officers of the county, and to require them to produce any public records in their custody.

12. To issue subpoenas for the attendance of witnesses or the production of books before the Board, or any member thereof; which subpoenas must be signed by a member of the Board, and may be served by any person.

General duties of Board of Equalization.

13. To appoint a clerk, prescribe and enforce his duties. The clerk shall hold his office during the pleasure of the Board.

14. To report to the Governor, annually, a statement, showing:

First—The acreage of each county in the State that is assessed.

Second—The amount assessed per acre.

Third—The aggregate value of all town and city lots.

Fourth—The aggregate value of all real estate in the State.

Fifth—The kinds of personal property in each county, and the value of each kind.

Sixth—The aggregate value of all personal property in the State.

Seventh—Any information relative to the assessment of property, and the collection of revenue.

Eighth—Such further suggestions as it shall deem proper.

15. To keep a record of all its proceedings.

SEC. 22. Section three thousand six hundred and ninety-three is hereby amended so as to read as follows:

3693. When, after a general investigation by the Board, the property is found to be assessed above or below its full cash value, the Board may, without notice, so determine, and must add to or deduct from the valuation:

To equalize assessments, how.

1. The real estate.

2. Improvements upon such real estate.

3. The personal property—such per centum, respectively, as is sufficient to raise or reduce it to its full cash value; *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.

SEC. 23. Section three thousand six hundred and ninety-four is hereby amended so as to read as follows:

3694. Every County Auditor who fails to forward to the State Board of Equalization, and to the Controller, the statement provided for in section three thousand seven hundred and twenty-eight, forfeits to the State one thousand dollars, to be recovered in an action brought by the Attorney-General, in the name of the State Board of Equalization.

Penalty for failure of Auditor to forward statement.

SEC. 24. Section three thousand seven hundred and four is hereby amended so as to read as follows:

3704. If the Board of Supervisors of any county fails or refuses either—

Duty of the Board upon failure of Supervisors to supply Assessors with necessary facilities, etc.

1. To furnish the Assessor with the proper books, maps, map books, or blanks for his use; or,

2. To furnish the Assessor necessary office room,

Then the State Board of Equalization must, upon the application of the Assessor, furnish the necessary books, maps, map books, blanks, or office room; and all the expense incurred in carrying into effect the provisions of this section must, by the

Secretary of the Board, be certified to the Controller, who must, in his next settlement with the County Treasurer of any such county, require such Treasurer to pay the amount out of any funds belonging to such county.

SEC. 25. Section three thousand seven hundred and five is hereby amended so as to read as follows:

State Board may extend time.

3705. The State Board of Equalization may, by an order entered upon its minutes, and certified to the County Auditor of any county, extend, for not exceeding twenty days, the time fixed in this title for the performance of any act by the County Assessor, County Auditor, or County Boards of Equalization.

SEC. 26. Section three thousand seven hundred and fourteen is hereby amended so as to read as follows:

Supervisors to fix rate of county taxation, when.

3714. The Board of Supervisors of each county must, on the third Monday in September, fix the rate of county taxes, designating the number of cents on each one hundred dollars of property levied for each fund, and must levy the State and county taxes upon the taxable property of the county; *provided*, that it shall not be lawful for any Board of Supervisors of any county in the State to levy, nor shall any tax greater than fifty cents on each one hundred dollars of property be levied and collected in any one year, to pay the bonded indebtedness, or judgment arising therefrom, of this State, or of any county or municipality in this State.

SEC. 27. Section three thousand seven hundred and nineteen is hereby amended so as to read as follows:

State Board must levy school tax.

3719. The State Board of Equalization must levy, annually, at the time other State taxes are levied, a tax of such number of cents on each one hundred dollars of value of taxable property in the State as will produce a net sum equal to the amount directed by the Legislature as being necessary to be raised, by an ad valorem tax, for school purposes; and the assessment and collection of said tax shall be performed in the same manner and at the same time as other State taxes are assessed and collected.

SEC. 28. Section three thousand seven hundred and twenty-eight is hereby amended so as to read as follows:

Auditor to prepare duplicate statement, showing what.

3728. The Auditor must, on or before the second Monday in August in each year, prepare from the "Assessment Book" of such year, as corrected by the Board of Supervisors, duplicate statements, showing in separate columns—

1. The number of acres of land.
2. The total value of all property.
3. The value of real estate.
4. The value of the improvements thereon.
5. The value of personal property, exclusive of money.
6. The amount of money.
7. The assessed value of mortgages.
8. The assessed value of all property sold to the State for taxes.

SEC. 29. Section three thousand seven hundred and thirty is hereby amended to read as follows:

3730. As soon as the Auditor receives from the State Board of Equalization a statement of the changes made by the Board in the assessment book of the county, he must make the corresponding changes in the assessment book, by entering the same in a column provided with a proper heading in the assessment book, counting any fractional sum when more than fifty cents as one dollar, and omitting it when less than fifty cents, so that the value of any separate assessment shall contain no fraction of a dollar; but he shall, in all cases, disregard any action of the Board of Supervisors which is prohibited by section three thousand six hundred and thirty-three of this Code.

Auditor to follow directions of State Board of Equalization in equalizing property.

SEC. 30. Section three thousand seven hundred and thirty-one is hereby amended so as to read as follows:

3731. The Auditor must then compute, and enter in a separate money column in the assessment book, the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, and segregate and place in the proper columns of the book the respective amounts due in installments, as provided in section three thousand seven hundred and forty-six of this Code, and foot up the column, showing the total amount of such taxes, and the columns of total value of property in the county, as corrected under the direction of the State Board of Equalization.

Auditor to compute and enter taxes against property.

SEC. 31. Section three thousand seven hundred and thirty-two is hereby amended so as to read as follows:

3732. On or before the first Monday in October, he must deliver the corrected assessment book to the Tax Collector, with an affidavit attached thereto, and by him subscribed, as follows:

Delivery of assessment book.

"I, —, Auditor of the county of —, do swear that I received the assessment book of the taxable property from the Clerk of the Board of Supervisors, with his affidavit thereto affixed, and that I have corrected it and made it to conform to the requirements of the State Board of Equalization; that I have reckoned the respective sums due as taxes, and have added up the columns of valuation, taxes, and acreage, as required by law."

Auditor's affidavit.

SEC. 32. Section three thousand seven hundred and thirty-three is hereby repealed.

Repealed.

SEC. 33. Section three thousand seven hundred and thirty-four is hereby amended so as to read as follows:

3734. On delivering the assessment book to the Tax Collector, the Auditor must charge the Tax Collector with the full amount of the taxes levied, except the taxes due upon railway assessments made by the State Board of Equalization, and forthwith transmit by mail to the Controller of State a statement of the amount so charged.

Tax Collector charged with full amount of taxes levied.

SEC. 34. Section three thousand seven hundred and thirty-six is hereby amended so as to read as follows:

3736. The Auditor, if the assessment book or the delinquent tax list is transferred from one Collector to another, must credit the one and charge the other with the amount then outstanding on the tax list.

Transfer of book from one Collector to another.

Repealed. SEC. 35. Section three thousand seven hundred and thirty-seven is hereby repealed.

SEC. 36. Section three thousand seven hundred and thirty-eight is hereby amended so as to read as follows:

Auditor to furnish Assessor "personal property" receipts.

3738. On or before the first Monday in March of each year, the Auditor shall furnish the Assessor with blank "personal property" receipts in book form, with stubs attached, numbered the same as the receipts, each book having fifty receipts, in a form prescribed in section three thousand six hundred and forty, and charge the Assessor with the number of receipts issued. On the first Monday in August, the Assessor shall return all unused receipts, and the Auditor shall credit him with the numbers returned.

SEC. 37. Section three thousand seven hundred and forty-six is hereby amended so as to read as follows:

Tax Collector to publish notice specifying what.

3746. Within ten days after the receipt of the assessment book, the Tax Collector must publish a notice, specifying:

1. That the taxes on all personal property secured by real property, and one half of the taxes on all real property, will be due and payable 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, 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 and after the first Monday in January next, 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.

2. That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

3. The times and places at which payment of taxes may be made.

SEC. 38. Section three thousand seven hundred and forty-seven is hereby amended so as to read as follows:

Payment of taxes on particular lots, etc.

3747. The taxes on any particular lot, piece, or parcel of land contained in any assessment may be paid separately from the whole assessment, by paying the amount of State and county taxes due on such lot, piece, or parcel of land, with a proper proportion of the amounts due as tax on personal property, penalties, if any, and a proper proportion of the tax due to any school, road, or other lesser taxation. The Tax Collector shall make an entry on the margin of the assessment book, showing what certain property has been released by the payment of the taxes as herein provided, together with the amounts of such taxes separately and specifically set forth.

SEC. 39. Section three thousand seven hundred and forty-eight is hereby amended so as to read as follows:

Taxes, where payable.

3748. All taxes must be paid at the office of the Tax Collector, unless the Board of Supervisors by order, made on or before the first Monday in October, direct that the taxes must be collected in the several townships of the county, or in either

thereof, or in any municipal corporation in said county; in which case, the notice by the Tax Collector must specify a time and place within any township or municipal corporation named in such order, when and where the Tax Collector will attend to receive the payment of taxes.

SEC. 40. Section three thousand seven hundred and fifty-two is hereby amended so as to read as follows:

3752. The Superior Court must require every administrator or executor to pay out of the funds of the estate all taxes due from such estate; and no order or decree for the distribution of any property of any decedent among the heirs or devisees must be made until all taxes against the estate are paid. In the same manner, the Court must require the assignee to pay out of the funds of an insolvent's estate all taxes due from such estate; and no final discharge to such assignee shall be granted until all taxes against the insolvent's estate are paid.

Taxes of decedents and insolvents, how paid.

SEC. 41. Section three thousand seven hundred and fifty-six is hereby amended so as to read as follows:

3756. 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 Tax Collector must collect, for the use of the county, or city and county, an addition of fifteen per cent thereon; *provided*, that if they be not paid before the last Monday in April next succeeding, at six o'clock P. M., he shall collect an addition of five per cent thereon. On the last Monday in April of each year, at six o'clock P. M., all the unpaid portion of the remaining one half of the taxes on all real property are delinquent, and thereafter the Tax Collector must collect, for the use of the county, or city and county, an addition of five per cent thereon; *provided*, that the entire tax on any real property may be paid at the time the first installment, as above provided, is due and payable; 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, addition thereto of fifteen per cent.

SEC. 42. Section three thousand seven hundred and fifty-eight is hereby amended so as to read as follows:

3758. On the second Monday in December of each year, in each of the counties, and cities and counties of this State, the Tax Collector must attend at the office of the Auditor with the assessment book, having all items of taxes collected marked "paid." The Auditor shall thereupon compute and enter against all the items of taxes due and unpaid the penalty for delinquency, foot up the total amount of penalties then due, and must, within ten days thereafter, deliver to said Tax Collector the assessment book and charge him with the amount of said penalties. After April thirtieth, and on or before the second Monday in May of each year, the Tax Collector must notify all persons, or their agents, by mail when post office address can be ascertained, that their taxes have become delinquent, the amount of said taxes, and that the same will be sold unless paid prior to the third day of July of that year.

Auditor and Collector to compare books.

SEC. 43. Section three thousand seven hundred and fifty-nine is hereby amended so as to read as follows:

When delinquent list must be completed.

3759. On the third Monday in May of each year, in each of the counties, and cities and counties of this State, the Tax Collector must attend at the office of the Auditor with the assessment book, having all items of taxes and penalties collected marked "paid," and at the same time he shall deliver to the Auditor a complete delinquent list of all persons and property then owing taxes.

SEC. 44. Section three thousand seven hundred and sixty-two is hereby amended so as to read as follows:

Tax Collector charged with delinquent taxes and penalty.

3762. After settlement with the Tax Collector, as prescribed in the preceding section, the Auditor must charge the Tax Collector then acting with the amount of taxes due on the delinquent tax list, with the penalty or penalties added thereto, and within three days thereafter deliver the list, duly certified, to such Tax Collector.

SEC. 45. Section three thousand seven hundred and sixty-four is hereby amended so as to read as follows:

Publication of delinquent list: must contain.

3764. On or before the fifth day in June of each year the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes, penalties, and costs due, opposite each name and description, with the taxes due on personal property, the delinquent State, poll, road, and hospital tax, the taxes due each school, road, or other lesser taxation district, 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 to be a charge against the county, or city and county.

SEC. 46. Section three thousand seven hundred and sixty-five is hereby amended so as to read as follows:

Notice of sale.

3765. The Tax Collector must append and publish with the delinquent list a notice that unless the taxes delinquent, together with the costs and penalties, are paid, the real property upon which such taxes are a lien will be sold.

SEC. 47. Section three thousand seven hundred and sixty-six is hereby amended so as to read as follows:

Manner of making publication.

3766. The publication must be made once a week for three successive weeks in some newspaper, or supplement thereto, published in the county, and the Board of Supervisors must contract for such publication with the lowest bidder, and after ten days' public notice that such will be let. The bidding must be by sealed proposals. If there is no newspaper published in the county, then by posting a copy of the list in three public places in each township.

SEC. 48. Section three thousand seven hundred and sixty-seven is hereby amended so as to read as follows:

Publication must designate day of sale.

3767. The publication must designate the day and hour when the property will, by operation of law, be sold to the State, which sale must not be less than twenty-one nor more than twenty-eight days from the time of the first publication, and the place shall be in the Tax Collector's office.

SEC. 49. Section three thousand seven hundred and sixty-eight is hereby repealed. Repealed.

SEC. 50. Section three thousand seven hundred and seventy is hereby amended so as to read as follows:

3770. The Tax Collector must collect, in addition to the taxes due on the delinquent list, together with the penalties for delinquency, fifty cents on each lot, piece, or tract of land separately assessed, and on each assessment of personal property, which shall be paid to the county and be placed to the credit of the salary fund. Collector must collect additional sum to defray costs.

SEC. 51. Section three thousand seven hundred and seventy-one is hereby amended so as to read as follows:

3771. On the day and hour fixed for the sale, all the property delinquent, upon which the taxes of all kinds, penalties, and costs have not been paid, shall, by operation of law and the declaration of the Tax Collector, be sold to the State, and said Tax Collector shall make an entry, "Sold to the State," on the delinquent assessment list, 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; *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon, may pay the taxes, penalties, and costs due; *and provided further*, that when the original tax amounts to the sum of three hundred dollars or more upon any piece of property or assessment delinquent, the State may bring suit against the owner of said property for the collection of said tax or taxes, penalties, and costs, as provided in section three thousand eight hundred and ninety-nine. All delinquent property "Sold to the State," by operation of law, etc.
State may bring suit, when.

SEC. 52. Section three thousand seven hundred and seventy-two is hereby amended so as to read as follows:

3772. Immediately upon completion of the sale provided for in the preceding section, the Tax Collector must, by mail or express, transmit to the Controller a statement or report, in such form as the Controller may desire, showing in detail each sale wherein the State became such purchaser. Tax Collector must report sales in detail to Controller.

SEC. 53. Section three thousand seven hundred and seventy-three is hereby repealed. Repealed.

SEC. 54. Section three thousand seven hundred and seventy-four is hereby repealed. Repealed.

SEC. 55. Section three thousand seven hundred and seventy-five is hereby repealed. Repealed.

SEC. 56. Section three thousand seven hundred and seventy-six is hereby amended so as to read as follows:

3776. The Tax Collector must make out a certificate of delinquent tax sale for each piece or tract of land sold, dated on the day of the sale, stating (when known) the name of the person assessed, a description of the land sold, that it was sold for delinquent taxes to the State, and giving the amount and year of the assessment, and specifying when the State will be entitled to a deed. Collector to give purchaser duplicate certificate of sale.

SEC. 57. Section three thousand seven hundred and seventy-seven is hereby amended so as to read as follows:

Certificates must be filed with Recorder.

3777. Such certificate must be signed by the Tax Collector, regularly numbered in a book, and the book must be filed in the office of the County Recorder, and when so filed with the Recorder's filing on each certificate in said book, it must be regarded as recorded in the Recorder's office. The State Controller shall prescribe the form of such certificate of sale and record book. The Recorder must index such certificates of sale in an index book, kept for that purpose, the form of which shall be prescribed by the State Controller. In case of a redemption, or a subsequent sale of any of said property by the State, the Recorder must enter on the margin of the certificate, describing such property in said certificate book of record in his office, the fact of such redemption or sale, giving the date thereof, and by whom redeemed.

Recorder must enter fact of redemption, or sale by State, etc.

Repealed. SEC. 58. Section three thousand seven hundred and seventy-eight is hereby repealed.

Repealed. SEC. 59. Section three thousand seven hundred and seventy-nine is hereby repealed.

SEC. 60. Section three thousand seven hundred and eighty is hereby amended so as to read as follows:

Redemption of property, time for.

3780. A redemption of the property sold may be made by the owner, or any party in interest, within five years from the date of the sale to the State, or at any time prior to the entry or sale of said land by the State, in the manner provided by section three thousand eight hundred and seventeen.

SEC. 61. Section three thousand seven hundred and eighty-one is hereby amended so as to read as follows:

Redemption, how made.

3781. Redemption must be made to the County Treasurer on an estimate furnished by the Auditor, in lawful money of the United States, and the Treasurer must account to the State for all moneys received under such redemption, which said moneys shall be distributed in the manner provided by section three thousand eight hundred and sixteen.

SEC. 62. Section three thousand seven hundred and eighty-five is hereby amended so as to read as follows:

Property not redeemed within time allowed by law must be deeded to the State.

3785. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make the State a deed of the property, reciting in such deed the name of the person assessed (when known), the date of sale, a description of the land sold, the amount for which it was sold, that it was sold for delinquent taxes, giving the assessed value and the year of assessment, the time when the right of redemption had expired, and that no person has redeemed the property in the time allowed by law for its redemption. No charge shall be made by the Tax Collector for the making of any such deed, and the acknowledgment of all such deeds shall be taken by the County Clerk free of charge. All such deeds shall be recorded in the office of the County Recorder of the county wherein the property sold is situated, and said Recorder shall make no charge therefor. The State Controller shall provide uniform blank deeds, upon

which all conveyances to the State under the provisions of this section shall be made. All such deeds, after being duly recorded as herein provided, shall be forwarded by the County Recorder to the Controller. The Controller shall record such deeds at length in a book to be provided for that purpose, in which book a marginal space shall be left to show the subsequent disposition of the property by the State; *provided, however*, that when State lands have been sold to the State upon which the full purchase price of one dollar and twenty-five cents per acre has not been paid, the deeds to the State, after being duly recorded as herein provided, shall be forwarded by the County Recorder to the Surveyor-General, and remain on file in his office, and the State shall dispose of such lands in the manner provided in section three thousand seven hundred and eighty-eight. In all cases where land has heretofore been sold to the State for delinquent taxes, the deed therefor shall be made to the State within one year after this Act takes effect; *provided*, five years shall have elapsed after the date of such sale.

Controller
to record
deeds to
State.

Deeds for
delinquent
state lands
to be filed
in Sur-
veyor-
General's
office.

SEC. 63. Section three thousand seven hundred and eighty-seven is hereby amended so as to read as follows:

3787. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed. Such deed conveys to the State the absolute title to the property described therein, free of all incumbrances, except when the land is owned by the United States, or this State, in which case it is *prima facie* evidence of the right of possession, accrued as of the date of the deed to the State.

What re-
citals are
conclusive
evidence.

SEC. 64. Section three thousand seven hundred and eighty-eight is hereby amended so as to read as follows:

3788. When State lands, upon which the full purchase price of one dollar and twenty-five cents per acre has not been paid, and the deed therefor to the State provided for in section three thousand seven hundred and eighty-five has been forwarded to and filed with the Surveyor-General, the said lands shall again become subject to entry and sale, in the same manner, and subject to the same conditions, as apply to other State lands of like character, except that the former possessors of the lands thus deeded to the State, their heirs or assigns, shall be preferred purchasers thereof for the period of six months after the deeds are filed with the Surveyor-General; but the Surveyor-General shall not permit an entry or make a sale of any lands thus deeded to the State, except upon the previous payment into the State Treasury, as other moneys are required to be paid therein, in addition to the price of said lands as compared with the price fixed for other State lands of like character, by the person or persons proposing to make the entry or purchase, of a sum equal to the delinquent taxes, penalties, costs, and accruing costs, by virtue whereof the State became a purchaser of the lands thus sought to be entered or purchased, and also all delinquent taxes, penalties, and costs which may have accrued upon

State lands
not paid
for in full,
subject to
entry and
sale.

Former
possessors
to have
preference.

Purchase money paid, how distributed.

such lands prior to and subsequent to the date of the sale to the State, in pursuance of which the State received a deed therefor. The money thus paid into the treasury shall be distributed in the manner prescribed in section three thousand eight hundred and sixteen; *provided*, that the moneys received for twenty per cent of the purchase money and accruing interest, together with the principal, in case of full payment on the lands, shall be distributed by the Surveyor-General, in the manner now provided by law for such distribution.

SEC. 65. Section three thousand seven hundred and eighty-nine is hereby amended so as to read as follows:

What, prima facie evidence of assessment.

3789. The assessment book or delinquent list, or copy thereof, certified by the County Auditor, showing unpaid taxes against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

SEC. 66. Section three thousand seven hundred and ninety is hereby amended so as to read as follows:

Seizure and sale of personal property for taxes.

3790. The Assessor of each county, and city and county, shall have power, between the first Monday in March and the third Monday in July of each year, to collect the taxes due on personal property, except when real estate is liable therefor, by seizure and sale of any personal property owned by the delinquent.

SEC. 67. Section three thousand seven hundred and ninety-three is hereby amended so as to read as follows:

Fee for selling personal property.

3793. For seizing or selling personal property, the Assessor may charge in each case the sum of three dollars, and the same mileage as is allowed by law to the Sheriff of the county.

SEC. 68. Section three thousand seven hundred and ninety-seven is hereby amended so as to read as follows:

Auditor and Collector must compare.

3797. The Tax Collector must, on or before the last day in June of each year, attend at the office of the Auditor with the delinquent list, with all items collected marked "paid" thereon, and the Auditor must then carefully compare the list with the assessment 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.

SEC. 69. Section three thousand seven hundred and ninety-nine is hereby amended so as to read as follows:

Final settlement Auditor and Collector.

3799. The Auditor must then foot up the amount of taxes unpaid, and credit the Tax Collector with the amount, and have a final settlement with him; and the delinquent list must remain on file in the Auditor's office.

SEC. 70. Section three thousand eight hundred is hereby amended so as to read as follows:

Collector must make affidavit.

3800. At the time mentioned in section three thousand seven hundred and sixty-four, the Tax Collector must make an affidavit, indorsed on the list, that the taxes not marked "paid" have not been paid.

SEC. 71. A new section is hereby added to the Political Code of the State of California, to be known and designated as section three thousand eight hundred and one, to read as follows:

3801. It shall be the duty of the Tax Collector, within thirty days after the sale of any land for delinquent taxes, to furnish to the Auditor the complete printed list of all such lands so sold, and thereupon the Auditor shall enter upon the assessment book, immediately after the description of the property, the fact that said property has been sold for taxes, and the date of such sale.

Collector must report sales for delinquent taxes to Auditor, etc.

SEC. 72. Section three thousand eight hundred and three is hereby repealed.

Repealed.

SEC. 73. Section three thousand eight hundred and four is hereby amended so as to read as follows:

3804. Any taxes, penalties, and costs paid more than once, or erroneously or illegally collected, may, by the order of the Board of Supervisors, be refunded by the County Treasurer; and whenever any payments shall have been made to the State Treasurer by the County Treasurer, as provided by sections three thousand eight hundred and sixty-five and three thousand eight hundred and sixty-six of this Code, and it shall afterwards appear to the satisfaction of the Board of Supervisors that a portion of the money so paid has been paid more than once, or erroneously or illegally collected, said Board may refund such portions of said taxes, penalties, and costs so paid to the State Treasurer, to the person entitled to the same, out of the General Fund in the County Treasury; and upon rendering the report required by section three thousand eight hundred and sixty-eight, the Auditor shall certify to the Controller, in such form as the Controller may prescribe, all amounts so refunded, and in the next settlement of the County Treasurer with the State the Controller, if satisfied of the legality of such refunding by said Board, shall give such Treasurer credit for the State's portion of the amounts so refunded, as prescribed in section three thousand eight hundred and seventy-one.

Taxes illegally collected to be refunded.

County Treasurer to be reimbursed for refunded State taxes, how.

SEC. 74. Section three thousand eight hundred and five is hereby amended so as to read as follows:

3805. When the Tax Collector discovers that any property has been assessed more than once for the same year, he must collect only the tax justly due, and make return of the facts, under affidavit, to the Auditor, who shall, when directed to do so by the Board of Supervisors, cancel one of said erroneous or double assessments by an entry on the margin of the assessment book, as also on the delinquent list, should such erroneous or double assessment be carried therein. If the property assessed under such erroneous or double assessment has been sold, and a certificate or deed therefor has been issued, such fact shall be certified to the Controller by the Auditor and Tax Collector, and thereupon the Controller shall issue his certificate, under seal, authorizing the Auditor to cancel such erroneous or double assessment; *provided*, no cancellation of an erroneous or double assessment shall be made in any case

When land assessed more than once.

until the taxes, penalties, and costs upon one of such assessments shall have been paid. Whenever the possessory interest in land belonging to the United States has been assessed, and sold to the State for delinquent State and county taxes, the Board of Supervisors in the respective counties shall have power, upon the application of the owner of the land, his representative, or any party interested therein, to direct the County Auditor to cancel the certificate of sale in which such possessory interest was sold. Before an order to cancel the certificate, as provided in this section, can be granted by the Board of Supervisors, the applicant must satisfy the Board that all taxes against the land, or the possessory interest therein of such owner or his predecessor in title, have been paid.

SEC. 75. Section three thousand eight hundred and eight is hereby amended so as to read as follows:

Persons removing from one county to another.

3808. If any person removes from one county to another, after being assessed on personal property, the Assessor of the county in which he was assessed may employ an attorney to sue for and collect the same in the Assessor's name; but such Assessor shall not be relieved from the provisions of this chapter.

Repealed. SEC. 76. Section three thousand eight hundred and ten is hereby repealed.

Repealed. SEC. 77. Section three thousand eight hundred and eleven is hereby repealed.

Repealed. SEC. 78. Section three thousand eight hundred and twelve is hereby repealed.

SEC. 79. Section three thousand eight hundred and thirteen is hereby amended so as to read as follows:

Property sold to the State to be assessed subsequently.

3813. In case property assessed for taxes is purchased by the State, pursuant to provisions of section three thousand seven hundred and seventy-one of this Code, it shall be assessed each subsequent year for taxes until a deed is made to the State therefor in the same manner as if it had not been so purchased.

SEC. 80. Section three thousand eight hundred and fourteen is hereby amended so as to read as follows:

After "Sold to the State," no sale to be had for assessments.

3814. In case an assessment is made under the provisions of section three thousand eight hundred and thirteen of this Code, and the lands are not redeemed from a previous sale had under section three thousand seven hundred and seventy-one, as provided by law, no sale shall be had under the assessment authorized by said section three thousand eight hundred and thirteen.

SEC. 81. Section three thousand eight hundred and fifteen is hereby amended so as to read as follows:

All costs, etc., must be paid before redemption.

3815. In case property is sold to the State, pursuant to section three thousand seven hundred and seventy-one of this Code, and is subsequently assessed pursuant to section three thousand eight hundred and thirteen of this Code, no person shall be permitted to redeem from such sale, except upon payment of the amount of such subsequent assessments, costs, fees, penalties, and interest.

Sec. 82. Section three thousand eight hundred and sixteen is hereby amended so as to read as follows:

3816. Whenever property sold to the State, pursuant to the provisions of this chapter, shall be redeemed as herein provided, the moneys received on account of such redemption shall be distributed as follows: The original and subsequent taxes, and percentages, penalty, and the interest paid on redemption, shall be apportioned between the State and county, or city and county, in the same proportion that the State rate bears to the county, or city and county, rate of taxation; the additional penalties received on account of delinquency, together with the costs, shall be paid into the treasury for the use and benefit of the county, or city and county; the total amount received for State poll tax shall be paid to the State, without deduction of any percentages; the amounts received for road or hospital poll tax, and the amounts received for school, or road district, or other taxes, together with the penalties thereon, shall be paid into the County Treasury, and placed to the credit of the proper funds. The County Treasurer and Auditor shall each keep an accurate account of any and all moneys received in pursuance of this section, and shall at the time the Treasurer is required to settle with the State, in pursuance of sections three thousand eight hundred and sixty-five, three thousand eight hundred and sixty-six, and three thousand eight hundred and sixty-eight, make a detailed report, verified by their affidavit, of each account, year for year, to the Controller of State, in such form as the Controller may desire.

Moneys received on account of redemption, how distributed.

Sec. 83. Section three thousand eight hundred and seventeen is hereby amended so as to read as follows:

3817. In all cases where real estate has been or may hereafter be sold for delinquent taxes to the State, and the State has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators, or other successors in interest, shall, at any time after the same has been sold to the State and before the State shall have disposed of the same, have the right to redeem such real estate, by paying to the County Treasurer of the county wherein the real estate may be situated, the amount of taxes due thereon at the time of said sale, with interest thereon at the rate of seven per cent per annum; and also all taxes that were a lien upon said real estate at the time said taxes became delinquent; and also for each year since the sale for which taxes on said land have not been paid, an amount equal to the percentage of taxes for that year upon the value of the real estate as assessed for that year, or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of January of each of said years, respectively, at the same rate, to the time of redemption; and also all costs and expenses of such redemption, as hereinafter specified, and penalties as follows, to wit: Ten per cent, if redeemed within six months from the date of sale; twenty per cent, if redeemed within one year therefrom; forty

Right of redemption.

Penalties to be paid.

per cent, if redeemed within two years therefrom; sixty per cent, if redeemed within three years therefrom; eighty per cent, if redeemed within four years therefrom; and one hundred per cent, if redeemed within five or any greater number of years therefrom. The penalty shall be computed upon the amount of each year's taxes in like manner, reckoning from the time when the lands would have been sold for the taxes of that year, if there had been no previous sale thereof.

Penalties,
how
computed.

Auditor to
estimate
amount
necessary
to redeem.

The County Auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates shall be delivered to the County Treasurer, together with the money, and the County Treasurer shall give triplicate receipts, written or indorsed upon said certificates, to the redemptioner, who shall deliver one of said receipts to the State Controller and one to the County Auditor, taking their receipts therefor. The County Treasurer shall settle for the moneys received as for other State and county moneys. Upon the payment of the money specified in said certificate, and the giving of the receipts aforesaid by the Treasurer, Controller, and Auditor, any deed or certificate of sale that may have been made to the State shall become null and void, and all right, title, and interest acquired by the State, under and by virtue of the tax sale, shall cease and determine. The receipts of the County Treasurer, Controller, and County Auditor may be recorded in the Recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale. This Act shall apply to State lands sold by the State when the full amount of the purchase price of one dollar and twenty-five cents per acre has not been paid to the State therefor, except when the deed to the State, provided for in section three thousand seven hundred and eighty-five, has been filed with the Surveyor-General.

Applica-
tion of
Act.

SEC. 84. Section three thousand eight hundred and eighteen is hereby amended so as to read as follows:

Redemp-
tion may
be made of
separate
lots or
parcels of
land.

3818. A redemption may be made of any lot, piece, or parcel of land contained in any assessment, separately from the whole assessment, in the manner following: In the estimate provided for in the preceding section, the Auditor shall estimate the amount of State and county taxes due on such lot, piece, or parcel of land, together with a proper proportion of the taxes due on personal property under such assessment, and of the taxes due each school, road, or lesser taxation district; and such redemption shall be made in the manner provided for in the preceding section. The Recorder shall note, on the margin of the record of the certificate of sale, a description of the property thus redeemed, and shall specifically set forth the several amounts of taxes paid upon such redemption.

Recorder
shall note.

SEC. 85. Section three thousand eight hundred and nineteen is hereby amended so as to read as follows:

3819. At any time after the assessment book 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 voluntary payment, and such owner 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; *provided*, that no assessment shall be declared void on account of deductions being made for mortgages where part payments have been made and not released upon the record. 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 deductions to be made in the manner that other deductions are made, as provided in section three thousand eight hundred and seventy-one of this Code.

Payment of taxes under protest, in writing.

Suit to recover.

County Treasurer, how reimbursed.

Sec. 86. Section three thousand eight hundred and twenty is hereby amended so as to read as follows:

3820. The Assessor must collect the taxes on all personal property when, in his opinion, said taxes are not a lien upon real property sufficient to secure the payment of the taxes. The taxes on all assessments of possession of, claim to, or right to the possession of land, shall be immediately due and payable upon assessment, and shall be collected by the Assessor as provided in this chapter.

Assessor must collect taxes on personal property, when.

Sec. 87. Section three thousand eight hundred and twenty-three is hereby amended so as to read as follows:

3823. The Assessor shall be governed as to the amount of taxes to be collected upon personal property by the State and county rate for the previous year.

Amount, how determined.

Sec. 88. Section three thousand eight hundred and twenty-six is hereby amended so as to read as follows:

3826. The Assessor, on the first Monday in each month, must make a settlement with the Auditor, and must pay into the County Treasury all moneys collected by him for such taxes during the preceding month.

Assessor must make monthly settlement.

Sec. 89. Section three thousand eight hundred and twenty-nine is hereby amended so as to read as follows:

3829. For services rendered in the collection of taxes under section three thousand eight hundred and twenty, the Assessors

Compensation to Assessor for collection.

of the several counties, or cities and counties, shall receive such compensation as the Act governing salaries of county officers may provide

Repealed. SEC. 90. Section three thousand eight hundred and thirty is hereby repealed.

SEC. 91. A new section is hereby added to the Political Code of the State of California, to be known and designated as section three thousand eight hundred and thirty-one, to read as follows:

Auditor must ascertain from Assessor final amount of taxes delinquent.

3831. Within fifteen days after the first Monday in August of each year, the Auditor of the county, or city and county, must make a careful examination of the assessment book or books of the county, or city and county, and ascertain therefrom the amount or amounts of all taxes that should have been collected by the Assessor in pursuance of this chapter, and which have not been collected. He must then state an account to the Assessor, and demand from him that the amount or amounts so remaining uncollected shall be paid into the County Treasury within fifteen days from the date of said demand. If, at the expiration of said time, the Assessor has not settled for and paid said amount or amounts into the treasury as aforesaid, the District Attorney must commence an action in the proper Court against the Assessor and his bondsmen, for the recovery of said amount or amounts so remaining uncollected; and upon the trial of such action no defense shall be admissible, except that the assessment or assessments are illegal, invalid, or void.

District Attorney must bring action against Assessor

Defense.

SEC. 92. Section three thousand eight hundred and forty is hereby amended so as to read as follows:

Poll tax, when to be collected.

3840. Poll tax must be collected by the Assessors between the first Monday in March and the last Monday in December of the same year.

SEC. 93. Section three thousand eight hundred and forty-one is hereby amended so as to read as follows:

County Treasurer to have blank poll-tax receipts printed.

3841. The County Treasurer must, before the first Monday in March and the first Monday in July of each year, cause to be printed, respectively, two- and three-dollar blank poll-tax receipts, in book form, with stubs numbered the same as the receipts, of one hundred in each book, a sufficient number for the use of the Assessor. The stubs shall have a line for the name of the poll-tax payer, his age, residence, occupation, by whom employed, and the name of the deputy collecting the tax.

SEC. 94. Section three thousand eight hundred and fifty-four is hereby amended so as to read as follows:

Assessor's final yearly settlement of poll taxes.

3854. On the first Monday in July, the Assessor must return to the Auditor all two-dollar blank poll-tax receipts received by him and not used, and pay to the Treasurer the total amount collected and not before paid in, less the amount of his fees, and the Auditor must deliver to him the three-dollar receipts; and on the last Monday in December of each year, he must return to the Auditor all three-dollar poll-tax receipts received by him and not used, and must make final settlement with the Auditor and Treasurer therefor.

SEC. 95. Section three thousand eight hundred and fifty-eight is hereby amended so as to read as follows:

3858. On the last Monday in December of each year, the Assessor must deliver to the Auditor the roll so made up, and the Auditor must add to the total poll tax delinquent on such roll, thirty-three and one third per centum additional, and on the second Monday in January following, deliver such list to the Tax Collector and charge the Tax Collector therewith.

Poll-tax roll to be delivered to Auditor.

SEC. 96. Section three thousand eight hundred and sixty-seven is hereby amended so as to read as follows:

3867. Every County Treasurer who neglects or refuses to appear at the office of the Controller and Treasurer at the times specified in this chapter, and then and there to settle and make payment as required by this chapter, shall forfeit to the State of California one thousand dollars, to be recovered in an action brought by the Attorney-General in the name of the Controller.

County Treasurer neglecting to settle, penalty.

SEC. 97. Section three thousand eight hundred and seventy is hereby amended so as to read as follows:

3870. Every Auditor who fails or refuses to make and transmit the report required by this chapter, or any report or statement required by this title, forfeits to the State of California one thousand dollars, to be recovered in an action brought by the Attorney-General in the name of the Controller.

Failure of Auditor to make report, penalty.

SEC. 98. Section three thousand eight hundred and seventy-one is hereby amended so as to read as follows:

3871. In the settlement, the Controller must deduct the mileage allowed to the County Treasurer in making settlement, the State's portion of the repayments made under section three thousand eight hundred and twenty-four, the State's portion of all amounts refunded under section three thousand eight hundred and four, and any other amounts due the county, or city and county.

Controller to deduct fees, mileage, etc., on settlement.

SEC. 99. Section three thousand eight hundred and seventy-three is hereby amended so as to read as follows:

3873. The Controller must, after the Treasurer has made settlement and payment, enter upon each copy of the Auditor's report a statement showing:

Controller's statement, to contain what.

1. The amount of money by the County Treasurer paid into the State Treasury.

2. The amounts authorized to be deducted under section three thousand eight hundred and seventy-one.

And must then return one copy of the report to the County Treasurer.

SEC. 100. Section three thousand eight hundred and seventy-eight is hereby amended so as to read as follows:

3878. If he believes any officer has been guilty of defrauding the State of revenue, or has neglected or refused to perform any duty relating to the revenue, he must direct the Attorney-General, or other counsel, to prosecute the delinquent.

Prosecution of officer guilty of defrauding State of revenue.

SEC. 101. Section three thousand eight hundred and eighty-one is hereby amended so as to read as follows:

3881. Omissions, errors, or defects in form in any assessment book, when it can be ascertained therefrom what

Correction of errors, etc., in assessment books.

was intended, may, with the written consent of the District Attorney, be supplied or corrected by the Assessor at any time prior to the sale for delinquent taxes, after the assessment was made. In the City and County of San Francisco the written consent of the City and County Attorney shall have the same force and effect as the written consent of the District Attorney.

Repealed. SEC. 102. Section three thousand eight hundred and eighty-six is hereby repealed.

Taxes pay- SEC. 103. Section three thousand eight hundred and eighty-
able in
lawful
money of
the United
States. eight is hereby amended so as to read as follows:

3888. Taxes must be paid in the lawful money of the United States. A tax levied for a special purpose may be paid in such funds as may be directed.

Repealed. SEC. 104. Section three thousand eight hundred and ninety-three is hereby repealed.

Repealed. SEC. 105. Section three thousand eight hundred and ninety-four is hereby repealed.

Repealed. SEC. 106. Section three thousand eight hundred and ninety-five is hereby repealed.

Repealed. SEC. 107. Section three thousand eight hundred and ninety-six is hereby repealed.

SEC. 108. Section three thousand eight hundred and ninety-seven is hereby amended so as to read as follows:

3897. Whenever the State shall become the owner of any property sold for taxes, and the deed to the State has been filed with the Controller, as provided in section three thousand seven hundred and eighty-five, the Controller may thereupon, by a written authorization, direct the Tax Collector of the county, or city and county, to sell the property in the manner following:

Controller
may direct
the sale of
property
deeded to
the State.

He must give notice of such sale by first publishing a notice for at least three successive weeks in some newspaper published in the county, or city and county, or, if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county, or city and county, for the same period. Such notices must state specifically the place of, and the day and hour of sale, and shall contain a description of the property to be sold, and shall also embody a copy of the authorization received from the Controller. At the time set for such sale, the Tax Collector must sell the property described in the Controller's authorization and said notices, at public auction, to the highest bidder for cash, in lawful money of the United States; but no bid shall be received or accepted at such sale for less than the amount of all the taxes levied upon such property, and all interests, costs, penalties, and expenses up to the date of such sale. The expense of the publication of the notice herein required, shall be a charge against the county.

Manner of
procedure.

Sale.

SEC. 109. Section three thousand eight hundred and ninety-eight is hereby amended so as to read as follows:

Moneys
received,
how dis-
tributed.

3898. The moneys received from such sale shall be distributed as follows: The Tax Collector shall deduct the penalties, costs, and other amounts received as expenses attending such sale; and the balance shall be distributed between the State, and county, or city and county, in the proportion that

the State rate bears to the county, or city and county rate of taxation; said Tax Collector shall pay all amounts into the County Treasury, and the Treasurer shall account to the State for its portion in the settlement required by section three thousand eight hundred and sixty-five and section three thousand eight hundred and sixty-six. On receiving the amount bid, as prescribed in the preceding section, the Tax Collector must execute a deed to the purchaser, reciting the facts necessary to authorize such sale and conveyance, which deed shall convey all the interest of the State in and to such property, and shall be *prima facie* evidence of all facts recited therein. Deed.

SEC. 110. Section three thousand eight hundred and ninety-nine is hereby amended so as to read as follows:

3899. The Controller may, at any time after a delinquent list has been delivered to a Tax Collector, direct such Tax Collector not to proceed in the sale of any property on said list whereon the taxes shall amount to three hundred dollars or more. Upon such direction, the Tax Collector must make out, and deliver to the Controller, a certified copy of the entries upon the delinquent list relative to such tax. The Controller shall thereupon direct the Attorney-General to bring suit against the delinquent, in the proper Court, in the name of the People of the State of California, to enforce such collection. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals, are hereby made applicable to the proceedings herein provided for. The moneys received in pursuance of this section shall be distributed as provided in the preceding section. Controller may direct Collector not to proceed in sale of property, when.

SEC. 111. Section three thousand nine hundred is hereby amended so as to read as follows:

3900. Whenever, in this title, any official, or officials, are authorized to commence an action for the violation of any law relating to revenue, or to compel the specific performance thereof, such official, or officials, may designate the county, or city and county, in which such action shall be commenced and prosecuted. Officials may designate where action shall be commenced.

SEC. 112. All Acts and parts of Acts in conflict with this Act are hereby repealed; *provided*, nothing in this Act contained shall affect the time or manner of collecting delinquent assessments levied and assessed to pay the damages, costs, and expenses for or incident to the 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 in this State, nor the time or manner of sales, or redemption after sales, of real property sold to pay the damages, costs, and expenses incident to such work or improvement aforesaid; and the time and manner of sale, or redemption after sale, of any real property sold to pay the damage, cost, and expense for or incident to 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 in this State, shall be had and made in the same time and manner, Exceptions from provisions of this Act.

as provided by law in such matters on the first day of January, Anno Domini eighteen hundred and ninety-five.

SEC. 113. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXIX.

An Act to appropriate eleven hundred (\$1100) dollars to pay the claims of D. H. Wyckoff and others for the arrest of the murderers of A. B. Montgomery, in Shasta County, in 1892.

[Approved March 28, 1895.]

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

SECTION 1. The sum of eleven hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the claims of D. H. Wyckoff and others that assisted in the capture of the murderers of A. B. Montgomery, in Shasta County, in eighteen hundred and ninety-two, as approved by the State Board of Examiners; and the State Board of Examiners is authorized to apportion the said amount herein authorized to the various claimants that assisted in the arrest of the murderers.

Appropriation to pay claims of D. H. Wyckoff and others.

SEC. 2. The Controller of State is hereby directed to draw his warrant for the sum of eleven hundred dollars in favor of the Secretary of the State Board of Examiners, and the Treasurer is hereby directed to pay the same.

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

CHAPTER CCXX.

An Act to provide for the payment of all private claims allowed by the Legislature of the thirty-first session, out of the revenues of the forty-seventh fiscal year.

[Approved March 28, 1895.]

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

SECTION 1. All private claims allowed and directed or authorized to be paid by the Legislature of this State, at its thirty-first session, out of the General Fund, shall only be payable out of the income of the forty-seventh fiscal year.

All private claims to be paid out of revenues of forty-seventh fiscal year, on certificate of Board of Examiners.

SEC. 2. The Board of Examiners are authorized and empowered to investigate the items of any claim passed by the Legislature, and directing payment thereof, and if in the opinion of the Board of Examiners, any reduction should be made in the amount allowed or directed or authorized to be paid, the said

Board of Examiners shall certify said amount to be deducted from the said claim, and the Controller is authorized and directed to draw his warrant only for the amount of money so certified by the Board of Examiners as the proper and just amount to be paid. Nothing herein shall authorize or empower the Board of Examiners to increase the amount allowed by the Legislature.

Sec. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall take effect immediately.

CHAPTER CCXXI.

An Act to add a new article to chapter one, of title two, part three, of the Political Code of the State of California, to be known and designated as article four; and to add six new sections, to be known and designated as sections one thousand and seventy-five, one thousand and seventy-six, one thousand and seventy-seven, one thousand and seventy-eight, one thousand and seventy-nine, and one thousand and eighty, relative to County, City, and City and County Boards of Election Commissioners.

[Approved March 28, 1895.]

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

SECTION 1. A new article is hereby added to chapter one, title two, part three, of the Political Code of the State of California, to be known and designated as article four; and six new sections are hereby added to said Political Code, under said new article, to be known and designated as sections one thousand and seventy-five, one thousand and seventy-six, one thousand and seventy-seven, one thousand and seventy-eight, one thousand and seventy-nine, and one thousand and eighty, to read as follows:

Relative to
Election
Commis-
sioners.

ARTICLE IV.

COUNTY, CITY, AND CITY AND COUNTY BOARDS OF ELECTION COMMISSIONERS.

- 1075. Board of Election Commissioners.
- 1076. Powers to be exercised by Commissioners.
- 1077. Clerks of Boards.
- 1078. Duties of Clerks.
- 1079. Expenditure of moneys.
- 1080. Statutes continued in force.

1075. The Board of Supervisors of each county is ex officio the Board of Election Commissioners in and for the county, and the Common Council, or other governing body of a city, is ex officio the Board of Election Commissioners in and for such city; *provided*, that in cities and cities and counties of this State having one hundred and fifty thousand or more

Board of
Election
Commis-
sioners.

Who to constitute said Board in cities and counties of 150,000 population.

inhabitants the Board of Election Commissioners shall consist of four persons, citizens and electors of such city, or city and county, each of whom must be a freeholder, and have been an actual resident of said city and county at least five years preceding his appointment, who shall be appointed by the Mayor; *provided*, that the respective Executive Committees of the State Committees of either of the political parties who may be entitled under the provisions of this Act to have members of their party appointed as members of said Board of Election Commissioners, shall have the right, within ten days after such appointment, to file with the Mayor a written protest against the appointment of a member of said Board of Election Commissioners, as having been appointed as one of affiliation with said party, on the grounds that said appointee is not a person of well-known affiliation and standing with said party from which he has been appointed; and the Mayor thereupon shall make another appointment in the place of the party against whom the protest has been filed. The members of said Commission shall be ineligible to any other office or public employment, elective or appointive, during the term for which they have been appointed and for one year thereafter. Two of the persons so appointed shall be selected from the body of citizens and electors of such city, or city and county, of known affiliation with and belonging to the political party or organization which at the last Presidential election held in such city, or city and county, polled within said city, or city and county, the highest number of votes cast for the candidates of the political party for Presidential Electors at such election; and the two remaining members of said Board shall be selected from the body of electors of such city, or city and county, of known affiliation with and belonging to the political party which, at the last Presidential election held at such city, or city and county, polled within such city, or city and county, the next highest number of votes cast for the candidates for Presidential Electors of a political party. The members of said Commission shall, every two years, choose one of their number as Chairman; in the event of their failure to select a Chairman in five ballots, the oldest of said members in point of years shall be Chairman. The persons first appointed as such Board of Election Commissioners shall be appointed on the first Monday of July, eighteen hundred and ninety-five, and shall each hold their office for the term of four years from and after the date of their appointment, except that of those first appointed, two (one belonging to each political party or organization, as aforesaid), to be designated by the Mayor, shall retire at the end of two years, when their successors shall be appointed by the Mayor.

Term of office.

Vacancy.

Whenever any vacancy shall occur in the said Board, such vacancy shall be filled by appointment as herein prescribed, and the person so appointed to fill such vacancy shall be selected in the same manner and from the same political party or organization with which his predecessor in office affiliated and belonged at the time of his appointment thereto, and shall hold office for the balance of the unexpired term to which he

was appointed. The salary of each member of the Board of Election Commissioners in and for a city, or city and county, having one hundred thousand or more inhabitants, shall be seven hundred and fifty dollars per annum, payable in equal monthly installments, out of the treasury of such city, or city and county, in the same manner as the salaries of other officers of such city, or city and county, are paid. Salary.

1076. The Board of Election Commissioners, as provided for in this article, shall, within their respective counties, cities, or cities and counties, be invested with and shall exercise all the powers conferred, and shall discharge and perform all the duties imposed by this Code or by any law of this State, upon Boards of Supervisors of the several counties, or upon the Common Council or other governing body of cities, or upon any other Board or body, in respect to the conduct, control, management, and supervision of elections, and all matters pertaining to elections held within the respective counties, cities, or cities and counties, as the same are now or may be hereafter prescribed by law. Powers of Board.

1077. The County Clerk is ex officio Clerk of the Board of Election Commissioners of the county, and the Clerk or Secretary of the Common Council or other governing body of a city is ex officio the Clerk or Secretary of the Board of Election Commissioners; *provided*, that in cities, or cities and counties, of this State having one hundred and fifty thousand or more inhabitants, the Board of Election Commissioners shall appoint a suitable person, not one of their own number, to act as Secretary, at a salary not to exceed two hundred and fifty dollars per month, payable in the same manner as the salaries of the Commissioners are paid. Such Secretary shall hold his office during the pleasure of the said Board. Clerk of the Board.
Secretary and salary.

The Secretary of the Board of Election Commissioners shall not, during the term of his office, engage in any other calling or trade, or profession or employment, and shall be ineligible to be a candidate or delegate to any convention which shall nominate candidates for office, and he shall be ineligible to be voted for for any office while acting as such Secretary; and if these provisions of the law are not obeyed, it shall be the duty of the Board of Election Commissioners forthwith to declare his place vacated, and the vacancy shall be filled in the same manner and terms as provided for in the original appointment. Qualifications of Secretary.

Each member of the Board of Election Commissioners, and the Secretary elected by said Board of Election Commissioners, shall, within fifteen days after receiving notice of their appointment, take the usual oath of office before any Judge of the Superior Court of said county, or city and county, and said oaths of office shall be filed with the County Clerk of said city and county. Official oaths.

The Board of Election Commissioners shall have the power to appoint all deputies, and such clerks as may be necessary, and to fix their salaries at the time of their employment. All deputies and clerks thus appointed shall be equally divided between the representatives of the political parties that polled Appointment of clerks, etc.

the highest and the next to the highest number of votes at the preceding Presidential election. The salaries of all deputies and clerks that may be appointed by said Board of Election Commissioners shall be payable in equal monthly installments out of the treasury of said city, or city and county, in the same manner as the salaries of other officers of such city, or city and county, are paid.

Oaths.

The members of the Board of Election Commissioners, the Secretary of the Board of Election Commissioners, all deputies and clerks appointed by the Board of Election Commissioners, and all election officers, shall have the power to administer oaths; and any false oaths taken before them, or either of them, shall be deemed to be perjury, and the person so convicted thereof shall be punished according to law.

County Clerk and Clerk of Common Council shall perform certain duties.

1078. The County Clerk of each county, and the Clerk or Secretary of the Common Council of a city, shall, within their respective counties or cities, exercise all the powers conferred, and shall discharge and perform all the duties imposed by this Code, or by any law of this State, upon such officers in respect to the conduct, management, and supervision of elections, and matters pertaining to elections, held within the respective counties or cities, as the same are now or may be hereafter prescribed by law; *provided*, that in cities, or cities and counties, having one hundred and fifty thousand or more inhabitants, the Secretary of the Board of Election Commissioners, under the direction of the Board of Election Commissioners, shall exercise all the powers conferred, and shall discharge and perform all the duties imposed by this Code, or by any law of this State, upon the County Clerk or any other officer in such cities, or cities and counties, in respect to the conduct and supervision of matters relating to elections held within such cities, or cities and counties, as the same are now or may be hereafter prescribed by law.

Secretary, in cities of 150,000 population.

Expenditure of public money to be under the supervision of Board.

1079. Whenever the Clerk, Secretary, or any officer of a county, city, or city and county, is charged with the performance of any official duty in respect to elections which involves the expenditure of public moneys, such expenditures shall be subject to the control and supervision of the Board of Election Commissioners; and when any printing or other service is to be performed, or materials are to be furnished, the amount of which in the aggregate shall exceed the value of five hundred dollars, it shall be the duty of the Board of Election Commissioners to invite proposals for the work, or the furnishing of the materials, and to let the contract for the same to the lowest responsible bidder therefor, in the same manner and upon the same conditions as is required in the letting of contracts for doing other and similar work, or furnishing other and similar materials, for county, city, or city and county purposes; *provided*, that no such proposal or bid shall be required for the contract to print ballots, if the time within which such ballots must be had does not reasonably admit of such proposal and bid.

Contracts to be let.

Printing of ballots may be excepted.

1080. Nothing contained in this article affects any of the provisions of this Code, or of any statute of this State, touching the registration and qualification of voters and the method of calling, holding, and conducting elections, in force in any county, city, or city and county; but such provisions and statutes are recognized as continuing in force, except so far as they are inconsistent with the provisions of this article upon the subject to which this article relates.

Applica-
tion of
provisions
of this
article.

SEC. 2. This Act shall take effect and be in force from and after the first day of July, eighteen hundred and ninety-five.

CHAPTER CCXXII.

An Act to create and establish a Commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said Commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a Secretary and Stenographer therefor; and to provide for the compensation and expenses of said Commission, Secretary, and Stenographer, and to appropriate money therefor.

[Approved March 28, 1895.]

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

The Commission.

SECTION 1. A non-partisan Commission, consisting of three persons as hereinafter designated, is hereby created and established, for the purposes of revising, compiling, correcting, amending, systematizing, improving, and reforming the laws of this State, for the advancement and welfare of the people thereof.

Commis-
sioners for
the Re-
vision and
Reform of
the Law.

Qualifications of Members.

SEC. 2. The members of said Commission shall be known and designated as "The Commissioners for the Revision and Reform of the Law," and the term of office shall be two (2) years from and after the first day of April, eighteen hundred and ninety-five. They shall not belong to the same political party, but shall be members of the legal profession who have for more than five years prior to their appointment been engaged in the practice of the law in this State, and admitted to practice before the Supreme Court. Each shall be appointed from and represent a separate portion of the State.

Qualifica-
tions and
term of
office of
members.

Manner of Appointment.

SEC. 3. Said Commissioners shall be appointed by the Governor within ten days from the passage of this Act. In case of a vacancy or vacancies in said Commission by death, resignation, removal, or otherwise, a successor or successors to fill such

Governor
to ap-
point.

vacancy or vacancies for the unexpired term shall be appointed in like manner.

Notice of Appointment.

Secretary of State shall notify appointees.

SEC. 4. The Secretary of State shall, after the passage of this Act and the appointment of such Commissioners, immediately notify each appointee thereof, and issue to each appointee a commission, under the great seal of this State, notifying him of the passage of said Act and of his appointment by the Governor. Each appointee shall immediately upon receiving said notice of his appointment, if he accepts the same, take and subscribe an oath of office, which shall be filed in the office of the Secretary of State.

Organization of Commission.

Organization.

SEC. 5. The Commission shall hold its sessions in a room to be provided by the Secretary of State, in the State Capitol, and shall enter upon the discharge of its duties immediately after its organization. Said Commissioners shall select and adopt a suitable seal for the authentication of their acts, records, and proceedings, and adopt and provide for the publication of such reasonable and proper rules and regulations for the conduct of the business of said Board, and for the promotion of the objects intended to be advanced by this Act. They shall, thereupon, select and appoint a Secretary and Stenographer, to hold office during the pleasure of said Board, who shall attend all the sittings of said Board, and act under its supervision.

Secretary and stenographer.

Powers and Duties.

Powers and duties.

SEC. 6. 1. It shall be the duty of said Commissioners to revise and examine the Political Code, the Civil Code, the Code of Civil Procedure, and the Penal Code of the State of California.

2. To revise and examine all the statutes of this State that have been or shall hereafter be passed by the Legislature thereof and published by the State.

3. They shall ascertain, determine, and designate, according to their best judgment, those statutes now in force, and those expressly or by implication repealed.

4. They shall note and designate the errors, defects, or omissions, verbal, grammatical, or otherwise, and suggest what will be necessary to supply, correct, or amend the same, and such improvements as shall introduce precision and clearness into the wording of the codes and statutes.

5. All or any of the reports, records, or proceedings of said Commission shall be printed by the State Printer, on the requisition of said Board, when so ordered and directed by said Board,

6. Said Board shall have power to order the State Printer to print and deliver to the Secretary of said Board such number as said Board may designate of any report, record, or proceedings of said Board.

7. Said Commissioners, or either of them, upon the request of the Legislature, or a duly appointed committee thereof, shall attend at the Capitol during the sitting of said session of the Legislature, and act as legislative counsel or adviser, in drafting or passing upon the form of any bill, or proposed bill, pending or to be introduced before the Legislature; and also, when requested, give advice to said Legislature, or such committee, as to the form of any proposed legislation, and its effect upon existing laws, and as to whether said bill, as drawn and presented, is so constructed and worded as to carry out the purpose intended.

Commissioners shall attend sittings of the Legislature.

8. Thirty days prior to every session of the Legislature, said Board shall make and file with the Secretary of State a report of their transactions relating to legislative matters, or which would give any information or knowledge to said Legislature as to legislation in the past, and as to the policy for future legislation. And they shall also report to said Legislature such suggestions as they deem proper for the promotion of the public welfare and the best interests of the State, or any locality or citizens thereof, and file therewith schedules or exhibits, showing the form or substance of all proposed legislation which they recommend. And they shall suggest all such improvements as shall conduce to precision and clearness in the wording of the codes and statutes, and propose such measures as may be necessary to improve or give unity and completeness to the system of the laws of this State. Said reports, schedules, and exhibits shall be printed by the State Printer, upon the requisition and under the supervision of the Commissioners. They shall be so printed as to show, in the readiest manner, the changes proposed by the Commission, and in those cases wherein it shall recommend the repeal of a law, and propose a substitute therefor, such law and substitute shall be printed in the manner most convenient for comparison.

Shall file report with Secretary of State relative to legislative matters, etc.

Duty of State Printer.

9. Said Board shall at all such times as they may designate by rules and regulations which they may adopt, sit in open session and hear such printed or oral arguments as may be addressed to them, for or against any proposed or existing legislation. All such sessions of the Board shall be open to the public, and a record of all proceedings shall be kept and preserved by the Secretary of said Board.

Open sessions.

Compensation.

SEC. 7. 1. Said Commissioners shall receive for their services, from the State, the sum of four thousand dollars each per annum; such compensation shall be paid in the same manner as the salaries of the Justices of the Supreme Court are now paid.

Compensation.

2. The Secretary of the Commission shall receive the sum of two hundred dollars (\$200) per month, and the Stenographer one hundred dollars (\$100) per month, payable in like manner as the salaries are paid to the members of said Commission.

Salary of Secretary and Stenographer.

3. The expenses incurred by said Commission, or the members thereof, exclusive of salaries, shall be set forth in detail in an itemized statement, and thereupon a requisition shall be

Contingent expenses.

made by said Board of Commissioners upon the State Controller, accompanied by the sworn certificates of all the Commissioners that the services have been performed and the materials used or things furnished, and that said sums are justly due.

Directions
to Con-
troller and
Treasurer.

4. And said State Controller is hereby directed to draw his warrant on the Treasurer for the payment of said salaries, when due and payable, as herein provided. And also for such sums as are covered by said requisitions, and the Treasurer is hereby directed to pay the same out of any money not otherwise appropriated.

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

CHAPTER CCXXIII.

An Act providing for the relief of John J. Conlin, directing the Board of Supervisors of the City and County of San Francisco to order paid to said Conlin, his assigns or legal representatives, the sum of sixty-one thousand five hundred and seventy-seven (61,577) dollars, and directing the Auditor of said city and county to audit the demand of said Conlin for said sum, and issue his warrant therefor; and the Treasurer of said city and county to pay said warrant.

[Approved March 28, 1895.]

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

Appropriation
to pay
claim
of J. J.
Conlin.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and directed to order paid to John J. Conlin, or his assigns or legal representatives, the sum of sixty-one thousand five hundred and seventy-seven (61,577) dollars.

SEC. 2. The Auditor of said City and County of San Francisco is hereby authorized and directed to audit the demand for said sum of money named in section one, and to issue his warrant therefor to John J. Conlin, his assigns or legal representatives; and the Treasurer of said city and county is hereby directed to pay said demand and warrant for said sum of money, upon presentation therefor.

SEC. 3. This Act shall take effect immediately.

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.



CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

CHAPTER I.

Senate Joint Resolution No. 1, relating to the passage of H. R. 119, Fifty-third Congress, in the Senate of the United States.

[Adopted January 29, 1895.]

WHEREAS, There is now before a select Committee on Forest Reservation in the Senate of the United States a bill to protect public forest reservations and secure favorable conditions of water flow, which if passed will add greatly to the wealth of the nation, and particularly to the State of California; therefore, be it

Protection
of forest
reserva-
tions.

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 the passage of H. R. 119, pertaining to "the protection of public forest reservations."

Urging
passage of
H. R. 119.

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 II.

Senate Joint Resolution No. 4, relative to the boundaries of Yosemite National Park.

[Adopted January 31, 1895.]

WHEREAS, There is now pending before the Fifty-third Congress of the United States of America a bill designated as H. R. 7872, "authorizing, in certain cases, the Secretary of the Interior, with the approval of the President, to alter the boundaries of the Yosemite National Park, a forest reservation in California"; and whereas, such bill does not specify the changes in boundary to be made, but leaves them to the discretion of the Secretary of the Interior; and whereas, the reservation, by the Federal Government, of the Yosemite National Park was an act of great benefit to the whole people of the State of California, in that the reservation protects the headwaters of the Tuolumne and Merced Rivers and pre-

Bound-
aries of
Yosemite
National
Park.

serves the original grandeur of the Yosemite Valley; and whereas, any alteration of the boundary of the Yosemite National Park should be made only after the fullest publicity to the people of the State of California; now, therefore, be it

Opposing
passage of
H. R. 7872.

Resolved by the Senate and Assembly of the Thirty-first Session of the Legislature of the State of California, That the Fifty-third Congress be requested and urged not to pass the above-described bill; but that any bill looking to the alteration of the boundary of the Yosemite National Park specify the alterations to be made, to the end that such alterations may not nullify the good effects now derived by the existence of the Yosemite National Park; and further be it

Resolved, That his Excellency the Governor be and he hereby is requested to forward to the Secretary of the Interior of the United States and to our Senators and Representatives in Congress a copy of this resolution.

CHAPTER III.

Senate Joint Resolution No. 10, relative to the improvement of the Sacramento and San Joaquin Rivers, and asking that each system be placed under contract, and that one million dollars be appropriated for each.

[Adopted January 31, 1895.]

Preamble. WHEREAS, The Sacramento and San Joaquin Rivers, with their tributaries, constitute over a thousand miles of navigable channels and traverse rich agricultural portions of California; and whereas, these rivers have not received at the hands of Congress that attention that their importance as commercial highways demand, and only in recent years have received any attention at all; and whereas, by the expenditure of a comparatively small sum of money, the Sacramento River can be made navigable to a point above Redding, Shasta County, in which county there are immense deposits of coal and iron ore that must forever remain undeveloped, unless afforded access to market by cheap water transportation; and whereas, these rivers not only afford cheap transportation to the products of the country tributary to them, but also regulate the charge by railroad transportation, the railroads running parallel with the rivers, and being compelled to adjust their rates to meet water competition; and whereas, this decrease in cost of transportation is so much added to the wealth of the farmer and producer; and whereas, the welfare of California, and the development of its agricultural, mineral, and manufacturing resources, imperatively require that these river systems should be improved so as to restore them to their original condition, and also extended so as to afford facilities for moving the products of a rich country now inaccessible to river navigation.

Resolved by the Senate, the Assembly concurring, That our Representatives in Congress be urgently requested, and our Senators instructed, to use all honorable means to secure the passage of a law by Congress putting the improvement of the Sacramento and San Joaquin Rivers, and their tributaries, under the contract system, and appropriating the sum of one million dollars for each system, for the purpose of completing such work.

Requesting Congress to put improvement of Sacramento and San Joaquin Rivers under contract system.

Resolved, That the Governor be requested to transmit by telegram to each of our Senators and Representatives in Congress a copy of these resolutions, and to forward attested copies to the Secretary of War, the Chief Engineer of the Army, the Chairman of the Committee of the House on Rivers and Harbors, and the Chairman of the Committee on Commerce of the Senate.

CHAPTER IV.

Senate Concurrent Resolution No. 4, approving four certain amendments to the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 26th day of January, 1895.

[Adopted January 31, 1895.]

WHEREAS, The legislative authority of the City of Oakland, Alameda County, California, that is to say, the City Council of said city, did, by Ordinance No. 1643, passed by said City Council on the 30th day of October, A. D. 1894, and approved by the Mayor of said city on the 30th day of October, 1894, propose to the qualified electors of said City of Oakland four certain amendments to the charter of the said city, which said amendments were and are in the words and figures following, to wit:

Amendments Oakland Charter.

That section sixty-three of article six of said charter be amended so as to read as follows:

SEC. 63. There shall be a Department of Public Works, under the management of three Commissioners, who shall constitute the Board of Public Works. The Commissioners shall consist of the Mayor, City Attorney, and City Engineer. The Mayor shall receive no compensation for services rendered as such Commissioner. The City Attorney and City Engineer shall receive in addition to their respective salaries, a yearly salary of six hundred dollars each, as compensation for their services as members of the Board of Public Works.

Board of Public Works.

This amendment herein proposed shall be and shall be known and designated as amendment number one to the charter of the City of Oakland, State of California.

That section seven of article two of said charter be amended so as to read as follows:

Municipal elections.

SEC. 7. General municipal elections shall be held biennially, on the second Monday in March, commencing with the second Monday in March next after the adoption of this amendment. At each such general municipal election there shall be elected a Mayor, who shall be ex officio a Commissioner of Public Works; eleven members of the Council; eleven members of the Board of Education; an Auditor, who shall be ex officio Assessor; a Treasurer, who shall be ex officio Tax Collector; a City Attorney, who shall be ex officio a Commissioner of Public Works; and a City Engineer, who shall be ex officio a Commissioner of Public Works.

This amendment herein proposed shall be and shall be known and designated as amendment number two to the charter of the City of Oakland, State of California.

That section forty-six of article five be amended so as to read as follows:

Qualifications and duties of District Attorney.

SEC. 46. The City Attorney shall be an attorney and counselor at law, duly admitted to practice by the Supreme Court of this State, and shall have been actually engaged in the practice of his profession for at least five years previous to his election. It shall be his duty to attend to all suits and other matters in which the city may be legally interested; to give his advice or opinion in writing whenever required by the Mayor, Council, Board of Education, Board of Public Works, Auditor, City Clerk, or Treasurer; and to do and perform all such other things touching his office as may be required of him by the Mayor, Council, Board of Education, or Board of Public Works. He shall draft and approve all official or other bonds required by this charter, or by ordinance, resolution, motion, or order of the Council, Board of Education, or Board of Public Works, save and except his own bond. His bond shall be drafted and approved by the Mayor.

This amendment herein proposed shall be and shall be known and designated as amendment number three to the charter of the City of Oakland, State of California.

That section seventy-two of article six be amended so as to read as follows:

Duties of City Engineer.

SEC. 72. The City Engineer shall perform all civil engineering and surveying required in the prosecution of the public works and improvements done under the direction of the Board of Public Works, 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 of Public Works or the City Council, or by any general law of the State of California. He shall possess the same power in the city in making surveys, plats, and certificates as is or may be from time to time given by law to the County Surveyor; and his official acts, and all plats, surveys, and certificates made by him, shall have the same validity and be of the same force and effect as are and may be given by law to those of the County Surveyor. With the consent and approval of the Board of Public Works, the City Engineer may appoint such deputies as the duties of his office may require, the number of such depu-

ties, however, not to exceed the number that may be fixed from time to time by the Council.

This amendment herein proposed shall be and shall be known and designated as amendment number four to the charter of the City of Oakland, State of California.

And whereas, said proposed amendments were published in a daily newspaper of general circulation in said city, to wit: the "Oakland Times," for more than twenty days; and whereas, said amendments were submitted by the legislative authority of said city, to wit: the City Council thereof, to the qualified electors of said city, at a special election previously duly called and thereafter held therein (at least sixty days after the publication of said proposals for twenty days in a daily newspaper of general circulation in said City of Oakland, to wit: in the "Oakland Times"), on the twenty-sixth day of January, eighteen hundred and ninety-five; and whereas, at such special election three fifths of such qualified electors of said city voting at such special election, did vote in favor of and did ratify each one and all of said amendments so proposed, and the same are now submitted to the Legislature of the State of California, for approval or rejection as a whole. Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting for and concurring herein, that the said amendments to the charter of the said City of Oakland be and the same are hereby approved as a whole.

CHAPTER V.

Senate Concurrent Resolution No. 6, approving the charter of the City of Eureka, in the County of Humboldt, State of California, which was voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, in the City of Eureka, on the 26th day of January, 1895.

[Adopted February 8, 1895.]

WHEREAS, The City of Eureka, in Humboldt County, State of California, is now, and at all the time hereinafter 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 a general municipal election, duly held in said city on Monday, June eighteenth, eighteen hundred and ninety-four, 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 ninety days next after such election, prepare and propose a charter for said city, which said charter was, on

Preamble.

the fourteenth day of September, eighteen hundred and ninety-four, signed in duplicate by all 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 one copy thereof to the Recorder of the County of Humboldt, in which said city is situated; and whereas, such proposed charter was then published in a daily newspaper of general circulation in said city, to wit: The "Daily Humboldt Standard," for more than twenty days, such publication having commenced within twenty days after the completion of said proposed charter and the return thereof to the Mayor, as aforesaid; 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 Common Council thereof, to the qualified electors of said city, at a special election, previously duly called, and thereafter held in said city on January twenty-sixth, eighteen hundred and ninety-five; and whereas, the returns of said election were duly canvassed by said Common Council of the City of Eureka, at its meeting held on Monday, January twenty-eighth, eighteen hundred and ninety-five, and said Common Council found as the result of said canvass, and did duly determine and declare, that there were cast at said election ten hundred and eighty-eight votes, eleven thereof being rejected, and six hundred and forty-nine votes being in favor of the ratification of said charter, and four hundred and forty-eight votes and no more being against the ratification of said charter; and that said charter had been duly ratified and adopted by a majority of all 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 said charter; 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, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of said State. Said charter is in words and figures following, to wit:

CHARTER FOR THE CITY OF EUREKA.

ARTICLE I.

OF BOUNDARIES, RIGHTS, AND LIABILITIES.

Rights and
liabilities.

SECTION 1. The municipal corporation now existing, known as the City of Eureka, shall remain and continue a body politic and corporate, under the name and style of the City of Eureka, and by that name shall have perpetual succession; and may have and use a common seal, alterable at pleasure; and may purchase, receive, hold, and enjoy real and personal property within or without its boundaries, and sell, convey, let, mortgage,

and dispose of the same for the common benefit, and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn; and may receive bequests, gifts, and donations of all kinds of property, 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.

Rights and
liabilities.

SEC. 2. The public buildings, lands, and property, all rights of property and rights of action, all money, revenues, and income belonging or appertaining to the City of Eureka, are hereby declared to be vested in said City of Eureka.

SEC. 3. The said City of Eureka shall continue to have, hold, use, and enjoy all public buildings belonging to the City of Eureka, 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.

SEC. 4. Suits, actions, and proceedings may be brought in the name of the City of Eureka, for the recovery of any property, money, or thing belonging thereto, in law or equity, rights of, or contracts with, said City of Eureka, whether made, or existing, 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 Eureka.

BOUNDARIES OF THE CITY.

SEC. 5. The boundaries of the City of Eureka are as follows: Commencing at the quarter-section post between sections thirty-five (35) and thirty-six (36), in township five (5) north of range one (1) west of Humboldt base and meridian, and running from thence north on the section line between sections thirty-five (35) and thirty-six (36), twenty-five (25) and twenty-six (26), and twenty-three (23) and twenty-four (24), in said township and range, to the ship channel in Humboldt Bay, as laid down on a map of the City of Eureka made by J. N. Lentell, and now on file in the office of the Recorder of Humboldt County, State of California, and which said channel is therein designated and called "Eureka Slough"; thence following the edge of said channel in a northerly, westerly, and southerly direction around Humboldt Bay towards the entrance thereto, to a point where a line running east and west through the center of section thirty-three (33), in said township and range, would intersect said ship channel; and thence running east on said line through the center of sections thirty-three (33), thirty-four (34), and thirty-five (35), in said township and range, to the place of beginning.

City
bound-
aries.

SEC. 6. The City of Eureka is hereby divided into five wards, numbered consecutively from one to five, inclusive, the respective boundaries of which shall be as follows, to wit:

First
Ward.

All that portion of the city described as follows: Commencing at a point where the center of "A" Street, if extended northerly, would intersect the city limits; running thence southerly along the center of said "A" Street, if extended, to the center of Fourth Street; thence easterly along the center of Fourth Street to the center of "F" Street; thence southerly along the center of said "F" Street to the center of Seventh Street; thence easterly along the center of said Seventh Street to the center of "J" Street; thence northerly along the center of said "J" Street to the city limits in Humboldt Bay; thence westerly along said city limits to the place of beginning, shall constitute the First Ward.

Second
Ward.

All that portion of the city described as follows: Commencing at a point where the center of "J" Street would intersect the city limits if extended northerly; thence southerly along the center of said "J" Street to the center of Seventh Street; thence easterly along the center of said Seventh Street to the center of Myrtle Avenue or Arcata Road; thence easterly along the center of said avenue or road to the city limits, as established by ordinance number one hundred and forty-one; thence north on the eastern boundary of said city to "Eureka Slough"; thence northwesterly and westerly along the city limits to the place of beginning, shall constitute the Second Ward.

Third
Ward.

All that portion of the city described as follows: Commencing on the south boundary of the city, as established by the said ordinance number one hundred and forty-one, at a point where the center of "F" Street intersects said boundary; thence northerly along the center of said "F" Street to the center of Seventh Street; thence easterly along the center of said Seventh Street to Myrtle Avenue or Arcata Road; thence easterly along the center of said avenue or road to the city limits as established by said ordinance number one hundred and forty-one; thence south on the eastern boundary of the city to the south boundary thereof; thence west along the south boundary line to the place of beginning, shall constitute the Third Ward.

Fourth
Ward.

All that portion of the city described as follows: Commencing at a point where the center of "A" Street, if extended northerly, would intersect the city limits; running from thence southerly, along the center of said "A" Street, if extended, to the center of Fourth Street; thence easterly along the center of said Fourth Street to the center of "F" Street; thence southerly along the center of said "F" Street to the center of Thirteenth Street; thence westerly along the center of Thirteenth Street, if extended westerly, to its intersection with the center of Cedar Street; thence west along the center of said Cedar Street to the ship channel or city limits in Humboldt Bay; thence northerly and easterly along said ship channel or city limits to the place of beginning, shall constitute the Fourth Ward.

All that portion of the city which is not included in the First, Second, Third, and Fourth Wards shall constitute the Fifth Ward.

And the Council of said city shall have power by ordinance to fix, establish, and change the boundaries of said wards whenever it may deem it expedient.

ARTICLE II.

ELECTIONS.

SEC. 7. Elections to be held in said city for the purpose of electing officers of said city and for all other purposes are of two kinds:

First—General municipal elections.

Second—Special municipal elections.

SEC. 8. General municipal elections shall be held biennially on the third Monday in June, commencing with the third Monday in June, eighteen hundred and ninety-five. At each general election there shall be elected a Mayor, five members of the Council, Assessor, Treasurer, Tax Collector, Police Judge, City Attorney, City Clerk, City Engineer, Superintendent of Streets, five School Directors, and five Trustees of the Free Public Library.

SEC. 9. Special municipal elections for all purposes designated in this charter shall be held on the days as fixed by the Council therefor.

SEC. 10. 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 Council shall make all the necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the result of all elections by the Council shall be in accordance with the provisions of said State laws.

SEC. 11. Special elections shall be held for the purpose of electing Assessor, Treasurer, Tax Collector, Police Judge, City Attorney, City Clerk, City Engineer, or Superintendent of Streets, in case of a vacancy occurring in any of the said offices, and for other purposes not especially provided for. In the event of any such vacancy, such election shall be ordered and held without delay; *provided*, that the Council shall, in all such cases, have power to fill such vacancy until an election can be held.

SEC. 12. The Council shall have power to submit to the electors of said city at any election any question required to be submitted by the Constitution, the law, this charter, or by ordinance; *provided*, that in case such question is required by said Constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

SEC. 13. The Council of said city shall, by ordinance, order the holding of all elections. Such ordinance shall specify the

objects and time of, and the place or places within the limits of each ward for the holding of such election, and the names of the Inspectors, Judges of Election, Clerks, and Ballot Clerks for each ward or precinct of each ward, as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election. Said ordinance shall be published in some daily newspaper printed and published in said city, for at least ten days prior to the time appointed for the holding of the election.

Returns filed where.

CANVASS.

Time for elective officers to enter upon duties.

SEC. 14. Returns of all elections shall be made to the Council, who shall within ten days thereafter, either at a regular or special meeting, canvass the returns, and declare the result thereof, and order certificates of election to be issued by the City Clerk to the persons elected.

SEC. 15. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the second Monday in July next succeeding their election, and shall hold their offices for the term of two years, and until their successors are elected and qualified; except School Directors as hereinafter provided for, and except in case of an election to fill a vacancy at a special election, in which case they shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office, and shall hold office for the remainder of the term, and until their successors shall have been elected and qualified.

Officers previous to charter, to hold over.

SEC. 16. The present officers of the city shall hold, continue to hold, and exercise their respective offices until the second Monday in July, eighteen hundred and ninety-five, or until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

Election precincts.

SEC. 17. In establishing election precincts the Council shall make them as geographically compact as possible, and so that no precinct shall have more than two hundred electors therein.

Who shall vote.

SEC. 18. Only such persons residing in the city whose names appear upon the Great Register of Humboldt County at the time of any municipal election shall be entitled to vote at such election; and to this end and extent, said Great Register is hereby adopted as the register of voters in and for the city. The Council shall cause the authenticated copies of such Great Register to be made and used at and for all municipal elections; *provided*, that in case a City Great Register is provided in pursuance of the provisions hereinafter contained, then such City Great Register shall be used instead of the Great Register of Humboldt County.

Qualifications of voters.

SEC. 19. The qualifications of an elector at any election held in said city in pursuance of this charter, shall be the same as those prescribed by the laws of this State for electors at any general State election, in force at the time of such election.

SEC. 20. It shall be the duty of the Council, at the time the Board of Supervisors of the County of Humboldt are preparing for the printing of Great Registers, to provide for the printing of a sufficient number of such registers for the general and special municipal elections, to be held or likely to be held in the City of Eureka.

Duty of Council as to Great Registers.

SEC. 21. The certificates of election issued by the City Clerk must be authenticated with the seal of the city. No other authentication shall be necessary.

Certificates of election.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SEC. 22. The legislative power of the City of Eureka shall be vested in a Council of five members, whose term of office shall be two years.

City Council.

SEC. 23. One member of the Council shall be elected from each of the five wards of the city, 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 if he fail to so continue a resident of such ward, his office shall, by reason thereof, become vacant; *provided*, that in case a re-districting or re-division of the city into wards be made, whereby the lines or boundaries of any wards are changed, the last provision in regard to residence shall not apply to any person whose residence has been changed thereby from the ward from which he was elected and in which he resided.

Number and qualifications of members.

SEC. 24. Any vacancy occurring in the office of Councilman shall be filled by appointment by the Mayor, and the person so appointed by him shall possess the qualifications hereinbefore prescribed for members of the Council, and shall hold office until the election and qualification of his successor, which election shall take place at the next succeeding general municipal election.

Vacancy.

SEC. 25. The Council shall meet in the City Hall of the city on the second Monday of July succeeding their election, and at such other times as may be designated by ordinance. If at any time 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 or three members of the Council. Three members of the Council shall constitute a quorum, and the affirmative vote of three members shall be necessary for the passage of an ordinance or the final transaction of any business, but a less number than three may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may by ordinance prescribe.

Meetings.

SEC. 26. The Council shall be the judge of the election, qualification, and return of its own members. It shall elect one of its members, who shall be styled the President of the Council, and who shall preside at all meetings of the Council during the

President of Council.

- absence of the Mayor, and shall, in case of the sickness or inability of the Mayor, or his absence from the city, act as the Mayor of the city. The Council shall establish rules for its proceedings. It shall have power to punish its members for disorderly conduct committed in its presence, and may expel any member for malfeasance in office by an affirmative vote of four of its members. It shall have the power to compel the attendance of witnesses, and the production of all 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.
- Powers of Council.** SEC. 27. The President of the Council, the Chairman of each committee, and each and every elective officer shall have the power to administer oaths and affirmations relative to any business brought before the Council, or under consideration by its committees or their respective departments.
- Oaths and affirmations.** SEC. 28. The Council of said city shall not, without the assent of two thirds of the qualified electors of said city, voting at an election to be held for that purpose, contract any debts or liabilities by borrowing money, loaning the credit of the city, or otherwise, which singly or in the aggregate shall at any time exceed the sum of ten thousand dollars. Any contract made in violation of the provisions of this section shall be void and of no effect.
- Debts over \$10,000 to be by vote of people.** SEC. 29. The meetings of the Council shall be held at the City Hall of the city; they shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, the passage of any ordinance, ordering work to be done or supplies furnished, the ordering of assessments for street improvements or building of sewers, and in all other cases upon the call of any member.
- Place of meetings.** SEC. 30. The enacting clause of all ordinances shall be in these words: "Be it ordained by the Council of the City of Eureka, as follows."
- Enacting clause.** SEC. 31. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be reenacted at length as amended.
- Amending ordinances.** SEC. 32. 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.
- One subject in each.** SEC. 33. No proposed ordinance shall be adopted except by vote taken by ayes and noes, and the names of the members voting for and against the same shall be entered in the minutes.
- Ayes and noes to be taken.** SEC. 34. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next regular meeting of the Council. No bill for the grant of any franchise shall be
- Reconsideration.**

put on its final passage within thirty days after its introduction.

SEC. 35. No ordinance shall be passed except by bill. Every bill after it has passed the Council shall be signed by the President thereof, and every bill which shall have passed the Council and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days (Sundays excepted) after receiving it. If he approve it, he must sign it, and the same shall then become an ordinance; but if he shall disapprove it, he shall return it, with his objections in writing, to the Council. 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.

How ordinances become effective.

Duties of Mayor.

SEC. 36. When a bill is returned without the approval of the Mayor, the Council must cause the objections of the Mayor to be entered upon its journals and proceed to reconsider and vote on the same. If, after such consideration, the bill is again passed by an affirmative vote of not less than four members, it shall take effect as if the Mayor had approved the same. If the bill shall fail, on being so considered, to receive four affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the journal of the Council.

Proceedings upon a veto.

SEC. 37. All ordinances must be published in the manner prescribed by the Council.

Ordinances to be published.

SEC. 38. No ordinance passed by the Council shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

In effect.

SEC. 39. The Council shall have power, by ordinance adopted at least one month prior to a general municipal election, to unite and consolidate certain offices by declaring that:

Council may consolidate certain offices.

1. The Assessor elected shall be ex officio Treasurer.
2. The City Clerk elected shall be ex officio Treasurer, or ex officio Treasurer and Assessor.
3. The City Clerk elected shall be ex officio Tax Collector or Assessor, or ex officio Tax Collector and Treasurer or Assessor.
4. The Tax Collector elected shall be ex officio Treasurer or Assessor.
5. The City Engineer elected shall be ex officio Superintendent of Streets.

SEC. 40. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, or for lighting streets, public buildings, places, or offices, or for the supplying of water for the use of the municipality, in any of its departments, shall be made for a longer period than one year; nor shall any contract be made to pay for gas, electric lights, or any other illuminating material, nor for the supplying of water for the use of the municipality, in any of its departments, at a higher rate or rates than is charged to any other consumer.

Contracts for supplies, etc.

SEC. 41. The Council shall, during the first year after its organization under this charter, cause all ordinances then in

Classification of ordinances.

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 Council shall, every three years after the publication as herein provided, cause all the ordinances at that time in force to be compiled, and shall publish the same subject to the terms and conditions herein expressed. All such publications shall contain the charter with any amendments made thereto.

Legality of contracts.

Sec. 42. All contracts must be in writing, executed in the name of the city and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the Finance Committee, numbered and registered in a book kept for that purpose.

Powers of Council.

Sec. 43. The Council shall have power to pass ordinances:

1. To establish or alter the grades of, and to open, lay out, alter, extend, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes, and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the Council may adopt. Also to open, lay out, construct, alter, widen, extend, repair, and vacate walks, cross-walks, avenues, and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachment upon or obstructions to the same, and to require their removal.

3. To establish and maintain a pole line system in the city; to compel all telegraph, telephone, electric light, and other companies, corporations, firms, associations, or persons using wires to place and maintain their wires thereon, and to regulate the use and fix the rental thereof, and provide for the collection of the same from all corporations, companies, firms, associations, and persons using the same.

4. To regulate the erection of poles for or the laying of telegraph, telephone, and electric wires in and upon the public streets, or upon or over buildings; the erecting of gas and electric lights therein; the numbering of houses on the streets; the naming of the streets, avenues, public places, and thoroughfares; the use of the streets and sidewalks for sign-posts, awnings, awning posts, horse troughs, telegraph posts, telephone posts, electric light towers, electric light posts, and other purposes; the exhibition of banners, placards, or flags, in or across the streets or from houses or other buildings; public cries, advertising, ringing of bells, steam whistles, and other noises; and the use of the streets and public places for foot passengers, animals, vehicles, cars, and locomotives.

5. To establish a general and comprehensive system of sewers in the city, and to regulate the building and repairing thereof.

6. To provide for and regulate street pavements, cross-walks, Powers of curbstones, grades, gutters, sewers, and cleaning and watering Council.
of the streets.

7. To regulate dispensaries, hospitals, markets, and other public institutions.

8. To provide for the construction, maintenance, regulation, and repair of bridges, wharves, docks, piers, chutes, slips, ferries, and public places.

9. To fix, regulate, and collect tolls, wharfage, and dockage.

10. To regulate the running, moving, and anchorage of steam-boats, vessels, rafts, and other water craft within the waters of the city, and to prevent obstructions to the free navigation of such waters.

11. To make regulations for preventing and extinguishing fires, establishing fire districts, and determining the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alterations of existing buildings within such limits, and for restricting the height of buildings or structures.

12. To declare what shall constitute a nuisance, and to abate and remove the same.

13. To provide and maintain a morgue.

14. To provide for conducting elections, establishing or changing election precincts, and appointing the necessary election officers.

15. To try and remove from office appointees against whom charges have been preferred; and to remove without the preferring of charges any appointee at any time when in the judgment of the Council the public service will be promoted, improved, or benefited thereby.

16. 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.

17. To regulate or prohibit the sale, keeping, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosives or combustible material and substances, the places of their manufacture, storage, and their transportation.

18. To regulate the maintenance of acid works, slaughter houses, wash houses, laundries, tanneries, livery stables, 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 to exclude such works and business from the city.

19. To regulate the keeping and use of animals; to prevent or regulate the running at large of any animals; to establish a pound; to authorize the impounding of any animals found running at large, and to authorize the sale, disposition, or destruction thereof.

20. To provide for the public printing, and to provide suitable rooms and buildings for the Courts, Boards, and officers of the

Powers of
Council.

city, and such furniture, fuel, lights, books, and stationery, and other supplies of any kind, as are or may be necessary for the convenient transaction of public business.

21. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults; to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done; to provide for the removal of all rubbish, garbage, refuse matter, and all material detrimental to the public health, and at such times as it will be best for the public good.

22. To prevent the throwing into any stream, creek, slough, bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the water thereof.

23. To regulate or prohibit the use of steam boilers, the location of telegraph, telephone, and electric light poles and wires, awnings, and the construction of entrances to cellars and basements from sidewalks.

24. To license hackney coaches, cabs, omnibuses, drays, carts, and other vehicles used for hire, and to regulate their stands and rates of fare, and to license or suppress runners for railroads, steamboats, taverns, or hotels.

25. To regulate the entrance to and exit from theaters, lecture-rooms, public halls, churches, and public buildings of every kind, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles, in the halls, aisles, or open places therein.

26. To maintain and regulate a fire alarm, police telegraph, and police telephone.

27. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the mode of conducting the same.

28. To fix and determine annually the rates of compensation to be collected by any person, firm, company, or corporation in the city, for the use of water supplied to the city, or the inhabitants thereof, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

29. To regulate the quality, capacity, and location of water and gas pipes, mains, and fire plugs, and to provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places, and public buildings.

30. To regulate the speed and conduct of railroad trains and engines, and require railroad companies either to station flagmen, place gates or viaducts, or place sufficient automatic warning signals and signal bells at all such streets as it may deem proper.

31. To regulate or prohibit the making up of railroad trains on any of its streets, and the stopping of trains on street crossings.

32. To grant franchises permitting any person, firm, corpora-

tion or company to lay and maintain tracks, and to pass with steam railroads along, upon, and across, or elevated above, or placed below any streets of the city; *provided*, that the free use of said streets shall not be unnecessarily obstructed thereby; and such franchises shall be granted only after notice published for thirty days, and by ordinance passed by the vote of four members of the Council. Such grants shall be without prejudice to the rights of the owners of property to compensation for damages.

Powers of
Council.

33. The grant of a franchise shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

34. To grant the right to construct, and to regulate and control the construction thereof, to railroad corporations and companies, of pipes, tubes, conduits, signal bells, warning signs, wires, and other electric, telegraph, telephone, and mechanical appliances, in, along, over, and across the streets; *provided*, that said appliances be so constructed as not to interfere with the free use of the sidewalks and streets.

35. To require every railroad company or corporation 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 or corporation.

36. 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; *provided, however*, no such construction, lease, or purchase shall be made unless first authorized by a vote of two thirds of the electors voting at any general or special election at which the proposition may be submitted.

37. To keep, and, at such time or times as the Council of said city may deem the same necessary for use at municipal elections therein, to cause to be printed, a register, in the manner and form as required by the provisions of chapter three of title two of the Political Code of the State of California, in which shall be entered the names of the qualified electors of the said city.

38. To require 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.

39. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

40. 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; to impose additional duties upon those whose duties are defined; and to fix and regulate the charges and fees of all such officers, where the charges, fees, and duties are not otherwise fixed, and to compel the payment of all such charges and fees into the City Treasury.

Powers of
Council.

41. 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.

42. To create, control, regulate, abolish, or prohibit cemeteries; to sell or lease lots in those created; to control and regulate interments within the city limits, and to provide for removing human remains from the city.

43. To provide and maintain a City Prison, and to provide for the care, custody, feeding, and clothing of city prisoners.

44. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

45. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within said city.

46. To provide for supplying the city and its inhabitants with water, and to construct, purchase, lease, own, control, maintain, and operate its own water supply; *provided, however*, no such construction, purchase, or lease shall be made unless first authorized by a vote of two thirds of the electors voting at any general or special election at which the proposition may be submitted.

47. To regulate the sale and use of gas and electric lights, and fix and determine the price of gas and electric lights, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones, and telephone service, and connections; and the removal and placing under ground of any and all telegraphs, telephones, or electric wires, or upon the pole line established by the city.

48. To grant franchises for the construction of street railroads on and along the streets of the city; *provided*, that whenever application is made for such franchises the Council shall, by resolution, cause a notice of such application to be published for thirty days, and shall in said notice specify the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay semi-annually the largest per centum of the gross receipts of such road, according to a verified statement of the same; *and provided further*, that in all grants of franchises for street railroads it shall be made a condition that single fares of such road shall not exceed five cents, and that only such rails be laid down as are of the most approved rail pattern for street railways operated by horses, mules, cables, or other motors. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and in case no bids are made, may, in their discretion, grant a franchise for such period as may be deemed expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years.

49. To require any land or buildings to be cleansed at the expense of the owner or occupant; and upon his default may

do the work, and assess the expense upon the land or building, and provide that it shall be a lien thereon. Powers of Council.

50. To provide for licensing any or all business not prohibited by law; to establish and regulate the issuing and granting of municipal licenses, and the collection of license taxes.

51. To establish a City Hospital, and to provide for its maintenance.

52. To provide and maintain all public buildings, parks, or squares, necessary or proper, for the use of the city, and to acquire lands therefor, and for other public uses.

53. To provide for the execution of all trusts confided to the city.

54. 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.

55. To offer rewards, not exceeding five hundred dollars, for the arrest and conviction of any person or persons who may have committed a felony in said city.

56. To establish and maintain such poorhouses, industrial schools, houses of correction or reformation, workshops, homes for confirmed inebriates, and such other institutions as may be deemed proper, and to provide for the support, maintenance, and management of the same.

57. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

58. To regulate all parades, processions, and public assemblages upon the streets, and to determine what parades, processions, and public assemblages thereon shall not be lawful, and to declare the same a nuisance.

59. To regulate and maintain a Fire Department; and to regulate and maintain a Police Department.

60. To make all ordinances, by-laws, rules, and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general laws in said city.

61. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and provisions of this charter.

ARTICLE IV.

EXECUTIVE DEPARTMENT.—OF THE MAYOR.

SEC. 44. The Mayor shall be the chief executive officer of the city. 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. Mayor, qualifications.

SEC. 45. The Mayor is the presiding officer of the Council, must sign the journals thereof, decide by his vote all tie votes, and must sign the warrants on the City Treasurer. Duties.

Duties of
Mayor.

SEC. 46. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they may execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, boards, officers, and persons in the employ and service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers, and persons are kept in legal and proper form; and any official defalcation or willful neglect of duty, or official misconduct which he may discover or which shall be reported to him shall be laid by him before the Council, City Attorney, or District Attorney of the county, 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 communicate to the Council, in writing, a statement of the affairs of the city, and shall recommend such measures connected with the public health, cleanliness, and ornament of the city, the improvement of the government and finances and other matters, as he may deem proper or beneficial to its interests. 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, at least once in every year, and enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force, and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid in the manner provided by law, in order that such riots, or tumults, may be properly and effectually suppressed.

SEC. 47. The Mayor may call special meetings of the Council. He shall be duly notified by the City Clerk of all special meetings of the Council when called by its members, and 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. 48. The Mayor shall, at least once a month, together with the President of the Council and the City Attorney, count the cash in the City Treasury, and see that it corresponds with the books of the Treasurer, and report the result of such count to the Council.

SEC. 49. The Mayor 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, companies, or corporations failing to fulfill their agreements or contracts, either in whole or in part. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any officer, 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.

Duties of Mayor.

SEC. 50. The Mayor shall have the general supervision of all city officers, elected or appointed. He shall have power to suspend any city officer for a dereliction, neglect, or non-performance of duty, and shall report the same to the Council. If the Council approve of the suspension, they shall declare the office vacant, or continue the suspension for such time as they may deem proper; and such vacancy shall be filled as provided for by the provisions of this charter.

SEC. 51. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Council, assembled for that purpose. The person selected shall possess the qualifications hereinbefore prescribed for Mayor, and a member of the Council during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

Vacancy.

SEC. 52. The Mayor, by and with the consent of the Council, 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 Council, action shall be taken thereon within 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 Council 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 Council, and necessary election officers.

To make necessary appointments.

SEC. 53. The Mayor shall not, during the term for which he shall have been elected or appointed, hold any other office or be a member of any board or commission connected with the Federal, State, or City government, except ex officio Harbor Commissioner of the port of Eureka, and except also 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 as Mayor.

Shall hold no other office.

SEC. 54. The Mayor may, when authorized by the Council so to do, appoint a clerk, to be known as Mayor's Clerk. The Mayor shall perform all such other duties as may be prescribed by law or ordinance.

Mayor's Clerk.

ASSESSOR.

Assessor,
qualifica-
tions.

Duties.

SEC. 55. The Assessor 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 his duty to prepare, on or before the first Saturday in May of each year, or at such other time as may be directed by ordinance, and present to the Council, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; to be present at the sessions of all Boards of Equalization mentioned in this charter; to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the Council shall require or direct. During the session of the Board of Equalization, the Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. He shall make, or procure to be made, all necessary abstracts to be used in making up the assessment of property within the city, and, after the taxes have been duly levied by the Council, shall make the proper calculations, and extend upon the assessment book the amount of taxes due from each person, firm, or corporation, and deliver said book to said Council, so completed, on or before the second Saturday in May of each year, or such other time as may be directed by ordinance, and at the expiration of his term of office, he shall deliver to his successor in office all books, maps, plats, description of property, and all other things appertaining to his said office. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, and poll taxes, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation.

TREASURER.

Treasurer,
qualifica-
tions.

Duties.

SEC. 56. The Treasurer 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 his duty 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 provided by law, and without such auditing he shall disburse no public moneys whatever, except the principal and interest on the municipal debt, when payable. He shall keep an account of all his receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of all his receipts and expenditures of the preceding month, and shall do

all things required of him by law, or ordinance of said city. As soon as suitable vaults and safes are provided, the Treasurer shall keep therein all moneys belonging to the city; he shall not thereafter, under any circumstances, deposit with or loan to any person, corporation, or bank, any of the moneys of the city, or allow the same (except in payment of demands against the city) to pass out of his custody.

TAX COLLECTOR.

Sec. 57. The Tax Collector 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 his duty 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 Council may direct. He shall keep proper books, showing all moneys collected by him as Tax Collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times subject to public inspection; and do and perform such other duties as may be required of him by law or ordinance of said city. He shall pay all moneys collected by him, as Tax Collector, into the City Treasury, weekly. The time and manner of collecting all licenses shall be provided for by the Council.

Tax Collector, qualifications.
Duties.

CITY ATTORNEY.

Sec. 58. The City Attorney shall have been an elector of the city at least two years next before his election. He shall be an attorney and counselor at law, duly admitted to practice by the Supreme Court of the State of California, and shall have actually been engaged in the practice of his profession for a period of at least five years next before his election. It shall be his duty to prosecute in behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters, and things in which the city may be legally interested; *provided*, the Council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation, or to assist the City Attorney therein. He shall give his advice or opinion in writing whenever required by the Mayor, Council, Board of Education, or other city officers; he shall be the legal adviser of all city officers; he shall approve the form of all bonds given to, and all contracts made with, the city; he shall, when required by the Council or any member thereof, draft any and all proposed ordinances for the city, and shall do and perform all such things touching his office as by the Council or Mayor may be required of him.

City Attorney, qualifications.
Duties.

CITY CLERK.

Clerk,
duties of.

SEC. 59. The City Clerk shall have the custody 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 otherwise by special provision committed to their custody; he shall be present at each meeting of the Council during its sessions, and keep a journal of all proceedings; he shall keep separate books, in which, respectively, he shall record all ordinances and contracts, and official bonds; he shall keep all his books properly indexed, and open to public inspection when not in actual use; he shall make out, sign, and deliver to the City License Collector all licenses other than building permits; he shall draw all warrants on the City Treasury, countersign the same, and perform such other duties as are, or shall be, imposed by this charter or by ordinance. He shall make no charge for taking affidavits or administering oaths in matters relating to the business of the city.

CITY ENGINEER.

Engineer,
duties of.

SEC. 60. In addition to other duties imposed upon him by this charter or by ordinance of the Council, the City Engineer shall:

1. Make all surveys, inspections, and estimates required by the Council.

2. He shall examine all public work done under contract, and report thereon in writing to the Council.

3. He shall, on application of any person owning or interested in real property in said city, for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.

SUPERINTENDENT OF STREETS.

Superintendent of
Streets,
qualifications and
duties.

SEC. 61. The Superintendent of Streets shall have been a citizen of the State, and a resident and qualified elector of the city, at least five years next before his election. He shall have the general care of and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall frequently inspect all public works pertaining to street improvements,

while the same are in course of construction; inspect and approve or reject all material used in such construction, whether done under contract or otherwise; and shall at once report to the Council, in writing, all deviations from contracts and use of improper material and bad workmanship in such works; and shall have power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance. He shall devote his entire time to the duties of his office.

OFFICIAL OATHS.

SEC. 62. Every officer provided for in this charter shall, ^{Oaths.} 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."

OFFICIAL BONDS.

SEC. 63. Every officer of the city, the amount of whose ^{Official bonds.} bond is named in this section, and every other officer required to do so by the Council, shall, before entering upon the duties of his office, and within ten days after notice of his election or appointment, or before the expiration of fifteen days from the commencement of his term of office when no such notice has been given, file his official bond and oath of office; said bond shall be made payable to the City of Eureka, 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 Council, shall be approved or rejected by the Council by an order entered upon 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 City Clerk and presiding officer of the Council. The official bonds of the members of the Council shall be approved by the Mayor. All official bonds shall be filed and kept in the office of the City Clerk, and must also be forthwith recorded by him in a book kept for that purpose. The official bond of the City Clerk, after recording, shall be filed and kept in the office of the Treasurer. The Council may at any time require an additional amount or new sureties upon any official bond which it may determine insufficient, and must require an additional bond or new sureties whenever a surety thereon shall die, or become insolvent, or cease to be a resident of the State. If such additional bond or additional security be not given, the Council must declare the office vacant, and as soon as such declaration is made the office becomes vacant. No official bond shall be approved, unless the sureties thereon shall justify in the manner provided for in the Political Code for the justification of 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 qualifications by the officers whose duty it is to approve the bond.

Amount of
official
bonds.

The amounts in which the respective officers shall execute official bonds shall be as follows: The Mayor, five thousand dollars; the Assessor, five thousand dollars; the Tax Collector, ten thousand dollars; the Treasurer, forty thousand dollars; the City Attorney, two thousand five hundred dollars; the City Clerk, two thousand five hundred dollars; the City Engineer, two thousand five hundred dollars; the Superintendent of Streets, two thousand five hundred dollars; the Chief of Police, five thousand dollars; Captains and Sergeants of Police and policemen, one thousand dollars; Chief Engineer of Fire Department, two thousand five hundred dollars; City Physician, two thousand five hundred dollars; and members of the Council, two thousand five hundred dollars each.

OFFICIAL SALARIES.

Salaries.

SEC. 64. The compensation of the officers and employés of the city shall be per annum as follows: The Mayor, three hundred dollars; the Assessor, eight hundred dollars; the Treasurer, five hundred dollars; the Tax Collector, six hundred dollars; the Police Judge, seven hundred and fifty dollars; the City Attorney, six hundred dollars; the City Clerk, six hundred dollars; the City Engineer, eight dollars per diem during the time actually employed; the Superintendent of Streets, nine hundred dollars; the Chief of Police, twelve hundred dollars; Captains and Sergeants of Police, eight hundred and forty dollars; other members of the police force, eight hundred and forty dollars; Chief Engineer of the Fire Department, three hundred dollars; City Physician, two hundred and forty dollars; and each member of the Council, three hundred dollars. All salaries shall be payable in equal monthly installments. The salaries of all other officers, and compensation of all employés other than those herein named, except where otherwise expressly provided in this charter, shall be fixed by the Council.

SEC. 65. The Council may at any time, by ordinance for that purpose, increase or decrease the compensation of officers and employés as herein fixed; *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.

SEC. 66. The compensation of the officers and employés of the Educational Department shall be paid out of the School Fund; of the Fire Department, out of the Fire Department Fund; of the Police Department, out of the Police Fund; and of other officers and employés, out of the General Fund.

SEC. 67. Whenever the Council consolidates and unites one or more offices, the person holding the office, and to which the other or others are made *ex officio*, shall receive the salary pro-

vided for that office, together with one half of the salary or salaries provided for the ex officio office or offices.

ANNUAL REPORTS OF OFFICERS.

SEC. 68. It shall be the duty of the Mayor, Assessor, Treasurer, Tax Collector, City Attorney, City Clerk, City Engineer, Superintendent of Streets, City Physician, City School Superintendent, Police Judge, and Chief of Police, each to present to the Council at its first meeting in January of each year, a report for the preceding year, ending the thirty-first day of December last, which shall show as follows:

1. The Mayor shall, in addition to his report as Mayor, inform the Council of the condition of the police force, the number of arrests made, the offense charged, and how disposed of, the penalties inflicted, and the amount of fines, and from whom collected; and to that end he may require such reports from the Police Judge and Chief of Police as he may deem necessary.

2. The Assessor shall in his report show the amount of personal property taxes collected by him, the number and amount of poll and street and alley taxes collected, together with the amount of any fees which he may have received on account of such collection in each case.

3. The Treasurer shall show, in his report, specifically the amounts of all indebtedness of the city; of money received by him during the year, the date of the receipt thereof, and from whom; the amount paid out, when and to whom; and the date and number of the demand on which the respective amounts are paid.

4. The Tax Collector shall report the amount of money received, and on what accounts.

5. The City Attorney shall, in his report, present an abstract of all actions and proceedings in the Supreme and Superior Courts, where the city is an interested party; and shall show what cases have been disposed of during the year, and in what manner, and the condition of those remaining on the calendar.

6. The report of the City Clerk shall show the number of licenses issued, and for what amount.

7. The report of the City Engineer shall show the character, cost, and condition of all public works and improvements in course of construction during the year.

8. The Superintendent of Streets shall report upon the condition of the streets of the city, and the improvements of the same during the year, and shall show what action was taken by him in the enforcement of ordinances pertaining to street obstructions, and in regard to deviations from contracts in the construction of public works.

9. The City Physician shall show the condition of the health of the city during the year; the number and character of cases of contagious diseases in said city during said time; the number of deaths therefrom; the number of deaths from all causes; the number of births, and other matters of interest pertaining to his office.

of School
Superin-
tendent.

10. The report of the City School Superintendent shall show the number and condition of the public schools, the number of teachers, and their salaries, and the number of pupils in attendance.

of Police
Judge.

11. The Police Judge shall report the number of cases commenced, their character and how disposed of; the number and character of cases then pending; the amount of fines imposed; the amount of such fines paid or collected, and what disposition he has made of the same.

of Chief of
Police.

12. The Chief of Police shall report the number of arrests made, and by whom; the offenses charged, and how disposed of, and all money and property received from prisoners, and the disposition of the same.

ARTICLE V.

JUDICIAL DEPARTMENT—COURTS.

Courts.

SEC. 69. The judicial power of the city shall be vested in a Police Court, and in such Justices' Courts as are or may be provided for by law.

Police
Court jur-
isdiction.

SEC. 70. The Police Court has jurisdiction of the following public offenses committed within the city boundaries:

1. Petit larceny;
2. Assault and battery not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill;
3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment; and,
4. Of proceedings respecting vagrants, lewd or disorderly persons.

Same.

SEC. 71. The Police Court also has jurisdiction:

1. Of all proceedings for the violation of any ordinance of the city, both civil and criminal;
2. Of any action for the collection of taxes and assessments levied for city purposes; or for the erection or improvement of any school house or public buildings; for the laying out or opening or improving any public street or sidewalk, lane, alley, bridge, wharf, pier, or dock; or for the purchase of or the improvement of any public ground; or for any and all public improvements made and ordered by the city within its limits, when the amount of the tax or assessment sought to be collected against the person assessed is less than three hundred dollars; but no lien upon the property taxed or assessed for the non-payment of the taxes or assessments can be foreclosed in any such action;
3. Of an action for the collection of money due to the city or from the city to any person, when the amount sought to be collected, exclusive of interest and costs, is less than three hundred dollars;

4. For the breach of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party or is in any way interested; and all forfeited recognizances given to or for the benefit or in behalf of the city; and upon all bonds given upon any appeal taken from the judgment of the Court in any action above named, where the amount claimed, exclusive of costs, is less than three hundred dollars;

Juris-
diction of
Police
Court.

5. For the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars; and,

6. Of an action for the collection of any license required by any ordinance of the city.

SEC. 72. In all cases in which the Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, and in case of his sickness or inability, the Police Judge may call in a Justice of the Peace residing in the city to act in his place and stead.

Disqualif-
ication of
Judge.

SEC. 73. Police Courts are always open for the transaction of business, except on non-judicial days.

Business
hours.

SEC. 74. Proceedings in the Police Courts in criminal actions for offenses not triable in such Courts must be had in conformity with the provisions of part two, title three, chapter seven, of the Penal Code.

Rules of
procedure.

SEC. 75. Proceedings in the Police Courts in criminal actions triable in such Courts are regulated in part two, title eleven, chapter one, of the Penal Code.

SEC. 76. Proceedings in the Police Courts in civil actions are regulated by part two, title twelve, of the Code of Civil Procedure.

ARTICLE VI.

REVENUE AND TAXATION.

SEC. 77. The Council shall annually fix the rate of taxation to be levied, and levy the taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxation so levied shall not exceed in any year one dollar for each one hundred dollars upon the assessed value thereof, except for the payment of the principal and interest of the bonded debt of the city, if any.

Property
taxes, duty
of Council.

SEC. 78. The Council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a General Fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned accordingly; and no transfers shall be made except of balances in excess, or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds, if any.

Assessment, collection, etc.

SEC. 79. Except as in this charter otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments, the collection of taxes, the sale of property for unpaid taxes, and the redemption of property sold for taxes, shall be made and had in the same form and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes, and sale of property for unpaid taxes for State and county purposes, and redemption thereof, and all provisions of law applicable to such assessment, equalization, levy, collection, and sale for State and county purposes are hereby applied to, and shall be the law governing such assessment, equalization, levy, collection, and sale for municipal purposes; and the respective officers of the city shall have, possess, and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for State and county purposes, and except as in this charter otherwise provided, and to that end—

First—All powers and duties so by law conferred or imposed upon the County Assessor are hereby conferred and imposed upon the City Assessor.

Second—All powers and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred or imposed upon the Council.

Third—All powers and duties so conferred or imposed upon the District Attorney are hereby conferred and imposed upon the City Attorney.

Fourth—All powers and duties so by law conferred or imposed upon the County Tax Collector are hereby conferred and imposed upon the City Tax Collector.

Fifth—All powers and duties so by law conferred or imposed upon the County Treasurer are hereby conferred and imposed upon the City Treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the County Clerk, County Recorder, or County Auditor are hereby conferred and imposed upon the City Clerk.

Council to fix date of levy, payment, etc.

SEC. 80. The Council shall regulate by ordinance the date of making the annual tax levy; the time, manner, and place of payment of all taxes; when they shall become delinquent; the time when they shall sit as a Board of Equalization; the date of all sales of property for delinquent taxes; and the time, form, and manner of making and giving all notices, if any, relative to any of such subjects.

Assessor must make abstract.

SEC. 81. The Assessor must make the abstract provided for in section three thousand six hundred and seventy-eight of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the Assessor to determine the proportion of valuation of such instrument to be assessed in the city, and assess the same accordingly.

SEC. 82. The Assessor shall be governed as to the amount of taxes to be by him collected on personal property by the city tax rate of the previous year.

SEC. 83. Every tax due upon personal property is a lien upon the real property of the owner thereof; every tax due upon real property is a lien against the property assessed, and every tax due upon improvements upon real estate assessed to others than the owner of the real estate is a lien upon the land and improvements; and which said several liens attach as of the first Monday of March in each year at twelve o'clock m. Tax made
a lien.

SEC. 84. Every male inhabitant of said city over the age of twenty-one years and under sixty years of age, except paupers, insane persons, and Indians not taxed, shall annually pay a poll tax of one dollar; *provided*, the Council may exempt the members of any volunteer fire company, or exempt firemen, from the payment thereof. Poll tax.

SEC. 85. The Council shall annually, at the same time and in the same manner that other taxes are levied and collected, levy and collect from every male inhabitant of said city, over the age of twenty-one years and under fifty-five years of age, road poll tax of two dollars; *provided*, the Council may exempt the members of any volunteer fire company, or exempt firemen, from the payment thereof. Said taxes shall be kept in a fund denominated "The Street and Alley Fund," and which shall be used exclusively for the streets and alleys of said city. Road tax.

SEC. 86. Whenever the Council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, work, sewer, property, water or light system, wharves, or improvements, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of article eleven of the Constitution of this State and general law; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issued therefor shall be sold for less than par value and to the highest bidder after advertising for sealed proposals therefor. Nor shall any such bonds be issued or sold during any one year in excess of the actual expenditures incurred in that year. Special
tax.

ARTICLE VII.

EDUCATIONAL DEPARTMENT.

SEC. 87. The government of the School Department of the city shall be vested in a Board of Education, to consist of five members, to be called School Directors, and who shall receive no compensation. One School Director for each ward shall be elected by the qualified electors thereof at the regular municipal election, and shall hold office for a term of four years, and until Board of
Education.
Members.
Term.

their successors are elected and qualified; *provided, however,* that the Directors elected at the first election after the adoption of this charter, for the odd-numbered wards, shall hold office for two years only.

Organiza-
tion. SEC. 88. The School Directors shall meet upon the second Monday in July next after their election, and organize by electing one of their number President, whose term of office shall be two years. The Board shall hold regular meetings at least once in each month, at such time as shall be determined by its Rules. Meetings. Special meetings may be called at any time by the President or any two members of the Board. A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary to pass any measure. The sessions of the Board shall be public, and its records open to public inspection. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken when demanded by any member, and entered on the records of the Board. Any vacancy occurring in the Board shall be filled, until the next municipal election, by a majority vote of the remaining Directors, and in case of a tie vote the Mayor of the city shall have the casting vote. The appointee shall be a resident of the ward in which the vacancy occurred.

Vacancy.
Powers
and
duties. SEC. 89. The powers and duties of the Board of Education are as follows:

1. To establish and maintain public schools, including kindergarten and high schools; to change, consolidate, and discontinue the same.

2. To manage and control the school property.

3. To employ, pay, and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided,* that no election of a teacher or other person employed by the Board shall be construed as a contract either as to duration of time or amount of wages of such person.

4. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

5. To establish and regulate the grade of schools and determine the course of study, the mode of instruction, and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the Board shall not be changed within a period of four years after its adoption.

6. To provide for the school department all necessary supplies, to wit: ink, pens, tablets, registers, blank reports, promotion cards, crayons, writing paper, rulers, pencils, diagrams,

maps, globes, chemical and mechanical apparatus, and certificates of graduation, fuel and lights, and incur such other incidental expenses as may be necessary for the welfare of the department.

Board of
Education,
powers and
duties.

7. To build, alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

8. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been, or that may be hereafter, acquired for the use and benefit of the public schools of the city, and to make, in the name of the city, conveyances of all such real estate belonging to the city and sold by the Board of Education; *provided*, that no real estate shall be bought, sold, or exchanged without the concurrence of four fifths of the members of the Board, and the consent of the City Council, evidenced by ordinance; *and provided further*, that the proceeds of such sale of real estate or personal property shall go into the General School Fund of the city.

9. To grade, fence, and improve all school lots.

10. To sue for any and all lots, land, and property belonging to or claimed by said School Department; and to prosecute and defend all actions at law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land, and property.

11. To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

12. To prohibit any child under six years of age from attending the public schools.

13. To examine and allow, in whole or in part, every demand payable out of the school funds, or to reject any such demand, for good cause, of which the Board shall be the sole judge.

14. To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the Board may direct, for tuition fees, to be fixed by the Board.

15. To dispose of, at public or private sale, such personal property as shall be no longer required by the department.

16. To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

17. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the schools when not in use.

18. To use and apply the school funds of the city for the purposes herein named, and for no other purposes whatever.

19. And generally to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city.

SEC. 90. It shall be the duty of the Board to prescribe a course of study that will fit and prepare the students therein

Course of
study.

to enter any of the departments of the State University. Such course shall be known as the High School course.

Visit schools.

SEC. 91. 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.

City Superintendent of Schools.

SEC. 92. The Board of Education shall elect by ballot a City Superintendent of Schools, whose term of office shall be one year, unless sooner removed for cause by a vote of the majority of the members, after a full investigation. The City Superintendent of Schools shall give his time and attention to the duties of his office, subject to the regulation of the Board of Directors. He shall have all the privileges of a member of the Board, except the right to vote. He shall act as Secretary and bookkeeper of the Board, and perform all clerical duties required by said Board. In the absence of the City Superintendent of Schools, the Board may appoint one of its members to act as Secretary.

Duties.

Qualifications of teachers.

SEC. 93. The City Superintendent of Schools and teachers of the public schools shall be experienced teachers, and shall possess the qualifications required by the Board of Education of Humboldt County, and such other qualifications as the Board of Education may prescribe.

Oaths.

SEC. 94. The City Superintendent of Schools, and each member of the Board, shall have power to administer oaths and affirmations in all matters connected with the department.

Contracts.

SEC. 95. All contracts for building shall be awarded to the lowest bidder therefor, furnishing adequate security, to be determined by the Board, after due public notice, published for not less than ten days in one daily paper of the city.

Same.

SEC. 96. Any member of the Board of Education, or any person officially connected with the School Department, or drawing a salary from the Board, who, while thus drawing such salary, upon investigation by the Board, or by any special committee that may be appointed by the Council, shall be found to be interested directly or indirectly in, or to have gained any advantage or benefit from, any contract payments or any purchases of any kind which have been or are to be made in any part from moneys derived from the School Fund or raised by taxation, or otherwise, for the support of the public schools, shall forfeit his office, and the Board shall thereupon declare such office vacant.

School tax.

SEC. 97. The Board of Education shall estimate the amount necessary, in their judgment, to carry on the public schools for the next school year, and shall report the same to the Council before the annual tax levy be made. And thereupon the Council shall levy a rate of tax for school purposes sufficient to raise the amount deemed necessary by the Council, not to exceed thirty cents on the one hundred dollars valuation of the taxable property of the city as assessed.

Financial statement.

SEC. 98. The Board shall cause to be published in January and July of each year, in some daily newspaper printed and published in the city, a tabulated statement showing the income and resources of the School Department, and the general

expenditures for such school purposes, together with such other information as will show the general condition of the schools, and the work accomplished by the department for the previous six months.

SEC. 99. The Public School Fund of said city shall consist of ^{Public School Fund.} all moneys received from the State and County School Fund; of all moneys arising from taxes which shall be levied by the City Council for school purposes; of all moneys arising from the sale, rent, or exchange of any school property; and of such other moneys as from any source whatever may be paid into the School Fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes, under the provisions of this charter. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing school moneys; and if at the end of the fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and no part of the School Fund shall be for any purpose, or in any manner whatever, diverted or withdrawn from any such fund, except as in this chapter provided.

SEC. 100. All claims payable out of the School Fund shall ^{Claims, how payable.} be filed with the Secretary of the Board, and shall be approved by a majority of all the members elected to said Board, upon a call of ayes and noes, which shall be recorded. After claims have been approved, as herein mentioned, the Secretary of said Board shall draw a warrant upon the City Treasurer for the payment thereof, which warrant shall be signed by the President and countersigned by the Secretary. All demands for salaries of teachers and compensation of janitors shall be payable monthly in the same manner, without presentation of claims therefor.

SEC. 101. All demands authorized by this article, and by the Board, approved as aforesaid, shall be paid by the City Treasurer from the School Fund, upon presentation of the warrant therefor; *provided*, that the Board of Education shall not have the power to create any debts or liabilities in any one year to exceed the annual revenue or available means under the control of the Board, and justly applicable for school purposes for such year.

SEC. 102. The City Superintendent of Schools shall receive ^{Salary of City Superintendent of Schools.} for his services a salary to be fixed by the Board of Education, and such salary shall be in full payment of such Superintendent for all services rendered by him as City Superintendent of Schools, and as ex officio Secretary of the Board of Education.

SEC. 103. The City Attorney shall be the attorney of the Board, and shall not receive any compensation for services rendered or to be rendered for the Board, other than or in addition to his salary as such City Attorney. ^{Attorney of Board.}

SEC. 104. The school year shall consist of forty weeks of ^{School year.} actual schooling, exclusive of all holidays.

SEC. 105. The daily sessions of the schools shall continue ^{School day.} for six hours, exclusive of noon intermission, and including the

recesses; *provided, however*, that no pupil under eight years of age shall be kept in school more than four hours a day.

Extraordi-
nary ex-
penses.

SEC. 106. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and Council, incur extraordinary expenditures in excess of the annual limit provided by this charter for repair, construction, and furnishing of school houses; and the Council may, by ordinance, cause to be transferred to the School Fund from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditures.

Property
rights.

SEC. 107. The Board of Education succeeds to all the property rights and to all the obligations of the School Trustees of Eureka School District heretofore existing.

ARTICLE VIII.

POLICE DEPARTMENT.

Chief of
Police.

SEC. 108. 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 Council, and shall hold office during the pleasure of the appointing power.

Duties and
powers.

SEC. 109. 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 Council, and if such policeman be found guilty by the Council, he shall be dismissed from the police force.

SEC. 110. 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 processes of the Council, Police 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. 111. The Chief of Police shall keep a public office, to be provided by the Council, 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 Clerk. He shall designate one of the policemen to attend constantly upon the Police Court, and to execute the orders and processes thereof; but any policeman shall have authority to execute the orders and processes of the Police and Justice's Court.

SEC. 112. There shall be a Captain of Police, selected from among the police force by the Mayor, by and with the consent of the Council, 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 Council. The term of office of the Captain of Police shall be during the pleasure of the appointing power.

SEC. 113. In addition to the Chief of Police, there shall be a permanent police force, which shall consist of such number of policemen, not less than three and not exceeding one for every one thousand inhabitants, as the Council 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 Council, 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 may 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 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.

SEC. 114. Whenever the Council 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.

Eligibility. SEC. 115. 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 or religious 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 employé in said department violating any of the provisions of this section shall forfeit his position.

No extra compensation.

SEC. 116. 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.

Duties of police officers.

SEC. 117. The members of the police force shall promptly and fully obey, enforce, observe, and caused 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.

Extra policemen.

SEC. 118. Whenever the Council, by resolution, shall so direct, there shall be appointed by the Mayor, by and with the consent of the Council, 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. 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 the 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 appointing power, and shall receive the same rate of pay as the regular policemen for the time actually engaged in the performance of their official duty. 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.

SEC. 119. 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 also receive the same rate of compensation for their services as is paid to regular policemen. The Mayor may also, by and with the consent of the Council, 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 Council, by an affirmative vote of at least four 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.

SEC. 120. The Council shall prescribe the badge of office and uniform to be worn by the members of the police force.

ARTICLE IX.

FIRE DEPARTMENT.

SEC. 121. The Mayor shall have supervision over the Fire Department, and shall appoint, by and with the consent of the Council, a Chief Engineer, Assistant Chief Engineer, Superintendent of the Fire Alarm System, engineers of steam fire engines, drivers, stokers, hosemen, and all other officers, members, and employés 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 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 every appointee 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.

Duties of Mayor.

SEC. 122. The Mayor in making appointments 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 on account of his political or religious opinions.

SEC. 123. 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 Council 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 Council 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 City Council.

SEC. 124. The Council 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 Council 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 Council, 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 three members of the Council, any officer, member, or employe of the Fire Department may be dismissed at any time without trial, when in the judgment of said Council the public service or efficiency of the department will be improved thereby.

Members must not enter politics.

SEC. 125. No officer, member, or employe 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 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.

SEC. 126. 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 Council, and see that all laws, orders, regulations, and ordinances to secure protection against fire are enforced.

SEC. 127. The Chief Engineer shall be responsible for the discipline of all officers, members, or employes of the Fire Department, and may suspend any officer, member, or employe 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 charges preferred, to the Council for their action.

SEC. 128. 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 Council, and make such recommendations or suggestions relative thereto as may to him seem proper or necessary.

SEC. 129. The Chief Engineer shall make an annual report in writing to the Council, on or before the first meeting in January of each year, showing in detail the cost of maintenance and operation of the Fire Department, with the casualties, fatalities, conflagrations which have occurred, the estimated value of property destroyed, and amount of insurance thereon, if any, 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.

SEC. 130. The Council may furnish the Chief Engineer with a horse and buggy, and provide for keeping the same.

SEC. 131. 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 yard, 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 in 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 or yard to any officer,

member, or employé, except upon an order signed by the Chief Engineer.

Powers of
Engineer.

SEC. 132. 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. The Mayor, by and with the consent of the Council, shall have power to appoint, as necessity requires, a fire police patrol from among the members or employés of the Fire Department.

SEC. 133. 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.

Equip-
ments.

SEC. 134. Until otherwise provided by the Council, there shall be attached to the Fire Department two steam fire engine companies, each to consist of one foreman, one assistant foreman, one engineer, one driver of engine, one stoker, one driver of hose cart, and eight hosemen. Also, one hook and ladder company, consisting of one foreman, one driver, one tillerman, and five hook and ladder men. Also, two hose companies, each to consist of one foreman, one assistant foreman, one driver of hose cart, and five hosemen. 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 Council.

Members
of Depart-
ment must
devote
entire time
to duties.

SEC. 135. The Chief and Assistant Chief Engineers 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 Chief Engineer be absent at the same time. *And it is further provided,* that the engineers of steam fire engines, the stokers and drivers thereof, also the drivers of hose carts and hook and ladder trucks, and tillermen, together with such other members or employés as the Council 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.

SEC. 136. 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 Engineers, and Superintendent of the Fire Alarm System shall make their headquarters daily during office hours, when not otherwise engaged in official duties.

Fire alarm
system.

SEC. 137. There shall also be attached to the Fire Department a fire alarm system, which shall be under the immediate charge of a Superintendent appointed from among the members of the department or its employés. It shall be his duty to

report to the Chief Engineer, in writing, at least once a 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 Council. 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. 138. The Council 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 employés at any time when in the judgment of said Council greater security against fire, loss of life and property demand it.

SEC. 139. Every claim against the Fire Department must first be certified to by the Chief Engineer before being presented to the Council for approval. The monthly payroll of the department shall be made up by the Chief, certified to by him, and presented to the City Clerk, who shall verify the same before passing it to said Council for approval.

SEC. 140. The foregoing sections of this article shall not apply to the Fire Department of said city so long as the same remains, as now, a volunteer fire department.

ARTICLE X.

HEALTH DEPARTMENT.

SEC. 141. There shall be a Health Department, under the management of a Board of Health. Said Board shall consist of five members, namely: the Mayor, who shall be ex officio a member and President of said Board, and the City Engineer, who shall be ex officio a member of the Board, and three citizens, who shall be appointed without regard to their political opinions by the Mayor, by and with the consent of the Council. The Mayor shall not have a right to vote unless in case of a tie, when he shall have the right to vote. Each appointed member of the Board shall be a duly licensed physician in accordance with the laws of the State of California, and a qualified elector of the city for two years immediately preceding his appointment, and shall serve without compensation.

SEC. 142. The term of office of the appointed members of the Board shall be for two years, and until their successors are appointed and qualified, said term to commence upon the second Monday in August; *provided*, that those members first appointed shall so classify themselves, by lot, that one of them

shall go out of office at the end of one year, and two at the end of two years. If any appointed member fails to qualify within ten days after his appointment, such appointment shall be void, and a new appointment shall be made.

Meetings. SEC. 143. 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.

Powers. SEC. 144. Said Board of Health, subject to the ordinances of the city, shall have supervision of all matters pertaining to the sanitary condition of the city and public institutions thereof; and subject thereto, full powers are hereby given to said Board over all questions of foul or defective drainage, of the disinfection and sanitary cleaning of streets, alleys, cellars, cesspools, sewers, or nuisance of any description, and of low places within the city limits, calculated to receive and retain unhealthy deposits.

SEC. 145. The Board of Health 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.

SEC. 146. The Council 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 Council.

City Physician. SEC. 147. 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.

Qualifications. 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.

Duties. 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, and no interment shall be made therein unless said Health Officer is 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. It shall be his duty to examine and inspect all nuisances, privies, vaults, cesspools, buildings, and low places 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. Duties of Health Officer.

SEC. 148. 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.

SEC. 149. When a case of smallpox, Asiatic cholera, or yellow fever is reported to the Health Officer, he may visit the premises where the person is, and when satisfied that either of said diseases exist, he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises.

SEC. 150. The Health Officer may cause to be removed to a smallpox hospital or pesthouse any person in said city affected with smallpox, Asiatic cholera, or yellow fever. When a case of either of said diseases 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.

SEC. 151. The Health Officer shall vaccinate, free of charge, all persons applying to him.

SEC. 152. Every member of the Board of Health and the Health Officer may administer oaths on matters connected with the Health Department. Oaths.

SEC. 153. Every physician in the city shall report to the Health Officer, in writing, every patient he shall have sick of typhus, ship, or yellow fever, Asiatic cholera, leprosy, smallpox, diphtheria, or scarlet fever, and every death from such disease immediately after it shall have occurred. Also, every householder in said city shall forthwith report, in writing or otherwise, to the Health Officer the name of every inmate of his or her house, whom he or she shall have reason to believe is sick of typhus, ship, or yellow fever, leprosy, cholera, or smallpox, and any deaths occurring at his or her house from such disease. Sanitary reports.

SEC. 154. The Health Officer shall report to the City Superintendent of Schools of said city the names and residences of every person sick of typhus, ship, or yellow fever, Asiatic cholera, smallpox, leprosy, diphtheria, or scarlet fever, or other contagious disease he may deem dangerous to the city health, and it shall be the duty of the City Superintendent of Schools of said city, when so notified of the residence of any person sick of any of the diseases enumerated, to refuse admittance to the public schools to any member of a family, one or more of whose inmates are sick of any of the foregoing diseases; *provided*, that the parties excluded shall be readmitted upon presenting a certificate from the Health Officer that there is no longer any danger from contagion.

SEC. 155. Whenever it shall be certified to the Board of Health by the Health Officer that any building, or part thereof, Destruction of infected building.

is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness amongst its occupants, said Board may issue an order, and cause the same to be affixed conspicuously on the building, or front thereof, and to be personally served upon the owner, agent, or lessee, if the same can be found, requiring all persons therein to vacate such building for the reasons to be stated therein, as aforesaid. Such building, or part thereof, shall within ten days thereafter be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it should become satisfied that the danger from the building, or part thereof, has ceased to exist, may revoke said order.

Quarantine regulations.

SEC. 156. The Board may proclaim such quarantines, and establish and declare such quarantine districts and grounds, and the boundaries thereof, as may, in their judgment, be necessary for the preservation of the public health; and may, when deemed necessary, require all vessels, railroad cars, or other public conveyances, before the same shall land or stop at any landing, depot, or stopping place in the city, to stop or touch at any or either of the districts, grounds, or boundaries so selected and established for quarantine purposes, and leave all such persons, with their stores and baggage, as in the opinion of the Health Officer or physician stationed at such quarantine sites, places, or boundaries shall be deemed proper on account of the existence or general report of Asiatic cholera, smallpox, or yellow fever.

SEC. 157. The said Board shall make such rules and regulations for the government of the quarantine or the health of the city as from time to time they shall deem necessary; and the physicians or Health Officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper management thereof; and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city in and about said quarantine stations or places, to carry out and obey the same.

Record of births and deaths.

SEC. 158. The Board of Health shall cause to be kept a record of all births and deaths occurring in said city; such records must be kept in the Health Office, and shall be open for inspection by any person during office hours. All physicians and midwives in the city shall report to the Health Officer, on or before the fifth of each month, all births occurring in his or her practice during the previous month.

Interment of dead.

SEC. 159. No person shall deposit in any cemetery the body of any human being who has died in the city, or remove the same from within the limits of the city, without having first obtained and filed at the Health Office a certificate signed by a physician or coroner, setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of deceased, and obtain from the Health Officer a permit in writing therefor for burial or other purposes. Physicians, when deaths occur in their practice, must give the cer-

tificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the Coroner. No body of a human being who has died within the limits of the city, and no body or remains of a deceased person exhumed or taken from any grave, vault, or other place of burial or deposit, within or without the city, shall be transported in or through the streets or highways of the city, unless the person or persons transporting such body or remains shall first obtain from the Health Officer a permit in writing therefor, which shall accompany the body or remains. ^{Burial permits}

SEC. 160. The permits in the last section may be granted in the discretion of the Board of Health, under such general restrictions and conditions as the Board may prescribe. The Health Officer shall prepare a book of blank permits, in proper form and consecutively numbered, containing stubs, on which, as well as in the permit, shall be entered a record giving the name, age, sex, nativity, place of burial, and destination of remains to be transported or removed.

SEC. 161. In addition to the powers and duties in this article enumerated, the Board shall have such other powers and perform such other duties as may be prescribed by ordinance of the Council, or by general law. ^{Additional powers and duties.}

ARTICLE XI.

WATERWORKS DEPARTMENT.

SEC. 162. If at any time the city shall become the owner of any water supply, or shall decide to construct such a system, the Mayor shall appoint, by and with the consent of the Council, two citizens of the city to be Water Commissioners, and they must not belong to the same political party. The City Engineer shall be ex officio a Water Commissioner. The appointed members shall hold their office for the term of two years; *provided*, that when first appointed they shall be appointed for one and two years, to be designated in the notice of appointment by the Mayor. Their compensation shall be fixed by ordinance by the Council. ^{Water works.}

SEC. 163. The Water Commissioners shall have full control and management of the water system of the city, and the collection of the revenue therefor, under such regulations by ordinance as the Council may from time to time enact. All contracts for work and materials must be made by said Commissioners in the manner provided in this charter for making contracts, and approved by the Council. And all payrolls and accounts for the same, before being paid by the Council, shall first be passed upon by the Commissioners, who shall thereupon certify them to the Council for payment.

ARTICLE XII.

PUBLIC LIBRARIES.

Library. SEC. 164. There shall be maintained in the City of Eureka free public libraries and reading-rooms as provided for by an Act of the Legislature of this State, entitled "An Act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, and such other Acts of the Legislature as may be amendatory thereof and supplemental thereto.

SEC. 165. The public library and reading-room created and existing under the provisions of said Act, and known as the "Eureka Free Library," is hereby continued in existence, and shall be free of access to all residents of said city and the general public, subject to such rules and regulations for the government and management thereof as may from time to time be adopted by the Board of Trustees thereof; *provided*, that said Board shall not permit any of its books, journals, publications, or other property to be taken, carried, or removed, by any person, without the limits of said city.

SEC. 166. The Board of Trustees thereof shall consist of five members, one to be elected from each ward, by the qualified electors thereof, at the regular municipal election, and shall hold office for two years, or until their successors are elected and qualified.

. ARTICLE XIII.

CONTRACTS.

Contracts. SEC. 167. The City of Eureka shall not be and is not bound by any contract, or in any way liable thereon, unless the same is made in writing by order of the Council, and the draft thereof approved by the City Attorney and the Council, and the same ordered to be and be signed by the Mayor, or some other person authorized thereto in behalf of the city; but the Council, by an ordinance, may authorize any officer, committee, or agent of the city to bind the city without a contract in writing for the payment of any sum of money not exceeding three hundred dollars. All bonds of any contractors with the city shall be approved by the Council.

ARTICLE XIV.

CLAIMS AND DEMANDS.

Claims and demands. SEC. 168. All claims and demands whatever against the City of Eureka, except interest coupons on bonds and bonds of the funded debt, shall be paid only on demands as herein provided for.

SEC. 169. Said demands, except demands payable out of the School Fund and Library Fund, shall be presented to the Council on forms and blanks to be provided by the City Clerk,

and shall be referred to its Committee on Finance. The said committee shall, by indorsement thereon, approve or reject the same, in whole or in part. The Council shall then consider the said demands, and the actions of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be indorsed thereon, with the date of such action, and certified by the signature of the President and City Clerk.

Claims and demands.

SEC. 170. Any such demand approved by the Council in whole or in part shall be delivered to the Mayor, who shall approve the same in whole or in part, or reject the same, and indorse such approval or rejection thereon, with the date thereof; *provided*, that the Mayor shall have no power to approve a demand for a sum larger than the sum in which it is approved by the Council. If the Mayor approve only in part, and for a less amount than approved by the Council, or reject any such demand, he shall return the same to the City Clerk, with his objections in writing attached thereto.

SEC. 171. All demands approved by the Mayor for the same amount as approved by the Council shall by him be delivered to the City Clerk, who shall thereupon draw a warrant therefor upon the City Treasury, and which shall be signed by the Mayor and countersigned by the City Clerk.

SEC. 172. Any demands returned to the City Clerk with the objection of the Mayor, shall again be considered by the Council, and if it shall again be approved by the Council by the same vote, and taken, recorded; and indorsed in the same manner as hereinbefore required, the said objection shall be thereby overruled. Any demand the objection to which of the Mayor has been overruled, shall be delivered to the City Clerk, who shall draw a warrant therefor, as if the same had been approved by the Mayor. If the Mayor object only to a portion of such demand, and such objection thereto shall be sustained by the Council, the same shall thereby be delivered to the City Clerk for his action thereon as hereinbefore provided.

SEC. 173. No demand can be approved, audited, or paid unless it specify each several item, with the date and amount thereof, nor unless it be subscribed by the claimant or by his, her, or its agent, and sworn to before some officer authorized to administer oaths.

SEC. 174. No payment can be made from the City Treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to the demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon, and approved as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited; *provided*, that the approval or rejection, in whole or in part, of a demand by the Committee on Finance of the Council is advisory only to the Council, and the rejection by said committee of a

Claims and demands. demand, in whole or in part, does not of itself prevent its being duly audited.

SEC. 175. No demand upon the treasury shall be allowed in favor of any person or officer in any manner indebted thereto, without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of, or disbursement of public funds, unless his account has been duly presented, passed, approved, and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns, or his reports in writing, in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any Act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the Mayor or the President of the Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance.

SEC. 176. The City Clerk must number and keep a record of all demands on the treasury which have been duly approved, showing the number, date, amount, and name of the original and present holder, on what account allowed, and out of what fund payable.

SEC. 177. Every lawful demand upon the treasury, duly audited as in this charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of original holder, and on what account allowed, and out of what fund payable; and being so registered, shall be returned to the party presenting it, with an indorsement of the word "Registered," dated and signed by the City Treasurer. All registered demands shall be paid in the order of their registration.

SEC. 178. All public moneys collected by any officer or employé of the city shall be paid into the City Treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employé, or other person so collecting money, shall be paid by demands upon the treasury, duly audited as other demands are audited and paid.

SEC. 179. No suit shall be brought upon any claim for money or damages against the City of Eureka, its Board of Education, or the Board of Trustees of the Eureka Free Library, until a demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city upon any such claim or demand, if the same shall be

in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandate, or other proceeding, against the said Council, or any Board or officer of said city, to compel it, or him, to act upon such demand or claim, or to pay the same when so audited.

ARTICLE XV.

MISCELLANEOUS PROVISIONS.

SEC. 180. All grants of franchises or privileges by the Council shall be awarded to the highest bidder in pursuance of the general laws of said State, nor shall any such franchises or privileges 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 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 or privilege. Whenever any franchise or privilege 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 privilege, or the part thereof, so in disuse, shall no longer be used or enjoyed. When, in the exercise of any franchise or privilege, 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 or obstructions which have been placed therein in the exercise of such franchise or privilege shall be removed therefrom, at the expense of the person or company who has held such franchise or privilege, whenever the franchise or privilege is abandoned or falls into disuse.

Franchises
to highest
bidder.

SEC. 181. Any person, except as otherwise in this charter provided, holding a salaried office under this city, whether by election or appointment, who shall during his term of office hold or retain any 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 city, or with the County of Humboldt, shall be deemed thereby to have vacated the office held by him under the city government.

Prohibit-
ing hold-
ing two
offices.

SEC. 182. No member of the Council, and no officer or employé of the city, shall be or become directly or indirectly interested in, or with the performance of, any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city. Any member of the Council, 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 officer, member, or

Interest in
contracts.

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.

City officers must not give or accept rewards for duties to be performed.

SEC. 183. No officer of the city shall be or become a surety on any bond given to the city, or to any person for the benefit of the city; nor shall any officer or employé of the city give or promise to give any person any portion of his compensation, or any money, or thing of value, or any position, in consideration of having been or 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 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.

Records of office.

SEC. 184. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies and 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.

Creating or discontinuing an office.

SEC. 185. No office shall be created in addition to those provided for by this charter, unless by ordinance regularly adopted by the Council. Whenever in the judgment of the Council no necessity exists for the continuation of any appointive office created or provided for by this charter, said Council, by an ordinance for that purpose, may discontinue such office.

Officers, deputies, etc., to be citizens of United States.

SEC. 186. 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 City Superintendent of Schools, and teachers of the public schools, reside in the city, and where not otherwise provided for, must have been residents of the city one year next preceding their election or appointment. They, and each of them, shall perform such duties as may be required of them, respectively, by law, ordinance, or this charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased during the term of their respective offices or employment, except as in this charter provided.

When office to become vacant.

SEC. 187. If any officer of the city shall remove from the city, or absent himself therefrom for more than thirty days, consecutively, without the permission of the Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within the time required by this charter, or shall resign, or be convicted of felony or of malfeasance in office, or be adjudged insane, his

office shall be and become vacant, and such vacancy shall be filled as in this charter provided.

SEC. 188. All books, papers, plats, charts, records, files, and stationery, 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 shall give duplicate receipts in writing therefor, one of which receipts shall be filed with the City Clerk.

Official books, etc., are city property.

SEC. 189. No officer or employé in any department of the city government shall ever be appointed or removed for or on account of partisanship, or for or on account of his political or religious opinions.

Religion, etc.

SEC. 190. 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.

No Chinese.

SEC. 191. All improvements, actions, proceedings, matters, and things not otherwise provided for in this charter shall be taken, had, and conducted under and in pursuance of the provisions of the laws of the State of California applicable thereto, in force at the time such improvements, actions, proceedings, matters, and things are taken and had.

General laws govern cases not specified.

SEC. 192. Whenever special meetings are called by the Council, Board of Education, or any other Board of the municipality, notice thereof shall be served on each member personally or by mail, addressed to him, at 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.

Special meetings.

SEC. 193. 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 Eureka, nor the passage, existence, or validity of any ordinance, rule, resolution, or other regulation thereof; 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, without proof, unless their validity is assailed, when the burden of proof shall be on the party assailing the same; 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 Council may be proven *prima facie* by the introduction of the original entry thereof on the records of the Council, by 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.

Judicial notice.

SEC. 194. All ordinances, rules, resolutions, and other regulations of the City of Eureka, in force at the time this charter

Effect of charter on previous officers, ordinances, etc. takes effect, and not inconsistent therewith, shall continue in force until amended or repealed. All officers of the city heretofore existing shall, unless expressly continued in force by this charter, cease to exist at the time that this charter takes effect, and shall be supplanted by the officers 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 for by this charter.

First election of officers.

SEC. 195. The Council of the present City of Eureka shall provide for the holding of the first election of officers under this charter; shall canvass the vote, declare the result, and approve the bonds of all officers elected at such election.

Charter in effect.

SEC. 196. For the sole purpose of the election and qualification of the officers directed by this charter to be elected at the general municipal election 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 second Monday of July, eighteen hundred and ninety-five.

CERTIFICATE.

Certificate.

Be it known, that the City of Eureka, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants, on the eighteenth day of June, eighteen hundred and ninety-four, 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 Peter Belcher, Josiah Bell, H. H. Buhne, Jr., J. S. Connick, David Evans, Franklin Ellery, W. H. H. Heckman, W. L. Heney, H. W. McClellan, W. H. McWhinney, A. J. Monroe, N. H. Pine, Denver Sevier, Henry Sevier, and E. W. Wilson, 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, consisting of fifteen articles and one hundred and ninety-six sections, as and for the charter of the said City of Eureka.

In witness whereof, we have hereunto set our hands this thirteenth day of September, Anno Domini one thousand eight hundred and ninety-four. Done in duplicate.

PETER BELCHER.
 JOSIAH BELL.
 H. H. BUHNE, JR.
 JOHN S. CONNICK.

DAVID EVANS.
 FRANKLIN ELLERY.
 W. H. H. HECKMAN.
 W. L. HENEY.
 H. W. McCLELLAN.
 WM. H. McWHINNEY.
 A. J. MONROE.
 N. H. PINE.
 DENVER SEVIER.
 HENRY SEVIER.
 E. W. WILSON.

Attest:

FRANKLIN ELLERY,
 Secretary.

STATE OF CALIFORNIA, }
 County of Humboldt. } ss.

I, C. G. Stafford, Mayor of the City of Eureka, hereby certify that the foregoing charter is one of the duplicate copies of the same, delivered to me as stated in the preamble attached to and preceding said charter; that all the statements of said preamble are true.

C. G. STAFFORD,
 Mayor of the City of Eureka.

Attest: W. G. BONNER, City Clerk of City of Eureka.

NOW, THEREFORE, BE IT

Resolved by the Senate of the State of California, the Assembly Approval.
thereof concurring (the majority of all members elected to each house voting for and concurring therein), that said charter of the City of Eureka 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 the said City of Eureka aforesaid.

CHAPTER VI.

Assembly Constitutional Amendment No. 33, relative to amending the Constitution of State of California, by repealing sections four and five of article thirteen, and by amending section one of said article.

[Adopted February 14, 1895.]

The Legislature of the State of California, at its regular session, Preamble.
 commencing on the seventh day of January, eighteen hundred and ninety-five, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that the Constitution of the State of California be amended by repealing sections four and five of article thirteen thereof, and by amending section one of said article, so as to read as follows:

Taxable
property
defined.

Section 1. All property in the State not exempt under the laws of the United States, or this Constitution, 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 matter and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free public museums, growing crops, mortgages, trust deeds, 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 for a reduction from credits of debts due *bona fide* residents of this State.

Repealed.

SEC. 2. Section four of article thirteen of this Constitution is hereby repealed.

Repealed.

SEC. 3. Section five of article thirteen of this Constitution is hereby repealed.

CHAPTER VII.

Assembly Joint Resolution No. 13, relative to the free coinage of silver.

[Adopted February 18, 1895.]

Preamble.

WHEREAS, We recognize the fact that by the demonetization of silver, and by refusal to give it equal standing in the coinage system of the United States, the material interest of the nation is dangerously impaired; and whereas, it is recognized to be a fact that the opposition to silver coinage emanates from speculative syndicates and moneyed classes who seek to embarrass the people of the nation for the advancement of their own selfish ends; and whereas, we entertain the firm belief that the full measure of national prosperity will never be restored until the coinage of silver is resumed, in accordance with the true intent and spirit of the Constitution of the United States, and having unbounded faith in the power and ability of this nation to restore and maintain silver in its proper position alongside of gold; and whereas, we believe that the issue of United States bonds for the purpose of maintaining a single gold standard, or any standard that does not contemplate the free and unlimited coinage of silver, is a practice fraught with the greatest danger to the stability of our institutions and the maintenance of national credit; therefore, be it

Free and
unlimited
coinage of
silver.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to earnestly and urgently advocate the immediate enactment of such laws as may be necessary to provide for the immediate resumption of the free

and unlimited coinage of silver in the ratio of sixteen to one; and be it further

Resolved, That our Senators be instructed, and our Representatives be requested, to actively advocate the enactment of such laws as may be necessary to prevent the issue of United States bonds for the sole purpose of maintaining a single gold standard of money; and be it further

Resolved, That the Governor be requested to immediately transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

CHAPTER VIII.

Senate 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 five of article two thereof, relative to the manner of voting.

[Adopted February 20, 1895.]

The Legislature of the State of California, at its thirty-first session, commencing on the seventh day of January, Anno Domini one thousand eight hundred and ninety-five, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby propose that section five of article two of the Constitution of the State of California be amended so as to read as follows: Preamble.

Section 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law; *provided*, that secrecy in voting be preserved. Elections, how held.

CHAPTER IX.

Assembly Joint Resolution No. 20, relative to securing immediate attention from Congress to the United States Debris Commission.

[Adopted February 20, 1895.]

WHEREAS, The appropriation for the contingent expenses of the United States Debris Commission is about exhausted, and the prosecution of their work endangered; therefore, be it Preamble.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to give the matter their immediate attention, with a view to securing an additional appropriation at the earliest possible moment. Additional appropriation for Debris Commission.

Resolved, That a copy of these resolutions be immediately telegraphed to our Senators and Representatives.

CHAPTER X.

Assembly Joint Resolution No. 19, relative to depression of United States agricultural affairs.

[Adopted February 28, 1895.]

Preamble. WHEREAS, On the tenth day of December, eighteen hundred and ninety-four, the Hon. W. H. Hatch submitted the following resolution in the House of Representatives, and which was referred to the Committee on Agriculture of the House of Representatives:

“WHEREAS, Current market prices of the principal agricultural staples have declined to about half their former rates, and are sold in many instances at or below the cost of production; and whereas, such a condition must tend to the elimination of the independent land-owning farmer and his replacement by a dependent peasant tenantry, which, unless prevented, will not only prove detrimental to agriculture and the kindred industries, but also to the perpetuity of American institutions; therefore,

“Resolved, That the Committee on Agriculture of the House of Representatives be and are hereby directed to inquire into the causes of the depression of American agricultural staples and the relative condition of agriculture to the manufacturing industries, and report the same to the House, with such suggestions as they may deem proper regarding the differences or inequalities, if any exist, so far as they are caused by legislation, or as legislation can remedy them.”

A hearing was had on the above resolution on December fifteenth and seventeenth, and a limited number of copies of the proceedings on the resolution was ordered printed for free distribution; and whereas, these copies have all been distributed, and many more are in demand in our State for the information of the people; therefore,

To print
“hearing”
for free dis-
tribution.

Resolved, That we request our Representatives in Congress to present a resolution during the present session, authorizing the publication and free distribution of twenty-five thousand copies of said “hearing” for the State of California.

Resolved, That the Clerk of the Assembly is hereby instructed to transmit a copy of this resolution to each of our Representatives in Congress without any delay.

Bounty on
agricul-
tural prod-
ucts.

WHEREAS, Protection of American industries against the competition of the cheap-labor countries of the world is the controlling and public policy of this nation; and whereas, the present method of protection by a tariff on imports can only protect the home market of manufactures against imports, but cannot protect the staples of agriculture against foreign competition, because these are produced in surplus quantities for export; and whereas, to protect one industry and to leave the other unprotected is to compel the unprotected industry

to pay for the protection of the protected industry, which is an injustice; therefore, we respectfully memorialize the Congress of the United States to remove this injustice by providing by law an equal measure of protection to the staples of agriculture now granted to manufactures; and that this be done by applying a portion of the revenue now collected as protective tariff in the payment of an export bounty on the staples of agriculture.

Resolved, That a copy of these resolutions be transmitted to Congress.

CHAPTER XI.

Assembly Joint Resolution No. 11, relative to the control of the Maritime Quarantine Service at the Port of San Francisco.

[Adopted March 5, 1895.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to urge upon the Secretary of the Treasury that the Department assume entire control of the Maritime Quarantine Service at the Port of San Francisco.

Quarantine
service at
San Francisco.

CHAPTER XII.

Senate Concurrent Resolution No. 8, approving the charter of the Town of Berkeley, in Alameda County, California, voted for and ratified by the qualified electors of said town, at a special election held therein for that purpose, on the twenty-sixth day of February, 1895.

[Adopted March 5, 1895.]

WHEREAS, The Town of Berkeley, in Alameda County, is now, and at all times herein referred to was, a town containing a population of more than ten thousand and not more than one hundred thousand inhabitants; and whereas, at a special election duly held therein on the sixth day of November, eighteen hundred and ninety-four, according to law and to the provisions of section eight, of article eleven, of the Constitution of this State, a Board of fifteen Freeholders, duly qualified, was duly elected in and by said town and by the qualified electors thereof, to prepare and propose a charter for said town, which Board of Freeholders did, within ninety days after said election, prepare and propose a charter for said town; and whereas, the same was, on the twenty-ninth day of December, eighteen hundred and ninety-four, signed in duplicate by a majority of the members of said Board of Freeholders. and was on the thirty-first day of December, eighteen hundred and ninety-four, returned and delivered one

Berkeley
Charter.

Berkeley
Charter.

copy thereof to the President of the Board of Trustees of said Town of Berkeley, and the other copy thereof to the Recorder of Alameda County (within which said town is situated); and whereas, such proposed charter was then published in two daily newspapers of general circulation in said town, to wit: in the "Berkeley Daily Advocate" and in "The Gazette," in each instance for more than twenty days, such publication having been commenced within twenty days after the completion of said proposed charter; and whereas, said charter was submitted (within not less than thirty days after the completion of said publication) by the legislative authority of said town, to wit: by the Board of Trustees thereof, to the qualified electors of said town at a special election, previously duly called and thereafter held therein, on the twenty-sixth day of February, eighteen hundred and ninety-five; and whereas, at said special election a majority of such qualified electors of said town, voting at said special election, did vote in favor of and ratify said charter so proposed, and the same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, as provided for in section eight, of article eleven, of the Constitution; and whereas, the said charter so ratified is in the words and figures, to wit:

CHARTER FOR THE TOWN OF BERKELEY,

Prepared and proposed by the Board of Fifteen Freeholders, elected November sixth, eighteen hundred and ninety-four, in pursuance of the provisions of section eight, article eleven, of the Constitution of the State of California.

ARTICLE I.

RIGHTS AND LIABILITIES.

SECTION 1. The municipal corporation now existing and known as "The Town of Berkeley" shall continue to be a municipal corporation under the same name that it now has.

Rights and
liabilities.

SEC. 2. The said corporation shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and alter the same at pleasure; and may purchase, receive, hold, and enjoy real and personal property, within and without the Town of Berkeley, and sell, convey, and dispose of the same for the common benefit; receive bequests, donations, and gifts of all kinds of property within and without the town, in fee simple, or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gifts, bequests, or trusts.

SEC. 3. The said corporation shall be and continue vested with all the property rights and rights of action of every kind

now belonging to the Town of Berkeley, and shall succeed to all the property of the present Board of Education of the town, and shall be subject to all the liabilities now existing against said town, or against said Board.

ARTICLE II.

BOUNDARIES AND WARDS.

Boundaries of the town.

SEC. 4. The boundaries of the Town of Berkeley shall be as follows: Boundaries of Berkeley.

All that land or territory heretofore included and contained in the Town of Berkeley, County of Alameda, State of California, which said territory is more specifically bounded and described as follows, to wit:

Beginning at the point of intersection of the boundary line between Alameda County and Contra Costa County with the easterly line of plot number eighty-three, as per Kellersberger's map of the subdivision of the Rancho of Vicente and Domingo Peralta, of record in the office of the County Recorder of Alameda County, thence southerly along the easterly line of said plot eighty-three and plots eighty-two and eighty, and the easterly line of plots seventy-six and seventy-five produced northerly, to a point on the easterly line of plot seventy-six, from which a line running at right angles to said easterly line of said plot seventy-six in a westerly direction would intersect Telegraph Avenue at a point seven hundred and sixty-five (765) feet south of the south line of Ashby Avenue; thence westerly and parallel with said south line of Ashby Avenue to the easterly line of Lorin Villa Tract if produced northerly in a direct line; thence southerly and along said easterly line of the Lorin Villa Tract produced as aforesaid, and the extension thereof southerly to a point one hundred and thirty-five (135) feet southerly from the southerly line of Alcatraz Avenue; thence westerly and parallel with the said southerly line of Alcatraz Avenue to the line dividing plots numbers forty-six and fifty-two of V. and D. Peralta Rancho; thence southerly along said last line to a point on said line one hundred and thirty-five (135) feet southerly from the southerly line of Todd Street, as shown on map of Paradise Park; thence westerly and parallel with the southern line of Todd Street to a point one hundred (100) feet westerly from the western line of Occidental Street, as shown on said map of Paradise Park Tract (said Occidental Street being that street now known as Calais Street); thence northerly and parallel with the said Calais Street to a point one hundred (100) feet southerly from the southerly line of Alcatraz Avenue; thence westerly and parallel with the said southern line of Alcatraz Avenue to a point one hundred and sixty (160) feet west of the westerly line of Idaho Street, as shown on map of the Herzog Tract; thence northerly and parallel with the said western line of said Idaho Street, as shown on map of the

Bound-
aries.

Herzog Tract and of the Rock Island Tract, to a point one hundred (100) feet southerly from the southern line of Blackstone Street, as shown on map of Dohr Tract; thence westerly and parallel with the said southern line of said Blackstone Street to a point one hundred (100) feet westerly from the western line of Mabel Street, as shown on "Map of a portion of the Dohr Tract," if said western line of said Mabel Street were extended in a direct line southerly; thence northerly and parallel with the said western line of the said Mabel Street, and the extension thereof southerly to a point one hundred (100) feet southerly from the southerly line of Haskell Street, as shown on map of the Carrison Tract; thence westerly and parallel with the said southerly line of Haskell Street to the eastern line of San Pablo Avenue; thence northerly along the said eastern line of the said San Pablo Avenue ninety-five (95) feet; thence westerly across San Pablo Avenue to a point on the westerly line thereof distant one hundred and ten (110) feet northerly from the northerly line of Union Street, as said Union Street is shown on map of the Villa Homestead Tract; thence westerly and parallel with the said northern line of the said Union Street to the western boundary of Alameda County; thence northerly and along the said western boundary of Alameda County to a point from which a line drawn easterly at right angles to the westerly line of First Street, in Tract "B" of the lands of the Berkeley Land and Town Improvement Association, would intersect said westerly line of said First Street at Cordonices Creek; thence easterly in a straight line to the point of intersection of the west line of said First Street with Cordonices Creek; thence easterly along said creek to a point where the northerly line of Kellersberger's plots eighty-three, eighty-four, and eighty-five, if produced westerly in a direct line, would first intersect said Cordonices Creek; thence easterly along said northerly line of said plots produced westerly, as aforesaid, to the boundary line between Alameda County and Contra Costa County; thence southerly and south-easterly along said boundary line to the point of beginning.

Wards.

SEC. 5. The town shall be and is hereby divided into seven wards, the respective boundaries of which shall be as follows, to wit:

First
Ward.

FIRST WARD. Bounded on the north and east by the boundary line of the Town of Berkeley; on the south by the northerly line of the State University grounds to its intersection with the center line of Oxford Street; thence by the center line of College Way and the said center line of College Way produced westerly to its intersection with the center line of Grove Street, and thence by the center line of Bristol Street to the center line of Sacramento Street; on the west by the center line of Sacramento Street northerly to the center line of Hopkins Street; thence westerly along said center line of Hopkins Street to the center line of Albina Avenue; thence northerly along the center line of Albina Avenue to the northern boundary line of the town.

SECOND WARD. Bounded on the north by the northerly line of the State University grounds to its intersection with the center line of Oxford Street; on the west by the center line of Oxford Street southerly to its intersection with the center line of Allston Way; thence easterly along said center line of Allston Way to its intersection with the center line of Ellsworth Street; thence southerly along said center line of Ellsworth Street and the center line of Ellsworth Street produced to its intersection with the center line of Parker Street; on the south, by the center line of Parker Street easterly to the center line of College Avenue; thence southerly along said center line of College Avenue to its intersection with the center line of Golden Gate Avenue (or Russ Street), and by the center line of Golden Gate Avenue (or Russ Street), and its extension easterly to its intersection with the easterly boundary line of the town; and on the east by the easterly boundary line of the town. Second Ward.

THIRD WARD. Bounded on the north by the center line of College Way and the said center line of College Way produced westerly to its intersection with the center line of Grove Street, and thence westerly by the center line of Bristol Street to the center line of Sacramento Street; on the west by the center line of Sacramento Street and the said center line of Sacramento Street produced southerly to its intersection with the center line of Blake Street; thence easterly along said center line of Blake Street to its intersection with the center line of Sacramento Street, formerly known as Lowell Street, and by the center line of said Sacramento Street to its intersection with the center line of Parker Street; on the south by the center line of Parker Street to its intersection with the center line of Ellsworth Street produced, and on the east by the center line of Ellsworth Street produced and the center line of Ellsworth Street northerly to its intersection with the center line of Allston Way; thence westerly along said center line of Allston Way to its intersection with the center line of Oxford Street; thence northerly by the center line of Oxford Street to its intersection with the center line of College Way. Third Ward.

FOURTH WARD. Bounded on the north by the center line of Golden Gate Avenue (or Russ Street) produced and the center line of Golden Gate Avenue (or Russ Street) to its intersection with the center line of College Avenue; thence northerly along said center line of College Avenue to its intersection with the center line of Parker Street; thence westerly by the center line of Parker Street to its intersection with Grove Street; on the west, by the center line of Grove Street to its intersection with the center line of Woolsey Street, formerly known as Kent Street; on the south, by the center line of Woolsey Street to its intersection with the center line of Shattuck Avenue; thence southerly along said center line of Shattuck Avenue to its intersection with the southerly boundary line of the Town of Berkeley; and by the southerly boundary line of the town; and on the east by the easterly boundary line of the town. Fourth Ward.

Fifth
Ward.

FIFTH WARD. Bounded on the north by the center line of Parker Street, westerly from its intersection with the center line of Grove Street to its intersection with the center line of San Pablo Avenue; on the west, by the center line of San Pablo Avenue, southerly to its intersection with the southerly boundary line of the Town of Berkeley; on the south, easterly following the southerly boundary line of the town to its intersection with the center line of Shattuck Avenue; on the east, northerly by the center line of Shattuck Avenue to its intersection with the center line of Woolsey Street; thence westerly along the center line of Woolsey Street to its intersection with the center line of Grove Street; thence northerly by the center line of Grove Street to its intersection with the center line of Parker Street.

Sixth
Ward.

SIXTH WARD. Bounded on the north by the center line of University Avenue and its extension westerly to its intersection with the westerly boundary line of the Town of Berkeley; on the west by the westerly boundary line of the town to its intersection with the southerly boundary line of the town; on the south by the southerly boundary line of the town to its intersection with the center line of San Pablo Avenue; on the east by the center line of San Pablo Avenue to its intersection with the center line of Parker Street; thence easterly by the said center line of Parker Street to its intersection with the center line of Sacramento Street; thence northerly along said center line of Sacramento Street to its intersection with the center line of Blake Street; thence westerly by said center line of Blake Street to its intersection with the center line of Sacramento Street produced southerly; thence northerly by the center line of Sacramento Street produced and by the center line of Sacramento Street to its intersection with the center line of University Avenue.

Seventh
Ward.

SEVENTH WARD. Bounded on the north by the northern boundary line of the Town of Berkeley, westerly to its intersection with the westerly boundary line of the town; on the west by the westerly boundary line of the town to its intersection with the center line of University Avenue produced; on the south by the center line of University Avenue produced, and the center line of University Avenue to its intersection with the center line of Sacramento Street; on the east by the center line of Sacramento Street northerly to its intersection with the center line of Hopkins Street; thence westerly along said center line of Hopkins Street to its intersection with the center line of Albina Avenue; thence northerly by the center line of Albina Avenue to its intersection with the northerly boundary line of the town.

Redistricting.

Redistrict-
ing.

SEC. 6. The town shall, every five years, be redistricted into wards, as hereinafter provided.

ARTICLE III.

OFFICERS AND ELECTIONS.

Officers.

SEC. 7. The government of the town shall be vested in a Board of Trustees, to consist of seven members; a Board of Education, to consist of seven members; whenever a free public library and reading-room is established therein, five Trustees thereof; a Treasurer, who shall be ex officio Tax Collector; an Attorney, a Clerk, a Marshal, a Superintendent of Streets, an Assessor, an Auditor, two Justices of the Peace, an Engineer, and such subordinate officers as are hereinafter provided for.

Eligibility.

SEC. 8. No person shall be eligible to hold any office in the town, whether filled by election or appointment, unless he be a resident and elector therein, and shall have resided within the boundaries of the town as hereinbefore described for three years next preceding the date of such election or appointment.

Mode of election.

SEC. 9. The members of the Board of Trustees and of the Board of Education, and the Assessor, Marshal, Treasurer, and Clerk shall be elected by the qualified electors of the town, at a general municipal election, to be held therein on the second Monday in April in each odd-numbered year. The qualified electors of the town shall vote for the Assessor, Marshal, Treasurer, and Clerk by general ticket; the qualified electors of each ward shall vote only for the member of the Board of Trustees and the member of the Board of Education who is respectively to represent their particular ward; *provided*, that the first election under this charter shall be held on the second Monday in May, eighteen hundred and ninety-five, and the officers elected at such election shall hold office until their successors are elected and qualified as provided in this charter.

Term of office.

SEC. 10. The Marshal, Assessor, Treasurer, and Clerk shall hold office for the period of two years from and after the Monday next succeeding the day of such election and until their successors are elected and qualified.

At the first election under this charter seven members of the Board of Trustees and seven members of the Board of Education shall be elected. Those elected from the even-numbered wards shall hold office for a period of two years, or until their successors are elected and qualified; and those elected from the odd-numbered wards shall hold office for a period of four years, or until their successors are elected and qualified. At each general municipal election thereafter members of the Board of Trustees and of the Board of Education shall be elected to succeed those whose terms are about to expire, and the members

so elected shall hold office for a period of four years, or until their successors are elected and qualified.

The Attorney, the Superintendent of Streets, and the Engineer shall be appointed by the Board of Trustees, and shall hold office during the pleasure of such Board.

Vacancies.

Vacancies. SEC. 11. Any vacancy occurring in any of the offices provided for in this charter shall be filled by appointment by the Board of Trustees, except members of the Board of Education; but if such office be elective, such appointee shall hold office only until the next regular municipal election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Board of Trustees is absent from the meetings of the Board for the period of ninety days, unless by permission of the Board, his office shall, by the Board, be declared vacant, and the same filled as in the case of other vacancies.

Official bonds.

Bonds. SEC. 12. The Clerk, Treasurer, Assessor, Auditor, Marshal, Superintendent of Streets, Attorney, and Engineer shall, respectively, before entering upon the duties of their respective offices, each execute a bond to the town in such penal sum as the Board of Trustees, by ordinance, may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this charter ex officio incumbent. Such bonds shall be approved by the Board of Trustees. All bonds, when approved, shall be filed with the Clerk, except the bond of the Clerk, which shall be filed with the President of the Board of Trustees. All the provisions of any law of this State relating to the official bonds of officers, shall apply to such bonds, except as herein otherwise provided.

Oath of office.

Oath. SEC. 13. Every officer of the town, before entering upon the duties of his office, shall take and file with the Clerk the constitutional oath of office.

Compensation.

Compensation. SEC. 14. The members of the Board of Trustees shall receive no compensation whatever, except while acting as a Board of Equalization; *provided*, that the President of the Board of Trustees may receive such compensation as the Board of Trustees may by ordinance determine.

The members of the Board of Education shall receive no compensation whatever.

The Treasurer, Assessor, Auditor, Attorney, Engineer, Marshal, Superintendent of Streets, and Clerk, shall severally receive, at stated times, a compensation, to be fixed by ordinance by the Board of Trustees, which compensation shall not be

increased or diminished after their election, or during their several terms of office.

Nothing herein contained shall be construed to prevent the Board of Trustees from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer, or after his election.

The compensation of all other officers shall be fixed, from time to time, by the Board of Trustees.

Administering oaths.

SEC. 15. The President of the Board of Trustees and Chairman of each committee, and each and every town officer (except policemen and firemen), shall have the power to administer oaths and affirmations relating to any business brought before the Board of Trustees or under consideration by their respective department. Who may administer oaths.

Disposition of moneys collected.

SEC. 16. Every officer collecting or receiving any moneys belonging to or for the use of the town shall settle for the same with the Clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the Clerk, for the benefit of the funds to which such moneys respectively belong. Moneys, disposition of.

No officer to be interested in contract.

SEC. 17. No officer of the town shall be interested, directly or indirectly, in any contract with the town, or with any of the officers thereof, in their official capacity, or doing any work, or furnishing any supplies for the use of the town, or its officers, in their official capacity; and any claim for compensation for work done, or supplies and materials furnished, in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the Treasurer. Contracts.

Any willful violation of the provisions of this section shall be deemed a misdemeanor and punished as such, and if found guilty said officer shall forfeit all rights to said office, and the same shall be declared to be vacant.

General election regulations.

SEC. 18. All elections in the town shall be held in accordance with the general election laws of the State, 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, enrolled upon the Great Register thereof at least fifteen days, and shall have resided in the town for at least thirty days next preceding such election. The Board of Trustees shall give such notice of each election as may be prescribed by ordinance, shall appoint Boards of Election, and fix their compensation, and establish election precincts and polling places, and may change the same; *provided*, that no part of any ward less than the whole thereof shall be attached Elections.

to any other ward, or part thereof, in forming election precincts. At any municipal election the last printed Great Register of the county shall be used; but 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, showing that his name is registered and uncanceled upon the Great Register of such county; *provided*, that he is otherwise entitled to vote. The Board of Trustees shall judge of the qualification of their own members, and shall canvass all election returns, except those of the first election held under this charter. The Board of Trustees shall meet on the first Wednesday subsequent to the election as a Canvassing Board, and shall duly canvass the election returns in the manner prescribed by the general law.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Legislative body: Board of Trustees.

Board of
Trustees.

SEC. 19. The legislative power of the Town of Berkeley shall be vested in a Board of Trustees, consisting of seven members.

Qualifications.

Qualifica-
tions.

SEC. 20. From each of the seven wards of the town, there shall be elected by the qualified electors of the ward he is to represent, one member of the Board of Trustees, who shall have been at the time of his election a qualified voter within the boundaries of the town, as hereinbefore described, for a period of not less than three years, and a resident of the ward from which he is elected for a period of not less than six months. If a Trustee shall, during the term of his office, cease to be a resident of the town, his office shall by reason thereof be declared vacant.

Meetings.

Meetings.

SEC. 21. The Board of Trustees shall meet on the first Monday after the election of its members shall have been officially declared, and regularly at least once a month, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the President of the Board or by four members of the Board uniting in a call. All the meetings of the Board shall be public.

Quorum.

Quorum.

SEC. 22. Four members of the Board shall be a quorum, and the affirmative vote of four members shall be necessary to pass any measure, but a less number than four may adjourn from day to day and compel the attendance of absent members, in such manner as the Board may prescribe.

Rules of proceeding.

SEC. 23. The Board of Trustees shall annually elect a President from its own members, who may be removed by an affirmative vote of not less than five members of the Board. The member so chosen as President of the Board shall have no other than his vote as Trustee.

President.

SEC. 24. The Board of Trustees shall establish rules for its proceedings.

The Board 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 five of its members.

The Board shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business properly before that body.

Ordinances and resolutions.

SEC. 25. The action of the Board of Trustees shall be by ordinance or resolution.

Ordinances: what constitutes.

SEC. 26. To constitute an ordinance a bill must, before final action thereon, be passed to print and published, with the ayes and noes, for two days; and in case of any amendment being thereafter made must in like manner be republished as amended for not less than one day.

No action providing for any specific improvement, other than those provided under general statute, or the granting of any privilege, or involving the lease, appropriation, or disposition of public property, or expenditure of public money (except sums of less than five hundred dollars), or the levying of any tax or assessment, or the imposing of any new duty or penalty, shall be taken except by ordinance.

Ordinances: enacting clause.

SEC. 27. The enacting clause of all ordinances shall be in these words: "Be it ordained by the Board of Trustees of the Town of Berkeley as follows."

Ordinances to contain but one subject.

SEC. 28. Every ordinance shall embrace but one subject, which shall be clearly indicated in its title. But if any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Ordinances: final passage, reconsideration.

SEC. 29. When any bill is put upon its final passage, and fails to pass, if a motion is made to reconsider, the vote upon

Ordinances. such motion shall not be taken until the next meeting of the Board of Trustees.

No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

Ordinances: President's signature.

SEC. 30. Every bill after it has passed the Board of Trustees shall be presented to the President thereof for his signature. The President shall sign and return such bill to the Board within ten days after receiving it.

Ordinances: when to take effect.

SEC. 31. No ordinance passed by the Board of Trustees shall take effect until ten days after its passage, unless a different date be provided in the enactment.

Ordinances: amending.

SEC. 32. No ordinance shall be amended by reference only to its title, but when any ordinance is amended the section or sections thereof shall be reenacted at length as amended.

Violation of ordinances.

Violation. SEC. 33. The violation of any ordinance of the town shall be deemed a misdemeanor and may be prosecuted in the name of the people of California. Any person sentenced to imprisonment for the violation of any ordinance may be imprisoned in the town jail, or if the Board of Trustees shall by ordinance so prescribe, in the county jail of Alameda County; in which case the expense of such imprisonment shall be a charge in favor of the County of Alameda against the Town of Berkeley.

Board of Equalization.

Tax levy. SEC. 34. The Board of Trustees shall have power, and it shall be their duty to provide by ordinance a system for the assessment, levy, and collection of all town 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 time of 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; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance or by actions in any Court of competent jurisdiction, to foreclose such liens; *pro-*

vided, that any property sold for such taxes shall be subject to redemption within the time and manner, and upon the terms provided, or that may hereafter be provided by law, for the redemption of property sold for State taxes.

All deeds made upon any sale of property for taxes or special assessments under the provisions of this 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 taxes.

Levy and collection of taxes.

SEC. 35. The Board of Trustees shall meet at their usual place of holding meetings on the second Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session from day to day until all the returns of the Assessor have been rectified; *provided*, they shall not sit as such Board later than the first Monday in September following, and on said last day they levy upon the assessed valuation of the property of said town a rate of taxation upon each one hundred dollars of valuation, which shall be entered upon their minutes. They shall then deliver the assessment roll to the Town Clerk, who shall compute and carry out the amount of tax so levied upon each parcel of property in said assessment roll contained. They shall have power to hear complaints and to correct, modify, or strike out any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the Town Clerk, who shall act as Clerk of the Board of Equalization, as being the assessment roll of said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Board of
Equaliza
tion.

Bond tax; library tax.

SEC. 36. Nothing in this charter contained shall be construed to prevent the levying and collecting of taxes for the payment of any bonded indebtedness, and the interest thereon, heretofore contracted by the Town of Berkeley, pursuant to statute, as are provided for in such statutes, in addition to the taxes herein authorized to be levied and collected; nor to prevent the levying and collecting the tax authorized by the Act entitled "An Act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, in addition to the taxes herein authorized to be levied and collected.

Bond and
library tax.

Licenses, fines, and penalties.

SEC. 37. All moneys received for licenses, and from fines, penalties, and forfeitures, shall be paid into the General Fund.

Licenses.

*Tax for special purposes.*Special
tax.

SEC. 38. If at any time the Board of Trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall, if petitioned in writing to do so by not less than three hundred qualified electors of the Town of Berkeley, call a special election by the qualified electors of the town to determine whether such indebtedness shall be incurred; *provided*, that when such indebtedness proposed to be incurred shall not exceed the sum of ten thousand dollars, the question of incurring such indebtedness shall only be submitted to the qualified electors of the town at a general municipal election. No such indebtedness shall be incurred without the assent of two thirds of the qualified electors of said town voting on such question at such election. Before incurring such indebtedness provision shall be made for the collection of a tax sufficient to pay the interest on such indebtedness as it falls due, and also to pay the principal thereof within one year from the time of contracting the same, and such tax shall be a special tax, and the levy therefor shall be in addition to the total levy provided for in section fifty of this charter.

*Limit of debt to be incurred.*Limit of
indebt-
ness.

SEC. 39. The Board of Trustees shall not create, audit or allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned for such purposes, except in the manner provided by general statute, or by this charter, for incurring indebtedness; *provided*, that the Town of Berkeley, during the first year of its existence under this charter, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as herein provided.

*Street work.*Street
work.

SEC. 40. The Board of Trustees are hereby authorized and empowered to order any work authorized by this charter to be done upon the streets, avenues, highways, and public places of the town. All such work shall be done pursuant to and under the provisions of the general statutes of the State of California; *provided*, that in all cases where statutory proceedings may not be required the ordinances, rules, and regulations adopted by the Board of Trustees shall govern.

*Public work to be done by contract.*Contracts
for public
work.

SEC. 41. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, water front, or in or about embankments or other works for protection against over-

flow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of two hundred and fifty dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after notice, by publication in a newspaper of general circulation printed and published in the town, for at least one week. Such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the Board of Trustees may reject any and all bids presented, and readvertise, in their discretion.

Contracts for printing.

SEC. 42. The Board of Trustees shall, annually, at a stated ^{Printing.} time, contract for doing all official printing and advertising, which contract shall be let to the lowest responsible bidder, after notice as provided in the preceding section, and the contract therefor shall be awarded separately from all other printing.

Contracts for lighting.

SEC. 43. No contract for lighting public streets, buildings, ^{Lighting.} places, or offices shall be made for a longer period than two years; nor shall any contract be made to pay for gas, electric lights, or any other illuminating material at a higher rate than charged to any other consumer.

Contracts for water.

SEC. 44. No contract for supplying water for the use of the ^{Water.} municipality in any of its departments shall be made wherein the rates exceed those charged to other consumers.

Form of contracts.

SEC. 45. All contracts must be in writing, executed in the name of the Town of Berkeley, and by an officer authorized to ^{Form of contracts.} make the same.

The form and legality of all contracts shall be submitted to and passed upon by the Town Attorney. Every contract must be countersigned by the Auditor, numbered and registered in a book kept for that purpose.

Nuisances.

SEC. 46. Every act and thing done or being within the limits ^{Nuisances.} of the town which is declared by law to be a nuisance, and anything done or being within the limits of the town which shall be, by the Board of Health, reported in writing to the Board of Trustees to be dangerous or detrimental to the health of the neighborhood or community, may be, by resolution or ordinance, 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.

Redistricting the town.

Redistrict-
ing. SEC. 47. The Board of Trustees shall, in the year nineteen hundred, and every fifth year thereafter, redistrict the town into seven wards, making the same as nearly equal in population and as geographically compact as possible; but the town shall not be so redistricted within ninety days previous to any municipal election.

Ordinances continued in force.

Ordinances. SEC. 48. All lawful town ordinances and regulations now in force, and not inconsistent with the provisions of this charter, are hereby continued in effect until the same shall be duly amended or repealed.

Publication of ordinances.

Publica-
tion. SEC. 49. 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, together with this charter, in book form.

Every officer of the town shall be entitled to one copy of such ordinances and charter without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication.

The Board of Trustees 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.

POWERS OF THE BOARD OF TRUSTEES.

Powers of
Board of
Trustees. SEC. 50. The Board of Trustees shall have power:

To pass ordinances.

1. To pass ordinances.

To establish a Board of Health.

2. To provide for the organization and maintenance of a Board of Health; to prescribe rules and regulations therefor, and for the appointment or election of members thereof; and to make all such sanitary regulations as may be requisite to promote the public health and comfort.

To hold property.

3. 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 town; *provided*, the Board shall not have the power to sell or convey any portion of any water front, but may rent such water front for a term not exceeding ten years; *provided further*, that whenever any street or portion of a street shall be abandoned or closed by resolution or ordinance as provided by

law, said Board shall have full power and authority to convey by deed such street or portion of street to the owners of the lands adjacent to such street or portion of street so abandoned or closed, as said Board shall deem that equity requires.

Powers of
Board of
Trustees.

To lay and collect taxes.

4. To lay and collect annually a property tax, which shall be apportioned as follows: For the General Fund, not to exceed thirty-five cents on each one hundred dollars; for Street Fund, not exceeding thirty cents on each one hundred dollars; and for School Fund, not exceeding thirty cents on each one hundred dollars; *provided*, that the school apportionment shall in no event be less than twenty-five cents on each one hundred dollars; *provided*, that the Board of Trustees shall have power to levy, in addition to said seventy-five cents, any special tax necessary to pay any special indebtedness which may be incurred pursuant to the provisions of this charter.

Tax limit.

The total levy for any one year for all purposes to which such funds are applicable, shall not exceed seventy-five cents on each one hundred dollars of the assessed value of all real and personal property within the Town of Berkeley.

To license businesses.

5. To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license upon the same, and to provide for the collection of the same by suit or otherwise.

To require a dog license.

6. To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the town.

To erect public buildings.

7. To erect and maintain buildings for municipal purposes.

To establish and maintain streets.

8. To establish, build, and repair bridges; to establish, lay out, alter, keep open, open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within the town, and to drain, sprinkle, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and cross-walks therein, or upon any part thereof; to cause to be planted, set out, and cultivated shade trees therein; and generally to manage and control all such highways and places.

Powers of
Board of
Trustees.

To construct sewers.

9. To establish, construct, and maintain drains and sewers.

To lay or allow water, lighting, and telegraph lines.

10. To lay, and to permit, as they may deem proper, the laying of, gas or water pipes, or electric conduits in the public streets; and to construct and maintain, and to permit the construction and maintenance of, telegraph, telephone, or electric light lines therein.

To regulate distribution of water and gas.

11. To regulate the quality, capacity, and location of water and gas pipes, mains, and fire-plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places, and public buildings.

To grant franchises for street railroads.

12. To grant, under and in pursuance of the general statutes of this State, franchises for the construction of street railroads on and along the streets of the town; *provided*, that in all grants of franchises for street railroads it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are of the most approved pattern for street railways operated by horses, cables, or other motors than steam; *provided further*, that it shall be unlawful for the Board of Trustees, within ninety days next preceding the date of holding a general town election, and within seventy days next immediately following 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 over or upon any part of any street, road, highway, squares, or park within the Town of Berkeley.

Any franchise or privilege granted or attempted to be granted in violation of or contrary to this section shall be absolutely void and of no effect; *provided*, that all applications and bids or proposals for franchises under this section shall be accompanied by a cash deposit of two thousand dollars as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and granting of such franchise.

Upon the franchise being awarded all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the full performance by him of the provisions of the franchise to the satisfaction of said Board. And upon such performance the remainder of such deposit, after the payment therefrom of all expenses incurred by the town in connection with the awarding of such franchise, shall be returned.

Provided further, that no franchise for a street railroad shall be granted without containing a provision that all United States mail carriers and officers of the town shall at all times while in the actual discharge of their duties be allowed to ride on the cars of such railroad without paying therefor and with all the rights of other passengers.

Powers of
Board of
Trustees.

To contract for water supply.

13. To contract for supplying the town with water for municipal purposes.

To construct waterworks.

14. To acquire, construct, and keep in repair pumps, aqueducts, reservoirs, to lay water pipes, or do other work necessary for duly supplying the town with water.

To fix water rates.

15. To fix and determine annually the rates of compensation to be collected by any person, company, or corporation in the town for the use of water supplied to the town or the inhabitants thereof, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

To provide fire engines.

16. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishing of fires.

To establish fire limits.

17. To establish fire limits, with proper regulations.

To regulate objectionable trades.

18. To regulate the maintenance of powder works, 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 to exclude such works and business from the town.

To establish a pound.

19. To prevent or regulate the running at large of any animals, to establish a pound, and to authorize the destruction or impounding of any animals running at large.

To appoint policemen and subordinate officers.

20. To appoint and remove such policemen and other subordinate officers, other than the deputies of elective officers, as they may deem proper, and to fix their duties and compensation.

Powers of
Board of
Trustees.

To provide fines and imprisonment.

21. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

To cause all persons imprisoned for violation of any ordinance to labor on the streets or other property or works within the town.

To add to the duties of town officers.

22. To prescribe by ordinance not inconsistent with the provisions of this charter the additional duties of all town officers, and fix their compensation.

To provide for election of Auditor.

23. To provide by ordinance, when said Board may deem necessary, for the election, at a general town election, of an Auditor, whose term of office shall be two years and whose compensation shall be fixed by the Board of Trustees, and whose duties shall be as in this charter prescribed; *provided*, that no Auditor shall be elected prior to the municipal election of the year eighteen hundred and ninety-nine.

To perform other acts.

24. 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 town all other local, police, sanitary, and other regulations as do not conflict with the general laws.

ARTICLE V.

EXECUTIVE DEPARTMENT.

DUTIES OF THE PRESIDENT OF THE BOARD OF TRUSTEES.

Supervise public officers.

President
of Board of
Trustees,
duties of.

SEC. 51. 1. The President of the Board of Trustees shall vigilantly observe the 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.

Examine public records.

2. The books, records, and official papers of all departments, boards, officers, and persons in the employ or service of the town, shall at all times be open to his inspection and examination. He shall take especial care to see that the books and records of said departments, boards, officers, and persons are kept in a legal and proper form, and any 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, Town Attorney, or District Attorney, in order that the public interests shall be protected and the person in default be proceeded against according to law.

President
of Board of
Trustees,
duties of.

Have public records experted.

3. He shall appoint, subject to the approval of the Board of Trustees, a competent person or persons, expert in matters of bookkeeping and accounts, whose compensation must be fixed before the appointment by the Board of Trustees, to examine the books, records, condition, and affairs of every department, board, or officer, and report fully thereon, in writing, to the Board of Trustees at least once in every year; and it shall be the duty of the President of the Board to enforce such an examination. Any officer, board, or person in the employ of the town refusing to submit to or permit such an examination, or purposely delaying or impeding the same, may be removed from office for such conduct, the same as for malfeasance in office.

Supervise public institutions.

4. The President of the Board of Trustees shall have a general supervision over all departments and public institutions of the town, and shall see that they are honestly, economically, and lawfully conducted.

Have ordinances enforced.

5. He shall see that the provisions of the charter and the ordinances of the town are observed and enforced.

Give information to the Board of Trustees.

6. He shall, from time to time, give the Board of Trustees information, in writing, relative to the state of the town, and shall recommend such measures as he may deem beneficial to its interest.

Audit claims.

7. He shall, until the election of an Auditor be had, examine into and audit all claims against the town, be the general auditing officer of the town, keep a proper record of all claims, and report the same at each regular meeting of the Board, with his recommendations thereon.

Count money in the treasury.

8. The President of the Board of Trustees, the Chairman of the Finance Committee of the same Board, and the Town Clerk shall, at least once in three months, count the cash in the Town Treasury and see that it corresponds with the books of the Treasurer and the Clerk, and report the result of such count to the Board of Trustees.

DUTIES OF THE AUDITOR.

Auditor,
duties of.

SEC. 52. The Auditor shall act as the general accountant and fiscal agent of the Town of Berkeley, and shall exercise a general superintendence over all the officers of the town charged in any manner with the receipt, collection, or disbursement of the town revenues. He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the town, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer, or any other person. He shall, on application of any person indebted to the town holding money payable into the Town Treasury or desiring to pay money therein, certify to the Town Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the Town Treasurer for money paid into the Town Treasury, charge the Town 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 Town Treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the Town Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses. He shall report to the Board of Trustees at each regular meeting the condition of each fund in the Town Treasury, and the amount drawn from each fund since the last regular meeting. He shall make and present a report to the Board of Trustees, at its meeting in the second week of December of each year, showing all financial business transactions of the town for the preceding year ending the thirtieth day of November last. He shall audit and approve all demands against the town before payment, and keep a record of the same. He shall, on or before the first of August in each year, make and present to the Board of Trustees a report as to the revenue and expenses of the town for the current fiscal year, in which he shall set forth estimates of, first, the revenue from other sources than taxation; second, the itemized expenditures; third, the itemized amounts necessary to be raised by taxation for each fund. He shall perform such other duties as shall be required of him by this charter or by ordinance.

DUTIES OF THE TREASURER.

Treasurer,
duties of.

SEC. 53. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as Town Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the Town Clerk. He shall pay out said money on warrants signed by the proper officers, and not otherwise, except interest coupons on bonds. He shall make quarterly settlements with the Town Clerk. He shall be ex officio Tax Collector.

DUTIES OF THE ASSESSOR.

SEC. 54. It shall be the duty of the Assessor, between the first Monday in March and the first Monday in August in each year, to make out a true list of all taxable property within the town. The mode of making out said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating County Assessors, or that may hereafter be enacted, except as the same may be otherwise provided in this charter, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by County Assessors. The Assessor shall verify said list by his oath, and shall deposit the same with the Town Clerk on or before the first Monday in August in each year. The Assessor and his deputy shall have power to administer all oaths and affirmations that may be necessary in the performance of their duties.

DUTIES OF THE CLERK.

Keep records of the Board of Trustees.

SEC. 55. 1. It shall be the duty of the Clerk to keep a full and true record of all the proceedings of the Board of Trustees and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book, marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization."

Keep a book of "Town Accounts."

2. He shall keep a book, which shall be marked "Town Accounts," in which shall be entered as a credit all moneys received by the town for licenses, the amount of any tax when levied, and all other moneys received, and in which shall be entered upon the debtor side all commissions deducted, and all warrants drawn on the treasury.

Keep a book of "Tax Collector's Account."

3. He shall also keep a book, marked "Tax Collector's Account," in which he shall charge the Tax Collector with all tax lists delivered to him. He shall credit the Tax Collector with the delinquent lists returned by him.

Keep a book of "Treasurer's Account."

4. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the town with the Treasurer.

Keep a book of "Town Licenses."

5. He shall also keep a book, marked "Town Licenses," in which he shall enter all licenses delivered by him to the Marshal, and the amount thereof.

Clerk,
duties of.

Keep a book of "Sewer Permits."

6. He shall keep a book, marked "Sewer Permits," in which he shall enter all sewer permits delivered by him to the Marshal, and the amount thereof.

Keep a book of "Town Ordinances."

7. He shall also keep a book, marked "Town Ordinances," into which he shall copy all town ordinances, with his certificate annexed to said copy, stating the foregoing ordinance to be a true and correct copy of an ordinance of the town, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, or the original ordinance, shall be *prima facie* evidence of the contents of the ordinance, and of the due passage and publication of the same, and shall be admissible as such evidence in any Court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the Town Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way.

Index foregoing books.

8. Each of the foregoing books, except the records of the Board of Trustees and the Board of Equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

Compute amount of taxes.

9. Upon the completion of the assessment roll for any of the taxes of the town, and levying of the tax thereon, the Town Clerk shall compute and carry out the amount of tax so levied on each parcel of property in said assessment roll contained, and shall deliver it to the Tax Collector. It shall not be necessary to make a duplicate assessment roll. He shall compute all delinquent taxes and penalties therefor and charge the Tax Collector therewith.

Appoint a deputy.

10. He may appoint, subject to the approval of the Board of Trustees, a deputy, for whose acts he and his bondsmen shall be responsible.

Administer oaths.

11. He and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any Court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the town, and certify the same without charge.

Have charge of the town archives.

12. He shall have the custody and be responsible for the

corporate seal, and all books, papers, records, and archives ^{Clerk,} belonging to the town, not in actual use by other officers, or ^{duties of.} otherwise by special provision committed to their custody.

Make quarterly statements.

13. He shall make a quarterly statement, in writing, showing receipts and expenditures of the town for the preceding quarter, and the amount remaining in the treasury.

Make annual statements.

14. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the town, which shall be published; which statement shall also contain a complete list of all the paid officials of the town, with the amounts of their several compensations.

Act as Clerk of Board of Education.

15. He shall ex officio act as Clerk of the Board of Education.

Perform other duties.

16. He shall perform such other services as this charter and the ordinances of the Board of Trustees shall require.

DUTIES OF THE ATTORNEY.

SEC. 56. It shall be the duty of the Town Attorney to ^{Attorney,} advise the town authorities and officers in all legal matters ^{duties of.} pertaining to the business of the town, and to render such other services in the line of his profession as may be required of him by the Board of Trustees.

DUTIES OF THE MARSHAL.

Have charge of the town police.

SEC. 57. 1. The department of police of the town shall be ^{Marshal,} under the direction and control of the Marshal; and for the ^{duties of.} 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 the town, and every citizen shall also lend him aid when required for the arrest of offenders and the maintenance of public order.

Have powers and duties of Constable.

2. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority, and shall have the same power and duties in all civil and

Marshal,
duties of.

criminal cases within the limits of the town as Constables have within the respective townships for which they are elected, and shall be entitled to the same fee.

Pay Treasurer moneys collected.

3. He shall, at the expiration of each month, pay to the Town Treasurer all funds of the town collected by him, or his deputies, during said month. He shall, upon the payment of the money, file with the Treasurer an affidavit stating that the money so paid is all the funds he has collected or received during the preceding month.

Have charge of the town prisons.

4. He shall have charge of the town prison and prisoners, and of any chaingang that may be established by the Board of Trustees.

Appoint deputies and additional policemen.

5. 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. 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.

Ex officio License Collector.

6. He shall be ex officio License Collector.

Perform other duties.

7. He shall perform such other services as this charter and the ordinances of the Board of Trustees shall require.

DUTIES OF THE TAX COLLECTOR.

Tax
Collector,
duties of.

SEC. 58. The Tax Collector shall collect all taxes levied by the Board of Trustees, except as herein provided. He shall, at the expiration of each month, pay to the Town Treasurer all taxes and other funds of the town collected by him during said month. He shall, upon the receipt of any tax list, give his receipt for the same to the Town Clerk, and shall, upon depositing with the Town Clerk the delinquent tax list, take his receipt therefor. He shall keep proper books, showing all moneys collected by him as Tax Collector, and also a book which shall contain a record of every deed given by or on behalf of the town for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times subject to public inspection. He shall perform such other duties as may be required of him by law or by ordinance of the town.

DUTIES OF THE SUPERINTENDENT OF STREETS.

SEC. 59. The Superintendent of Streets shall have the general care of and frequently inspect the streets of the town. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street construction. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction; inspect and approve or reject all material used in such construction, whether done under contract or otherwise; and shall at once report to the Board of Trustees, in writing, all deviations from contracts and use of improper material and bad workmanship in such works; and shall have power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or as may be imposed by ordinance.

Street
Superintendent,
duties of.

DUTIES OF THE ENGINEER.

SEC. 60. 1. It shall be the duty of the Engineer to make all surveys, inspections, and estimates required by the Board of Trustees.

Engineer,
duties of.

2. He shall examine all public work done under contract, and report thereon in writing to the Board of Trustees.

3. He shall, on application of any person owning or interested in real property in the town, for a survey or plat of such property, make and deliver the same upon the payment of his fee therefor.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the town pertaining to his office, and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control, during his term of office, for the town, shall be the property of the town.

6. He shall perform such other duties as are prescribed by this charter or as may be imposed by ordinance.

ARTICLE VI.

SCHOOL DEPARTMENT.

Board of Education.

SEC. 61. The government of the school department of the town shall be vested in a Board of Education, to consist of seven members, to be called School Directors.

Board of
Education.

Qualifications of School Directors.

SEC. 62. From each of the seven wards of the town there shall be elected by the qualified electors of the ward he is to

Qualifica-
tions.

represent, one member of the Board of Education, who shall have been at the time of his election a qualified voter within the boundaries of the town as hereinbefore described for a period of not less than three years, and a resident of the ward from which he is elected for a period of not less than six months. If a School Director shall, during the term of his office, cease to be a resident of the town, his office shall by reason thereof be declared vacant.

Vacancies.

Vacancies. SEC. 63. In case a vacancy shall occur in the office of School Director, the Board of Education shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

Meetings.

Meetings. SEC. 64. The Board of Education shall meet on the first Monday after the election of its members shall have been officially declared, and at such other times as may be designated by resolution, in the place provided for them by the Board of Trustees. Special meetings may be called by the President of the Board or four members of the Board uniting in a call. All the meetings of the Board shall be public.

Quorum.

Quorum. SEC. 65. Four members of the Board shall be a quorum, and the affirmative vote of four members shall be necessary to pass any measure; but a less number than four may adjourn from day to day and compel the attendance of absent members, in such manner as the Board may prescribe.

President.

President. SEC. 66. The Board of Education shall annually elect a President from its own members, who may be removed by an affirmative vote of not less than five members of the Board. The member so chosen as President of the Board shall have no other than his vote as School Director.

Clerk.

Clerk. SEC. 67. The Town Clerk shall be ex officio Clerk of the Board of Education, and shall receive such compensation as said Board may from time to time determine. It shall be the duty of the Clerk to keep a full and true record of all the proceedings of the Board of Education. He shall make a quarterly statement, in writing, showing the income and expenditures of the Board for the preceding quarter, and such other statements as the Board may from time to time require.

Attorney.

Attorney. SEC. 68. The Town Attorney shall be the attorney of the Board of Education.

Board may sue and be sued.

SEC. 69. The Board of Education may sue and be sued by their name of office. In any action or judicial proceeding against said Board, service of process upon the President, or upon a majority of the members of the Board, shall be sufficient to give the Court jurisdiction to hear and determine the same. ^{Sue and be sued.}

Administering oaths.

SEC. 70. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the treasury payable out of the School Fund, and in all other matters relating to the duties of the Board of Education, and to witnesses examined in any investigation had by such Board of Education, or by a committee thereof duly appointed by it for that purpose. ^{Oaths.}

Attendance of witnesses.

SEC. 71. The President may issue subpoenas under his hand and the seal of the town, attested by the Town Clerk, to compel the attendance of witnesses before the Board of Education, or committee thereof, who shall be entitled to the same fees as witnesses in civil cases, and who may be punished for contempt for non-attendance, or refusal to be sworn or to answer, by the Superior Court of the county in which the town is situated. ^{Witnesses.}

School warrants.

SEC. 72. Every claim payable out of the School Fund shall be filed with the Clerk of the Board of Education, and after it shall have been approved by the Board a certificate of such approval shall be indorsed thereon, signed by the President and Clerk, and a warrant upon the School Fund shall be issued thereon for the payment of such claim; which warrant shall be signed by the President of such Board, and countersigned by the Clerk, and shall specify for what purpose the same is drawn. ^{Warrants.}

Mode of receiving county moneys.

SEC. 73. Unless otherwise provided by law, all moneys received by the Treasurer of the county wherein the town is situated, on account of the School Fund of the town, and all sums received into the County Treasury which may be apportioned to the town, shall be paid to the Town Treasurer by the County Treasurer as soon as received, or as soon as the apportionment shall be made, when apportionment is necessary, upon the order of the Board of Education. ^{County school moneys.}

Use of State school moneys.

SEC. 74. The entire revenue derived by the town from the State School Fund and the State school tax shall be applied by the Board of Education exclusively to the support of primary and grammar schools. ^{State school moneys.}

POWERS OF THE BOARD OF EDUCATION.

Powers of
Board of
Education.

SEC. 75. The Board of Education shall have power:

To establish schools.

1. To establish and maintain public schools, including high schools and kindergartens, and to change, consolidate, and discontinue the same.

To employ teachers and other officers.

2. To employ and dismiss teachers, janitors, truant officers, and school census marshals, and to fix, alter, allow, and order paid their salaries or compensations, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers hereby conferred.

To make rules for the schools.

3. To make, establish, and enforce all necessary or proper rules and regulations, not in conflict with the laws of this State, for the government and management of public schools within the town, the teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education.

To regulate courses of study.

4. To establish and regulate the grades of schools in the town, and the mode of instruction to be pursued therein, and determine what text-books shall be used, and to fix courses of study, including preparation for entrance to the University of California.

To regulate admission of pupils.

5. To prohibit any children under six years of age from attending the public schools, except that in the kindergarten younger children may be received.

To regulate admission of non-resident and adult pupils.

6. To admit non-resident children and persons over twenty-one years of age to any of the departments of the schools of the town, upon the payment monthly, in advance, of such tuition fee as the Board may establish.

To provide school supplies.

7. To provide for the school department of the town fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by the Board.

To provide school houses.

8. To build, alter, repair, rent, and provide school houses, and to furnish the same with proper school furniture, apparatus, and appliances, and to insure any and all school property.

To hold property.

9. To purchase, receive, lease, and hold in fee, in trust for such town, 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 schools of the town; *provided*, that no real estate shall be bought, sold, or exchanged, nor any expenditure incurred for the construction of new school houses, without the approval of the Board of Trustees; 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 and for the erecting of school houses thereon.

Powers of
Board of
Education.

To improve school lots.

10. To grade, fence, and improve all school lots.

To make annual estimates of expenses; tax limit.

11. To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board of Education shall, at least ten days before the meeting of the Board of Trustees at which the annual town taxes are levied, submit in writing to the Board of Trustees a careful estimate of the whole amount of money to be received from the State and county, and of the amount to be required from the town for the above mentioned purposes; and the amount so found to be required from the town shall, by the Board of Trustees, be added to the above amounts to be assessed and collected for town purposes, and when collected the proceeds thereof shall be immediately paid into the School Fund of the town, to be drawn out only upon the order of the Board of Education; *provided*, that such annual tax shall not exceed thirty cents on each one hundred dollars of the assessed valuation of the real and personal property within the town.

To regulate disbursement of money.

12. To establish regulations for the just and equal disbursement of all moneys belonging to the School Fund.

To discharge legal incumbrances.

13. To discharge all legal incumbrances existing at the time of the adoption of this charter, or thereafter, on any school property within the town.

To perform other acts.

14. To do and perform, in addition to the foregoing powers, such other acts as may be necessary or proper to carry into effect the powers hereby conferred, and to increase the efficiency of the public schools of the town.

ARTICLE VII.

JUDICIAL DEPARTMENT.

*The judicial power.*Judicial
power.

SEC. 76. The judicial power of the town shall be vested in two Justices' Courts and such other Courts as may be provided by law.

*Election and term of Justices.*Justices of
the Peace.

SEC. 77. Two Justices of the Peace shall be elected at the time that other Justices are elected, whose terms of office shall be two years; *provided*, that the two Justices elected for the Town of Berkeley, at the general election held November sixth, eighteen hundred and ninety-four, shall hold office as Justices of the Town of Berkeley until the first Monday in January, eighteen hundred and ninety-seven. The Justices' Courts shall always be open, legal holidays excepted.

*Jurisdiction of the Justices' Courts.*Jurisdic-
tion.

SEC. 78. The Justice's Court, and the Justices thereof, shall have jurisdiction, concurrently with other Justices' Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the town and which might be tried in a Justice's Court; *provided, however*, that within the corporate limits of the town, the Town Justices of the Peace and Town Justices' Courts shall have exclusive jurisdiction and power over all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the town, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance; *provided, moreover*, that the Board of Trustees may by ordinance select both or either of said Justices to have jurisdiction of all criminal prosecutions arising under ordinance.

Rules for proceeding.

Rules.

SEC. 79. The rules of practice and mode of proceeding shall be the same as are or may hereafter be prescribed for Justices' Courts.

Fees of Justices.

Fees.

SEC. 80. The Justices of the Peace shall be entitled to charge and receive for their services such fees as are or may be allowed by law to Justices of the Peace for like services, and to collect said fees in the same manner as other Justices' fees are collected, excepting that for their services in criminal prosecution for violation of ordinances they shall be entitled to receive only such fees or salary as the Board of Trustees may by ordinance prescribe, which compensation when once fixed shall not be altered within two years thereafter.

Justices to render account of fines and fees.

SEC. 81. Each Justice of the Peace shall pay to the Treasurer of said town on the first Monday of each month all fines by him collected for violation of ordinances, and file a full monthly report with the Town Clerk, showing the amount of all fees collected, from whom, and in what case such fines and fees were collected and paid. Fines, etc.

Compensation of Justices may be fixed by the Board of Trustees.

SEC. 82. The Board of Trustees may, at their option, by ordinance, fix a monthly compensation for such Justices, which said compensation shall be in full for all services rendered as Justices; *provided*, that when such monthly compensation is so fixed all fees and fines, other than those required by law to be paid to the county, shall be paid to the Town Treasurer. Compensation.

Disqualification of Justices.

SEC. 83. In all cases where for any reason either of the Justices is disqualified, or in any case of sickness or inability to act, he may call in the other Justice, and, if both are disqualified or unable to act, any Justice of the Peace residing in the county. Disqualification.

ARTICLE VIII.

AMENDMENTS.

SEC. 84. This charter may be amended at any time in the manner provided in the Constitution of this State. Amendments.

WHEREAS, The Town of Berkeley, a city containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the sixth day of November, eighteen hundred and ninety-four, at a general election, and under and in accordance with the provisions of section eight, article eleven, of the Constitution of the State of California, did elect William Carey Jones, O. G. Dornin, C. Engebretsen, John Finn, John McCarthy, George D. Metcalf, Reuben Rickard, George Schmidt, B. E. Underwood, W. K. Weir, H. L. Whitney, Charles T. Wilkinson, E. J. Wickson, D. H. Bruns, and M. L. Hanscom, a Board of fifteen Freeholders to prepare and propose a charter for said city; be it known, in pursuance of said provision of the Constitution, and within a period of ninety days after such election, said Board of fifteen Freeholders has prepared and does propose the foregoing, consisting of eight articles and eighty-four sections, signed by us in duplicate, as and for the charter of the said Town of Berkeley.

In witness whereof, we have hereunto set our hands and seals

this twenty-ninth day of December, Anno Domini eighteen hundred and ninety-four. Done in duplicate.

WM. CAREY JONES,
President.
GEO. D. METCALF.
REUBEN RICKARD.
H. L. WHITNEY.
JOHN FINN.
JOHN McCARTHY.
B. E. UNDERWOOD.
W. K. WEIR.
C. ENGBRETSSEN.
E. J. WICKSON.

Attest:
M. L. HANSCOM,
Secretary.

NOW, THEREFORE, BE IT

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein), That said charter be and the same is hereby approved as a whole, for and as the charter of said Town of Berkeley.

CHAPTER XIII.

Assembly Joint Resolution No. 16, relative to the proposed Pacific cable.

[Adopted March 6, 1895.]

Preamble. WHEREAS, The increasing necessity and great importance to the people of the United States, and particularly of the people of the State of California, is apparent that the proposed "Pacific cable" between the United States of America and the Republic of Hawaii be undertaken, assisted, and laid, without delay, by our Government, if necessary; therefore, be it

Pacific
cable.

Resolved, That our Senators be instructed, and our Representatives in Congress requested, to earnestly use their united efforts to secure the laying of said cable; and that the Governor be requested to transmit to each of said Senators and Representatives in Congress a copy of this resolution.

CHAPTER XIV.

Assembly Joint Resolution No. 17, relative to the National Conventions.

[Adopted March 6, 1895.]

WHEREAS, In the progress and development of our political system, it has become the settled policy of the people to quadrennially meet, in their respective party National Conventions, to confer together touching the lines of policy to be pursued in campaigns preceding national elections; and whereas, by reason of the immense geographical area of our country, and the great diversity of interests, it is inevitable that vast numbers of the citizens of the nation are unfamiliar with the conditions existing throughout the Union; and believing that the holding of National Conventions in different places, from time to time, will be highly beneficial to the representatives of the people attending such conventions, and also beneficial to the people in the territory adjacent to the location of such conventions, by tending to impress upon all the magnitude of our country, and the importance of close attention to the duties of citizenship, and thereby stimulate general interest and strengthen our patriotic instincts; and whereas, by reason of topographical conditions, the States and Territories lying west of the Rocky Mountains are to a certain extent withdrawn from intimate association with the remainder of the nation, and in view of the fact that no National Convention of either of the leading political parties of the nation has ever been held west of the Rocky Mountains, and believing that by reason of expanse of territory, number of inhabitants, and volume of commerce we are justified in asking the managers of the National Political Committees of the leading political parties to hold their conventions for the nomination of candidates for the offices of President and Vice-President in eighteen hundred and ninety-six at some point in some of the Pacific Coast States; and whereas, we desire to cooperate with, and to receive the cooperation of, our sister States and Territories in this connection, and believing that the representatives of the respective parties can reach the principal cities of the Pacific Coast with reasonable convenience and cost; and realizing the importance of immediate and effective action; be it

National
Conven-
tions.

Resolved by the Assembly, the Senate concurring, That the Governor be requested to at once communicate with the Governors of the States of Oregon, Washington, Idaho, Montana, and Nevada, and the Territories of Arizona, Utah, and New Mexico, requesting them to cooperate in uniting their influence with our own to secure early action by the National Committees of the Republican and Democratic parties, respectively, to the end that the National Convention of each of said parties shall be held at

Plan of
action.

the most convenient place within the territory west of the Rocky Mountains; and that the Governor be requested to appoint at least three citizens of this State, and that he suggest to the Governors of such other States and Territories the feasibility of their appointing a similar number of their citizens, to constitute delegates to a preliminary convention, to meet at a seasonable time in the city of San Francisco, or the city of Sacramento, for the purpose of organizing and adopting a definite plan of action, for the purpose of securing the holding of such conventions on the Pacific Coast in eighteen hundred and ninety-six; and be it further

Invitation. *Resolved*, That on behalf of California we earnestly invite the respective National Committees to hold their conventions within this State in the year eighteen hundred and ninety-six; and be it further

Resolved, That a copy of these resolutions be transmitted to each of the Governors of the States and Territories named, and to any others the Governor may deem advisable; and that a copy be transmitted to the Chairman of the National Republican and National Democratic Committees.

CHAPTER XV.

Assembly Joint Resolution No. 23, relative to requesting Congress to make an appropriation for a free wagon road from Mono Lake, Mono County, to Yosemite Valley, Mariposa County.

[Adopted March 6, 1895.]

Preamble. WHEREAS, The Government of the United States has set aside and reserved certain sections of the State of California for a national park, known as Yosemite National Park; and whereas, there is no means of access to said park from the east, thus compelling the people living on the eastern slope of the Sierra Nevada Mountains to travel in a long, circuitous route in order to reach said park; and whereas, the visitors who enter said park from the west are prevented from viewing all the points of interest therein, and also from reaching the vicinity of Mono Lake, one of the natural wonders of the State, by reason of lack of road facilities; and whereas, a free wagon road connecting said Yosemite National Park and Mono Lake would be of benefit to the people of the State of California and the nation at large; therefore, be it

Free wagon road to Yosemite. *Resolved by the Assembly, the Senate concurring*, That we instruct our Senators from this State, and request our Representatives in Congress, to urge Congress to appropriate sufficient money to survey, locate, and construct a free wagon road from Mono Lake to Yosemite Valley.

Resolved, That the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

CHAPTER XVI.

Senate Concurrent Resolution No. 7, relative to inviting the Committee on Rivers and Harbors of the House of Representatives, and the Committee on Commerce of the Senate of the United States, to visit and inspect the rivers and harbors of this State.

[Adopted March 7, 1895.]

WHEREAS, The rivers of California, forming in the aggregate Preamble. over a thousand miles of navigable channels, and the harbors of the State that constitute gateways of commerce to a coast line exceeding eight hundred miles in length, have not received that care and attention which their importance demands; and whereas, their improvement is the most vital question in which the State of California is interested; and whereas, owing to our distance from the seat of government and the consequent absence of personal knowledge of our situation, the necessities of California are not properly understood, and the vast benefit that will accrue to the nation from the improvement of our waterways not fully appreciated; and whereas, a personal examination of our rivers and harbors will show their importance as factors in commercial activity and prosperity and their influence in cheapening transportation, thereby extending the area of profitable agricultural land, lightening the burdens on land now accessible to market, opening and developing new resources, quickening all branches of industry, and adding to the general wealth of the whole country;

Resolved by the Senate, the Assembly concurring, That on Invitation to Committee on Rivers and Harbors. behalf of the State of California, we do hereby extend to the Committee on Rivers and Harbors of the House of Representatives, and the Committee on Commerce of the Senate of the United States, a cordial invitation to visit California for the purpose of examining the rivers and harbors of the State.

CHAPTER XVII.

Assembly Joint Resolution No. 10, relative to the improvement of the Sacramento River and other inland waters of the State.

[Adopted March 8, 1895.]

WHEREAS, The inland navigable waters of the State of Cali- Preamble. fornia, susceptible to development by reasonable improvement, are so extended in territorial area as to be practically available to fully one half the population of the State; and whereas, Congress has not in the past at any time made appropriations for the improvement of such waters in sums, or at sufficiently frequent intervals, to produce the results so

urgently demanded by the people of the State; and believing that if the full scope of the work could be adequately portrayed to the members of the Congressional Committees on River and Harbor Improvements by an actual inspection thereof by such committees, or a sub-committee thereof, and being informed that Congress hesitates to authorize a personal inspection of such waters by their committee, or a sub-committee thereof, on account of the prevailing stringency in the financial affairs of the nation; and believing that by the expenditure of reasonable sums of money in the improvement of the navigable waters of the State, and particularly the Sacramento, Feather, and San Joaquin Rivers, and the bays, straits, and inlets into which they empty, the people of this State directly, and all the people of all the United States indirectly, will be greatly benefited, and the financial stringency be greatly relieved; therefore, be it

Congressional committee to be urged to inspect inland navigable waters.

Resolved by the Assembly, the Senate and the Executive, His Excellency James H. Budd, Governor, concurring, That our Representatives and Senators in Congress be requested to urge upon Congress the immediate provision of ways and means to enable the committee, or a sub-committee from the Committee on River and Harbor Improvements, to visit this State during the coming recess of Congress, for the purpose of personally inspecting the inland navigable waters of the State, and particularly the Sacramento, Feather, and San Joaquin Rivers, and the straits, bays, and inlets into which they flow; and be it further

Free transportation.

Resolved, That any boat or vessel, owned or controlled by the State of California, adapted to the purpose, be placed at the disposal of such committee, or sub-committee, free of cost; and that all means of transportation at the command of the officers of the State, practicable for the use of such committee in going about the State, be placed at the disposal of such committee; and further

Resolved, That the Governor be requested to immediately forward a copy of these resolutions to each of our Representatives and Senators in Congress.

CHAPTER XVIII.

Assembly Constitutional Amendment No. 19, proposing an amendment to section three of article twelve of the Constitution of the State of California, relative to corporations, for the purpose of limiting the liability of stock or share holders, and fixing the liability of Directors or Trustees.

[Adopted March 9, 1895.]

Preamble. *Resolved by the Assembly, the Senate concurring,* That the Legislature of the State of California, at its regular session com-

mencing on the seventh day of January, Anno Domini one thousand eight hundred and ninety-five, two thirds of all the members elected to each house concurring, hereby propose that section three of article twelve of the Constitution of said State be amended so as to read as follows:

Section 3. The liability of stockholders of corporations or joint-stock associations shall be limited by the face value of the shares of the subscribed capital stock or shares of such corporation or association; and whenever any shares have been fully paid up, the holder of such shares shall not be further liable to such corporation or association, or the creditors thereof, on that account. Each stockholder of a corporation or joint-stock association, whose capital stock is not fully paid up, 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 or shareholder, as the amount unpaid upon the stock or shares owned by him bears to the whole amount unpaid upon 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.

Liability of
stock-
holders.

Directors
and Trus-
tees.

CHAPTER XIX.

Senate Concurrent Resolution No. 11, relative to printing amendments to the Constitution and Codes, for free distribution.

[Adopted March 16, 1895.]

Resolved by the Senate, the Assembly concurring, That the State Printer be instructed to cause to be prepared and printed an edition of thirty thousand copies of the general laws, amendments to the codes, and proposed constitutional amendments passed at this session, the same to be stitched, but not bound or covered, and to be distributed, under the direction of the Secretary of State, to the County Clerks of the various counties, in proportion to the population of the different counties, for free distribution to the electors thereof.

General
laws, etc.
for free dis-
tribution.

CHAPTER XX.

Assembly Joint Resolution No. 9, relative to requesting Congress to so amend the laws granting certain arid lands to the States, as to permit the State of California to reclaim such lands and retain the ownership thereof, for the purpose of constituting a permanent endowment of the public schools and the State University.

[Adopted March 16, 1895.]

Preamble. WHEREAS, The Congress of the United States, by section four of an Act approved August eighteenth, eighteen hundred and ninety-four, entitled "An Act making provisions for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," granted to each of the States in which there may be situated desert lands, as defined by law, not exceeding one million of acres in each State, for the purpose of aiding and reclaiming the said lands, by the terms of which Act the State in which said lands are situated is authorized to make application by filing with the Secretary of the Interior a map of the lands to be retained, together with a plan showing the mode of contemplated irrigation, and the Secretary of the Interior is required to issue patents to the State for said lands when reclaimed and settled in tracts not exceeding one hundred and sixty acres for one person; and whereas, the said Act requires said lands to be sold and the proceeds of such sale to be applied to the reclamation of such lands; and whereas, there are in said State of California fully one million acres of arid lands, now worthless, which if reclaimed would be of the value of one hundred million dollars, or more, and the same could be reclaimed by the State at a reasonable cost, and after being reclaimed could be made a permanent endowment for the public schools and University of the State, creating therefor an annual rental and net income equal to several millions of dollars per annum, thus constituting a perpetual revenue sufficient to sustain the State University and schools for the education of future generations; now, therefore, be it

Arid lands. *Resolved by the Assembly, and Senate concurring, That our Senators in Congress be instructed, and our Representatives be requested, to urge the Congress of the United States to so amend the law aforesaid as to permit the State of California to reclaim the said lands and retain the ownership thereof for the purpose of constituting an endowment for the schools and University, applying the annual rentals of said lands to the support of said schools.*

CHAPTER XXI.

Assembly Joint Resolution No. 12, relating to mines and mining claims situated within the boundaries of the Yosemite National Park.

[Adopted March 16, 1895.]

WHEREAS, The Government of the United States has set aside Preamble. certain portions of the State of California for a national park, known as Yosemite National Park; and whereas, within the limits of said park are various mines and mining claims, said mines and mining claims having been discovered, held, and worked according to the laws of the United States prior to the formation of such park, many of the owners thereof holding the same by virtue of patents granted by the Government, thus securing vested rights therein, and others by reason of having performed the annual assessment work and other requirements prescribed by the mining laws of the United States; and whereas, the owners of such mines and mining claims are now prohibited from working and operating the same under rulings of the Interior Department, under pain of being arrested as trespassers and subjected to trial; therefore, be it

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 legislation, or modification of the rulings of the Interior Department, as shall permit the owners of said mines and mining claims to enjoy the same privileges now that they had prior to the formation of said Yosemite National Park. Mines and claims in Yosemite Valley.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

CHAPTER XXII.

Senate Concurrent Resolution No. 18.

[Adopted March 16, 1895.]

Resolved by the Senate, the Assembly concurring, That the use of the cabin erected in the Yosemite Valley by J. M. Hutchings, and the orchard adjoining of about five acres in extent, planted by him, be and the same are hereby granted to said J. M. Hutchings for the term of ten years. Hutchings' cabin.

CHAPTER XXIII.

Senate Constitutional Amendment No. 25, proposing to the people of the State of California an amendment to section six, article eleven, of the Constitution of the State of California.

[Adopted March 16, 1895.]

Preamble. *Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, in the year one thousand eight hundred and ninety-five, two thirds of all the members elected to each house concurring, hereby propose that section six of article eleven of the Constitution of said State be amended so as to read as follows:

Municipal corporations.

Section 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 and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, except in municipal affairs, shall be subject to and controlled by general laws.

CHAPTER XXIV.

Senate Constitutional Amendment No. 13, to propose to the people of the State of California an amendment to the Constitution of the State, amending article eleven, relating to cities, counties, and towns.

[Adopted March 16, 1895.]

Preamble. *Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, eighteen hundred and ninety-five, two thirds of all the members elected to each house concurring, hereby proposes that article eleven of the Constitution of said State be amended by adding thereto a section, to be numbered eight and one half, and which said section is as follows, to wit:

City charters to provide for—

Section 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of Police Courts, and for the manner in which, the times at which, and the terms for which the Judges of such Courts shall be elected or appointed, and for the compensation of said Judges and of their clerks and attachés. Police Courts.

2. For the manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, and the number which shall constitute any one of such Boards. Boards of Education.

3. For the manner in which, the times at which, and the terms for which the members of the Boards of Police Commissioners shall be elected or appointed, and for the constitution, regulation, compensation, and government of such Boards and of the municipal police force. Police Commissioners.

4. For the manner in which, the times at which, and the terms for which the members of all Boards of Election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such Boards, and of their clerks and attachés; and for all expenses incident to the holding of any election. Boards of Election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article eleven, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies. County officers.

CHAPTER XXV.

Senate Concurrent Resolution No. 9, relative to employment of convicts in the State Prisons.

[Adopted March 16, 1895.]

WHEREAS, It is costing the taxpayers of this State upwards of three hundred thousand dollars per annum to maintain the State Prisons at San Quentin and Folsom, and to support the two thousand one hundred convicts of those institutions in idleness or at non-productive labor; and whereas, in more than half the States in the Union the prisons are self-supporting, and in many are made to return an income to the State; now, therefore, be it Preamble.

Resolved by the Senate, the Assembly concurring, That in our judgment the State Board of Prison Directors should take immediate steps to place the convicts in our State Prisons at some employment which shall assist in lessening the large appropriations demanded biennially for the support of these institutions. Employment of convicts.

CHAPTER XXVI.

Senate Joint Resolution No. 17, relative to expending moneys now available for the improvement of our navigable rivers, by the National Government.

[Adopted March 16, 1895.]

Preamble. WHEREAS, The river systems of California have been examined by the engineers of the War Department, and recommendations have been made from time to time for their improvement, particularly so by Executive Document No. 246, Fifty-first Congress, Second Session, wherein a recommendation is made for a specific appropriation of two hundred and seventy-five thousand dollars for removal of obstructions in the Lower Sacramento, and for a specific appropriation of three hundred thousand dollars for the treatment of the Yuba near and above Marysville. An appropriation of three hundred and forty-five thousand dollars for the improvement of the Sacramento and Feather Rivers was also recommended by Major W. H. Heuer, of Corps of Engineers, in his annual report of eighteen hundred and ninety-three. Recommendations have also been made by sundry Executive Documents of the War Department for the improvement of the San Joaquin, Mokelumne Rivers, Petaluma Creek, and other navigable streams of the State. Based on these recommendations, Congress has made sundry appropriations for the improvement of the river systems of California. These appropriations have been only a fraction of the amounts recommended by the War Department, but if expended promptly the relief afforded would be incalculable. As said by the report dated February third, eighteen hundred and ninety-one, of the Board of Engineers, consisting of G. H. Mendell, Colonel; A. MacKenzie, Major; and Dan C. Kingman, Captain of Engineers: "The movement of the wheat harvest takes place during the low stage of water, so that the greatest demand for transportation comes when the natural conditions are least favorable. Relief to be adequate needs to be prompt. Prices are affected by existing conditions. A good river makes freighting cheap, whether it be done on the river or on competing railroads. The cost of transportation on the water determines the price on land." The report from which the above quotation is taken is that of a Board of Government Engineers appointed to examine into the necessity for improvement of the river systems of California. It appears by Appendix TT of the annual report of the Chief Engineers that the total amount of freight transported during the year by the river systems of California was eight hundred and fifty-six thousand six hundred and fifty-three tons. This amount of freight is carried at reduced rates, and river transportation also reduces the rates charged by railroads, as said on page twenty-five hundred and fifty-

three of that report, at least to the extent of one dollar per ton, and the amount of freight transported by rail, and affected by water competition, is three times as great as that carried by water. The river systems of California have been partially improved by the expenditures already made, but large sums are in the hands of the Government engineers, still unexpended. If California is to have the benefit of the appropriations made by Congress, it is absolutely essential that these sums should be expended immediately. The price of all products is now so low that the improvement of the rivers of California, and the cheapened cost of transportation that will result thereby, is an imperative necessity. Whether the refusal to do the work for which these appropriations have been made is the result of indifference, negligence, or a determination to deprive the people of cheap water transportation, is difficult to determine. However that may be, the result is disastrous to the welfare of California; therefore,

Preamble.

Resolved by the Senate of the State of California, the Assembly concurring, That the Secretary of War of the United States, in behalf of, and in the name of, the State of California, be and he is hereby requested to direct the expenditure, in accordance with the recommendations of the Government engineers, of the sums of money appropriated for river improvement and still unexpended.

River improvement.

Resolved, That the Governor be and he is hereby requested to transmit a copy of this resolution to the Secretary of War of the United States, and that our Senators be directed, and our Representatives be requested, to use all honorable means to secure the improvement of the river system of California by the expenditure of the money appropriated for that purpose, as specified in this resolution.

CHAPTER XXVII.

Assembly Constitutional Amendment No. 11, a resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution, in relation to the right of suffrage.

[Adopted March 16, 1895.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, Anno Domini one thousand eight hundred and ninety-five, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section one of article two of the Constitution of the State of California be amended to read as follows:

Preamble.

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under

Qualifica-
tions of
voters.

or by virtue of the treaty of Queretaro, and every 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 or she claims to 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, and no person who shall not be able to read the Constitution in the English language, and write his or her name, shall ever exercise the privilege 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 upward at the time this amendment shall take effect.